

18-2-08293-31
ORDTPO 12
Order Dismissing Temporary Protection Order
3946596



FILED

2018 OCT -1 PM 11:46

SONYA KRASKI
COUNTY CLERK
SNOHOMISH CO. WASH

18-2-08293-31

Superior Court of Washington
For Snohomish County

No. _____

SONYA DELANE
Petitioner
vs.
MICHAEL DELANE
Respondent

Denial Order
 Domestic Violence
 Anti-Harassment/AH Under 18
 Vulnerable Adult
 Sexual Assault
 Stalking
(Optional Use) (ORDYMT)
 Clerk's Action Required

Next Hearing Date: _____ Time: _____
At 3000 Rockefeller Ave, Everett, WA 98201
In Department: _____

This Matter having come on for hearing at the request of the PETITIONER RESPONDENT for a:

- Temporary Order
 Modification Order
 Full Order
 Termination Order
 Renewal Order

the **Court Finding:**

- Petitioner X appeared ___ did not appear.
 Respondent X appeared ___ did not appear. **J with counsels**
 Petitioner requested dismissal of petition.
 The order submitted has not been completed or certified upon penalty of perjury.
 This order materially changes an existing order. A hearing after notice is necessary.
 No notice of this request has been made or attempted to the vulnerable adult
 opposing party.
 The petitioner has failed to demonstrate that there is sufficient basis to enter a temporary order without notice to the vulnerable adult opposing party.

Domestic Violence:

- Petitioner failed to prosecute.
 The domestic violence protection order petition does not list a specific incident and approximate date of domestic violence.
 A preponderance of the evidence has not established that there is domestic violence.
 The respondent proved by a preponderance of the evidence that the respondent will not resume acts of domestic violence against the petitioner or the petitioner's children or family or household members when the protection order expires.

Entry: SNO CL 1

ORIGINAL

- For Respondent's motion to modify or terminate a domestic violence Order for Protection effective longer than two years,
 - A preponderance of the evidence **failed** to establish that:
 - the **modification / termination** (circle one) is warranted.
 - for a modification to shorten the duration or remove restrictions against domestic violence acts or threats, or for termination, there has been a substantial change of circumstances such that the respondent is unlikely to resume acts of domestic violence against the petitioner or other persons protected in the order, to wit:
 - since the protection order was entered, the respondent has committed or threatened domestic violence, sexual assault, stalking, or other violent acts; has exhibited suicidal ideation or attempts; has been convicted of criminal activity;
 - neither acknowledged responsibility for the acts of domestic violence that resulted in entry of the protection order nor successfully completed domestic violence perpetrator treatment or counseling;
 - the respondent has continued to abuse drugs or alcohol, if such was a factor in the protection order.
 - the petitioner has has not voluntarily and knowingly consented to terminating the protection order
 - the respondent or petitioner moving further away from the other party will stop acts of domestic violence.
 - Other: _____
 - the respondent proved that there has been a substantial change of circumstances; however, the court declines to terminate the Order for Protection because the acts of domestic violence that resulted in the issuance of the Order for Protection were of such severity that the order should not be terminated.
- Other: _____

Anti-Harassment:

- Petitioner failed to prosecute.
- The harassment protection order petition does not list specific incidents and approximate dates of harassment.
- A preponderance of the evidence has not established that there has been harassment.
- The respondent proved by a preponderance of the evidence that the respondent will not resume harassment of the petitioner when the protection order expires.
- Other: _____

Sexual Assault:

- Petitioner failed to prosecute.
- The sexual assault protection order petition does not list a specific incident and approximate date of nonconsensual sexual contact or nonconsensual sexual penetration.
- For a temporary sexual assault protection order, reasons for denial of the order are: _____
- A preponderance of the evidence has not established that there has been nonconsensual sexual contact or nonconsensual sexual penetration.
- Other: _____

Vulnerable Adult:

- Petitioner failed to prosecute.
- The vulnerable adult protection order petition does not list specific incidents and approximate dates of abandonment, abuse, neglect, or financial exploitation of an alleged vulnerable adult.

- A preponderance of the evidence has not established that there has been abandonment, abuse, neglect, or financial exploitation of an alleged vulnerable adult.
- The vulnerable adult protection order petition does not demonstrate that the petitioner is an "interested person" under the definition as stated in RCW 74.34.020(9).
- Other: _____

Stalking:

- Petitioner failed to prosecute.
- The stalking protection order petition does not list specific incidents and approximate dates of stalking conduct.
- A preponderance of the evidence has not established that there has been stalking conduct.
- The respondent proved by a preponderance of the evidence that the respondent will not resume acts of stalking conduct against the petitioner or the petitioner's children or family or household members when the protection order expires.


The court orders that:

- The request to waive the filing fee is denied.
- The request for a temporary order is denied and the case is dismissed.**
- The request for a full order is denied, and the petition is dismissed. Any previously entered temporary order expires at 1:42 pm today.**
- The request for a temporary order is denied and the clerk is directed to set a hearing on the petition.
- The request before the court is denied, provided that it may be renewed after notice has been provided to the vulnerable adult opposing party according to the Civil Rules.
- The request to modify, terminate, or renew the order dated _____ is denied.**
- The request for a temporary/final Order to Surrender Weapons is denied.
- If any firearms or dangerous weapons have been surrendered under this cause number, they shall be released to the respondent, absent some other legal reason that may exist prohibiting the respondent from possessing them.
- The parties are directed to appear for a hearing as shown on page one. The requesting party shall make arrangements for service of the petition/motion and this order on (name) _____ by law enforcement, professional process server, a person who is 18 or older, competent to be a witness, and not a party to the case. A Return of Service shall be filed with the clerk at or before the hearing.

Failure to Appear at the Hearing May Result in the Court Granting All of the Relief Requested in the Petition or Motion.

This order is dated and signed in open court.

Date: OCT 01 2018 Time: 1:42 pm


 Judge/Commissioner

I acknowledge receipt of a copy of this order:

> Amanda N Gramble 52982
 Signature of Respondent/Lawyer WSBA No.

Amanda N Gramble 10-1-18
 Print Name Date

> [Signature] 11089
 Signature of Petitioner/Lawyer WSBA No.

[Signature] 10-1-18
 Print Name Date