Superior Court of Washington, County of Kitsap

In re: The Parentage & Support of Adeline Marylynn Feulner Petitioner/s *(person/s who started this case)*: Heather Lynn Wood And Respondent/s *(other party/parties)*: Lenard Ray Feulner	No. 07-3-01713-1 Counter-Declaration & Objections of Heather Wood to Lenard Feulner's Facially Defective Declaration Filed 8-29-23 (CDCLR)

Counter-Declaration & Objection(s)

TO: The Kitsap County Superior Court Clerk, 614 Division St #202, Port Orchard, WA 98366, (360) 337-716; AND

Lenard Feulner, Respondent, 4101 Anderson Hill Rd. SW, Port Orchard, WA 98367, lilmissarries@yahoo.com

I Identity of the Parties & Jurisdiction

COMES now, Heather Wood, pro se of necessity, without counsel, indigent, in Forma Pauperis to make the Objections noted here and seek the following relief:

JURISDICTION & VENUE

While the instant case is properly within Kitsap County's Family Court subject matter and in personum jurisdiction due to the minor child's birth and both litigant's residency in Washington State, the Kangaroo unlawfully held impromptu hearing on 8-15-23 before Commissioner Clucas, without a scintilla of due process after the regularly scheduled MTSC hearing was disposed of and Lenard Feulner's motion dismissed/denied, it had no such jurisdiction nor authority when it subsequently lured the parties back into the courtroom with no notice in collusion with two non-participating attorneys who observed a commotion/altercation between Heather Wood, mother, and Adeline, her child, **OUTSIDE** the courtroom in the hallway/lobby where it ensued.

(1) **OBJECTION 1:** Once again, respondent has filed a facially defective document (his declaration attacking Heather Wood, the true Petitioner in this cause) improperly substituting his name for Ms. Wood's as the 'Petitioner'. This is incorrect and has been objected to previously on the record by Ms. Wood to no avail. It is not allowed w/o a Court Order/Permission. It introduces ambiguity, confusion, delay, and error which, at this point after multiple objections to Mr. Feulner's perfidy, the Petitioner believes is deliberate. She invites sanction under Rule 11 be applied to the Respondent to remind him to preserve the caption. for clarity and accuracy.

In Feulner's (the Respondent) 2nd sentence in his declaration he filed on 8-29-23, Respondent invites the court o believe no restraining order will be necessary in this cause if the parties' 16yo daughter in common, Adeline, is granted an Order in a pending Petition for Emancipation. Heather Wood reiterates, as she has previously on the record, no restraining order was necessary from the outset, and no emergency existed despite Judge Houser's Order entered in this cause on 8-4-23—expecially given the child at issue had been in her father's possession since 7-20-23.

(2) **OBJECTION 2:** In Feulner's 3RD sentence of the above referenced Declaration, he filed on 8-29-23, the Respondent begins "I suggest that [t]his hearing be continued until after the 19th and...the hearing be stricken." Once again, Respondent bends/breaks the Court's rules of procedure which must be strictly construed, especially in this cause for the reasons already cited in Objection #1. It is improper for a litigant to use a declaration for argument, or a motion/pleading. Petitioner objects to any relaxation of the rules on this point as she does on the lack of proper jurisdiction as detailed in her motion to recuse Commissioner Clucas from this case. Moreover, Respondent's poorly stated suggestion/motion/argument is insufficiently specific to be coherent or reasonably understood—introducing more delay, expense, and burden to Petitioner, an indigent mother.

With respect to Respondent's 4th sentence, receiving a phone call is not a basis for an emergency ex pare order w/no notice to the Petitio*ner in this case*. She renews her objection to the fruit from this poisoned tree ab initio.

(3) **OBJECTION 3.** The Petitioner denies the truth of Respondent's hearsay in his 5th sentence. Moreover, hearsay is a violation of ER 802. The rule that generally prohibits hearsay is ER 802, which is modeled after the Federal Rules of Evidence and is consistent with the general principles of evidence law in the United States. Washington Rule of Evidence 802 states:
"Hearsay is not admissible except as provided by these rules, or by other rules prescribed by the Supreme Court of the State of Washington or by statute."
This rule, like its federal counterpart, means that hearsay evidence is generally inadmissible in court unless it falls within one of the recognized exceptions to the hearsay rule or is allowed under specific statutory provisions. Washington, like many other jurisdictions, has adopted various exceptions to the hearsay rule, such as statements made for medical diagnosis or treatment, present sense impressions, excited utterances, and business records.

(4) **OBJECTION 4.** Petitioner demies the substance of Respondent's 6th sentence as misleading. It is also hearsay for the reasons cited in. Objection #3 and a violation of ER 802.

W/respect to the Respondent's 8th sentence, any messages I sent to my daughter by cell phone were private, privileged, and intended for her eyes only.

W/respect to Respondent's 10th sentence, it is insufficiently specific and nebulous. It doesn't specify a location or provide enough information for me to respond to it. It amounts to innuendo without verifiable facts I can confirm or deny. I was available to my daughter by phone in any event, and would have welcomed her home because I love her despite her defiance.

(5) **OBJECTION 5**. Respondent's final sentence on the 1st page of his declaration states he sought legal advice from the court clerk. I believe practicing law w/o a license is a crime in WA. State. 1 cannot get a fair trial in Kitsap County when the clerk acts as the Respondent's advocate, provides him legal advice, Commissioner Clucas acts as my prosecutor, exceeds his authority w/o jurisdiction, and issues orders from a Kangaroo Court, i.e. one without proper jurisdiction and lawless as argued in my filed Motion to Recuse Commissioner Clucas for cause.

(6) **OBJECTION 6**. Respondent, on his 2nd page of his declaration, 1st and 2nd complete sentence, uses the imperial 'WE' w/o defining who he is referencing—presumably Adeline, the child at issue. If so, this is an admitted act of parental alienation and blatant use of the child as a pawn/participant/party in the custody litigation at hand. Washington Family Court policy has long been to avoid having children participate/testify directly in such litigation, as Respondent appears to admit in his declaration now. Taking the Respondent at his word, this amounts to egregious misconduct and child abuse.

In fact, the Respondent has engaged in a lengthy campaign of parental alienation stretching back for many years. On or about 6-3-2013 (Adeline was just 6yo as of 6-2-13) my daughter was glaring at me as she sat at the kitchen table. When I asked what was wrong (this was immediately after a visit w/her father) she told me all my gods were evil and I was going to Hell. When asked, she explained Mr. Feulner had shown/informed her of where Hell was—where I was going. The very next day, Adeline informed me her father had kissed her on the lips and stuck his tongue down her mouth. She also described her father having touched her "front and back parts". Lenard (Respondent) later attempted to to justify [admitting] this behavior to me and a deputy sheriff by claiming he was playing 'kitty' w/my daughter and licking her face.

Re: Respondent's 3rd sentence on page 2 of his declaration, I did not receive notice of the 8-15-23 hearing until of 8-14-23. I was w/o counsel at that hearing and devoid of understanding Court process. Nevertheless, Commissioner Clucas denied Respondents MTSC and dismissed the matter before proceeding to adjudicate the following item on the docket, then, despite already having adjudicated my hearing, arranging an impromptu Kangaroo hearing in collusion with 2 non-participant local attorneys well known to Clucas. No testimony was taken in that hearing as neither attorney was put under oath. At the end of said Kangaroo hearing, Clucas stripped me of virtually all my parental rights on the spot without affording me an opportunity to say one word.

(7) **OBJECTION 7.** I NEVER was served w/Respondent's MTSC nor any supporting Declarations for it, only the Order to appear on 8-15-23 in the Kitsap Superior Family Court, Rm 206, Commissioner Clucas presiding. I was not, and have never been the 'Respondent' in this cause. Lenard Feulner substituted his name, unlawfully, for my name as the Petitioner. I, Heather L. Wood, was and remain the true Petitioner in this cause. Judge Houser signed an 8-4-23 Restraining and Show Cause Order based on a prima facia defective motion/pleading falsely representing there was an emergency when none existed. The failure of timely service and the Court's acting on facially defective pleadings filed by Lenard Feulner alone calls into question the proper jurisdiction of the current proceedings, let alone the Kangaroo hearing Commissioner Clucas convened on 8-15-23 after denying the Respondent's MTSC and disposing of the matter.

On or about 6-2-13, Lenard Feulner raped my daughter, Adeline (6yo at the time), by touching her "front and back parts" and penetrating her mouth w/his tongue. There is currently no WA. State Statute of Limitations for sexual abuse of children. The Police Report (K13-005713 filed 6-8-13) has been requested and Petitioner is waiting for its delivery to include it in these proceedings.

(8) **OBJECTION 8**. The 4th sentence of Respondent's Declaration, page 2, admits he entered the child (Adeline) as a litigant and witness to the 8-4-23 MTSC hearing wherein he misrepresented himself as the Petitioner. He, et al, appears to have crossed out Adeline's name, but the clerk indicates her as a **pro se participant/litigant** in the clerk's notes of record and her father as the PETITIONER in this cause. Respondent's actions are contrary to WA State judicial policy disfavoring the inclusion of children in courtroom custody battles. Respondent orchestrated the MTSC in collusion w/the child, Adeline. This is tantamount to prima facia evidence of child abuse, i.e. Parental Alienation of Affections, just cause for a civil lawsuit in WA. State per its Supreme Court ruling. Respondent's 4th sentence is also irrelevant and conjecture calling for speculation.

Respondent's 5th sentence, page 2 of his declaration is unmitigated self serving opinion contradicted by the fact the truculent Child, Adeline, nearly pushed the mother off a staircase, disrupted a court proceeding in Room 206 presided over by Commissioner Clucas, jumped in her father's car at his urging w/o a Driver's License and drove it onto a sidewalk whereupon the police were called. Commissioner Clucas convened an immediate Kangaroo hearing to punish the mother w/o giving her an opportunity to say one word in her defense, rewarding the child for her misbehavior w/o proper jurisdiction.

The Petitioner has no idea if Respondent's 6th sentence is true, but it is immaterial to this case what the 'security people' had to say, if anything.

The Petitioner was not being 'rediculous'. Respondent states in his 7th sentence, page 2, the child, Adeline, was crying. Adeline did cry momentarily before rushing into Commissioner Clucas' Courtroom (#206) disrupting an ongoing proceeding, denied her plea to the Commissioner to evade returning home w/her mother, then scaring a yelp from me as Adeline nearly pushed me off the staircase. Adeline briefly got instructions from her father downstairs

before rushing outside the building, running down the street w/me and a man, Phil Darrow, who accompanied me to the hearing, attempting to keep up w/her.

Adeline had no Driver's license that day, only a learner's permit requiring an adult be in the car when she was driving. No Adult was in the car when Adeline jumped in her father's silver colored car, and started it. Phil sat on the fender and I stood in the street perhaps 5 feet from the vehicle. I worried Adeline might run over me. She began honking the horn and when the car began to move, Phil Darrow stood up from the fender as it drove up over the curb and onto the sidewalk before being arrested by a light standard blocking its way. The police were called. Lenard, the father had been heard shortly beforehand loudly protesting Commissioner Clucas' denial of the Respondent's MTSC before the Commissioner disposed of the hearing.

The first LEO to arrive on the scene was a male Kitsap Deputy Sheriff who explained he was from the wrong detail to resolve the incident. His name, badge #, and report are being sought to produce for this cause #, and will be entered into the record when obtained. Shortly thereafter, Sgt. Main, a Port Orchard policewoman arrived, approached the car, and ordered Adeline out of the vehicle. Adeline refused to comply for some time before relenting. Sgt. Main spoke w/the girl. Two women, local attorneys Laura Yelish, bar #48127, and Amanda Williamson, bar #47579, also spoke w/Adeline very briefly. Although well known to Commissioner Clucas, neither had any connection to the instant case in any way whatsoever until they privately contacted Commissioner Clucas through his clerk and agreed w/o consent of or notice to the parties (Heather Wood v. Lenard Feulner) to 'amend' the record. Commissioner Clucas went on the record introducing them by name and occupation. He proceeded to conduct a colloquy w/each in turn, but put neither under oath. Commissioner Clucas gave Heather Wood no opportunity to defend herself or say a single word during this impromptu summary Kangaroo Hearing he had convened before summarily stripping Heather Wood of all her rights to parent her child, including communicating w/Adeline save for the child's discretion to contact her mother which was the only scintilla Commissioner Clucas left intact of the mother's most fundamental right (to parent her child) subject to strict scrutiny under the law. (Troxel v. Granville) Commissioner Clucas held the sua sponte Kangaroo hearing on 8-15-23 without proper jurisdiction or even the color of State law. He also violated every standard of due process during said Kangaroo hearing, rendering any/all rulings/orders emanating from it **void ab initio** and deserving no respect from any law abiding citizen. Thus, Commissioner Clucas has forfeited his right a law abiding judicial officer would otherwise have to absolute immunity for actions taken from the bench. Without proper jurisdiction, a judge/court commissioner is subject to both civil and criminal liability. None other than Commissioner Clucas is responsible for him exceeding his authority.

Accordingly, a criminal complaint detailing the above travesty was filed (# D23-001512) w/Sgt. Main on 9-4-23, who promised to refer the amended report to the Prosecutor's office after Heather Wood's Motion to Recuse was denied by Commissioner Clucas in an illegally docketed (fruit from the poisoned tree Kangaroo hearing conducted on 8-15-23 by Commissioner Clucas).

Prior to said date referenced above, a formal complaint was drafted to the CJC on its official form detailing Commissioner Clucas' conduct described above. It is anticipated Commissioner Clucas will be called as a witness in a lawsuit naming him as a witness as well as a defendant

along with Amanda Williamson, esq. and Laura Yelish, esq., et ux. for Custodial Interference, violation of civil rights, alienation of affections, cruel and unusual punishment, abuse of process, collusion, coercion, child abuse, and violation of their judicial/professional code of conduct in their individual capacities and corporate capacities (Including investigating an altercation outside the venue of Commissioner Clucas' Courtroom, #206 on 8-15-23).
The progress of this cause and the anticipated lawsuit, along w/any criminal prosecution will continue to be reported, including Court Documents/Audio Recordings online at:
http://amicuscuria.com/wordpress/07-3-01713-1-lenard-ray-feulner-heather-l-wood/

Respondent's remarks in his 2nd paragraph on page 2 of his Declaration are much more accurately and materially describe above by the true Petitioner, Ms. Wood. Petitioner does not dispute Respondent's 'relief' in light of the fact his MTSC had been denied and disposed of by Commissioner Clucas only minutes earlier.

(9) OBJECTION 9. During the scheduled 8-15-23 hearing docketed in Commissioner's Courtroom #206 that morning, he excluded Phil Darrow, who was assisting me, due to my ignorance of Court procedure, from the courtroom rather than separating us within the room in violation of the 6th Amendment's guarantee of transparency in such proceedings. Strict Scrutiny was not applied for protection of this fundamental right of litigants and the public alike. I was deprived of a witness, Phil Darrow, in the bargain.

Respondent dissembles in his self serving mendacious 3rd paragraph on page 2 of his 8-29-23 Declaration. Lenard Feulner raped my daughter, Adeline when she was barely 6yo. See (Supra) the paragraph immediately prior to Objection #8 on page 4 of this document. I am in the process of requesting the police report detailing the investigation of that crime. Lenard, according to a conversation I had w/the investigator admitted the crime. However, the investigator misinformed me the incident was not a crime/rape unless Mr. Feulner penetrated the 6yo child's mouth at the SAME time he touched her "front and back parts" and I could prove it. My daughter revealed this to me shortly after the visit as I've recounted earlier in this declaration. Mr. Feulner has also sexualized his other older daughter, Adeline's half-sister. The Respondent agreed to the defacto Parenting Plan because he had a great deal to hide from the authorities and feared the legal consequences of his behavior. His increased contact w/Adeline has been a result of his licentious corruption and grooming of the child over the course of years combined w/his long campaign of alienating the child's affections.

With respect to Respondent's final paragraph found on page 2 and overlapping the beginning of page 3 in his 8-29-23 Declaration, the RV he describes is no improvement or more luxurious than the living environment Adeline enjoys w/her mother. Moreover, the Respondent spends most nights w/his girlfriend in Bremerton, not in the company of Adeline in Port Orchard. i.e. He does little/no actual parenting or tutoring. He is ill equipped/suited to do so. He is dissolute and defrauds the government into believing he is too disabled to work for a living, but does so under the table. Adeline is an at risk youth, out of control, rebellious, and incorrigible. She is too immature to live responsibly w/o adult guidance at this point in her life.

Jim Wilson, a sworn declarant in this cause, will never forget the Respondent due to the deplorable impression Respondent left while working at the Bremerton St. Vincent De Paul NGO. This included witnessing the Respondent deliberately injuring himself at the job site and bragging about how it would allow him to receive workman's compensation while he went on vacation.

The Respondent has wantonly mislead this Court in his Declaration. Ironically, the court has encouraged and rewarded his perfidy by engaging in lawless actions w/o jurisdiction in a Kangaoo hearing held on 8-15-23 and subsequent unlawful hearings/orders resulting from said Kangaroo hearing presided over (unlawfully, w/o jurisdiction) by Commissioner Clucas.

I emphatically take exception to this ongoing lack of proper jurisdiction emanating from the poisoned tree hearing held on 8-15-23, preserving and continuing w/o exception my objection to all actions, orders, findings, and settings resulting from said unlawful Kangaroo hearing and its lack of jurisdiction.

I declare under penalty of perjury of the laws of the State of Washington and pursuant to GENERAL Court RULE 13 and RCW 9A. 72.085 that the foregoing is true and correct.

Signed at *(city and state)*: Rochester, WA. Date: 9-6-23

Heather Wood

Signature

Heatherr L. Wood
Print or type Name