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APR 27 2023

Superior Court of WA
Charles G. Rhodes

4012

23-2-00232-23
TMORPRT 4
Temporary Order for Protection
14396557



Superior Court of Washington, County of Mason

Nicole Little Ramos 7/22/81
Petitioner, Date of Birth

vs.

Adam Pierce 3/21/1990
Respondent, Date of Birth

No. 23-2-00232-23

Temporary Protection Order and Hearing
Notice (TMO-)

☒ Domestic Violence (RPRT)

☐ Sexual Assault (RSXP) ☐ Harassment (RAH)

☐ Stalking (STKH) ☐ Vulnerable Adult (RVA)

Clerk's action required: 5.B, 10, 11, 12

Next Hearing Date and Time:

5/11/23 @ 9:00 AM

See How to Attend at the end of this order

Temporary Protection Order and Hearing Notice

1. This order is effective until the end of the hearing listed above.

This protection order complies with the Violence Against Women Act and shall be enforced throughout the United States. See last page.

2. This order restrains (name): Adam Pierce
also known as (list any known aliases) _____

The restrained person must obey the restraints ordered in section 8.

Sex <u>M</u>	Race <u>B</u>	Height	Weight
Eye Color <u>Bru</u>	Hair Color <u>Bru</u>	Skin Tone <u>Dark</u>	Build <u>med</u>

Noticeable features (Ex.: tattoos, scars, birthmarks): _____

Has access to ☐ firearms ☐ other weapons ☒ unknown

Surrender weapons ordered: ☐ Yes ☐ No

3. This order protects (name): Nicole Ramos
and the following children who are under 18 (if any) ☐ no minors

Child's name	Age	Child's name	Age
1.		2.	
3.		4.	
5.		6.	

There is a rebuttable presumption to include the protected person's minor children.

☒ For good cause, the court is not including the protected person's minor children in this order because: See Case NO 23-2-228-23

Warnings to the Restrained Person



You can be arrested even if the protected person or persons invite or allow you to violate the order. You alone are responsible for following the order. Only the court may change the order. Requests for changes must be made in writing.

If you do not obey this order, you can be arrested and charged with a crime.

- The crime may be a misdemeanor, gross misdemeanor, or felony depending on the circumstances. You may also be found in contempt of court.
- You can go to jail or prison, lose your right to possess a firearm or ammunition, and/or pay a fine.
- It is a felony to take or hide a child in violation of this order.
- If you travel to another state or to tribal lands or make the protected person do so, with the intention of disobeying this order, you can be charged with a federal crime.



Firearms and Weapons. If the court approves a full protection order, you may not be able to get or have a gun, firearm, other dangerous weapon, ammunition, or concealed pistol license for as long as the protection order is in place.



Go to the court hearing scheduled on page 1. If you do not, the court may:

- Make this temporary order effective for one year or longer
- Order weapons restrictions, even if that was not requested
- Order other relief requested in the petition
- Order electronic monitoring, payment of costs, and treatment
- Issue a final order that you are required to follow and you may not be served with the order if it is substantially the same as this temporary order.

If you are under age 18, your parent/s or legal guardian/s will also be served with this order and should also go to the hearing. The court will decide if someone should be appointed to represent you.

Findings

4. Ex Parte Hearing

☐ The court issues this temporary order without a hearing.

☒ The court held a hearing before issuing this temporary order. These people attended:

☒ Protected Person ☐ in person ☐ by phone ☐ by video

☒ Restrained Person ☐ in person ☐ by phone ☐ by video

☐ Other: _____ ☐ in person ☐ by phone ☐ by video

5. Basis

A. The court finds: Based upon the petition, testimony, and case record, it appears that the restrained person engaged in conduct against the protected person/s that would be a basis for a protection order under chapter 7.105 RCW. This *Temporary Protection Order* should be issued without notice to the restrained person to avoid serious immediate harm or irreparable injury.

B. Antiharassment Temporary Protection Order

☐ No fee required (stalking, hate crime, single act/threat of violence including malicious and intentional threat, or presence of firearm/weapon causing substantial emotional distress, family or household member engaged in domestic violence, or nonconsensual sexual conduct or penetration or a sex offense. RCW 7.105.105(9).)

6. Jurisdiction

The court has jurisdiction over the parties and the subject matter.

☐ **Minors:** Washington state ☐ has exclusive continuing jurisdiction; ☐ is the home state; ☐ has temporary emergency jurisdiction over the children.

☐ **Temporary Emergency Jurisdiction:** The petitioner has until (date) _____ to return to (state/court with jurisdiction over the minors) _____ to seek any court orders about these minors:

The Washington order will terminate on that date for the minors. RCW 26.27.231.

☐ The person who filed is not a parent of one or more children listed above.
(*Important! Complete Protection Order Attachment A: Non-Parent (ICWA), PO 030A/PO 040A.*)

7. Other Findings (if any)

Temporary Restraints (Check all that apply):

8. The Court Orders: To the restrained person:

General Restraints

- A. ☒ **No Harm:** Do not cause any physical harm, bodily injury, assault, nonconsensual sexual conduct or nonconsensual sexual penetration, and do not harass, threaten, or stalk:

☒ the protected person ☐ the minors named in section 3 above
☐ these minors only: _____

- B. ☒ **No Contact:** Do not attempt or have any contact, including nonphysical contact, directly, indirectly, or through third parties, regardless of whether those third parties know of the order, except for service of court documents with:

☒ the protected person ☐ the minors named in section 3 above
☐ these minors only: _____

☐ **Exception (if any):** Only this type of contact is allowed: _____

Exceptions about minors, if any, provided in P below.

- C. ☒ **Exclude and Stay Away:** Do not enter, return to, knowingly come within, or knowingly remain within 1,000 feet or other distance (*specify*) _____ of:

☐ the protected person ☐ protected person's vehicle
☐ protected person's school ☐ protected person's workplace
☒ protected person's residence ☐ protected person's adult day program
☐ the shared residence
☐ the residence, daycare, or school of
☐ the minors named in section 3 above
☐ these minors only: _____
☐ other: _____

Address: The protected person chooses to (*check one*):

☐ keep their address confidential ☐ list their address here: _____

- D. ☐ **Vacate Shared Residence:** The protected person has exclusive right to the residence that the protected person and restrained person share. The restrained person must immediately vacate the residence.

- E. ☒ **Stalking Behavior:** Do not harass, follow, monitor, keep under physical or electronic surveillance, cyber harass (as defined in RCW 9A.90.120), or use phone, video, audio or other electronic means to record, photograph, or track locations or communication, including digital, wire, or electronic communication, of:

☒ the protected person ☐ the minors named in section 3 above
☐ these minors only: _____
☐ these members of the protected person's household: _____

F. ☐ Intimate Images: Do not possess or distribute intimate images of a protected person, as defined in RCW 9A.86.010. The restrained person must take down and delete all intimate images and recordings of a protected person in the restrained person's possession or control and cease any and all disclosure of those intimate images.

G. ☐ Electronic Monitoring: You must submit to electronic monitoring. (*Restrained person must be age 18 or older.*)

H. ☐ Evaluation: ☐ To be decided at the hearing. ☐ Ordered now.

The restrained person shall get an evaluation for: ☐ mental health ☐ chemical dependency (drugs) at: _____

The evaluation shall answer the following question/s: _____

An evaluation is necessary and it is feasible and appropriate to order an evaluation in this temporary order because: _____

I. ☐ Treatment: ☐ To be decided at the hearing. ☐ Ordered now.

The restrained person shall participate in state-certified treatment as follows:

☐ domestic violence perpetrator treatment program approved under RCW 43.20A.735 at: _____

☐ sex offender treatment program approved under RCW 18.155.070 at: _____

It is feasible and appropriate to order treatment in this temporary order because: _____

J. ☒ Personal Belongings: The protected person shall have possession of essential personal belongings, including the following:

The Petitioner may go to the residence the parties shared with law enforcement to retrieve her belongings

K. ☐ Transfer of Assets: Do not transfer jointly owned assets.

☐ Finances: The following financial relief is ordered: _____

L. ☐ Vehicle: The protected person shall have use of the following vehicle:

Year, Make & Model _____ License No. _____

M. -- Restrict Abusive Litigation: To be decided at the hearing, if requested.

N. -- Pay Fees and Costs: To be decided at the hearing, if requested.

Firearms and Other Dangerous Weapons

O. ☐ Surrender Weapons:

Important! Also use form Order to Surrender and Prohibit Weapons, WS 001.

The court finds that (check all that apply):

- ☐ Irreparable injury could result if the order to surrender weapons is not issued.
- ☐ The restrained person'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 restrained person is allowed to access, obtain, or possess any firearms or other dangerous weapons, or obtains or possesses a concealed pistol license.

The restrained person must:

- Immediately surrender to law enforcement and not access, possess, have in their custody or control, purchase, receive, or attempt to purchase or receive firearms, other dangerous weapons, or concealed pistol licenses; and
- Comply with the Order to Surrender and Prohibit Weapons, filed separately.

Minors

P. ☐ Custody: The protected person is granted temporary care, custody, and control of:

☐ the minors named in section 3 above

☐ these minors only: _____

Exceptions for Visitation and Transportation, if any (including exchanges, meeting location, pickup and dropoff): _____

Visitation listed here is an exception to any No-Contact provision in B above.

(Only for children the protected and restrained person have together.)

To comply with the Child Relocation Act, anyone with majority or substantially equal residential time (at least 45 percent) who wants to move with the child must notify every other person who has court-ordered time with the child. Specific exemptions from notification may be available if the court finds unreasonable risk to health or safety. Persons entitled to time with the child under a court order may object to the proposed relocation. See RCW 26.09.405 - .560 for more information.

Q. ☐ Interference: Do not interfere with the protected person's physical or legal custody of:

☐ the minors named in section 3 above

☐ these minors only: _____

R. ☐ Removal from State: Do not remove from the state:

☐ the minors named in section 3 above

☐ these minors only: _____

S. ☐ **School:** Do not attend the elementary, middle, or high school that a protected person attends (*name of school*) _____

(Only if both the restrained person and a protected person are students at the same school. Can apply to students 18 or older. Includes public and private schools. Complete form Appendix A School Attendance.)

Pets

T. ☐ **Custody:** The protected person shall have exclusive custody and control of the following pet/s owned, possessed, leased, kept, or held by the protected person, restrained person, or a minor child who lives with either the protected or restrained person. (*Specify name of pet and type of animal.*) _____

U. ☐ **Interference:** Do not interfere with the protected person's efforts to get the pet/s named above.

V. ☐ **Stay Away:** Do not knowingly come within, or knowingly remain within (*distance*) _____ of the following locations where the pet/s are regularly found:

☐ Protected person's residence (*home address may be kept confidential*)

☐ Other (*specify*) _____

Vulnerable Adult

W. ☐ **Safety:** Do not commit or threaten to commit acts of abandonment, neglect, financial exploitation, or abuse, including sexual abuse, mental abuse, physical abuse, personal exploitation, and improper use of restraints, against the vulnerable adult.

X. ☐ **Accounting:** You must provide an accounting of the disposition of the vulnerable adult's income or other resources by (*date*) _____

Y. ☐ **Property Transfer:** Do not transfer the property of:

☐ the vulnerable adult ☐ the restrained person

This restraint is valid for up to 90 days.

Other

Z. _____

Other Orders (Check all that apply):

9. ☒ Law enforcement must help the protected person with (RCW 7.105.320(1))

☐ Possession of the protected person's residence.

☐ Possession of the vehicle listed in section L above.

☒ Possession of the protected person's essential personal belongings located at

☒ the shared residence

☐ the restrained person's residence

☐ other location _____

☐ Custody of ☐ the minors named in section 3 above

☐ these minors only _____

☐ Other: _____

☐ Law enforcement must be present while the restrained person collects personal clothing, personal items needed during the duration of this order, and these other items (specify) _____
from the shared residence that restrained person has been ordered to vacate in D above (RCW 7.105.320(3)).

10. Washington Crime Information Center (WACIC) and Other Data Entry

Clerk's Action. The court clerk shall forward a copy of this order immediately to the following law enforcement agency (county or city) MASON
(check only one): ☐ Sheriff's Office or ☐ Police Department

This agency shall enter this order into WACIC and National Crime Info. Center (NCIC).

11. Service on the Restrained Person

☒ Required. The restrained person must be served with a service packet, including a copy of this order, the petition, and any supporting materials filed with the petition.

☒ The law enforcement agency where the restrained person lives or can be served shall serve the restrained person with the service packet and shall promptly complete and return proof of service to this court.

Law enforcement agency: (county or city) MASON

(check only one) ☒ Sheriff's Office or ☐ Police Department

☐ The protected person (or person filing on their behalf) shall make private arrangements for service and have proof of service returned to this court. (This is not an option if this order requires: weapon surrender, vacating a shared residence, transfer of child custody, or if the restrained person is incarcerated. In these circumstances, law enforcement must serve, unless the court allows alternative service.)

Clerk's Action. The court clerk shall forward a service packet on or before the next judicial day to the agency and/or party checked above. The court clerk shall also provide a copy of the service packet to the protected person.

☐ Alternative Service Allowed. The court authorizes alternative service by separate order (specify): _____

- ☐ Not required. The restrained person appeared at the hearing, in person or remotely, and received notice of the order. No further service is required. See section 4 above for appearances. (May apply even if the restrained person left before a final ruling is issued or signed.)

12. ☐ Service on Others (Vulnerable Adult or Restrained Person under age 18)

Service on the ☐ vulnerable adult ☐ adult's guardian/conservator ☐ restrained person's parent/s or legal guardian/s (name/s) _____ is:

☐ Required.

- ☐ The law enforcement agency where the person to be served lives or can be served shall serve a copy of this order and shall promptly complete and return proof of service to this court.

Law enforcement agency: (county or city) _____
(check only one): ☐ Sheriff's Office or ☐ Police Department

- ☐ The protected person or person filing on their behalf shall make private arrangements for service and have proof of service returned to this court.

Clerk's Action. The court clerk shall forward a copy of this order on or before the next judicial day to the agency and/or party checked above.




- ☐ Not required. They appeared at the hearing where this order was issued and received a copy.



13. Other Orders (if any):

Respondent may not sell or Dispose
of any of Petitioner's belongings at the
shared residence.

How to attend the next court hearing (date and time on page 1)

The hearing scheduled on page 1 will be held:

	In person - Address: <u>Mason Co. Superior Court, 419 N. 4th Street, Shelton, WA</u> Judge/Commissioner: To be assigned Courtroom: Please see courtroom schedule
	Online (audio and video) <input checked="" type="checkbox"/> You must get permission from the court at least 3 court days before your hearing to participate online (audio and video). To make this request, contact: <u>Court Administration at (360)427-8440.</u>
	If you have trouble connecting online or by phone (instructions, who to contact) <u>Court Administration at (360)427-8440.</u>

	Ask for an interpreter, if needed. Contact: <u>Court Administration at</u> <u>(360)427-8440.</u>		Ask for disability accommodation, if needed. Contact: <u>Superior Court</u> <u>Administrator. 427-9670 ext 206</u>
Ask for an interpreter or accommodation as soon as you can. Do not wait until the hearing!			

Ordered.

Dated: 4/27/23 at 4:13 a.m./p.m.

ROBERT D. SAUERLENDER
 Judge/Court Commissioner

Print Judge/Court Commissioner Name

I received a copy of this Order:

Signature of Respondent/Lawyer WSBA No.

Print Name Date

Signature of Petitioner/Lawyer WSBA No.

Print Name Date

Important! Protected Person, if you ask for it, you have the right to be notified if the restrained person gets their surrendered firearms back. You must contact the law enforcement agency that has the firearms to ask for this notice. The Proof of Surrender in the court file should say which agency has the firearms. RCW 9A.41.340.

Certificate of Compliance With VAWA. This protection order meets all "full faith and credit" requirements of the Violence Against Women Act, 18 USC § 2265 (1994) (VAWA) upon notice to the restrained person. This court has jurisdiction over the parties and the subject matter; the restrained person has been or will be given notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. This order is enforceable in all 50 states, Indian tribal lands, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, American Samoa, the Northern Mariana Islands, and Guam, as if it were an order of that jurisdiction.

PROTECTION ORDER HEARINGS GUIDELINES

1. **Evidence.** The evidence that *may be* considered during the evidentiary hearing will be limited to the Petition and other documents/pleadings initially filed by the Petitioner, written Declarations, exhibits and testimony of the Petitioner and/or the Respondent. The alleged Vulnerable Adult (in the Vulnerable Adult Protection Order matters) will also be allowed to testify.
2. **Provide Other Party a Copy.** If a party wishes to provide the Court with any evidence in addition to their testimony, that party shall provide the other party a copy of the proposed evidence at least one business day before the scheduled hearing.
3. **Delivery of Exhibits.** All proposed Exhibits are to be delivered to the Clerk's office not later than one business day before the scheduled hearing. *Business days do not include weekends or holidays.* All electronic exhibits (audio and/or video recordings) will be accepted only in a thumb drive format and shall be delivered to the Clerk's office with an attached paper with the name of the case, the cause number, and the date and time of the hearing. The original and one copy of any thumb drive shall be provided to the clerk in accordance with this paragraph. Other electronic formats may be allowed upon approval of the Court.
4. **Discretion of the Court.** The Judge/Commissioner presiding over the hearing, at his/her discretion, may allow additional testimony from other witness(es) on a limited basis; may limit cross-examination; and, for good cause, may consider evidence that was not provided to the other party in advance.
5. **Interpreter/ADA Accommodation Requests.** All requests for an interpreter or ADA Accommodations are to be made at least five (5) days before the hearing by contacting Court Administration at (360) 427-8440.

REMOTE HEARING REQUEST AND INFORMATION

1. **Request for Remote Hearing.** Protection Order hearings are held in person. However, either party may request that they and/or a witness be allowed to appear remotely. The request for a remote hearing must be made no later than three business days before the hearing by calling Court Administration at (360) 427-8440. If the Court does not grant the request, the party(s) and/or witness are expected to appear in person. If the Court grants the request, the following provisions apply:
2. **Accessing Hearing.** The hearing may be accessed in one of two ways:
 - a. One way is by either using a computer or smart phone and joining the *Zoom Meeting* by going to the *Website at the following link:*
<https://us02web.zoom.us/j/> and entering the *Meeting ID number of 614 241 0088.*
 - b. The other way is by using a telephone and dialing 1-253-215-8782, then when prompted, enter the *Meeting ID number of 614 241 0088.* Please keep in mind that video participants will see the number you are calling from unless you first dial *67 when calling Zoom.
 - c. There is no additional password or participant ID number. Parties should access the Zoom service ten minutes before the hearing is scheduled to begin.
 - d. The first time one uses a *Zoom Meeting* by computer or smart phone, an app will automatically be downloaded to the user's device. *Please allow extra time for this process.* In order to participate in the conference call by computer or smart phone, the user will need a microphone and speakers/headset. In the alternative, one can call in using any telephone.
3. **Unable to appear.** If a party is unable to appear for an approved remote hearing, they are to notify Court Administration at (360) 427-8440 prior to the hearing. If Petitioner does not appear without a prior notification, the Court may dismiss the petition. If the Respondent does not appear without a prior notification, the Court may grant the petition.
4. **Unable to Appear Outside of the Presence of Others.** A party may request a continuance of an approved remote hearing if they are unable to participate outside of the presence of others. The Court may grant the request if the presence of others may hinder a party's testimony or their ability to fully and meaningfully participate in the hearing.