21-4-00452-34
PROR 64
Proposed Order Findings
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THURSTON COUNTY, WA
SUPERIOR COURT
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Linda Myhre Enlow
Thurston County Clerk

[X] EXPEDITE (If filed within 5 court days of hearing)
[X] Hearing is set
Date: 7-22-21
Time: 9:00am Zoom #: 242-974-5214 Rm:4
Judge/Calendar: Indu Thomas/Proposed Order

Superior Court of Washington for Thurston County Family & Juvenile Court

In re: Emergency Guardianship of RAVEN GAIA SHENANDOAH SMITH-WELLS, & ONAWA KACHINA SMITH-WELLS Respondent(s): Minor Child(ren)	**No. 21-4-00452-34** **[ ] Proposed Order on 7-6-21 & 6-30-21 Review Hearing(s)** **[ ] Order on 7-6-21 & 6-30-21 Review Hearing(s)** **Submitted by John & Selena Smith** **(Clerk's 7-22-21 docket needed)**

(Cover Sheet)
TITLE OF DOCUMENT

[ ] Proposed Order/[ ] Order on 6-30-21 & 7-6-21 Review Hearing from SELENA SMITH & John Smith

NAME: Selena Smith, indigent mother
Mailing ADDRESS: 6901 26th Ct, SE, Lacey, WA 98503
PHONE: (360)427-3599 &
John Smith, grandfather
PO Box 1711, Shelton, WA, 98584
(360)427-3599

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In re: Emergency Guardianship of RAVEN GAIA SHENANDOAH SMITH-WELLS, & ONAWA KACHINA SMITH-WELLS Respondent(s): Minor Child(ren)	**No. 21-4-00452-34** **[ ] Proposed Order on 7-6-21 & 6-30-21 Review Hearing(s)** **[ ] Order on 7-6-21 & 6-30-21 Review Hearing(s)** **Submitted by John & Selena Smith** **(Clerk's 7-22-21 docket needed)**

TO: The Clerk of the Thurston County and Juvenile Court, (360)709-3260, 2801 32nd AVE SW, Tumwater, WA 98512;
AND,
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, mother, e-mail: doublekachina007@protonmail.com, domiciled in Oregon mailing address: 6901 26th Ct SE, Lacey, WA 98503, Ph. (971)803-9898
AND,
James D. Wells (father), Ph. (253) 948-8260, address: Homeless in WA., E-mail: rodytok@gmail.com

I Identity of Parties

Smith (indigent mother of the subject minor(s) in this action domiciled in Oregon), without counsel or the means to hire one, James D. Wells (indigent homeless father living in WA State), Kathryn & Hans Stoker (maternal grandmother and her husband), petitioners, and John Smith, maternal grandfather (necessary and indispensable party in interest under CR 19 & 24). The petitioners (Kathryn and Hans Stoker) are contractually represented by the boutique law firm, Breckan Law owned by Breckan Scott, esq. bar #41585. James Wells is nominally without counsel but effectively represented non-contractually by Breckan Scott's office as a reward for having embedded and aligned his interests in the instant case with the Stokers. Ms. Scott's office files Mr. Wells' court document submissions for him, thus he is de facto adequately represented in the instant case. Selena Smith is not. She and her children are the sole persons named as parties without legal representation or meaningful access to the courts or properly being afforded due process.

JURISDICTION

The Petitioners (Stokers) are longtime residents of and domiciled in Thurston County, Washington. They had no standing in any open or pending case as to the child(ren) at issue in this cause prior to it being filed ex parte on a feigned emergency basis without notice to the mother or fathers (or the maternal grandfather) to be (and was) executed in a foreign jurisdiction under cover of darkness after midnight with no judicial oversight in the mother's and children's home state whatsoever.

The court conflated UCCJEA standards for due process and jurisdiction with the much more rigorous ones relating to an ex parte emergency petition for a guardianship of minors order to be executed in a foreign jurisdiction/state in the middle of the night with no protection against Washington State judicial excess and its cavalier and illegal extension of its emergency powers on behalf of a 3rd party (the Stokers) with no legal standing outside the jurisdiction of the State where the children and the mother resided and were located. The commissioner, after signing the improper order then admitted he (**Kortokrax**) had a conflict of interest, but in the same breath, extended his unlawful void ab initio order anyway.

Much has been said objecting/protesting this court's unlawful claim to jurisdiction from the time John Smith, grandfather, raised the objection upon moving to join the action under CR19 & 24). That objection continues, is reserved and no response or pleading by Selena or John Smith is intended to concede any proper jurisdiction by this court which attempts to 'silence' Mr. Smith by refusing to join him to this cause or grant his motion to intervene under CR 19 and 24. This court is biased against Selena Smith, the mother, and attempted to intimidate Mr. Smith by asking for his bar # despite his sworn declarations previously filed that he is not an attorney, but his daughter is so destitute, she cannot afford an attorney and although her parental rights are the subject of the petitioner's goal to terminate them, the court refused to appoint Ms. Selena Smith, a handicapped destitute one-handed houseless person living in the distant city of Portland, OR, with an obvious inability to represent herself or even remain in contact with this court, it denied her request for representation and did not order the very wealthy petitioners to pay for one for Selena Smith, the mother whose parental rights they are attempting to terminate..

The above statement is intended to continue to remind this court it has no proper jurisdiction for a host of reasons involving separate and cumulative error, and preserve the objection to lack of jurisdiction for appeal at each and every step of these proceedings, bar none. Neither John Smith, not Selena Smith consent to this court's jurisdiction. All its entries have been, as a matter of properly interpreted law regarding process and jurisdiction VOID AB INITIO. Let the record so reflect the exception taken to the court's error(s).

Proposed Order

On July 6, & June 30, 2021 the Court conducted a review hearing in the above referenced matter. After considering the respective documents filed, argument of parties (and those seeking to become a party), the court's file and material contained therein, and, the Court thinking itself well advised in the particulars, ORDERS:

1. This Court has concluded Washington has original and continuing jurisdiction over Raven and Onawa Smith-Wells exercised in an ex parte emergency petition for guardianship of minors **order** executed in a foreign state in the middle of the night without a basis in the children's current condition on 5-28-21 This court concludes there is no **existing parenting plan case in Thurston County** (Case No. 20-3-01280-34) for all the reasons it cited from the bench

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including lack of in personam jurisdiction and failure of original process; this Court made decisions regarding **contact limitations** protecting Selena Smith and all her minor children from James Wells in DVPO case No. **20-2-30788-34** (also in Thurston County) that in no way constituted a **'parenting plan'**--one of the 3 protected children (Hazel) was not the issue of James Wells and he did not have standing for any such parenting plan regarding Hazel as one already existed in Colorado, a fact the Stokers and their lawyer failed to acknowledge under penalty of perjury in their original fabricated ex parte emergency guardianship petition filed on 5-27-21, but whose DV conditions were imposed on James Wells to protect all 3 minor children are still binding; the children did not live continuously in another state for over 6-months since the mother's most recent departure from residing in Washington prior to 11-21-20, but did reside continuously for over 6 months outside the State of Washington, pursuant to an improper UCCJEA analysis imposed in this ex parte emergency guardianship for minors petition filed on 5-27-21 **without petitioners having any standing in any state's jurisdiction** but Washington's, if even that, for the six months preceding filing of this action. Prior to that, the children had substantial ties to and did reside in Washington, though not exclusively.

The court does not find Mr. Wells' opinion on the proper venue/jurisdiction of this court to be dispositive.

The children did have substantial ties to and had resided in Washington State but the Smiths object to the court's conclusion this alone gave it jurisdiction in a foreign state on behalf of a 3rd party with no standing for an **ex parte emergency petition to seize children under cover of darkness** in the mother's and children's home state, i.e. Oregon, improperly conflating UCCJEA standards in a jurisdiction analysis with that of an ex parte emergency petition for guardianship of children order executed in a foreign state/jurisdiction. analysis

2. The court declines to seal declarations filed under the coversheet of Health Records for the reason they are not health records, but testimonial in nature, though some recount traumatic events, subject to **6th Amendment** requirements of transparency in proceedings such as the instant one, belonging as a matter of right to both the litigants and the public in their own right, including the right to publish under the **1st Amendment**. The court does NOT reserve hearing additional arguments and making Orders to redact and/or seal select portions of the record until a later date or close of the case. Soul Snatcher Productions, a WA. Licensed investigatory journalism and publishing company owned by Amicus Curia Collections, Inc, registered in WA. State, was not given notice or an opportunity to argue or respond to the attack on its 1st & 6th Amendment prerogatives.

3. This Court denies John Smith's Motion to Intervene/Join because, although he would have intervention as a matter of right pursuant to CR 24(a) as someone with "an interest in the welfare of the minor(s)," his interest is "**adequately represented by existing parties**" (his destitute inexperienced pro se handicapped daughter without the tools or means to represent herself, let alone another, before this court from her houseless domicile in Portland, OR.) pursuant to CR 24(a)(2).

4.

INTERVENTION (CR 24)

(a) Intervention of Right. Upon timely application anyone shall be permitted to intervene in an action:

(1) when a statute confers an unconditional right to intervene; or

(2) when the applicant claims an interest relating to the property or transaction which is the subject of the action and the person is so situated that the disposition of the action may as a practical matter impair or impede the person's ability to protect that interest, unless the applicants interest is adequately represented by existing parties.

5. The Court is denying the request by John Smith for disqualification of Commissioner Thomas for an incident which occurred several years ago wherein the commissioner ignored Amy Cunningham's, a disabled (brain injury) mother party to an emancipation petition which ultimately culminated in her parental rights to raise her adopted daughter being terminated, motion for a court appointed attorney TWICE, because, the court opined, it was "discharging its duties" at the time, finding that was not a basis for disqualification no matter how incompetently according to the protest/objection to commissioner Thomas presiding raised by Mr. Smith.

6. The Court denies the request for dismissal by John Smith on jurisdictional grounds because the Court concludes it has original and continuing jurisdiction over Raven and Onawa Smith-Wells as outlined in paragraph 1 pursuant to a UCCJEA analysis applied to an ex parte emergency guardianship for minors order signed by a court commissioner (**Kortokrax**, who admitted he had a conflict of interest) executed in a foreign jurisdiction on the behalf of petitioners, who had no standing in any preexisting court proceeding or order concerning the child(ren) at issue in the instant case, and failed to abide by the notice requirements or even proper original process to all the parents of the afflicted children under Washington's own ex parte emergency guardianship of minors statutory construction at odds w/UCCJEA analysis.

7. The Court finds that Jim Wells must comply with the requirements in Thurston DVPO Case No. 20-2-30788-34 prior to exercising any parenting/visitation time with any of the child(ren) at issue afflicted in the instant case before this court.

8. The Court concludes it cannot make Orders appointing attorneys for the parents, or appoint a Guardian Ad Litem, or require evaluations until an RCW 11.130.190 Petition for Minor Guardianship is filed despite the clear threat the instant proceeding represents to extinguish Selena Smith's fundamental right to parent her child(ren) and in the absence of any finding or evidence other than the parroted litany of hearsay based denunciations of declarants beholden to the Stokers and their million$. The court concludes, as a matter of law, it has no statutory authorization or inherent equitable power to appoint counsel to a parent so threatened (both fathers, who are indigent, as well as the mother) and the children at issue in their own right, both for Hazel, and a separate attorney for Raven and Onawa as well as a GAL.

9. TEMPORY Custody and physical placement of the child(ren) shall remain with Petitioners Kathryn and Hans Stoker who are enjoined from removing or permitting others to remove the children at issue from the States of Oregon and Washington without timely proper notice to all the parents and grandparents and a written order from the court granting such removal.

10. John Smith, grandfather, and Selena Smith continue and reserve their objection to jurisdiction. They do not consent to the jurisdiction of this court for all the reasons previously filed in this matter and for reasons of the fraud being visited upon this court through the perjured declarations submitted to it by the Stokers, Robert Kurtz, and the Stokers' counsel, Breckan Scott, esq. now effectively representing both the Stokers and James Wells as an attempted end run around the existing DV protection order in place entered to protect all 3 children and Selena, not a 'parenting plan' for any of them. i.e. **A DV protection order is NOT a 'parenting plan'.** This deliberate misconstruction of the phrase and dissembling of the court's interpretation is yet another example of abuse of process and a violation of CR 11.

11.

SO ORDERED this 22nd day of July, 2021.

Commissioner Indu Thomas

Presented By:

Breckan Scott-Gabriel, WSBA 41585
Attorney for Petitioners

Approved as to Form: (under duress and protest)

Selena Smith
Respondent-Mother

Approved as to Form: (under duress and protest)

John Smith
Grandfather of Minors, Proposed Intervenor

Approved as to Form:

James Wells
Respondent-Father