

FEB 07 2024

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Superior Court of Washington, County of Benton

Amber M. Rodriguez 5/16/92
Petitioner (Person starting this case) DOB

No. 24-2-00291-03

Petition for Protection Order
Clerk's Action: 1

vs.

Elias Huizar 12/7/84
Respondent (Person responding to this case) DOB

Petition for Protection Order

What kind protection order do you want? There are different orders based on the type of harm and how the parties know each other. See definitions in Attachments A and B.

1. Choose the type of protection order that best fits your situation. Check only one.

Domestic Violence – Protection from an intimate partner or family or household member who has committed domestic violence, nonconsensual sexual conduct or penetration, unlawful harassment, or stalking. (PTORPRT)

Sexual Assault – Protection from someone who has committed sexual assault. (PTORSXP)

Stalking – Protection from someone who has committed stalking. (PTORSTK)

Vulnerable Adult – Protection from someone who has abandoned, abused, financially exploited, or neglected a vulnerable adult (or threatened to do so). (PTORVA)

Important! If you are asking for a Vulnerable Adult Protection Order, you must complete Attachment B: Vulnerable Adult as part of this Petition.

Anti-Harassment – Protection from someone who has committed unlawful harassment. (PTORAH) (fee may be required)

Conduct also includes (check all that apply): stalking hate crime single act of violence threat of violence including malicious and intentional threat or presence of firearm/weapon causing substantial emotional distress family or household member engaged in domestic violence nonconsensual sexual conduct or penetration or a sex offense.

2. If more than one of the protection order types listed above fits your situation, list any additional order types here: Sexual Assault

3. Who should the order restrain? ("Restrained Person")

Name: Elias Huizar

Restrained Person's age: [] Under 13 [] 13 to 17 [] 18 or over [] unknown

Who should be protected? Check all that apply. Depending on the type of order, you can protect yourself and/or children, or you can file on behalf of a vulnerable adult, or another adult who cannot file for themselves.

4. Who should the order protect? ("Protected Person") (Check all that apply.)

Me. My name is Amber M. Rodriguez
(You must be age 15 or older.)

Minor Children.

I am the minor's parent [] legal guardian [] custodian.

[] I am age 18 or older and the minor is a member of my family or household.
(For domestic violence petitions only.)

[] I am age 15 to 17. The minor is a member of my family or household. I have been chosen by the minor and am capable of pursuing their stated interest in this case.

Child's Name	Age	Gender	Race	Lives With	How related to you	How related to Restrained Person
	8	male	Hispanic	Mother & Father	son	son
	5	male	Hispanic	Mother & Father	son	son

Important! If the restrained person is a parent of any of the children, complete **Attachment C: Child Custody**. If you are **not** a parent of any of the children, complete **Attachment D: Non-parents protecting children (ICWA)**. You must include these Attachment/s with your Petition if they apply.

[] **Someone else.** (List your name as Petitioner at the beginning of this form. Describe who you are filing for here.) I am filing to protect:

[] a vulnerable adult (name) _____
(See definition and complete Attachment B.)

[] an adult (name) _____
who does not meet the definition of a vulnerable adult, but who cannot file the

petition themselves because of age, disability, health, or inaccessibility.
(Do not check this for vulnerable adult or domestic violence petitions.)

What is the age, disability, health or inaccessibility concern that makes the adult unable to file themselves? (Examples: the adult is hospitalized, temporarily incapacitated, or in jail/prison.)

5. **Service address.** What is your address for receiving legal documents? You have the right to keep your residential address private. You may use a different mailing address for receiving legal documents.

Mail: _____, West Richland, WA, 99353

Email (if you agree to receive legal documents by email): amber.rodriguez@kw.com

6. **Interpreter.**

Do you need an interpreter? No Yes; Language: _____

Important! You may need to request an interpreter separately. You will get instructions with an order setting your hearing.

How do the parties know each other?

7. Check all the ways the protected person is connected or related to the restrained person:

Intimate Partners – Protected person and restrained person are intimate partners because they are:

- current or former spouses or domestic partners
 parents of a child-in-common (unless child was conceived through sexual assault)
 current or former dating relationship (age 13 or older) who:
 never lived together live or have lived together

Family or household members - Protected person and restrained person are family or household members because they are:

- parent and child stepparent and stepchild
 grandparent and grandchild parent's intimate partner and child
 current or former cohabitants as roommates
 person who is or has been a legal guardian
 related by blood or marriage (specify how) _____

Other - (examples: coworker, neighbor, acquaintance, stranger)

Connection to Washington State. This helps decide if the court has authority (jurisdiction).

8. **Why are you filing in this county and state?** Check all that apply.

The protected person lives in this county now, or used to live in this county but left because of abuse, or this is the nearest court to where I live or used to live.

An incident that made me want this protection order happened in this county or state.

9. **Restrained Person's residence.** Where does the restrained person live?

In Washington State in (city or county): West Richland, WA, 99353

Outside of Washington State

Unknown

Are there other court cases involving the parties or any children?

10. **Other court cases.** Have there been any other court cases between any of the people involved in this case, or about any children? Include court cases happening now and in the past and requests for protection that were denied or have expired. (Examples: criminal no contact order, civil protection order, family law restraining order, protection order from another state, tribal order, military orders, parenting plans, divorce, landlord-tenant, employment, property, assault, police investigations. File copies in this court case of everything you want the court to review.)

No Yes. If yes, fill out below.

Type of Case (see examples)	Court Location (City or County and State)	Court Type (Superior/ District/Municipal/ Tribal/Military)	Case Number (if known)	Status (active/ dismissed/pending/ expired, unknown)
	West Richland	Superior	24-1-00127-03	Active

Other details: Elias Huizar is being charged with Rape-2 of a 16 year old girl.

Do you need immediate protection? If needed, you can ask for a Temporary Protection Order that starts now, before the restrained person gets notice. This protection can last up to 14 days or until the court hearing (whichever comes first).

11. **Immediate Protection:** Do you need a Temporary Protection Order to start immediately, without prior notice to the restrained person? Yes No

12. **Immediate Weapons Surrender:** Do you want a temporary order that requires the restrained person to give up all firearms, other dangerous weapons, and concealed pistol licenses, and prohibits the restrained person from getting more?
 Yes No

If Yes to 11 or 12, explain why: What serious immediate harm or irreparable injury could occur if an order is not issued immediately without prior notice to the restrained person?
 (Briefly explain how you or anyone else might be harmed if you do not get protection now.)

Elias Huizar has been diagnosed with PTSD, major depressive disorder, insomnia, alcohol use disorder and an unspecified personality disorder. I believe he would try to cause harm to my children and I.

What protections do you need? Check everything you want the court to order.

13. I ask for a protection order with these restraints against the Restrained Person:

General Restraints

- A. **No Harm:** Do not cause any physical harm, bodily injury, assault, nonconsensual sexual conduct or nonconsensual sexual penetration, and do not harass, threaten, or stalk:
 protected person the minors named in section 4 above
 these minors only: _____
- B. **No Contact:** Do not make any attempts or have any contact, including nonphysical contact, directly, indirectly, or through third parties, regardless of whether those third parties know of the order, except for service of court documents with:
 protected person the minors named in section 4 above
 these minors only: _____
 these members of the protected person's household: _____
 Exception (if any). Only this type of contact is allowed: _____

Exceptions about minors, if any, provided in P below.

- C. **Stalking Behavior:** Do not harass, follow, monitor, keep under physical or electronic surveillance, cyber harass (as defined in RCW 9A.90.120), or use phone, video, audio or other electronic means to record, photograph, or track locations or communication, including digital, wire, or electronic communication of:
 the protected person the minors named in section 4 above
 these minors only: _____

these members of the protected person's household: _____

D. **Exclude and Stay Away:** Do not enter, return to, knowingly come within, or knowingly remain within 1,000 feet or other distance (*specify*) _____ of:


- | | |
|--|---|
| <input checked="" type="checkbox"/> the protected person | <input type="checkbox"/> protected person's vehicle |
| <input checked="" type="checkbox"/> protected person's school | <input type="checkbox"/> protected person's workplace |
| <input checked="" type="checkbox"/> protected person's residence | <input type="checkbox"/> protected person's adult day program |
| <input type="checkbox"/> the shared residence | |
| <input checked="" type="checkbox"/> the residence, daycare, or school of | <input checked="" type="checkbox"/> the minors named in section 4 above |

these minors only: _____

other: _____

Address: The protected person chooses to (*check one*):

keep their address confidential list their address here:

 West Richland, WA, 99353

E. **Vacate shared residence:** The protected person has exclusive right to the residence that the protected person and restrained person share. The restrained person must immediately vacate the residence. The restrained person may take the restrained person's clothing, personal items needed during the duration of the order, and these items (*specify*): _____ from the residence while a law enforcement officer is present.

F. **Intimate Images:** Do not possess or distribute intimate images of a protected person, as defined in RCW 9A.86.010. The restrained person must take down and delete all intimate images and recordings of a protected person in the restrained person's possession or control and cease any and all disclosure of those intimate images.

G. **Electronic Monitoring:** The restrained person must submit to electronic monitoring. Example: location tracking via ankle bracelet. (*Restrained person must be age 18 or older.*)

H. **Evaluation:** The restrained person shall get an evaluation for:

mental health chemical dependency (drugs and alcohol)

I. **Treatment:** The restrained person shall participate in state-certified treatment for:

sex offender domestic violence perpetrator

J. **Personal Belongings:** The protected person shall have possession of essential personal belongings, including the following:

K. **Assets:** Do not transfer jointly owned assets.

Finances: Provide the following financial relief: _____

L. **Vehicle:** The protected person shall have use of the following vehicle:

Year, Make & Model _____ License No. _____

M. **Restrict Abusive Litigation:** Do not engage in abusive litigation as set forth in chapter 26.51 RCW or in frivolous filings against the protected person, making harassing or libelous communications about the protected person to third parties, or making false reports to investigative agencies.

N. **Pay Fees and Costs:** The restrained person must pay fees and costs of this action. This may include administrative court costs, service fees, and the protected person's costs including lawyer fees.

Firearms and Other Dangerous Weapons

O. **Surrender Weapons:** The restrained person must immediately surrender any firearms, other dangerous weapons or concealed pistol licenses to law enforcement and not access, possess, have in their custody or control, purchase, receive, or attempt to purchase or receive any of those items.

Important! The court may be required to order the restrained person to surrender firearms, other dangerous weapons, or concealed pistol licenses even if you do not request it.

Does the restrained person own or have access to firearms?

Yes No I don't know

Complete **Attachment E: Firearms Identification** if Yes.

Would the restrained person's use of firearms or other dangerous weapons be a serious and immediate threat to anyone's health or safety?

Yes No I don't know

Even if the restrained person does not have firearms now, has the restrained person ever used firearms, other weapons, or objects to threaten or harm you?

Yes No

If Yes, describe what happened.

Is the restrained person already not allowed to have firearms?

Yes No I don't know

If Yes, why? _____

Minors

P. **Custody:** The protected person is granted temporary care, custody, and control of the minors named in section 4 above.

these minors only: _____

Exceptions for Visitation and Transportation (including exchanges, meeting location, and pickup and dropoff) of Minors (if any): _____

Visitation listed here is an exception to any No Contact and Stay Away provisions about the children, in B and D above.

(Only for children the protected and restrained person have together.)

Q. **Interference:** Do not interfere with the protected person's physical or legal custody of:

the minors named in section 4 above.

these minors only: _____

R. **Removal from State:** Do not remove from the state:

the minors named in section 4 above.

these minors only: _____

S. **School Enrollment:** Do not enroll or continue attending as a student in the elementary, middle, or high school that a protected person attends: *(name of school)*

(Only if both the restrained person and a protected person are students at the same school. Can apply to students 18 or older. Includes public and private schools.)

Describe any continuing physical danger, emotional distress, or educational disruption to a protected person that would happen if the restrained person attends the same school.

Pets

T. **Custody:** The protected person shall have exclusive custody and control of the following pet/s owned, possessed, leased, kept, or held by the protected person, restrained person, or a minor child who lives with either the protected or restrained person. *(Specify name of pet and type of animal.):*

U. **Interference:** Do not interfere with the protected person's efforts to get the pet/s named above.

V. **Stay Away:** Do not knowingly come within, or knowingly remain within *(distance)* _____ of the following locations where the pet/s are regularly found:

Protected person's residence *(home address may be kept confidential.)*

Other *(specify):* _____

Vulnerable Adult

- W. **Safety:** Do not commit or threaten to commit acts of abandonment, neglect, financial exploitation, or abuse, including sexual abuse, mental abuse, physical abuse, personal exploitation, and improper use of restraints, against the vulnerable adult.
- X. **Accounting:** Provide an accounting of the disposition of the vulnerable adult's income or other resources.
- Y. **Property Transfer:** Do not transfer the property of the vulnerable adult the restrained person. This restraint can last for up to 90 days.

Other

z. Gal Tara Symons from our divorce in Yakima County.

Do you need help from law enforcement? They may help you get the things you asked for.

14. **Law Enforcement Help:** Do you want the court to order the appropriate law enforcement agency to help you with any of the things listed below? (Check all that apply).

- Possession of my residence.
- Possession of the vehicle I asked for in section L above.
- Possession of my essential personal belongings that are located at:
 - the shared residence
 - the restrained person's residence
 - other location: _____
- Custody of: the minors named in section 4 above
- these minors only: _____
- Other: _____

How long do you need this order to last?

15. **Length of Order**

(The order will last for at least 1 year unless you ask for something different. Orders restraining a parent from contacting their own children may not exceed 1 year.)

I need this order to last for: 1 year more than 1 year less than 1 year (specify how long): _____

If you checked more or less than one year, briefly explain why.

Significant concerns for my children's safety due to their father's recent charges of Rape - 2 of a minor.

Do you want to be notified if the restrained person petitions for the restoration of firearms in the future?

16. Firearms Restoration Notice
(This only applies if there is an existing or future criminal case that prohibits firearm ownership or possession.)

Notify. I want the prosecutor to notify me if the restrained person petitions for restoration of firearms and of the court's decision.

Do not notify. I do not want the prosecutor to notify me if the restrained person petitions for restoration of firearms or of the court's decision.

Why do you need a protection order? What happened? This is your statement where you tell your experience.

Be as specific and descriptive as possible. Put the date, names, what happened, and where. Use names rather than pronouns (he/she/they) as much as possible. If you cannot remember the date, put the time of year it happened (around a holiday, winter, summer, how old your child was), or about how long ago.

For all of the questions below, include details:

- Who did what?
- When did this happen?
- How were any statements made? (in person, mail, text, phone, email, social media)
- How did this make you, the minor, or the vulnerable adult feel?

If you need more space to answer any of the questions below, use form PO 010 *Statement* or attach additional pages.

Privacy Warning! The restrained person will see this Petition and any other evidence you file with the court. This information is also available in a public court file. You should file health care records, financial documents, and confidential reports under seal. Use form All Civil 040 *Sealed Cover*. If you want to seal explicit or intimate images, you must file a separate motion asking the court to seal these images. Use form PO 005, *Motion to Redact or Seal*.

17. Most Recent Incident. What happened most recently that made you want a protection order? This could include violent acts, fear or threats of violence, coercive control, nonconsensual sexual conduct or penetration, sexual abuse, harassment, stalking, hate crimes. For a vulnerable adult, include incidents or threats of abandonment, abuse, neglect, and/or financial exploitation. Include specific date/s and details of the incident.

On February 6, 2024 I read in the News that Elias Huizar raped an unconscious 16 year old girl in his home. The 16 year old girl is his 17 year old girlfriend's friend. Elias's girlfriend caught Mr. Huizar assaulting her friend and confronted him. He walked off as if nothing happened. Mr. Huizar's girlfriend and her

friend drove off in his truck and found a Benton County officer. Mr. Huizar had followed his girlfriend and her friend in another vehicle until he saw them approach a police officer.

18. **Past Incidents.** What happened in the past that makes you want a protection order? This could include violent acts, fear or threats of violence, coercive control, nonconsensual sexual conduct or penetration, sexual abuse, harassment, stalking, or hate crimes. For a vulnerable adult, include incidents or threats of abandonment, abuse, neglect, and/or financial exploitation. Include specific date/s and details of the incidents.

Elias Huizar harassed me since I separated from him December 8, 2020. Throughout our marriage Mr. Huizar was verbally, mentally and emotionally abusive to me. Which is documented in my divorce paperwork in Yakima County. He has continued to harass me about any and everything. He has continued to affect mine and my children's quality of life due to his mental health issues. My oldest son has told me numerous times about seeing his father Elias Huizar and his 17 year old girlfriend perform sexual activities in front of my children. ~~Mr Huizar~~

19. **Medical Treatment.** Describe any medical treatment you received for issues related to your request for protection.

20. **Suicidal Behavior.** Describe any threats of self-harm or suicide attempts by the restrained person.

21. **Restrained Person's Substance Abuse**

Is substance abuse involved? Yes [] No [] Unknown

If yes, what type of substance abuse? Alcohol [] Drugs [] Other: _____

22. **Minors Needing Protection, if any** (If the information is not already included above.)

Has there been any violence or threats towards children? How have the children been affected by the restrained person's behavior? Were the children present during any of the incidents described above? Describe and give details.

Yes, my oldest son Eden has told me numerous times about seeing his dad Elias Huizar and his girlfriend having sex and fighting in front of them. My oldest son has stated he does not want to live at his father's house because he is scared of them.

23. **Supporting Evidence** (Include anything else you want the court to see that helps prove what you are saying is true. You are responsible for filing your supporting evidence, including police reports, if any. Before you file any attachments, you can black out (redact) any sensitive information. Examples: your home address and account numbers (leave last 4 digits). If you have audio or video evidence, contact the court for how to submit.)

I am submitting the following evidence with this Petition (check all that apply):

[] Pictures

Text/email/social media messages

[] Voice messages (written transcript)

[] Written notes/letters/mail

Police report

[] Declaration or statement from witness (name/s): _____

Other (describe): West Richland Police case # 24-1179

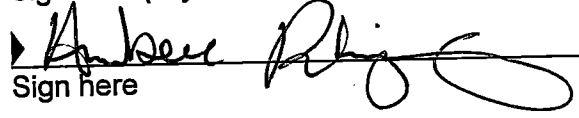
Privacy Warning! The restrained person will see this Petition and any other evidence you file with the court. This information is also available in a public court file. You should file health care records, financial documents, and confidential reports under seal. Use All Civil 040 *Sealed Cover*. If you want to seal explicit or intimate images, you must file a separate motion asking the court to seal these images. Use form PO 005, *Motion to Redact or Seal*.

Before you file any attachments, you can **black out** (redact) any sensitive information. Examples: your home address, account numbers (leave last 4 digits), minor's names (leave minor's initials). Do **not** list your address in this petition or any supporting evidence if you want it to remain confidential.

I certify, under penalty of perjury under the laws of the state of Washington, that all the information provided in this petition and any attachments is true and correct.

I have attached (number): ___ pages.

Signed at (city and state): Kennewick, WA Date: 2/7/24

Sign here 



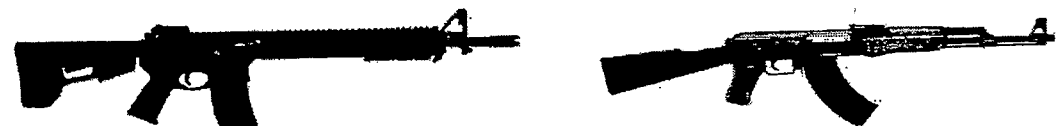
Print name Amber Rodriguez

Attachment E: Firearms Identification

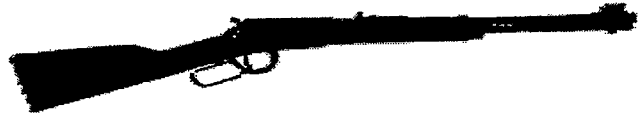
Only complete this attachment if the restrained person owns or has access to firearms or other dangerous weapons. If not, skip or remove this attachment.

1. Does the restrained person own or have access to any firearms? Yes No Unknown
2. Does the restrained person purchase, own, or have access to parts that could be assembled into a working firearm (example: ghost guns)? Yes No Unknown
3. Does the restrained person have a concealed pistol license (CPL)? Yes No Unknown
4. When was the last time you saw the firearm/s? 2020
5. Do you know where the restrained person keeps the firearm/s? Yes No
If yes, check all that apply:
 On their person In their car In their home Storage unit In a safe
6. To the best of your knowledge, are the guns typically loaded? Yes No Unknown
7. How important are the firearms to the restrained person?
 1 (not very important) 2 3 4 5 (very important) Unknown
8. What does the restrained person generally use the firearms for, if known? (check all that apply):
 Hunting Collecting Target Shooting Protection Other: _____
9. Does the respondent possess explosives? Yes No Unknown
10. Does the restrained person own or possess any other dangerous weapons you believe should be surrendered? Yes No Unknown. If yes, list them here: _____

The pictures below are examples of the most common guns. If you recognize any of the pictures below as similar to the one/s the restrained person has, please check it and write in how many they have of each.

<input checked="" type="checkbox"/> Handgun (how many) _____ 	<input type="checkbox"/> Unassembled Firearm (how many) _____ 
<input type="checkbox"/> Semi-automatic Rifle (how many) _____ 	

Rifle/Shotgun (how many) _____



Other firearm/s (describe):



Tri-City Herald

Former Yakima police officer accused of raping a passed out teen in West Richland

Cameron Probert

Tue, February 6, 2024 at 5:37 PM PST · 2 min read



34

A former Yakima police officer and school resource officer is accused of raping a drunk teenager in his West Richland home.

Elias Huizar, 39, is suspected of sexually assaulting the unconscious house guest after a night of drinking with his 17-year-old girlfriend and the teen, according to court documents.

Huizar worked for the Yakima Police Department between 2014 and 2022 but it's not clear where he'd been working since he left the department.

He was arrested Saturday, Feb. 3, after his girlfriend reported catching him assaulting the other girl.



Elias Huizar, 2018

The two teens left in Huizar's truck and drove west until they found a Benton County sheriff's deputy parked in Benton City. The girlfriend also took her and Huizar's 9-month-old baby.

When [West Richland police went to his home](#) on Highlands Boulevard, he refused to open the door and they forced their way into the house. A Benton County deputy prosecutor said in court Monday that Huizar was doing laundry when he was arrested.

The prosecutor asked that bail be set at \$200,000, noting that Huizar followed the two teens after they fled the house and may face charges for witness tampering.

Detectives also are investigating if Huizar's girlfriend was of legal age when she became pregnant.

Court Commissioner Megan Whitmire agreed to set bail at \$200,000 and ordered him to surrender his passport, not to drink alcohol and not to contact his girlfriend or the other teen.

Huizar's girlfriend told investigators the trio had been drinking on Saturday until the younger teen became sick and went to sleep in a guest room. Huizar's girlfriend lay down next to her in case she was sick again.

His girlfriend said she woke up to see Huizar assaulting the passed out teen, according to court documents. The girlfriend confronted him, and he left the room "like nothing had happened," court documents said.

The two teens left with the baby in Huizar's truck and he followed them, said the documents. Huizar kept driving when they stopped to talk with a Benton County sheriff's deputy.

West Richland police were notified and they went to Huizar's home but he refused to come outside, according to a West Richland Facebook post. Other law enforcement agencies helped West Richland enter the house and arrest him.

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Up next

Mansfield News Journal

League champs make case for No. 1 in Richland County Boys Basketball Power Poll

Jake Furr, Mansfield News Journal

Wed, February 7, 2024 at 6:06 AM PST · 7 min read



MANSFIELD — Conference championships are starting to find their way home to Richland County.

Two teams have already clinched league titles while three more are hunting for theirs. Two Richland County teams will be battling for the same one this weekend. Let's check out which teams those are and who has control of the top spot in the Richland County Boys Basketball Power Poll right here.