21-4-00452-34
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Declaration Affidavit
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E-FILED
THURSTON COUNTY, WA
SUPERIOR COURT
06/21/2021 8:01:30 AM
Linda Myhre Enlow
Thurston County Clerk

[X] EXPEDITE (if filing within 5 court days of hearing)
[X] Hearing is set:
Date: 6-21-21
Time: 8:00am Zoom #:2429745214 Rm:4
Judge/Calendar: Rebekah Zinn, et al;

Superior Court of Washington for Thurston County Family & Juvenile Court

In re: Emergency Guardianship of Onawa Kachina Smith-Wells, Raven Gaia Shenandoah Smith-Wells Respondent(s): Minor Child(ren)	**No. 21-4-0452-34** **Memorandum, Objection, and Declaration of John Smith (grandfather) (Rule 19—pending Motion to Join)**

TO: Breckan Scott-Gabriel, bar #:41585, attorney for Kathryn Stoker (maternal grandmother) and Hans Stoker (husband of Kathryn Stoker, but NOT the grandfather), PO Box 1123, Yelm, WA 98597-1123, PH. (360)960-8951, fax (360)485-1916, e-mail: breckan@breckanlaw.com;
AND,
Selena Ursa Smith (aka: Laura?), e-mail: girlsforscience@yahoo/girlsforscience.icloud.com, current address uncertain, undisclosed(?);
AND,
James Daniel Wells (father of Raven and Onawa), (253)948-8260(?), rodytok@gmail.com; homeless,
AND,
Robert Ayers (father of Hazel), Ph. Unknown, address: unknown in Colorado, E-mail: (?)

I John Smith [Name] ***Declare*** that:

1. A. I am the grandfather of Hazel Smith; Hans Stoker, contrary to his misrepresentation to this court, is not.

Petitioners submitted materially misleading and fraudulent information to prompt this court to issue an ex mberingrte emergency Guardianship of Minors petition executed out of state (OR.).

The Petitioners had no standing to be granted this emergency petition devoid of meaningful due process executed in a foreign state.

There is a custody/parenting plan order that exists in Colorado defining the father's (Robert Ayers) visitation rights regarding Hazel the petitioners and mother did not inform this court

of, even during a colloquy from the court seeking clarification on the matter that I personally witnessed.

There was no emergency or threat of imminent harm when the children of Selena Smith, the mother, were seized in Oakridge, Oregon around midnight after this court had issued an emergency order which the Oakridge police erroneously acted on without oversight from any Oregon State court where the children and their mother resided.

The child(ren) at issue in this cause had been absent from Washington State in their mother's care nearly 6 months when they were seized after midnight, and transferred hours later under cover of darkness to the Stokers at a gas station north of Eugene, OR. Subsequently, they were spirited across the state line into Washington and are at thisds time residing on the Stoker's estate.

The mother (Selena Smith) is indigent, homeless but for her RV, working as an auto parts delivery service, but about to have her WA. Driver's license revoked by this State due to her inability to pay for a Minnesota speeding ticket received after she had just left an 80mph zone across the neighboring state line. The venue the petitioners plotted in advance is highly inconvenient for Selena. He is unrepresented, has no computer or printer or access to the internet and about to lose her license on Monday. Thurston County represents a grave hardship as a venue for her, but the petitioners knew this when they filed in Thurston County, calculating it would hamstring Selena from being able to respond effectively.

Selena Smith needs appointed counsel in this case because she cannot afford an attorney and has no practical way presently to attend this court in person.

Selena Smith has objected on the record to these proceedings for want of jurisdiction, having failed to provide even the barest scintilla of due process to the mother and the fathers of the children.

No Return of Service has been filed in this case I have seen verifying what was served on the parents and that it was done properly.

No motion demonstrating due diligence seeking alternative service on the fathers has been filed in this case/litigation.

There is evidence this court has tampered with the record (altering the caption in the filed documents/pleadings) without so much as a sua sponte motion being made part of the record permitting it—a violation of WA State criminal law and the rules of court prohibiting such tampering. (See this courts lining out of 2 of the children's names in this case number rather than granting an amended document or sua sponte motion or giving opposing parties the opportunity to object or weigh in on the matter.

Discussion of filing a petition for a Write of Habeas Corpus to produce the children in an Oregon court has been had and is being explored.

I, John Smith, also object to these proceeding as void ab initio because proper jurisdiction was never obtained since the parents ere not properly served and subject matter jurisdiction is in doubt given no order from Washington State prior to the instant case gave the Stokers any standing whatsoever

The Uniform Child-Custody Jurisdiction & Enforcement Act

The above law has been adopted by 49 out of the 50 states with the exception of Massachusetts and Puerto Rico. Its purpose evolved from a coordinated interstate effort to prevent forum shopping and stymying the other parent's due process and access to the children, the very antithesis of what is occurring in the instant case before this court. Most galling is the fact the Stokers are not the children's parents and Hans Stoker is not the grandfather despite what he misled the court to believe under penalty of perjury. Kathryn Stoker also perjured herself in support of the false claim made by Hans Stoker, as did their attorney, an officer of this court, who admitted she knew Hans was not the grandfather when she signed and submitted her petition to this court.

Some laws enacted after the UCCJA added a Federal dimension to interstate and international child-custody practices that was unforeseen by the drafters of the UCCJA in 1968 (but which was considered by drafters of the UCCJEA in 1997). In addition to the PKPA, these Federal laws include the Full Faith and Credit provisions of the VAWA, enacted in 1994; the Hague Convention, ratified in 1986; and the ICARA, enacted in 1988.19 The VAWA. In recognition of the fact that domestic violence victims often leave the State where they were abused and need continuing protection in their new locations, the VAWA provides, among other things, for interstate enforcement of protection orders. Custody provisions incorporated into protection orders, however, are not governed by the VAWA.20 These provisions are "custody determinations," subject to the PKPA and State law governing jurisdiction in child-custody cases. Neither the PKPA nor the UCCJA explicitly addresses the key concerns of domestic violence victims who must litigate child custody interstate. The UCCJEA, however, addresses these concerns with a number of provisions. For instance, it protects against disclosure of a victim's address, expands emergency jurisdiction to cases in which a parent or sibling is at risk, and requires courts to consider family abuse in their "inconvenient forum" analysis.

It is aimed at and constructed to discourage/prevent **parents** from forum shopping by moving children from one state's jurisdiction to another so as to prevent access to and/or meaningful due process in resolving custody disputes litigation...precisely the strategy the Stokers have used in dispossessing Selena of her children except they are **NOT** the **parents** of the children, had no court standing or ordered visitation rights or pending litigation affecting the status of the children and no genuine emergency existed where the children were at risk of immediate/imminent harm when seized out of state in Oakridge, OR. in the dead of night.

Certainly Washington is an 'inconvenient forum/jurisdiction' given my daughter's indigent status and circumstances. It effectively deprives her of all meaningful due process protections that might otherwise have been available via a

normal guardianship of minors petition. Your clients have acted illegally and in bad faith by rifling through Selena's personal records and opening her mail without permission.

The Stokers are also far too old to be raising my grandchildren. Hans is an alcoholic and both of them take a variety of mood altering/psychosomatic prescribed drugs, insisting my daughter should do the same.

The Stokers have smeared my daughter's reputation and credibility from here to Kingdom Come using their false narrative of character assassination and mental illness to anybody who would listen, their own children in particular. Kathy's older brother (Dee) is said to now suffer from dementia.

Kathryn Stoker admitted to Selena she was using Selena's I-PHONE TO TRACK SELENA across the U.S., which explains a lot which the NJ security guard, Robert Kurtz, would not. His was a declaration full of unsubstantiated speculation and illegal surveillance fed to him largely by the Stokers the court relied on heavily when signing its order for ex parte emergency relief executed out of state erroneously allowing the seizure of my grandchildren from my daughter.

THE SMELL TEST

After decades of allowing her mother to support her in exchange for generous visitation and association with her children, Selena realized in the wake of a falling out with her drug/alcohol addled boyfriend and DV abuser (James Wells) over a dispute regarding who the government social agencies would send the children's public assistance to, her relationship with her mother was more a liability than an asset to the integrity of her bond with her young children. James was more like having an extra special needs child in an adult's body in Selena's household than a parental partner. With only one good hand, Selena's handicap (only one hand) made doing household chores more difficult than it would be for a normal person with two good hands. She had exhausted her support from Washington welfare agencies in the wake of her dispute with Jim over the money which made both parents look suspicious/fraudulent, or worse, in the State's eyes. Washington refused to provide either of them further public assistance benefits.

James Wells filed petitions for a DV restraining order and one for a parenting plan seeking custody for himself of his two young children, Onawa and Raven in Thurston County Family Court The house Selena and James resided in belonging to the Stokers became squalid by the owners' (and Maya Stoker's) own declaration--a condition on their own doorstep the Stokers had allowed to continue unabated for years. They also allowed the drug and alcohol abuse within that squalid residence along with the DV to continue throughout those same years. None of this was a secret to the Stokers. The Stoker residence, though a waterfront mansion on the Nisqually reach worth many millions of dollars, is falling into disrepair. It certainly isn't squalid, but Maya's declaration indicates the home the Stokers allowed Selena, James Wells, and my

grandchildren to live in practically at the Stokers door step, rent free, was! It would appear the Stokers find fault with squalid home conditions unless it's a home they own and control. When I met my wife in southern California in the 70's, she was a heavy recredational drug user and smoker, but I'm not referring to marijuana.

Selena filed her own counter petition for DV protection against Jim Wells with the court circa November, 2020. The matter was heard before court commissioner Rebekah Zinn who entered the DV protection order in Selena's (and her children's) favor. James Wells was ordered to undergo drug/alcohol evaluation and treatment, a condition he has not complied with along with anger management classes.. James had begun to describe Selena as an "evil woman", implying she should be 'eliminated'. Selena became frightened due to Jim's association with drug addicts, his own use of meth and alcohol as well as his association with the Hell's Angels biker club. Selena fled WA State out of fear, seeking safety in out of state DV shelters for women. Selena began to notice vehicles (at least one in particular) that appeared to be stalking her. Her DV advocate noted it as well and filed a report with the Thurston Family court stating so under penalty of perjury. But this all fed into the Stoker's narrative that Selena was delusional and mentally ill--a classic example of gaslighting. Yet it was consistent with Kat's history many years prior of hiring a detective to surveil me and a Mason County Court clerk to monitor me on her behalf.

As Selena traveled, she began to amass unpaid traffic tickets and toll road/bridge violations in various states. The Stokers received the notices of the same in their mailbox where Selena was receiving her mail. Out of curiosity, they opened that mail out of curiosity and then submitted some of it in their declarations to this court in the instant ex parte emergency guardianship cases--products of violating Selena's right to privacy. Neither did Selena give permission for the Stokers to rifle through her personal records in the house she left. The Stokers used Selena's medical records they discovered in her personal belongings and submitted those to the court as well--another instance of their invading Selena's privacy, an actionable cause for collateral litigation.

Selena started to become aware that the CPS agencies in various states she was traveling through or near were receiving complaints about her children. She imagined this might be due to retaliation from James for her obtaining a DV protection order against him. On occasion, she would call her mother in Washington. She spent some time in Massachusetts, NY, Maryland, Montana, Wisconsin, and (she says) no more than 5 days in New Jersey (Camden), yet she noted 12 CPS complaints lodged with NJ authorities when she was not present in NJ. This may be consistent with someone tracking Selena with her I-phone, but not knowing her exact location. Proximity may have been enough to trigger the welfare requests/CPS complaints from an invisible observer. Security guard Kurtz declined in his declaration to name the methods he had access to for tracking Selena across the country. But he freely admits he did so. His employer in NJ stated Kurtz had no authority to engage in this conduct under their aegis. Yet he developed a great amount of detailed facts regarding Selena and the Stokers--information he could only have gotten from the Stokers, including their misrepresentation to him they were the grandparents of Selena's children.

Amy (Selena's best friend) confirmed Selena's suspicions about her I-Phone which Kathy paid for in a 'family' plan. Selena turned the I-phone off and that seemed to stop the incidents associated with the tracking. She confronted her mother (Kathy) about this once Selena had purchased a burner cell phone at a retail store. Kathy admitted to Selena's suspicions and promised to turn the tracking off. Selena didn't believe her. The burner cell phone lacked many of the capabilities the I-phone had. In a moment of naive weakness (the time she spent vacationing with her children next to a park in Oakridge, Oregon) she turned the I-phone on. That was enough to trigger the plan the Stokers and security guard Kurtz had hatched. They now knew Selena's approximate location, had a description of her RV and license plate.

Without knowing anything about the condition or immediate circumstances of the grandchildren, they resorted to filing an ex parte emergency guardianship petition in Washington State rather than in Oregon where the mother and grandchildren were then residing. This was done IN ADVANCE (before the circumstances and any imminent risk of harm to the grandchildren could be determined) so as to conspire with Kurtz and some Oregon officials (but not Oregon's courts) to seize the grandchildren in the dead of night. An Oakridge LEO observed, at the time, the children had adequate care and their basic needs met from all appearances.

""We've GOT them," announced the call the Stokers received after dark and after they'd already filed their ex parte emergency guardianship petition in anticipation rather than in a reaction to any determination of an emergency reflecting the children's instant circumstances. In fact, there was no emergency or imminent risk of harm to the children. Selena's fears of her mother's hysterical possessiveness and control fetish had been realized. But it was too late to stop the cascade of events where her children were seized and taken from their mother as though she was on the FBI's most wanted list, a fugitive from justice. Joan Dillinger? The effect this had on her children is incalculable. The effect this had on their mother was devastating to the point I fear for her life. My daughter is inconsolable and weeps piteously every time Raven's (her youngest) name comes up.

The children were sped to a handoff point at a gas station north of Eugene somewhere around 3:00am at night.. The Stokers then smuggled their kidnapped wards into Washington State where they had arranged a court order prohibiting Selena from visiting or contacting her children. Way to go, Stokers! It's likely Selena's very young and confused children now believe their mom is a 'bad' person (to use Maya's phrase) and a fugitive from justice akin to Al Capone.

There was no legitimate reason why a normal petition for the guardianship of minors replete with meaningful due process protections could not have been pursued without any imminent risk to Selena's children. The Stokers have managed to destroy my grandchildren's mother, leaving them only with a drug addled alcoholic homeless father too habitually indolent to work. The Stokers, according to plan, have picked up the pieces (once again!) of the family they shattered to gratify their own egos and sense of self-righteous importance.

I believe my daughter is frustrated by what she sees as my inadequacy to be able to protect her and her children from the Stokers. I feel she's dead set on excluding the Stokers from the rest of her life and is likely to conflate me as part of the mix, throwing me out as the baby with the bathwater. i.e. I believe I wouldn't have any more access to my children than the Stokers were Selena to have her druthers. I can't describe how this saddens me. I don't want to be bullied by anyone into choosing between my daughter and my grandchildren. I am getting a LOT of pressure from ALL sides to do so. But I simply won't do it. I believe I will be punished for it no matter who prevails. Thus, I will continue to pursue my motion to join in order to preserve the little access I have to my grandchildren. The Stokers certainly aren't going to willingly accommodate me in any event. They never have. They did everything possible to convince my children behind my back I was the bugaboo. I expect they won't change their habits when they engage with my grandchildren, perpetuating the cycle of abuse for yet another generation.

OBJECTIONS & RULE 19

I object to these proceeding as being without proper jurisdiction, thus void ab initio. I further object to them as an abuse of process under color of state law based on fraudulent misrepresentations to this court, discrimination against my handicapped daughter (in violation of the Americans with a Disability Act (ADA)), and failure to provide my daughter sufficient time to object and make her case for vacating/dismissing this action and restoring her children to her immediately.

I also object to these proceedings because the are tantamount to cruel and unusual punishment visited on my daughter and grandchildren that will leave them deeply scarred should they survive this ordeal in violation of the 8th Amendment, the 14th, and the 6th (transparency). Cutting my daughter off without providing her with a meaningful quantum of time to make her case does not meet the requirement the court must provide justice and fairness to all the parties. It has not.

I have electronically e-mailed a copy of this document to the petitioner's attorney, Breckan Scott, Selena Smith, and James Wells today.

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 to the best of my knowledge.

Signed at Mason, [County] Washington [State] on June 20, 2021 [Date].

John Smith

Signature of Petitioner or Lawyer/WSBA No.

John Smith (grandfather), pro se
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