

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KITSAP**

**IN RE: EMANCIPATION OF
ADELINE MARYLYNN FEULNER**

HEATHER WOOD

vs.

LENARD FEULNER

Honorable MICHELLE ADAMS

Court Rptr: FTR / #271

Clerk: DAYNA WELLS

**Cause No 07-3-01713-1
23-2-01534-18**

Date: JUNE 4, 2024

Day 1 of 2

Page 1 of 13

The Petitioner appeared Pro Se
The Respondent appeared Pro Se
Ms. Kerry Stevens, Attorney for Minor
Ms. Nancy Tarbell, Guardian ad Litem

The matter before the Court is Trial

This Trial was scheduled to be in courtroom 269 but moved to courtroom 271 prior to start

10:07 Court is in session

Ms. Wood states she has pretrial issues.

10:08 Court addresses Petitioners pretrial matters.

10:09 Ms. Stevens addresses reunification counseling and objects to continuance

10:10 Ms. Tarbell addresses the same

10:11 Mr. Feulner addresses the same and states daughter would like this resolved. Objects to continuance.

10:12 Ms. Wood addresses the same.

10:13 Court addresses Ms. Stevens regarding reunification.

07-3-01713-1
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NonJury Trial
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10:14 Ms. Tarbell states Adeline would be more willing to do reunification if this trial proceeds.

10:20 Trial to move forward
Court inquires about Ms. Wood discovery issues.

10:21 Court addresses Mr. Feulner regarding financial records.

10:22 Ms. Wood moves to exclude all nonparty witnesses until they have a chance to testify.
No objection / **Request granted.**

10:23 Court addresses witness Mr. Smith via zoom.

10:27 Ms. Stevens requests Mr. Smith's testimony scheduled for Thursday afternoon will only be rebuttal testimony / No objection / **Request granted**

10:28 Court takes a Break

10:33 Court back in session
Court addresses parties re: court availability

10:33 Mr. Smith objects to zoom being closed and made especially for this case matter.

10:34 Court addresses Mr. Smith

10:36 Mr. Smith addresses the Court
Court advises Mr. Smith to contact the clerk's office regarding requesting transcripts.

10:39 Ms. Wood presents motion for witnesses to appear via zoom
No Objection / **Request granted**

10:40 Ms. Wood requests witness to appear out of Order.
No objection / **Request granted**

10:42 Ms. Wood reaches out to possible witness

10:45 Court addresses Mr. Feulner
Ms. Stevens address objections to Ms. Wood Exhibits

10:47 Court addresses parties regarding how to proceed.

10:51 Mr. Feulner on opening statements.

10:53 Mr. Feulner Rests
Ms. Wood on opening statements

10:58 Ms. Wood rests
Ms. Tarbell on opening statements

11:01 Ms. Tarbell rests
Ms. Stevens on opening statements

11:04 Ms. Stevens rests
Ms. Nancy Tarbell to the Stand / Sworn in

11:05 Mr. Feulner begins direct.

11:13 Ms. Tarbell moves to admit Exhibits 1 through Exhibit 7
No objections / Exhibit 1 through Exhibit 7 Admitted

11:25 Mr. Feulner rests
Ms. Wood on cross examination

11:30 Ms. Wood rests
Ms. Stevens questions the witness.

11:33 Ms. Stevens moves to allow Ms. Tarbell to be an expert witness.
No Objections / **Request granted.**

11:48 Ms. Wood objects / not the truth / **Court overrules objection**

11:57 Ms. Stevens rests

12:01 Court at recess

1:34 Court back in session
Ms. Nancy Tarbell retakes the stand / Still under oath
Ms. Wood on re-cross

1:35 Ms. Stevens object / testifying / **Sustained**

1:43 Ms. Wood rests
Ms. Tarbell is excused

1:45 Mr. Feulner called Ms. Stevens to the stand
Court notes that Ms. Stevens cannot testify as the attorney for Adeline.

1:46 Mr. Lenard Feulner takes the stand / Sworn in

1:47 Ms. Wood objects / hearsay / **objection sustained**

- 1:48 Ms. Wood objects / hearsay / **Court sustains the objection**
Ms. Tarbell makes statement regarding information
- 1:55 Court moves to admit the urinalysis results / No objections**
- 1:56 **Exhibit 38 and Exhibit 39 Admitted by agreement of the parties**
- 2:00 Ms. Wood objects / hearsay / **Court sustains objection**
- 2:07 Court addresses the witness regarding what he is asking for in his parenting plan.**
- 2:34 Ms. Wood objects / Slander / **Objection overruled**
- 2:40 Ms. Stevens points out that it is past the time to call the witness Ms. Woods would like to testify.
Mr. Fuelner's testimony is put on hold.
- 2:46 Ms. Griselda Hall takes the stand (Zoom appearance) / Sworn in
Ms. Wood on direct
- 2:47 Ms. Wood moves for Ms. Hall to be an expert witness
Court addresses witness
- 2:48 Ms. Stevens questions the witness to help establish credentials
- 2:51 Ms. Tarbell questions the witness to help establish credentials
- 2:53 Ms. Stevens objects to Ms. Hall being an expert witness
Ms. Tarbell objects to Ms. Hall being an expert witness.
Ms. Wood argues
- 2:57 Ms. Stevens objects / relevance
Ms. Wood argues
Ms. Stevens requests foundation to be laid
Ms. Wood argues
- 2:58 Court informs Ms. Wood of what information is needed from testimony and what is not. Objection not ruled on**
- 3:04 Ms. Stevens objects / lack of foundation / **Objection sustained**
- 3:09 Ms. Stevens objects / no evidence of statement / **Objection sustained**
- 3:11 Ms. Wood rests

Ms. Stevens begins questioning the witness

3:14 Ms. Stevens rests

3:17 Ms. Tarbell begins questioning the witness

3:19 Ms. Tarbell rests
Ms. Wood on re-direct

3:19 Ms. Stevens object / relevance / **overruled**

3:20 Ms. Wood rests
Ms. Stevens questions the witness
Ms. Stevens rests
Ms. Tarbell questions the witness
Rests

3:21 Ms. Wood on re-re-direct
Ms. Wood rests

3:22 Court questions the witness

3:23 Court at recess

3:43 Court back in session

3:45 Lisa Smith called to the stand (via zoom) / Sworn in
Ms. Wood begins direct

3:46 Ms. Stevens object / lack of personal knowledge / **objection not ruled on**

3:53 Ms. Stevens object / relevance
Ms. Wood argues
Ms. Stevens objects / relevance
Ms. Wood argues

3:54 Court questions Ms. Wood regarding relevance

3:55 Court sustains objections

3:56 Court poses question for clarity from Ms. Wood

3:57 Ms. Stevens requests timeframe
Ms. Wood offers explanation

3:58 Ms. Stevens objects / **objection is noted for the record, but she will allow the line of**

questioning

- 4:05 Ms. Stevens object / nonresponsive / **Sustained**
- 4:06 Ms. Wood rests
- 4:06 Ms. Stevens questions the witness
- 4:07 Ms. Stevens rests
Ms. Wood on redirect.
- 4:08 Ms. Stevens object / relevance
Ms. Wood argues
- 4:10 Ms. Stevens object / leading the witness
Court offers clarification to Ms. Wood
- 4:11 Ms. Stevens object / compound questioning
Court offers clarification to Ms. Wood
- 4:14 Ms. Stevens object / relevance
Court inquires about relevance
Ms. Wood explains relevance
- 4:16 Court addresses witness**
- 4:17 Ms. Stevens object / nonresponsive / **Sustained**
- 4:21 Ms. Wood rests
Ms. Stevens questions witness
- 4:26 Ms. Stevens rests
Ms. Tarbell questions witness
- 4:27 Ms. Tarbell rests
- 4:28 Court questions the witness**
Ms. Wood on re direct
- 4:29 Ms. Wood rests
- 4:29 **Court adjourned.** Trial to resume June 5, 2024 at 9:00 a.m.

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**IN RE: EMACIPATION OF ADELINE
MARYLYNN FEULNER**

HEATHER WOOD

Honorable MICHELLE ADAMS

Court Rptr: FTR / #271

vs.

**Clerk: ANGIE SMITH
DAYNA WELLS**

LENARD FEULNER

**Cause No 23-2-01534-18
07-3-01713-1**

Date: JUNE 5, 2024

Day 2 of 2

Page 7 of 13

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The Respondent appeared Pro Se
Ms. Kerry Stevens, Attorney for Minor
Ms. Nancy Tarbell, Guardian ad Litem

The matter before the Court is Trial

9:09 Court in session

Ms. Tarbell – cleaning up something that she said yesterday.

Sworn – The testimony that Adeline has an issue telling the truth is not in Ms. Tarbell’s report. It is in Ms. Woods report.

Ms. Tarbell informs the court that an April zoom hearing has been recorded and posted on the internet.

Ms. Wood – Has seen this video and would like it removed. Believes that she may be blackmailed. She is afraid of John Smith.

Mr. Feulner – Mr. Smith records conversations and transcribes them for filing.

Court – has not identified a course of action that the court can take. There is avenues that the parties can take.

Ms. Tarbell – has also received direct threats of lawsuits. There is information directly related to the child. This is harming the child. Believes that this is a good case to consider sealing.

Ms. Stevens – all involved believe that Mr. Smith has been driving this. Today at the 11th hour Ms. Wood is indicating that she is not complicit in the filings and accusations in this case.

Court – will take a look at the Bone Club case to see if this hearing and the audio can be sealed.

9:41 Mr. Feulner retakes the stand for cross examination / sworn

9:42 Court at recess

10:10 Court back in session

Court finds that it may be appropriate to close the courtroom per States vs. Bones Club. Court confirms with Ms. Wood regarding when the closing of the hearing should begin. Finds that when Ms. Woods started speaking this morning, according to the record, is when the record will be closed and that no access to the hearing is permitted for anyone other than the parties. Court reviews the Bone Club factors with the parties re: compelling interest.

10:14 Court addresses Ms. Stevens regarding protecting Adelines best interest

Ms. Stevens believes it will not impact Adeline in any way other than Ms. Wood allowing Mr. Smith in this case.

10:15 Court addresses Ms. Tarbell regarding protecting Adelines best interest

Ms. Tarbell believes that it does impact Adeline directly but does not know if sealing a portion of this record will protect her because harm has already been done.

10:17 Court addresses parties regarding a compelling reason for a closure of the record. Court addresses Ms. Tarbell for clarification

10:19 Ms. Tarbell states the remaining of the sessions should be closed to protect Adeline, so that Ms. Wood would feel safe telling the truth during testimony.

10:20 Court addresses Ms. Stevens

Ms. Stevens states this is comparable to a Protection Order or a criminal case where people feel uncomfortable testifying, so there is a risk.

10:22 Ms. Wood states that the threats are not just to her, but to Adeline as well.

Court inquires about Ms. Wood being able to testify truthfully moving forward.

10:23 Ms. Wood states she is scared for herself and for Adeline. States Mr. Smith can hurt her through her daughter.

10:24 Ms. Tarbell states Ms. Wood is more likely to go into detail and provide the court with more information if the courtroom is closed.
Ms. Stevens still does not agree with the courtroom being closed.

10:25 Court takes recess

10:33 Court back in session. Court finds it does not have enough to authorize the court to close the hearing. Most of everything that is going to be discussed is already in the pleadings. Court finds we will proceed.

10:35 Ms. Wood on cross examination

10:52 Ms. Wood rests
Ms. Stevens questions Mr. Feulner

10:56 Ms. Wood objects / Not truthful testimony
Court overrules objection

11:10 Ms. Stevens rests
Mr. Feulner addresses the Court
Ms. Tarbell questions Mr. Feulner

11:21 Ms. Wood objects / hearsay / **Objection sustained**

11:22 Ms. Wood objects / no way for him to know
Court addresses Ms. Wood

11:23 Ms. Wood withdraws objection

11:30 Ms. Tarbell moves to admit Exhibit 42 / no objections / **Admitted**

11:32 Court addresses Ms. Tarbell for clarification regarding Exhibit 42

11:36 Ms. Tarbell rests
Ms. Woods on re cross examination

11:44 Ms. Stevens objects / testifying
Court redirects Ms. Wood / Objection sustained

11:50 Ms. Wood rests
Court questions Mr. Feulner regarding Adeline being a year behind in school.

- 11:51 Mr. Feulner rests
Witness is excused
- 11:53 Ms. Heather Wood called to the stand to offer testimony / sworn in
Ms. Stevens suggests admission of Exhibits
- 11:55 Petitioner Wood like to Admit all Exhibits
Ms. Steven objects to Exhibit 9, Exhibit 10 and Exhibit 11 / Relevance
- 11:56 Ms. Steven objects to Exhibit 13, Exhibit 14, Exhibit 16, Exhibit 17, Exhibit 18, Exhibit 19, Exhibit 20 / Hearsay
- 11:58 Ms. Tarbell agrees with objection
Mr. Feulner has no objection
Ms. Wood argues regarding relevance objection
- 12:00 Court moves on to hearsay objection**
- 12:01 Court finds Exhibits 9-11, Exhibits 13-14, Exhibits 16-20 are Denied**
- 12:01 Court at recess**
- 1:37 Court back in session**
- 1:41 Ms. Angela Vos is called to the stand (via Zoom) / Sworn in
- 1:42 Ms. Stevens objects / Relevance / **Objection not ruled on**
- 1:42 Ms. Tarbell questions the witness
- 1:44 Ms. Tarbell rests
- 1:45 Witness is excused
Ms. Heather Wood re-takes the stand to offer testimony / Still under oath
- 1:52 Ms. Stevens objects / Relevance
Ms. Wood argues
- 1:53 Court overrules objection**
- 1:57 Mr. Feulner / hearsay / **Overruled**
- 2:46 Court addresses Ms. Wood regarding how many places she and Adeline have lived.**
- 2:50 Court addresses Ms. Wood regarding how she would like the Parenting Plan.**

- 2:51 Ms. Wood moves to admit Exhibit 41
Court would like Ms. Stevens to review the video prior to admittance.
- 2:58 Court addresses Ms. Wood regarding what Mr. Feulner is requesting in the Parenting Plan and goes over her own thoughts on the parenting plan.**
- 3:00 Ms. Stevens offer the court perspective on how Adeline feels about Reconciliation Therapy.
- 3:01 Court goes over possibly retaining case for one year, which would put Adeline at 18 years old and it would give the court time to get a status prior to Adeline turning 18.**
- 3:02 Ms. Wood addresses the court and Mr. Feulner.
- 3:03 Ms. Stevens states for Ms. Wood to send a text if she would like to speak to Adeline and leave it up to Adeline to decide if she wants to talk.
- 3:04 Ms. Tarbell states there needs to be a limit on how many text messages can be sent requesting to talk to Adeline.
- 3:06 Ms. Tarbell requests to be dismissed.
- 3:06 Ms. Wood states she would like to reconcile with Mr. Feulner and his family.
- 3:07 Court states inclined to have any communication regarding Adeline be via Talking Parents**
- 3:08 Ms. Stevens addresses the Court regarding Adeline's medical care being at her own discretion.
- 3:10 Ms. Woods addresses the Court regarding summer school
Court states school to be decided by Mr. Feulner but can be reviewed as therapy progresses.
- 3:11 Court addresses therapy**
Ms. Stevens ensures that Mr. Feulner will be custodian for medical purposes.
Ms. Tarbell addresses Adeline's medical procedure and who will make the decisions.
- 3:12 Court states Mr. Feulner will be making decisions**
- 3:13 Ms. Wood would like not speak negative regarding parent to the Child.
Court agrees.
Ms. Woods addresses alienation.

- 3:14 Court states no disparages of the other parent around the child and if someone else in the home tries to, it is to be corrected.**
- 3:15 Mr. Feulner addresses the Court regarding alienation.
- 3:17 Court addresses parties regarding settling or continuing with trial.**
- 3:19 Mr. Feulner addresses the court regarding therapy since the mother is moving.
Ms. Wood addresses the court regarding forced medical treatment.
- 3:20 Court will stick to original ruling regarding Ms. Wood and Adeline continue in personal counseling if it is recommended by the reconciliation therapist.**
- 3:21 Court addresses parties regarding resolving this issue, or continuing with trial**
Ms. Stevens would like contact information to continue to be updates
Court states any medical decisions by Mr. Feulner needs to be provided to Ms. Wood within 48 hours.
- 3:23 Ms. Woods requests proof of current medical condition.
- 3:24 Court addresses Mr. Feulner about getting the information to Ms. Wood regarding up-and-coming medical condition, so that Ms. Wood can follow up regarding a release of information.**
- 3:26 Mr. Feulner states there is a pre-operation appointment scheduled for Monday, so he will get Ms. Wood the information.
- 3:27 Ms. Wood addresses the Court regarding clarification.
Court clarifies the record for Ms. Wood.
- 3:29 Court dismisses Ms. Tarbell.**
- 3:30 Ms. Stevens would like to review the Parenting Plan with her Client prior to it being entered.
Court to email the proposed Parenting Plan to Ms. Stevens, so that she can review with her client.
- 3:31 Court sets hearing for June 21, 2024, at 1:30 p.m. for entry of the Parenting Plan**
- 3:32 Court at recess**
- 3:44 Court is back in session**
Court addresses Child Support
- 3:45 Mr. Feulner addresses the Court regarding monthly earnings.

- 3:48 **Court addresses Ms. Wood regarding child support**
Ms. Wood addresses the court regarding the validity of Mr. Feulner's statements.
- 3:51 **Court asks Ms. Woods how much she would be earning at her new job.**
- 3:53 Ms. Wood would like to know if it is okay to send Adeline gift certificates.
Court states that it is up to the reconciliation counselor
- 3:54 Ms. Woods addresses the transition between jobs in reference to child support.
Court addresses Ms. Wood.
- 3:55 Parties Authorized to appear via zoom.
- 3:56 **Court Adjourned.**