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FILED
2021 AUG 16 03:49 PM
KING COUNTY
SUPERIOR COURT CLERK
E-FILED
CASE #: 18-3-05993-7 SEA

Superior Court of Washington, County of King

In re:

Petitioner:

Sonya Kim DeLance,

And Respondent:

Michael DeLance

No. 18-3-05993-7 SEA

Motion for Temporary Order Preventing
Move with Children (Relocation)
(MTPM)

**Motion for Temporary Order Preventing
Move with Children (Relocation)**

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 located 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 schedule a hearing on this motion. You may use the *Notice of Hearing* (form FL All Family 185) unless your county's Local Court Rules require a different form. Contact the court for scheduling information.

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.

1. My name is Michael DeLance.

1 2. I have a court order giving me a legal right to spend time with the following children:

Child's name	Age	Child's name	Age
1. Presley Jarnell DeLance	11	2. Ella Angel DeLance	10

4 3. The relocating person Sonya DeLance
5 plans to move with the children on August 21, 2021.

6 4. **Objection**

7 I have filed (or am filing with this motion) an *Objection about Moving with Children and
8 Petition about Changing a Parenting/Custody Order (Relocation)* (form FL Relocate 721).

9 5. **Request**

10 I ask the Court to order the relocating person to
11 **not** move with the children.

12 ***Warning to the person who intends to move!***

13 If the hearing on this motion is scheduled to be held within **15 days** of the day you are served with the
14 *Objection about Moving*, you **must not** move with the children before the hearing unless the special
15 circumstances described in RCW 26.09.460(3) apply.

16 RCW 26.09.460(3) says: "If a person intending to relocate the child is relocating to avoid a clear, immediate,
17 and unreasonable risk to the health or safety of a person or the child, notice may be delayed for twenty-one
18 days."

19 ➤ ***Reasons for request***

20 6. **No proper notice**

21 I received a *Notice of Intent to Move with Children* from the relocating person on July 17,
22 2021. This is late notice because I received it after the legal deadline and without good
23 legal reasons to justify delay. (See RCW 26.09.440.)

24 I was substantially prejudiced by the late notice or lack of notice. (*Explain how getting late
25 notice or no notice put you in an unfair position*):

Receiving advanced notice with only 35 days to object before the planned move
substantially prejudiced my ability to find and retain legal counsel, as well as obtaining
information to effectively oppose the planned move.

With 30 days to file my Objection after receiving only 35 days of advanced notice, my
ability to argue that the move should be temporarily restrained is frustrated by the fact that
I cannot note a court date prior to Sonya's planned move date. Moreover, I did not even
receive the physical address for where Sonya plans to move and there is no court order in
place permitting Sonya to not include that information in her Notice. Sonya's wrongful
refusal to provide her intended new address frustrates my ability to present arguments
about several of the relocation factors, such as whether I can move near where Sonya
intends to relocate, how a relocation will impact the children's relationships, how a

1 relocation will impact the children's quality of life, and the financial impacts of Sonya's
2 planned move.

3 **7. Move happened without agreement, court order or proper notice**

4 Does not apply.

5 **8. Move unlikely to be approved**

6 The court is unlikely to approve the planned move at trial. My reasons for believing this
7 are based on the factors in RCW 26.09.520 as explained in my *Objection*. The children:

8 live with the relocating person most of the time. Even though the law presumes that
9 the move will be allowed, I can show that the move would cause more harm to the
10 children than good to the children and the relocating person who wants to move.

11 **9. No reason to move now**

12 Whether or not the move will be approved at trial, the circumstances **do not** justify
13 allowing the move before the court makes a final decision.

14 *Explain:*

15 There is no reason for the children to relocate on August 21, 2021, and Sonya gives no
16 reason why the children must move with her by this date. Until a final decision is made at
17 trial, the children can live with me in my home in Seattle. I can get the children to the
18 school they have always attended, take care of their needs, and they can have a great life
19 at my home.

20 Sonya gives no reason why the children must relocate on August 21, 2021; this is
21 especially important as I did not receive Notice at least 60 days in advance of August 21,
22 2021, as required by statute. Additionally, I did not receive the address where Sonya
23 proposes to move, as required by statute, and Sonya has no court Order permitting her to
24 withhold her proposed address from me. The only reason Sonya gives for relocating the
25 children is that she wants to move in with her fiancé. The court should be concerned with
the children's best interests, not Sonya's desire to live with her fiancé.

10. 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.)*

None of the other parties are covered by the state or federal Service Members' Civil Relief
Acts.

11. Other information (if any)

Sonya has made two baseless requests that the court Order me to enroll in a domestic
violence treatment program despite the fact that I have no history of committing acts of
domestic violence, and the court has denied her requests on both occasions. The court

1 most-recently denied Sonya's baseless request on June 15, 2021, and only three days
2 later, on June 18, 2021, Sonya began wrongfully withholding our children from me until I
3 voluntarily complied with her request to obtain a domestic violence intervention treatment
4 assessment and achieve an offender score of zero. Sonya has no authority to withhold our
5 children from me on the basis that I comply with her request that the court has now denied
6 twice. Sonya wants to remove me from the children's lives and her proposal to relocate
7 them to Portland is another step in her wrongful campaign against me.

5 **Person filing this motion fills out below**

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

8 Signed at (city and state): Seattle Washington Date: 08/16/2021

9 Michael Angelo DeLance Michael DeLance
10 Person filing this motion signs here Print name

11 I agree to accept legal papers for this case at my lawyer's address, listed below.

12 **Lawyer fills out below:**

13 Steven Amir Hemmat Steven Amir Hemmat, WSBA No. 16309 08/16/2021
14 Lawyer signs here Print name and WSBA No. Date

15 1421 34th Ave, Ste 209 Seattle WA 98122
16 Lawyer's street address or PO box city state zip

17 Email: steve@hemmatlaw.com

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