

Superior Court of Washington
County of Thurston

In re :

Jennifer Como

No. 19-2-30942-34

TRANSCRIPT OF MAY 22, 2020
HEARING

Petitioner,

and

James Fowler

Respondent.

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF THURSTON
FAMILY AND JUVENILE COURT

JENNIFER LORRAINE COMO,)	
)	
Petitioner,)	
)	
and)	No. 19-2-30942-34
)	
JAMES WARREN FOWLER, JR.,)	
)	
Respondent.)	

TRANSCRIPT OF RECORDED PROCEEDINGS

BE IT REMEMBERED that on the 22nd day of May, 2020,
the above-entitled and numbered cause came on for hearing
before the Honorable Commissioner Rebekah Zinn, Thurston
County Superior Court, Olympia, Washington.

Kathryn A. Beehler, CCR No. 2448
Official Court Reporter
Thurston County Superior Court
2000 Lakeridge Drive S.W.
Family and Juvenile Court
Olympia, WA 98502
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A P P E A R A N C E S

For the Petitioner: Appearance via zoom:
 Jennifer Lorraine Como,
 a self-represented party
 610 Pamela Drive SE
 Lacey, WA 98503-1665

For the Respondent: Appearance via zoom:
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 a self-represented party
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1 May 22, 2020

Olympia, Washington

2 MORNING SESSION

3 Commissioner Rebekah Zinn, Presiding

4 (Transcript of Recorded Proceedings,

5 All Parties Appeared Via Zoom:)

6 --o0o--

7 THE COURT: Hello again, and to everyone who's
8 just joining now, I am Rebekah Zinn. I'm a court
9 commissioner, and I'm here in open court. First of
10 all, can you raise your hand if you can hear me?
11 Okay. Everyone's raising their hands. Thank you.

12 * * *

13 THE COURT: So I am here in open court. The
14 courtroom doors are opened, but I'm just here with my
15 clerk. We're having these hearings by zoom in order
16 to comply with the governor's stay home, stay healthy
17 order. And I have -- this is the sexual assault
18 protection order calendar. I have four cases on, and
19 I'll say, I have one hour. So first I'm just going
20 to see what people want to do today, who's here.
21 I'll do a roll call.

22 If at any time you cannot hear me or you can't
23 hear another person in your case who is speaking, the
24 first thing to do is raise your hand and I'll call on
25 you. If you don't have video or that's not working,

1 feel free to -- there's a hand signal on zoom. You
2 can use that, too. I can't always see that very
3 easily. It doesn't always make my radar, but you can
4 try that. You can also just unmute yourself and
5 interrupt, let me know, and I'll resolve that
6 technical issue.

7 Chat is opened to chat with me but not with other
8 participants. Only use chat if you have a technical
9 issue and all those other things I talked about
10 aren't working. That's the only good reason to use
11 chat. Do not talk about your case, your thoughts on
12 your case, or anything. It's just for technical
13 issues.

14 So first I'm going to call through the calendar.
15 If you hear your name, then unmute yourself and I'll
16 have a quick question for you.

17 * * *

18 THE COURT: Jennifer Como? Hi. And you're
19 listed as a different name. I'm actually going to
20 rename you, just so I can keep track. And Ms. Como,
21 do you want the Court to enter a protection order
22 today?

23 MS. COMO: Yes.

24 THE COURT: Okay. And James Fowler?

25 MR. FOWLER: Yes, ma'am.

1 THE COURT: Okay. And I'm renaming you, too,
2 just to add your last name in. And are you agreeing
3 or not agreeing with there being a protection order
4 entered today?

5 MR. FOWLER: No, ma'am, I'm not agreeing.

6 * * *

7 THE COURT: And now I'm going to call Como
8 versus Fowler, case number 19-2-30942-34. And
9 Ms. Como, do you have video that you -- are you able
10 to get that on? Because I -- I'd like to see your
11 face.

12 MS. COMO: Here we go. Can you hear me?

13 THE COURT: Yes. I can hear you and see you.
14 And I'm just going to get my notes for your case
15 right in front of me. And here's what I'm doing
16 today. So, first of all, you started a hearing
17 earlier. I have notes about testimony that I heard
18 from you, Ms. Como. And then in the middle of the
19 hearing, we stopped, and I granted a continuance to
20 allow more time.

21 And now we're -- we're here again. And you both
22 indicated you're ready to have the hearing right now;
23 is that correct, Ms. Como?

24 MS. COMO: No, that's not correct. I would be
25 asking for a continuance.

1 THE COURT: Oh, you are. Why are you asking
2 for a continuance?

3 MS. COMO: Because I want my -- my daughter
4 has not been able to be seen by a therapist; okay?
5 Before the decision for her to see her dad, I --
6 it's -- she has to have that. I have to have that.

7 THE COURT: Do you -- do you -- I have notes
8 that she was going to --

9 MS. COMO: Monarch.

10 THE COURT: -- to Monarch. And what's the
11 status of that? Has that all just shut down because
12 of Covid?

13 MS. COMO: There was actually delays with the
14 holidays, and we had some -- some illness back in
15 December, January. So she actually wasn't seen until
16 January, almost February. So we (indiscernible)
17 here. Investigation has been done; CPS closed their
18 case. They kind of let me know why. Can I speak
19 freely here?

20 THE COURT: You may.

21 MS. COMO: It was, um, in regards to not being
22 able to prove penetration. There's -- something
23 happened that was inappropriate. So Monarch has a
24 (indiscernible) list in the months with Covid gone
25 through several attempts to get her seen,

1 Group Health. She does have an appointment next
2 week.

3 THE COURT: Okay. So I'm going to hear from
4 you now, Mr. Fowler. How do you feel about a
5 continuance?

6 MR. FOWLER: I do not feel okay with it. I
7 feel that this has had plenty of time, and it -- and
8 if -- Your Honor, if you'll take a look at the
9 questions that Monarch asked my daughter and now --
10 and some of the answers that she gave, I -- you --
11 you can actually see where she's been coached. And
12 now she's -- she's been -- she said that my -- my one
13 statement that --

14 THE COURT: So let -- let --

15 MR. FOWLER: -- my daughter said is that --

16 THE COURT: -- let's -- hang on. Hang on. So
17 we're really just talking right now about whether the
18 Court should hear this case right now or put it off
19 to allow Ms. Como to present more evidence. And
20 you're saying you think there's been plenty of time
21 and we should be resolving this.

22 Is there anything else you want me to know about
23 the continuance request?

24 MR. FOWLER: Um, no, ma'am. I -- I don't -- I
25 don't -- I'm ready for this. The -- Ms. Como has had

1 plenty of time with the Covid thing and everything
2 that has come about. This is -- December 13th is
3 when this actually started. And then I -- that is
4 more than enough time to take care of everything that
5 should have been taken care of. And they've been --
6 and were the (indiscernible) that you've done, you've
7 kept up with this case and you know how it's come
8 about. So the decision that you make I'm perfectly
9 fine with, because I know that you've got -- that you
10 can (indiscernible).

11 THE COURT: So let me ask you, Ms. Como, if
12 you had more time, you're -- you're talking about a
13 Monarch investigation. But they already saw her;
14 correct? How long would it take you to get medical
15 information or any other evidence that you want to
16 provide? And just know that the law does require me
17 to expedite these cases to get them done.

18 This case was filed January -- sorry,
19 December 18th, 2019. Usually we want to resolve
20 these cases in two weeks. Obviously things are
21 different now. But it has now been almost six
22 months, over six months. And I saw quite a lot of
23 declarations were filed in January. This case was
24 rescheduled to this date March 25th. And I -- I'm
25 just confirming all of that. I'm looking at my other

1 monitor, at the computer file right now.

2 So if I gave you more time, what would you be able
3 to do with that time?

4 MS. COMO: What I want to do is be able to
5 have her speak to somebody and deal with her
6 feelings. Because it's not something we've talked
7 about. I've tried to deflect from that as much as I
8 could --

9 THE COURT: So I --

10 MS. COMO: -- and (indiscernible) --

11 THE COURT: -- I understand -- I understand
12 you want to get your daughter into therapy. But how
13 would that affect your court case?

14 MS. COMO: It's especially because any alone
15 time with her dad, which is not something that I can
16 mediate or navigate through successfully, I
17 (indiscernible) struggle as a parent to get some more
18 time, too. This is not an intention to hurt James.
19 This is the intention to make sure that my daughter
20 is okay, which she -- she's feeling sick. She
21 doesn't have the appointment until next week --

22 THE COURT: And do you have any --

23 MS. COMO: -- and they may happen; who knows.

24 THE COURT: -- do you have any motions in your
25 parenting plan case that are about this?

1 MS. COMO: What do you mean?

2 THE COURT: Do you have -- are you -- have you
3 raised this in your other court case, your parenting
4 plan case, about any restraining orders or protection
5 for your daughter? I'm just going to -- I'm just
6 asking because --

7 MS. COMO: Yes, I am --

8 THE COURT: -- I -- sometimes -- sometimes
9 both things happen --

10 MS. COMO: -- (indiscernible).

11 THE COURT: -- and -- sometimes both things
12 happen at the same time, and sometimes they have --
13 they don't happen at the same time. And both of
14 those things are okay under the law. But I just want
15 to know.

16 MS. COMO: So I --

17 THE COURT: Sometimes --

18 MS. COMO: -- (indiscernible) my
19 (indiscernible).

20 THE COURT: Okay. So sometimes people file
21 motions in a parenting plan case for safety of
22 children at the same time they ask for safety orders
23 in protection order court. Sometimes they don't.
24 Both of those things are okay. But I just want to
25 know if anything is happening in the parenting plan

1 court.

2 MS. COMO: No.

3 THE COURT: Okay.

4 Mr. Fowler --

5 MS. COMO: (Indiscernible) in that case.

6 THE COURT: -- anything on that?

7 MR. FOWLER: May I say something, Your Honor?

8 THE COURT: Is it about the motion to
9 continue?

10 MR. FOWLER: It's about I -- I do have -- I
11 have filed in the other case from a motion -- a
12 motion for custody of my child because of all of this
13 stuff. And Ms. Como has not responded to anything,
14 and that was months ago.

15 THE COURT: All right. If you want a court
16 hearing in that case, those are open now. They are
17 reopened. So you can schedule something formally to
18 get a decision from the court. And that would give
19 Ms. Como deadlines for responding; okay?

20 MR. FOWLER: Yes, ma'am. Way past the
21 deadline.

22 THE COURT: So just a moment.

23 MS. COMO: I have a question if I may.

24 THE COURT: Yes. What's your question?

25 MS. COMO: In regards to (indiscernible) the

1 custody of Jordan, he -- those were filed, as far as
2 I understand it, at the courthouse in this case right
3 here today. So I was unaware that I needed to
4 respond (indiscernible) to.

5 THE COURT: All right. I'm not -- I'm not --
6 I'm not doing anything with that right now; okay?

7 MS. COMO: Okay. Thank you.

8 THE COURT: We're in the protection order
9 court, and that's how I'm addressing this.

10 MS. COMO: Okay.

11 THE COURT: So just give me a couple of --

12 MR. FOWLER: Your Honor, Your Honor
13 (indiscernible).

14 THE COURT: -- minutes -- no. Just give me a
15 couple of minutes to read --

16 MR. FOWLER: Okay.

17 THE COURT: -- so I can make the right
18 decision.

19 MS. COMO: Okay.

20 THE COURT: Okay. So I think -- okay. So
21 thanks for your patience. I am going to deny the
22 motion for a continuance. We're going to go ahead
23 right now. We have -- we don't have a lot of time,
24 and if we need more time, I will continue -- so
25 Ms. Como, I understand you disagree with the

1 decision, but you weren't able to show me that you
2 would get anything relevant to this case if you had
3 more time. You said you want to get your daughter in
4 therapy, but that doesn't explain how the evidence
5 would be better if you had more time. So I'm going
6 to get started.

7 I have already considered your testimony,
8 Ms. Como. I'm going to give you a few more minutes
9 to testify in addition to what you already testified
10 before. But I have full notes of your testimony from
11 the last hearing -- you're on mute, Ms. Como.

12 I have full notes about your testimony. So I'm
13 just going to receive some supplemental testimony
14 from you, Ms. Como, and then I'm going to hear from
15 Mr. Fowler.

16 MS. COMO: Okay.

17 THE COURT: Okay? So just to make sure we can
18 get done, if that's possible, we're going to just
19 launch right in. And Ms. Como, you -- you previously
20 testified about the disclosure that Jordan made of
21 sexual abuse December 8th, about your contact with a
22 school therapist, about your contact with the
23 physician December 13th, the referral to CPS, and the
24 last thing you testified about was that you were
25 trying to make an appointment with Monarch.

1 I'm going to put you both under oath right now,
2 and I'm going to hear from you, Ms. Como, about
3 anything that's happened since then or things that
4 you feel you didn't have a full opportunity to
5 testify about earlier. So please both raise your
6 right hands.

7 (Petitioner, Jennifer Como, and Respondent,
8 Warren Fowler, Jr., were placed under oath.)

9 THE COURT: Okay. Mr. Fowler, I didn't hear
10 you say anything.

11 MR. FOWLER: I said "yes, ma'am."

12 THE COURT: Okay. So you're under oath.

13 MR. FOWLER: Yes, ma'am.

14 Jennifer Lorraine Como,

15 Petitioner herein, having been previously
16 sworn, was examined and testified as follows:

17 DIRECT TESTIMONY

18 By The Court:

19 Q. And Ms. Como, I've briefly summarized what you've
20 testified about earlier. Do you feel -- do you think
21 that's an accurate summary of what you testified
22 about before?

23 A. Yes.

24 Q. So the last update that you had is that you were
25 trying to get an appointment with Monarch. Have you

1 gotten an appointment with Monarch?

2 A. Your Honor, Jordan's on a waiting list for therapy
3 there. I've had three sessions with Monarch over the
4 phone --

5 Q. So you're talking --

6 A. -- and they --

7 Q. -- talking about therapy at Monarch. But don't they
8 also do sexual assault investigations at Monarch?

9 A. Yeah. That's what -- that's what the initial
10 appointment was.

11 Q. Did you have that initial appointment?

12 A. It happened in January.

13 Q. Oh, okay. And do you have anything you want to say
14 about what Monarch found?

15 A. So coming (indiscernible) for Jordan. I didn't tell
16 her until we pulled up to Monarch that this was a
17 safe place for her to talk and to tell them what she
18 told me. And basically, at the intake process, one
19 of the forensic investigators there, she came out.
20 CPS was also present. She came out and told me, it's
21 not as bad as it could be but still very
22 inappropriate, very --

23 Q. Who's -- who's "she"?

24 A. -- inappropriate. She's one of the forensic
25 investigators at Monarch.

1 Q. Okay. So the forensic investigator told you what?

2 A. She said exactly that. She came out, and she said,
3 it's -- it's not as bad as it could be but still very
4 inappropriate. They're verbatim notes of what was
5 said. And they said they'd be back in contact with
6 me. We waited, I don't know, at least two weeks,
7 maybe? In the meantime, I contacted Group Health.
8 Group Health was who -- has been our provider for
9 years. Their behavioral health was at capacity, so
10 they had to call me back on that.

11 Q. All right. And what happened with the CPS
12 investigation?

13 A. CPS just recently closed the case, and she told me
14 when she came to the house that it would be difficult
15 for -- that there are two different (indiscernible).
16 There's the psychological side and then there's the
17 judicial side. So what they can prove or hold to
18 penetration would be the -- the factor. And she --
19 so they closed their case based on that --

20 Q. And the --

21 A. -- based on what they heard in the room.

22 Q. -- and you're alleging that there was no penetration
23 but there was inappropriate touching; is that
24 correct?

25 A. That's what my daughter told me.

1 Q. Has your daughter disclosed anything else that you
2 did not testify about earlier? And Mr. Fowler,
3 you're making me dizzy.

4 MR. FOWLER: Yeah.

5 THE COURT: Stop moving around. Pick a place.

6 MR. FOWLER: (Laughter).

7 By the Court:

8 Q. Ms. Como, did your daughter disclose anything that
9 you did not testify about earlier?

10 A. Well, any time she brings -- has brought it up,
11 Your Honor, I -- I -- I don't want -- I'm not having
12 those conversations with my daughter to that extent.
13 I also (indiscernible) in case if she divulges any
14 more to contact CPS (indiscernible).

15 Q. And has that happened?

16 A. No. She did divulge to my significant other two days
17 ago with -- but CPS is more along the lines of
18 protection. We're already under protection. I
19 feel -- I didn't see if it needed to happen again.

20 Q. What did Jordan say to your significant other?

21 A. She -- I wrote it down. "My daddy touched me in my
22 private part."

23 Q. And how is Jordan doing?

24 A. She's -- she's really -- she needs to be able to
25 process her feelings of the (indiscernible). She's

1 real aggressive. She's hurt. None of this is right.
2 She doesn't understand. And my -- she was upset
3 (indiscernible). She will speak her mind. I do
4 (indiscernible) that about her.

5 It's been hard for us to get, um, the intake
6 process takes -- face-to-face, it takes time with mom
7 and it takes time with Jordan. I have wanted to go
8 outside of the county, as well, because of the people
9 that her dad knows. Um, but I did go back. So
10 again, that's it.

11 Q. Okay. Is there anything else that you want to tell
12 me about?

13 A. I don't -- I'm not -- I'm not okay with my daughter
14 having overnights with her dad. And I'm not okay
15 with their alone time. There was a --

16 Q. All right.

17 A. There's a situation where -- Mr. Fowler is very
18 demanding and very controlling. He is keyed on
19 manipulation; okay? And fearful, um, provokes it. I
20 don't want those conversations to happen with her
21 until she's able to process more.

22 THE COURT: Okay. So just in the interests of
23 time, I'm going to turn to Mr. Fowler. Mr. Fowler,
24 you haven't testified at all. Ms. Como did testify
25 last time and more today. You -- it is alleged that

1 Jordan disclosed that you touched her vagina inside
2 of her underwear. Do you want to respond to that
3 allegation? And I'm sorry, I should have said this
4 earlier. I didn't warn you -- I did give this
5 warning earlier at your previous hearing, I'm sure.
6 But you are under oath, so anything that you say can
7 be used against you in a court of law. Nobody has to
8 testify. But this is your chance to testify,
9 Mr. Fowler, about your side of the story if you
10 choose to. If not, I'll just consider the paperwork
11 that's been filed.

12 Do you want to testify, Mr. Fowler?

13 MR. FOWLER: Yes, ma'am.

14 James Warren Fowler, Jr.,

15 Respondent herein, having been previously
16 sworn, was examined and testified as follows:

17 DIRECT TESTIMONY

18 By The Court:

19 Q. Okay. And what is your response to that allegation?

20 A. My response is, that never happened, and you know
21 what I said before, that that -- Your Honor, there's
22 a -- the Monarch starts with the questions that they
23 asked my daughter, that my daughter didn't say that I
24 touched her on the inside of her, uh, her underwear
25 or things or whatever she wanted to follow up on.

1 She said I touched her on the surface.

2 Now, she's saying one thing, and then she's saying
3 another. But she's just an eight-year-old child.
4 But she's also saying my -- in the allegations or the
5 questions that Monarch is asking and the conversation
6 that was had where she just brings up that my daddy
7 is trying to take me from my mommy because of
8 Facebook. And -- and that -- that right there is
9 adult stuff that it ought to be mentioned, because
10 I'd been having Ms. Como served with court
11 paperworks, the declarations that she had on file. I
12 made sure she had copies of all of those and by doing
13 so.

14 And with that coming up, you know, the -- one of
15 the questions that the detective asked me, he says
16 what do you think? Why -- why do you think this
17 child was saying this? And I told him. And I all --
18 CPS asked me the same question also, and I told them
19 what I thought -- I felt. I felt like the mother's
20 been coaching my child because I started this -- this
21 case on -- that this started up the 12th of December,
22 actually, when I -- when I tried getting the Dispute
23 Resolution Center and keep this out of court. And
24 this -- and try and work this out without the courts.
25 And then this all came up.

1 And this -- there's something really serious that
2 ain't -- this is a very serious allegation. If it
3 was something like that, then why would Ms. Como wait
4 until the 13th to say anything? The only record that
5 she -- that I know of that she has, which I've gotten
6 no paperwork through the (indiscernible) and from her
7 is that she's not said to me anything before, and
8 so -- showing any kind of (indiscernible) through the
9 courts for me is that -- is that -- that's the only
10 time is that day after I put it to -- to the Dispute
11 Resolution Center, of which I filed with the court
12 the day that I did actually do that. I have proof of
13 that. And that she did not agree to the Dispute
14 Resolution Center --

15 Q. And Mr. --

16 A. -- and I feel like this is -- she just gets
17 (indiscernible) --

18 Q. -- Mr. Fowler?

19 A. Yes, ma'am.

20 Q. Do you want to say anything about whether the alleged
21 sexual behavior happened or did not happen?

22 A. (Indiscernible) but they have the CPS file, and what
23 it says here on the thing is CPS investigations
24 investigated the allegations. The investigation --
25 they determined that the allegations of abuse and

1 neglect against you are unfounded. It said -- it
2 also says which includes the discussion of the
3 allegations, and CPS has completed the investigation
4 and made a finding that abuse or neglect were not
5 upheld.

6 So that's what CPS said. They're not talking
7 anything about penetration or any of that stuff. And
8 those were made up words, not facts.

9 Q. Do you know -- or is there anything else you want be
10 to testify about, Mr. Fowler?

11 A. Uh, no, ma'am. I mean, I -- I don't know if there's
12 anything else I can. I mean, I just want to -- it's
13 been a long time since I've been able to see my baby,
14 Your Honor. And I love my child. I've been at
15 the -- participating father since day one, since I
16 could, you know, that I've been able too. And I've
17 done everything that I could to stay a part of my
18 child's life and to give my child a -- a very good
19 father.

20 And I want to continue that and not keep it on for
21 any longer, because the longer -- of course, you
22 know, the longer it takes, then the -- the longer
23 somebody's out of a child's life, the harder it is
24 for them to get -- to join back in, which I'm sure
25 that if I'd see my child right now, that my child

1 would run up to me and hug my neck and -- and want to
2 go right now. Because that's our life. She knows I
3 love her and that I've never hurt her.

4 My child is -- is -- is a good baby. She just --
5 she's just a child. She's a baby. And, I mean, I
6 feel strongly that I need to be a part of my baby's
7 life.

8 Q. Anything else, Mr. Fowler?

9 A. No, ma'am.

10 THE COURT: And Ms. Como, you have a chance to
11 testify in response to what Mr. Fowler testified
12 about.

13 Jennifer Lorraine Como,

14 Petitioner herein, having been previously
15 sworn, was examined and testified as follows:

16 REDIRECT TESTIMONY

17 By The Court:

18 Q. Is there anything that you want to say in response?

19 A. I do. December 8th, I was in urgent care, because I
20 was -- I was actually miscarrying a pregnancy. So I
21 was going through all of this at the same time. It
22 wasn't at that time I (indiscernible) until the 6th
23 of December but that -- I didn't hear from Dispute
24 Resolution until the 12th, and I -- I'd already --
25 that's when I -- they contacted me and said would you

1 like to, and I was like, no.

2 There was enough that she'd spoken on with school
3 work, and I -- now that she told me that, I was like,
4 no. Again, he never mentioned anything to me with
5 regards to the custody of our daughter --

6 Q. And did you --

7 A. -- so --

8 Q. -- get that CPS finding as well? Is there
9 anything --

10 A. No.

11 Q. -- that you want to say about that?

12 A. I got -- I got a phone call. Um, I -- which I was
13 already anticipating that with the caseworker.
14 Stephanie had already told me -- she -- mind you
15 (automated sound).

16 Q. Sorry.

17 A. I heard a noise. I'm sorry.

18 Q. That was on my part. I'm sorry.

19 A. Okay. That's okay. Um, she had already kind of
20 prepared me for that, that it would be hard
21 because -- she basically said that there's plenty of
22 other cases that are worse. Like she had a baby that
23 was -- arms were broken and she was going into
24 detail. She -- she additionally doesn't work at CPS
25 anymore. She was in the -- in the -- in the midst of

1 transitioning to a new position outside of that
2 department, but she would keep my case and one other
3 one.

4 It recent -- it's just recently that there was
5 a -- and again, she prefaced it, that --

6 Q. And -- and do you --

7 A. -- this is what's probably going to happen.

8 Q. -- do you have a copy of that Monarch report?

9 A. No. I didn't get anything from Monarch.

10 Q. Have you asked them for that?

11 A. I -- I didn't know there was one. I can. I can get
12 one. I can call. I just talked to them yesterday.
13 I talked to a therapist in regards to today.

14 Q. Is there anything else you want to testify to in
15 response?

16 A. Um, just in regards to what Mr. Fowler's saying. I
17 don't -- this is not an attack on him. This is
18 purely for my daughter. I never questioned whether
19 or not James is a bad dad. He and I don't get along
20 well. We don't play well in the sandbox together.
21 We don't communicate well, not at all, other than
22 pick-ups and drop-offs.

23 I can't live with this life. I have my own past
24 experiences as a little girl, Your Honor, and she
25 needs to be able to process this stuff, and I need to

1 be able to stay out of it as much as I can so that I
2 don't (indiscernible) her. That's very important to
3 me.

4 She does miss her dad. Of course she'd go running
5 up to him. She's waiting. I need more time. I need
6 somebody else to talk to her and say it's okay. And
7 then I could come back to court and tell you, oh,
8 okay, I'm -- I'm okay with overnights. And how much
9 can I talk to my daughter? What can I say without
10 swaying her?

11 Q. Okay.

12 A. Because I don't need somebody to come in and say,
13 that never happened, and start beating that in her
14 head when in fact something did, and we're needing to
15 address that and work from there. And I'm willing to
16 do that.

17 THE COURT: Okay. So I am going to make a
18 decision. This is brought as a domestic violence
19 protection order case, and I'm deciding whether the
20 preponderance of evidence, that means over 50 percent
21 of the evidence, shows domestic violence.

22 What is alleged is a sexual assault on Jordan by
23 the Respondent. And there's not -- and what was
24 alleged is a touching of the genital area. Touching
25 of the genital area of a child this young is sexual

1 assault. And I hear that you both really love your
2 daughter. That's not disputed.

3 What I am deciding today is based on safety
4 concerns. And I am finding that the preponderance of
5 evidence does show sexual assault. So I'm going to
6 enter a longer term protection order. That does not
7 completely resolve your issues regarding Jordan,
8 because you both want time with her, and there is
9 safe and appropriate ways to do that. And the safe
10 and appropriate ways to do that will be decided, if
11 you want to, in your parenting plan action.

12 Right now I have a snapshot of information. But
13 the parenting plan court can have a lot more
14 information, including guardian ad litem
15 investigations and different responses to how
16 visitation can work if visitation is requested. So
17 I'm not making that decision today, but the
18 courthouse doors are open to you, Mr. Fowler and
19 Ms. Como, to work on how to move forward.

20 So just give me a moment here, and we're looking
21 through the order. And this order will be for one
22 year. If you want to renew it, Ms. Como, you'll have
23 to ask to renew it. There's a process called VINE
24 notification that will notify you before the order
25 expires so you can come into court and ask to have it

1 renewed?

2 MR. FOWLER: So, Your Honor, if I can't
3 (indiscernible) I can't (indiscernible), this is a
4 protection order for me not able to be able to have
5 my daughter for a year.

6 THE COURT: It does not say you can't have any
7 visitation. Visitation will be determined in
8 parenting plan court if you file a motion and get
9 that properly scheduled. So I'm not saying you
10 cannot see her for a year. I'm saying she's
11 protected for a year and visits with that protection
12 will be decided in parenting plan court.

13 Does that make sense?

14 MR. FOWLER: Yeah.

15 THE COURT: Okay. So even if someone's
16 protected, that they -- they might have visits with
17 you in a way that's safe.

18 MS. COMO: So --

19 THE COURT: And you're asking for protection
20 for Jeremiah, as well, Ms. Como?

21 MS. COMO: Just because they're both kids is
22 what I was told to (indiscernible) to include anyway.

23 THE COURT: Okay.

24 MS. COMO: There -- Jeremiah -- my son hasn't
25 been going with (indiscernible) because --

1 THE COURT: Oh.
2 MS. COMO: -- (indiscernible).
3 THE COURT: And Jeremiah is not Mr. Fowler's
4 son.
5 MS. COMO: No.
6 THE COURT: Okay. So I'm going -- my mistake.
7 All -- I'm going to include him in the protection
8 order, but I'm not determining custody of him or
9 anything.
10 MS. COMO: No, Your Honor.
11 THE COURT: Okay.
12 MS. COMO: Yes.
13 THE COURT: So just give me a minute to work
14 on the order. And are you concerned, Ms. Como, about
15 Mr. Fowler possessing firearms?
16 MS. COMO: No.
17 THE COURT: Okay.
18 MS. COMO: This order is for the kids. It's
19 not me --
20 THE COURT: Correct.
21 MS. COMO: -- I don't know if -- I just want
22 him to know it.
23 MR. FOWLER: I know.
24 Your Honor, may I ask a question?
25 THE COURT: Yes. What's your question?

1 MS. COMO: I just wanted to see if I
2 understood what you'd said.

3 THE COURT: Mm-hmm.

4 MS. COMO: And from this point, I -- you're
5 hearing just the ordered portion, and I need to now
6 contact the courts to find out where I need to be
7 with specifics for the parenting plan; is that
8 correct?

9 THE COURT: Yeah. I wrote in my order that
10 visitation is -- it says, "Visitation is as follows,"
11 and I wrote "as decided in parenting plan court."

12 MS. COMO: Okay.

13 THE COURT: So those -- those courthouse doors
14 are opened for both of you to ask for what you want.
15 And you can both have that resolved, and then the
16 court will determine what's in Jordan's best
17 interests; okay?

18 So Mr. Fowler, this is your notice that there's a
19 protection order for -- prohibiting you from having
20 contact with Jordan or Jeremy (sic). Unless the
21 parenting plan court provides for visitation, there
22 is no visitation right now. So that's how you're
23 going to determine visitation if you want it.

24 MR. FOWLER: Okay.

25 THE COURT: And it sounds like you've already

1 started that process.

2 MR. FOWLER: Yes, ma'am. And I fully
3 understand.

4 THE COURT: Okay. And the -- do you consent,
5 Ms. -- do you have e-mail, Mr. Fowler?

6 MR. FOWLER: Yes, ma'am, I do.

7 THE COURT: Do you consent to get service of
8 this order by e-mail?

9 MR. FOWLER: Yes, ma'am.

10 THE COURT: Okay. And let me just make sure I
11 have that information. What's your e-mail address?

12 MR. FOWLER: JamesWFowler@yahoo.com.

13 THE COURT: Okay. Even without that further
14 notice, since you're here, you are notified that the
15 protection order is in place. And it is a crime to
16 violate a protection order. You're notified that
17 this is in place. If you want anything different
18 than is in the order right now -- first of all, I
19 encourage you to make sure that you have a copy of
20 that. I directed it to be e-mailed to you. If it's
21 not, you can always call the court clerk to get your
22 copy.

23 But if you want anything different than is in the
24 court order right now, the only right thing to do is
25 to ask parenting plan court or ask this court to do

1 something different; okay?

2 MR. FOWLER: Yes, ma'am.

3 THE COURT: All right. That's the end of the
4 hearing. Thank you.

5 MR. FOWLER: Yes, ma'am.

6 MS. COMO: Thank you.

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8 (Conclusion of the May 22, 2020, Proceedings.)

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SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF THURSTON
FAMILY AND JUVENILE COURT

Jennifer Lorraine Como,)	
)	
Petitioner,)	
)	
and)	Case No. 19-2-30942-34
)	
James Warren Fowler, Jr.,)	TRANSCRIBER'S CERTIFICATE
)	
Respondent.)	
)	

STATE OF WASHINGTON)
) ss
COUNTY OF THURSTON)

I, Kathryn A. Beehler, Official Reporter of
the Superior Court of the State of Washington, in and for the
County of Thurston, do hereby certify:

I received the May 22, 2020, electronic recording
directly from the trial court conducting the hearing; This
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proceedings to the best of my ability; I am in no way related
to or employed by any party in this matter, nor any counsel
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Kathryn A. Beehler, Transcriber