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FILED
2021 OCT 20 09:41 AM
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 De Lance,

And Respondent:

Michael De Lance

No. 18-3-05993-7 SEA

Temporary Order about Moving with
Children (Relocation)
(TMORELO)

**Temporary Order about Moving with Children
(Relocation)**

1. The Court has considered a *Motion for Temporary Order Preventing Move with Children*.

➤ ***The Court Finds***

2. Notice

The *Notice of Intent to Move with Children* was served:
after the legal deadline or not at all, and this **caused** substantial prejudice (unfairness) to
the other parent.

3. Move has / has not happened

The children have:

already moved. The move happened:

without an agreement or court order allowing it, and
without proper advance notice of the move.

4. Circumstances justify / do not justify allowing move before final decision

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

1 **5. Likelihood move will be approved at trial**

2 The court heard evidence at a temporary orders hearing on October 15, 2021. The parties
3 had adequate opportunity to prepare for the hearing and be heard. The court finds that
4 the move is **unlikely to be approved** at the trial.

4 **6. Temporary Parenting Plan**

5 Does not apply.

6 **7. Active duty military**

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

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

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

15 None of the parties are covered by the state or federal Service Members' Civil Relief Act,
16 **OR** no party covered by the Acts has asked for a stay.

17 **8. Other findings (if any)**

18 The court makes preliminary findings regarding the factors set forth in RCW 26.50.520:

19 (1) The relative strength, nature, quality, extent of involvement, and stability of the child's
20 relationship with each parent, siblings, and other significant persons in the child's life:

21 The Respondent is subject to a phased residential schedule under the Parenting
22 Plan and it would potentially make it more difficult for him to properly exercise
23 parenting time and move through the phases of the parenting plan. This factor
24 potentially favors **Respondent**.

25 (2) Prior agreements of the parties:

There are no prior agreements of the parties. This factor is neutral to both parties.

(3) Whether disrupting the contact between the child and the person seeking relocation
would be more detrimental to the child than disrupting contact between the child and the
person objecting to the relocation:

The Petitioner is the parent with whom the children live the most and disrupting the
children's contact with her could potentially be more detrimental to the children than
disrupting their contact with the Respondent. This factor potentially favors the
Petitioner.

(4) Whether either parent or a person entitled to residential time with the child is subject to
limitations under RCW 26.09.191:

The Respondent is subject to limitations on his residential time under RCW
26.09.191. This factor favors the **Petitioner**.

1 (5) The reasons of each person for seeking or opposing the relocation and the good faith
2 of each of the parties in requesting or opposing the relocation:

3 The Respondent objected to the move in good faith. The court is not deciding
4 whether Petitioner acted in bad faith by proposing to move. However, the court
5 doesn't find that Petitioner presents a good case for acting in good faith given the
6 reasons for the move, the fact that the Petitioner has already moved to Portland
7 upon inadequate notice. This factor is neutral to both parties.

8 (6) The age, developmental stage, and needs of the child, and the likely impact the
9 relocation or its prevention will have on the child's physical, educational, and emotional
10 development, taking into consideration any special needs of the child:

11 Respondent has not been able to spend as much parenting time as he might like
12 for a variety of reasons, some of those are of the Respondent's own creation. If
13 the children move to Portland it will not help him exercise as much parenting time
14 as he likes. This factor potentially favors the **Respondent**.

15 (7) The quality of life, resources, and opportunities available to the child and to the
16 relocating party in the current and proposed geographic locations:

17 The court is not convinced that the quality of life, resources, and opportunities
18 available to the children will be better in Portland than in Edmonds. This factor is
19 potentially neutral to both parties.

20 (8) The availability of alternative arrangements to foster and continue the child's
21 relationship with and access to the other parent:

22 It appears that the Respondent is not well positioned to move to Portland. This
23 factor potentially favors the **Respondent**.

24 (9) The alternatives to relocation and whether it is feasible and desirable for the other
25 party to relocate also:

It appears that the Respondent is not well positioned to move to Portland. This
factor potentially favors the **Respondent**.

(10) The financial impact and logistics of the relocation or its prevention:

This factor does not favor one party over the other.

11) For a temporary order, the amount of time before a final decision can be made at trial:

The children can attend school remotely and there are only 60 days from now until
trial on the Petitioner's proposed move with the children. This factor favors the
Respondent.

➤ ***The Court Orders***

9. Motion for Temporary Order Allowing Move with Children

Does not apply.

1 **10. Motion for Temporary Order Preventing Move with Children**


2 **Approved.**

3 Sonya Kim De Lance must return the children to Edmonds, Washington by November 15,
4 2021. Petitioner’s counsel shall furnish Respondent’s counsel with proof of Petitioner’s
5 new address in Edmonds by November 15, 2021.

6 **11. Other orders (if any)**

7 None.

8 **Ordered.**

9 _____  _____
10 *Date* *Judge David Keenan*


11 Petitioner and Respondent or their lawyers fill out below.

12 This document:


- 13 Is an agreement of the parties
- 14 Is presented by me
- 15 May be signed by the court without notice to me

12 This document:

- 13 Is an agreement of the parties
- 14 Is presented by me
- 15 May be signed by the court without notice to me

16  _____
17 *Petitioner signs here or lawyer signs here + WSBA No.*

18 Anne Bennette, WSBA No. 50240
19 *Print Name Date*

16  _____
17 *Respondent signs here or lawyer signs here + WSBA No.*

18 Steven Amir Hemmat, WSBA No.16309
19 *Print Name Date*

King County Superior Court
Judicial Electronic Signature Page

Case Number: 18-3-05993-7
Case Title: DELANCE VS DELANCE
Document Title: ORDER RE RESTRAINING MOVE
Signed By: David Keenan
Date: October 20, 2021



Judge: David Keenan

This document is signed in accordance with the provisions in GR 30.

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O=KCDJA, CN="David Keenan:
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