

FILED

JUN 07 2019

Timothy W. Fitzgerald
SPOKANE COUNTY CLERK

Spokane

Superior Court of Washington, County of _____

In re the marriage / domestic partnership of:

Petitioner (person who started this case):

Sirinya Polak

And Respondent (other spouse / partner):

Aaron Surine

No. 17-3-01817-0

Motion for Immediate Restraining Order
(Ex Parte)
(MTSC)

Motion for Immediate Restraining Order (Ex Parte)

Use this form in marriage/domestic partnership cases only. For parentage cases, use form FL Parentage 321. For non-parent custody cases, use form FL Non-Parent 421.

To both parties:

Deadline! Your papers must be filed and served by the deadline in your county's Local Court Rules, or by the State Court Rules if there is no local rule. Court Rules and forms are online at www.courts.wa.gov.

If you want the court to consider your side, you **must**:

- File your original documents with the Superior Court Clerk; AND
- Give the Judge/Commissioner a copy of your papers (if required by your county's Local Court Rules); AND
- Have a copy of your papers served on all other parties or their lawyers; AND
- Go to the hearing.

The court may not allow you to testify at the motion hearing. Read your county's Local Court Rules, if any.

Bring proposed orders to the hearing.

To the person filing this motion:

You must ask the court to sign the *Immediate Restraining Order (Ex Parte) and Hearing Notice* (FL Divorce 222). This Order may be signed "ex parte" (without the other party there). Contact the Superior Court Clerk's office for the procedure in your county. You must have this *Motion* and the *Immediate Restraining Order* personally served (by someone else) on the other party.

To the person receiving this motion:

If you do not agree with the requests in this motion, file a statement (using form FL All Family 135, *Declaration*) explaining why the court should not approve those requests. You may file other written proof supporting your side, and propose your own *Parenting Plan* or *Child Support Worksheets*.

If the court grants an *Immediate Restraining Order* without notice to you, you can file a motion to change or terminate it before the hearing date. (Civil Rule 65(b).) There is no pattern form for that motion.

1. I am the (check one): ☐ Petitioner. ☐ Respondent. I am asking for an *Immediate Restraining Order* against my spouse/domestic partner.

☐ I want my children under 18 to be protected by the order:

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

2. I ask the court to approve an *Immediate Restraining Order* to protect me and/or my children. Without this Order, my children or I could be hurt or suffer damage or loss immediately. This harm could be irreparable. (Explain how you or your children could be harmed beyond repair):

The threats of abduction & risk factors are very high - State Dept advised me to immediately obtain court approval to restrict international travel - without restrictions, they can not assist in an abduction intervention - Children have no place to go now -

(If you need additional space use the Declaration form FL All Family 135.)

3. **Notice** (check one):

☒ I should **not** have to notify the other side in advance that I am filing this *Motion* because my children or I could be harmed beyond repair if I gave any advance notice. (Explain why the harm could happen before a hearing could be held with notice to the other side.)

Just found out of 9pm eviction on 6/7/19 - Kids have a home with Dad until issues w/ residence addressed or further court orders -

☐ I **have** notified the other side that I am asking for an *Immediate Restraining Order*. (Describe anything done to give your spouse/domestic partner or his or her lawyer notice of this *Motion*):

4. Court hearing request

I ask the court to approve an *Immediate Restraining Order* now, and hold a hearing within 14 days to consider all of my requests for temporary orders listed below. I will have my spouse/domestic partner served with notice of the hearing so the court can hear his/her side.

☐ Other: _____

5. Active duty military

(The **federal** Servicemembers Civil Relief Act covers:

- Army, Navy, Air Force, Marine Corps, and Coast Guard members on active duty;
- National Guard or Reserve members under a call to active service for more than 30 days in a row; and
- commissioned corps of the Public Health Service and NOAA.

The **state** Service Members' Civil Relief Act covers those service members listed above who are either stationed in or residents of Washington state, and their dependents, except for the commissioned corps of the Public Health Service and NOAA.)

☒ My spouse/domestic partner is **not** covered by the state or federal Service Members' Civil Relief Acts.

☐ My spouse/domestic partner is covered by the ☐ state ☐ federal Service Members' Civil Relief Act.

☐ For persons covered only by the **state** act – Military duty may keep the service member or dependent from responding or coming to the hearing on this motion. I ask the court to approve temporary orders even if the covered person asks for a stay or doesn't respond. It would be very unfair (a manifest injustice) not to make temporary orders now because: _____

➤ I ask the Court to approve these orders **immediately** (check all that apply):

6. Do not disturb

☒ No request.

☐ Order my spouse/domestic partner not to disturb my peace or the peace of any child listed in **1**.

7. Stay away

☒ No request.

☐ Order my spouse/domestic partner not to go onto the grounds of or enter my home, workplace, or school, and the daycare or school of any child listed in **1**.

☐ Also, not knowingly to go or stay within _____ feet of my home, workplace, or school, or the daycare or school of any child listed in **1**.

My spouse/domestic partner and I (check one): ☐ live together. ☐ do not live together.

8. Do not hurt or threaten

☒ No request.

- ☐ Order my spouse/domestic partner not to:
- Assault, harass, stalk or molest me or any child listed in **1**; or
 - Use, try to use, or threaten to use physical force against me or the children that would reasonably be expected to cause bodily injury.

Warning! If the court extends this order after a full hearing, the court must consider if weapons restrictions are required by state law; federal law may also prohibit the Restrained Person from possessing firearms or ammunition.

9. Surrender weapons

- ☒ No request.
- ☐ Order my spouse/domestic partner to surrender any firearms and other dangerous weapons that he/she possesses to (check one): ☐ the police chief or sheriff.
☐ his/her lawyer. ☐ other person (name): _____

10. Protect children

- ☐ Order my spouse/domestic partner not to take the children listed in **1** out of Washington State.
- ☒ Order that the children listed in **1** will live with (check one): ☒ me ☐ my spouse/
domestic partner until the hearing.
- ☐ Other (specify): _____

11. Protect property

- ☒ No request.
- ☐ Order (check one): ☐ my spouse/domestic partner ☐ both parties not to move, take, hide, damage, borrow against, sell or try to sell, or get rid of any property, unless it is a usual business practice or to pay for basic necessities. (If the court makes this order, both spouses/domestic partners must notify each other about any expenses that are out of the ordinary.)

12. Do not change insurance

- ☒ No request.
- ☐ Order (check one): ☐ my spouse/domestic partner ☐ both parties not to make changes to any medical, health, life, or auto insurance policy that covers either spouse/domestic partner or any child listed in **1**. That means s/he must not transfer, cancel, borrow against, let expire, or change the beneficiary of any policy.

13. Other immediate orders

- ☐ No request.
- ☐ (Specify): _____

- ***I ask the court to approve these temporary orders at the hearing***
(check all that apply):

14. Extend immediate orders

Extend the immediate orders I asked for above to stay in effect until the case is done.

15. Prohibit weapons and order surrender

☒ No request.

☐ Order my spouse/domestic partner:

- Not to possess or obtain any firearms, other dangerous weapons, or concealed pistol license until the Order ends, and to
- Surrender any firearms, other dangerous weapons, or concealed pistol license that he/she possesses or controls to (check one): ☐ the police chief or county sheriff.
☐ his/her lawyer. ☐ other person (name): _____

16. Care of children

☐ No request.

☒ Approve the parenting plan proposed by ☒ me ☐ my spouse/domestic partner.

☐ Order my spouse/domestic partner not to take the children listed in **1** out of Washington State.

☐ Appoint a person to investigate and report to the court about what is in the children's best interest, and order who will pay this person's fees. This person should be a/n (check one):

☐ Guardian ad Litem (GAL) or Evaluator/Investigator as chosen by the court.

☐ Guardian ad Litem (GAL).

☐ Evaluator/Investigator.

☐ (Name): _____

☐ Other: _____

17. Provide support

☐ No request.

☐ Order child support according to the Washington state child support schedule.

☐ Order (check one): ☐ me ☐ my spouse/domestic partner to pay spousal support (maintenance/alimony) in the amount of: \$ _____ every month until (date or event): _____.

18. Family home

☐ No request.

☐ Stay in the home

☐ I want continue living in the family home.

☐ My spouse/domestic partner may continue living in the family home.

☐ **Move out**

Order my spouse/domestic partner to move out of the family home by (date): _____.

19. Use of property

☒ No request.

☐ Order that I can possess and use (specify):

☐ property in my possession now.

☐ vehicle(s): _____

☐ other: _____

☐ Order that my spouse/domestic partner can possess and use (specify):

☐ property in his/her possession now.

☐ vehicle(s): _____

☐ other: _____

20. Household expenses

☒ No request.

☐ Order household expenses to be paid as follows:

Expense	Who should pay
☐ First Mortgage	☐ Petitioner ☐ Respondent
☐ Second Mortgage/Line of Credit	☐ Petitioner ☐ Respondent
☐ Rent or lease payment	☐ Petitioner ☐ Respondent
☐ Utilities	☐ Petitioner ☐ Respondent
☐ Homeowner's Insurance	☐ Petitioner ☐ Respondent
☐ Property Taxes	☐ Petitioner ☐ Respondent
☐ Vehicle (specify):	☐ Petitioner ☐ Respondent
☐ Vehicle (specify):	☐ Petitioner ☐ Respondent
☐ Child Care	☐ Petitioner ☐ Respondent
☐ Other:	☐ Petitioner ☐ Respondent

21. Divide debts

☒ No request.

☐ Order my spouse/domestic partner and me to:

☐ Each be responsible for his/her own future debts, including debt from credit cards, loans, security interest, and mortgages.

- ☐ Divide our debts as follows (list debts and who will pay each one):

Debt (describe)	Who should pay
1.	☐ Petitioner ☐ Respondent
2.	☐ Petitioner ☐ Respondent
3.	☐ Petitioner ☐ Respondent
4.	☐ Petitioner ☐ Respondent
5.	☐ Petitioner ☐ Respondent
6.	☐ Petitioner ☐ Respondent

22. Pay for insurance

- ☐ No request.
- ☐ Pay insurance premiums as follows (list policies and who should pay each one):

Policy (describe)	Who should pay
1.	☐ Petitioner ☐ Respondent
2.	☐ Petitioner ☐ Respondent
3.	☐ Petitioner ☐ Respondent

23. Pay fees and costs

- ☐ No request.
- ☐ Order my spouse/domestic partner to:
- ☐ Pay my lawyer's fees for this case. Amount: \$ _____
Make payments to (name): _____
- ☐ Pay other professional fees and costs for this case. Amount: \$ _____
to (name): _____
for (purpose): _____

24. Other temporary orders

- ☐ No request.
- ☒ (Specify): See Mod PL Order & PPA
Attached

➤ **Reasons for my requests**

25. Why are you asking the court for the orders you checked above? (Explain):

- If you need additional space use the *Declaration* form FL All Family 135.
- If you are asking for a parenting plan, also fill out the *Information for Temporary Parenting Plan*, form FL All Family 139, and a proposed *Parenting Plan*, form FL All Family 140.

- [illegible]

☐ (Name): _____ has used, displayed, or threatened to use a firearm or other dangerous weapon in a felony. (Describe): _____

☐ (Name): _____ previously committed an offense making him or her ineligible to possess a firearm under RCW 9.41.040. (Describe): _____

☐ (Name): _____'s possession of firearm presents a serious and imminent threat (harm that may happen immediately) to public health or safety, or to the health or safety of any individual. (Describe): _____

Person asking for this order fills out below:

I declare under penalty of perjury under the laws of the state of Washington that the facts I have provided on this form are true.

Signed at (city and state): Spokane, WA Date: 6/7/19

[Signature]
Person asking for this order signs here

Aaron Surman
Print name here

I agree to accept legal papers for this case at (check one):

☐ my lawyer's address, listed below.

☒ the following address (this does **not** have to be your home address):

PO Box 30123 Spokane WA 99223
street address or PO box city state zip

(Optional) email: Legal@Surman.org

(If this address changes before the case ends, you **must** notify all parties and the court clerk in writing. You may use the Notice of Address Change form (FL All Family 120). You must also update your Confidential Information form (FL All Family 001) if this case involves parentage or child support.)

Lawyer (if any) fills out below:

[Signature] _____
Lawyer signs here Print name and WSBA No. Date

Lawyer's street address or PO box city state zip

Email (if applicable): _____

Warning! Documents filed with the court are available for anyone to see unless they are sealed. Financial, medical, and confidential reports, as described in General Rule 22, **must** be sealed so they can only be seen by the court, the other party, and the lawyers in your case. Seal those documents by filing them separately, using a Sealed cover sheet (form FL All Family 011, 012, or 013). You may ask for an order to seal other documents.