

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

FILED
2021 FEB 04 04:21 PM
KING COUNTY
SUPERIOR COURT CLERK
E-FILED
CASE #: 18-3-05993-7 SEA

IN THE SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

IN RE THE MARRIAGE OF:

NO. 18-3-05993-7 SEA

SONYA K. DELANCE,

**MOTION FOR EMERGENCY
ORDER TO REINSTATE
CHILDREN'S HEALTH
INSURANCE**

Petitioner,

and

MICHAEL A. DELANCE,

**(Ex Parte)
(MTSC)**

Respondent.

**MOTION FOR EMERGENCY RELIEF TO REINSTATE CHILDREN'S HEALTH
INSURANCE (EX PARTE)**

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:

*Motion for Immediate
Restraining Order (Ex Parte)
p. 1 of 5*

BERESFORD ♦ BOOTH PLLC
145 THIRD AVENUE SOUTH, SUITE 200
EDMONDS, WASHINGTON 98020
(425) 776-4100 · (425) 776-1700 fax

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

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

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

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

- 14 1. The Petitioner requests an *Emergency Order* to prevent irreparable injury, loss, or
15 damage. I want my children included in this order:

	Child’s name	Age
1.	Presley DeLance	11
2.	Ella DeLance	9

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

19 See the *Declaration of Sonya DeLance* filed herewith.

20 **3. Notice**

- 21 I have given the other party notice of that I am filing this Motion. On January 28,
22 2021, I advised the opposing party that the children were uninsured and directed
23 that he immediately reinstate their insurance as required by our child support order.
24 It has now been one week since I notified him of this, and he has still not reinstated
25 their health insurance.

26 **4. Court hearing request**

I ask the court to approve an Order Granting immediate relief as requested. If the Court
deems that a return hearing is necessary, I ask that the Court hold a hearing within 14
days to consider all of my requests for temporary orders listed below. I will have my

1 spouse/domestic partner served with notice of the hearing so the court can hear his/her
2 side. The Petitioner requests a hearing on February 22, 2021 at 9:00am.

3 **5. Active duty military**

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

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

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

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

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

12 **6. Do not disturb**

13 Does Not Apply.

14 **7. Stay away**

15 Does not apply.

16 **8. Do not hurt or threaten**

17 Does Not Apply.

18 **9. Surrender weapons**

19 Does Not Apply.

20 **10. Protect children**

21 Does Not Apply.

22 **11. Protect property**

23 No Request.

24 **12. Do not change insurance**

25 Does Not Apply.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

13. Other immediate orders

I ask that the \$776.76 for the children's recent doctors visit not count toward Michael's \$10,000 limit that he is to pay before I am required to contribute.

14. Extend immediate orders

Does Not Apply.

15. Prohibit weapons and order surrender

Does Not Apply.

16. Care of children

Does Not Apply.

17. Provide support

I ask the Court order Michael immediately reinstate the children's health, vision, and dental insurance as required by Section 19 of our Child Support Order.

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 all attorney fees and costs incurred in filing this motion.

23. Other temporary orders

I ask that the \$776.76 for the children's recent doctors visit not count toward Michael's \$10,000 limit that he is to pay before I am required to contribute.


➤ **Reasons for my requests**

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

See the Declaration of Sonya DeLance filed herewith.

1 **Lawyer (if any) fills out below:**

2 BERESFORD BOOTH PLLC

3  2/4/2021

4 Dimitra S. Scott, WSBA 34634 Date

5 Anne B. Bennette WSBA No. 50240

6 Attorneys for Petitioner

7 Beresford Booth PLLC

8 145 Third Avenue South, Suite 200

9 Edmonds, WA 98020

10 dimitras@beresfordlaw.com

11

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

17

18

19

20

21

22

23

24

25

26