

1 FILED  
2 2019 DEC 03  
3 KING COUNTY  
4 SUPERIOR COURT CLERK

5 CASE #: 18-3-05993-7 SEA

6  
7 **IN THE SUPERIOR COURT OF WASHINGTON FOR KING COUNTY**

8 IN RE THE MARRIAGE OF:

NO. 18-3-05993-7 SEA

9 SONYA K. DELANCE,

**MOTION FOR IMMEDIATE  
RESTRAINING ORDER**

10 Petitioner,

**(Ex Parte)  
(MTSC)**

11 and

12 MICHAEL A. DELANCE,

13 Respondent.

14  
15 **MOTION FOR IMMEDIATE RESTRAINING ORDER (EX PARTE)**

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

18 **To both parties:**

19 **Deadline!** Your papers must be filed and served by the deadline in your county's Local  
20 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](http://www.courts.wa.gov).

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

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

26 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.

*Motion for Immediate  
Restraining Order (Ex Parte)  
p. 1 of 6*

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RCW 26.09.060, CR 65(b)  
Mandatory Form (05/2016)  
**FL Divorce 221**

ORIGINAL

1 **To the person filing this motion:**

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

5 **To the person receiving this motion:**

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

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

- 10 1. The Petitioner requests an *Immediate Restraining Order* to prevent irreparable injury,  
11 loss, or damage. I want my children included in this order:

	Child’s name	Age
1.	Presley DeLance	10
2.	Ella DeLance	8

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16 2. The Petitioner asks the Court to approve an *Immediate Restraining Order* for her  
17 protection. Without this Order, the Petitioner and/or the parties’ children may suffer  
18 damage or loss immediately. This harm could be irreparable.

18 See the *Declaration of Sonya DeLance*, the *Declaration of Joanna McGuire*, and the  
19 *Declaration of Jason Lander* filed herewith.

20 3. **Notice**

21  I should not have to notify the other side in advance that I am filing this Motion  
22 because my children or I could be harmed beyond repair if I gave any advance  
23 notice. Michael has now refused to return the children “until he deems it so” - he  
24 has millions of dollars and other financial resources immediately available to him  
25 and I am terrified he will abscond with the children if given advance notice of this  
26 Motion. His behavior has been escalating in the last 48 hours and I am afraid of  
what he will do.

1  I ask that the Seattle Police Department serve this Motion and Order as Michael has  
2 told me "anyone that comes to my house will be considered hostile and I will take  
action." See *Declaration of Sonya DeLance – Exhibit D.*

3 **4. Court hearing request**

4 I ask the court to approve an Immediate Restraining Order now, and hold a hearing  
5 within 14 days to consider all of my requests for temporary orders listed below. I will  
6 have my spouse/domestic partner served with notice of the hearing so the court can hear  
his/her side. The Petitioner requests a hearing on December 17<sup>th</sup>, 2019 at 9:00am.

7 **5. Active duty military**

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

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

14 *The state Service Members' Civil Relief Act covers Washington state residents who are*  
15 *National Guard or Reserve members under a call to active service for more than 30*  
16 *days in a row, and their dependents.)*

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

19 ➤ *I ask the Court to approve these orders immediately:*

20 **6. Do not disturb**

21  Order my spouse/domestic partner not to disturb my peace or the peace of any child  
22 listed in Section 1.

23 **7. Stay away**

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

26 [ X] Also, not knowingly to go or stay within 300 feet of my home, workplace, or school,  
or the daycare or school of any child listed in 1.

**8. Do not hurt or threaten**

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.

1 **9. Surrender weapons**

2  No request.

3 **10. Protect children**

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

5  Order that the children listed in 1 will live with me until the hearing and the Michael's residential time shall be suspended pending the hearing.

6 **11. Protect property**

7  No Request.

8 **12. Do not change insurance**

9  Does Not Apply.

10 **13. Other immediate orders**

11  I ask that the Court Order Michael to take a UA with ETG test and a 10-panel hair follicle or toenail test within 4 hours of notice of this order. Our parenting coordinator declared "I do not feel comfortable with the children in his care until the cause of his disturbing behavior is assessed." See *Declaration of Joanna McGuire - Paragraph 8*. These tests are the only way to determine whether his behavior is fueled by substance abuse issues.

12  I ask that Michael DeLance be prohibited from communicating with me and with our children via e-mail, text message, phone call, our family wizard, or by any other method of written or oral communication whether directly or indirectly.

13  I ask that Michael deliver the children to King's Kid's Club (KKC) at the children's school by 5:30pm today (December 3<sup>rd</sup>); however, if the order is served after KKC has closed, then Michael should return the children to the parking lot of the Edmonds Police Department within one hour of service of the Order. Michael shall provide one single e-mail through Our Family Wizard to notify me of when and where the children will be delivered if the exchange takes place in the parking lot of the Edmonds Police Department, both of us shall stay in our vehicles and the children shall walk from one vehicle to the other.

14 ➤ *I ask the court to approve these temporary orders at the hearing:*

15 **14. Extend immediate orders**

16  I ask that restrictions on Michael's residential time be extended until his substance abuse issues are adequately addressed and until the GAL can investigate the issues and make recommendations on what his residential time should be.

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**15. Prohibit weapons and order surrender**

No request.

**16. Care of children**

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 GAL. Prohibit overnight visits with Michael pending the results of the GAL investigation.

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

**17. Provide support**

Does Not Apply.

**18. Family home**

Does Not Apply.

**19. Use of property**

Does Not Apply.

**20. Household expenses**

Does Not Apply.

**21. Divide debts**

Does Not Apply.

**22. Pay fees and costs**

The Petitioner requests that the Respondent pay her attorney's and costs in the amount of \$10,000 for the necessity of bringing this Motion.

**23. Other temporary orders**

Pending the hearing, I ask that Michael DeLance's residential time be suspended. I ask that Michael DeLance be prohibited from communicating with me and with our children via e-mail, text message, phone call, our family wizard, or by any other method of written or oral communication whether directly or indirectly.

1 ➤ **Reasons for my requests**

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

3 See the Declaration of Sonya DeLance, the Declaration of Joanna McGuire, and the  
4 Declaration of Jason Lander filed herewith.

5  
6 **Lawyer (if any) fills out below:**

7 BERESFORD BOOTH PLLC

8 

12/3/19

9 Dimitra S. Scott, WSBA 34634

Date

10 Anne B. Bennette WSBA No. 50240

11 Attorneys for Petitioner

12 Beresford Booth PLLC

13 145 Third Avenue South, Suite 200

14 Edmonds, WA 98020

15 [dimitras@beresfordlaw.com](mailto:dimitras@beresfordlaw.com)

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