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FILED

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Superior Court of Washington, County of Benton

Amber M. Rodriguez 5/16/92
Petitioner Date of Birth

No. 24-2-00291-03

vs.
Elias Huizar 12/7/81
Respondent Date of Birth

- Denial Order**
- Domestic Violence
 - Sexual Assault Harassment
 - Stalking Vulnerable Adult
 - ORDMTP (denied)
 - ORDSM (dismissed)

Clerk's Action Required: 4, 5, 6
Next Hearing Date and Time:

No hearing
See **How to Attend** at the end of this order.

Denial Order

1. **Request.** (Name) Amber Rodriguez requested a:
- Temporary Order Full Order Renewal Order
 - Modification Order Termination Order

2. **Hearing.**
- The court **held** a hearing before issuing this *Denial Order*. These people attended:
 - Protected Person in person by phone by video
 - Protected Person's Lawyer in person by phone by video
 - Petitioner (if not the protected person) in person by phone by video
 - Restrained Person in person by phone by video
 - Restrained Person's Lawyer in person by phone by video
 - Other: _____ in person by phone by video

Not Held. The court denies the request without a hearing.
(Complete the Findings section below.)

3. Findings.

- A. **Non-Appearance.** Petitioner Respondent did **not** appear.
- B. **No Basis. Do not schedule hearing.** The *Petition for Protection Order* does not list a specific incident and approximate date of behavior that would support a domestic violence, stalking, antiharassment, sexual assault, or vulnerable adult protection order as defined in RCW 7.105.100. The protected person should have **14 days to amend** their petition before dismissal.

Temporary Order Findings

- C. **Notice Required. Schedule for full hearing.** The protected person has not shown that there is a sufficient basis to enter a temporary order without notice to the opposing party vulnerable adult.
The court will grant or deny the protection order after a hearing with notice.

Final Order Findings

- D. **Request.** The Protected Person requested dismissal of petition.
- E. **Service Unsuccessful or Impossible.** All available methods of service have been attempted unsuccessfully or are not possible.
- F. **Insufficient Evidence.** A preponderance of the evidence does not support issuing any type of protection order that this court has authority to issue.
- G. **Insufficient Evidence (Vulnerable Adult Contests).** Clear, cogent, and convincing evidence has not established that there is abandonment, abuse, financial exploitation, or neglect of a vulnerable adult. (*When a vulnerable adult protection order is contested by the vulnerable adult.*)
- H. **Evidence.** Protected Person Restrained Person supports their account of events with the following evidence (*specify*): _____

- I. **Realignment.** (*DV or Harassment only*) The original "Protected Person" is the abuser or harasser and the original "Restrained Person" is the victim of domestic violence or unlawful harassment. The parties should be switched.

Renewal Findings

- J. The **Restrained Person proved** by a preponderance of the evidence that there has been a substantial change in circumstances (*describe*) _____

and the Restrained Person will **not**:

- (for DV orders) resume acts of domestic violence against the Protected Person or the Protected Person's children or household members who are minors or vulnerable adults when the protection order expires.
- (for sexual assault orders) engage in, or attempt to engage in, physical or nonphysical contact with the Protected Person when the order expires.
- (for stalking orders) resume acts of stalking against the Protected Person or the Protected Person's family or household members when the order expires.
- (for anti-harassment orders) resume harassment of the Protected Person when the order expires.
- (for vulnerable adult orders) resume acts of abandonment, abuse, financial exploitation, or neglect against the vulnerable adult when the order expires.

K. **Late Filing.** The Protected Person did not file for renewal before the order expired.

Modify or Terminate Findings:

L. **Protected Person's motion** to modify or terminate a protection order is denied because:

M. **Restrained Person's motion** to modify or terminate a protection order is denied because:

- Repeat Filing.** The court finds that the Restrained Person has previously filed a motion to modify or terminate during the current 12-month period following entry of the order, and is not eligible for the relief requested.
- No Adequate Cause.** The restrained person did not establish adequate cause to modify or terminate. No hearing is necessary.
- Insufficient Evidence.** A preponderance of the evidence failed to establish that there has been a substantial change in circumstances such that if the order is terminated or modified the Restrained Person will not resume, engage in or attempt to engage in acts of:
 - domestic violence.
 - physical or nonphysical contact (for sexual assault protection orders).
 - stalking.

- unlawful harassment.
- No Substantial Change.** Since the protection order was entered, there has not been a substantial change in circumstances (*describe*) _____

(Check all that apply)

- The Restrained Person has committed or threatened domestic violence, sexual assault, stalking, or other harmful acts against the Protected Person/s.
- The Restrained Person has violated the terms of the protection order.
- The Restrained Person has exhibited suicidal ideation or attempts.
- The Restrained Person has been convicted of criminal activity.
- The Restrained Person has:
- Not acknowledged responsibility for the acts of sexual assault, domestic violence, stalking, or behavior that resulted in entry of the protection order, and
 - Not successfully completed perpetrator treatment or counseling.
- The Restrained Person has continued to abuse drugs or alcohol (if this was a factor in the protection order).
- The Protected Person has not voluntarily and knowingly consented to terminating the protection order.
- Other: _____

- Severe Acts.** The Restrained Person proved that there has been a substantial change of circumstances; however, the court declines to terminate the protection order because the acts of domestic violence, sexual assault, stalking, unlawful harassment, and other harmful acts that resulted in the issuance of the protection order were of such severity that the order should not be terminated.

General Findings

N. Other: _____

4. Order

Petition denied without a full hearing. 14 days to amend before dismissal. The petition does not contain allegations that could support issuing any type of protection order. The person who filed the petition has 14 days to file an amended petition. If an amended petition is not filed within 14 days, the case may be dismissed. - Petitioner failed to disclose dissolution case / parenting plan filed in Yakima County. Also, only evidence provided was a copy of a newspaper article.

Temporary Order

- Temporary Order Denied. Full hearing to be held.** The request for a temporary order is denied. The court will approve or deny the protection order after a full hearing with notice. The hearing date and time is **shown on page 1**.

Warning to Restrained Person! Failure to appear at the hearing may result in the court granting all of the relief requested in the petition. See **How to Attend** at the end of this order.

Final Order

- Dismissed** without prejudice because (*check one*):
 - Protected Person's asked to terminate the order or did not appear at the hearing.
 - All available methods of service have been attempted unsuccessfully or are not possible. Dismissal is over Protected Person's objection.

Any previously entered temporary order and any order to surrender weapons under this case number expires today, upon the signing of this order or at (*time*) _____.

(In caption above, *check ORDSM (dismissed)*)

- Denied on the merits after a hearing.** The request for a full order is denied. Any previously entered temporary order under this case number expires today, upon the signing of this order or at (*time*) _____.

Check one (see RCW 7.105.362):

- No *Order to Surrender Weapons* was issued under this case number. The case is dismissed.
- The court issues an *Order Extending Order to Surrender and Prohibit Weapons* (WS 400) extending the *Order to Prohibit and Surrender Weapons* until after the deadline for filing a motion for reconsideration or revision has passed and any timely filed motion has been resolved.
- Any previously entered *Order to Surrender Weapons* under this case number expires **today**, upon the signing of this order or at (*time*) _____ and the case is dismissed. It would be **manifestly unjust** to allow the order to remain in effect for the reconsideration or revision period because (*check all that apply*):
 - The *Temporary Protection Order* was entirely without merit.
 - Petitioner was engaged in abusive use of litigation.
 - Petitioner was exerting coercive control over the Restrained Person.
 - Other reason (*explain why it would be manifestly unjust*): _____

- Denied.** The deadline for filing a motion for reconsideration or revision has passed. The Protected Person has either failed to file a motion or the motion has been denied. The *Order Extending the Order to Surrender and Prohibit Weapons* (WS 400) is terminated and the case is dismissed.

- Petition **denied and dismissed without a full hearing.**
- No amended petition was filed within 14 days after denial.
- Amended petition filed but still insufficient to set for full hearing.
- Realignment** (*for domestic violence and harassment cases only*). The parties are switched so that the original Protected Person is now restrained and the original Restrained Person is now protected.
- The court will issue a **new Temporary Protection Order** so that:

The Protected Person is: _____

The Restrained Person is: _____

Important! The new Protected Person must file a **Petition for Protection Order**, form PO 001, if they want protection to last beyond the temporary order.

Modification, Termination, or Renewal

- The request to **modify, terminate, or renew** the order dated _____ is denied.

Weapons

- The request for an **Order to Surrender and Prohibit Weapons** is denied.
- If any **firearms or dangerous weapons have been surrendered** under this cause number, they shall be released to the restrained person, absent some other legal reason that may exist prohibiting the restrained person from possessing them.

Other

- The request before the court is denied, provided that **it may be renewed after notice** has been provided to the vulnerable adult opposing party according to the Civil Rules.

Other order: _____

5. Service on the Restrained Person (only required if a future hearing is scheduled):

Not Required.

- The petition was denied or dismissed and service is not required.
- The restrained person appeared at the hearing, in person or remotely, and received notice of the order. No further service is required. See section 2 above for appearances. (*May apply even if the restrained person left before a final ruling is issued or signed.*)

Required. The restrained person must be served with a copy of this order.

- The **law enforcement agency** where the restrained person lives or can be served shall serve the restrained person with a copy of this order and shall promptly complete and return proof of service to this court.

Law enforcement agency: (county or city) _____
(check only one): Sheriff's Office Police Department

The **protected person** (or person filing on their behalf) shall make private arrangements for service and have proof of service returned to this court. (*This is not an option if this order requires: weapon surrender, vacating a shared residence, transfer of child custody, or if the restrained person is incarcerated. In these circumstances, law enforcement must serve, unless the court allows alternative service.*)

Clerk's Action. The court clerk shall forward a copy of this order on or before the next judicial day to the agency and/or party checked above. The court clerk shall also provide a copy of the service packet to the protected person.

Alternative Service Allowed. The court authorizes alternative service by separate order (*specify*): _____

6. **Service on Others** (*only required if a future hearing is scheduled*):

Service on the vulnerable adult adult's guardian/conservator restrained person's parent/s or legal guardian/s (*name/s*) _____ is:

Not required. They appeared at the hearing where this order was issued and received a copy.

Required.

The **law enforcement agency** where the person to be served lives or can be served shall serve a copy of this order and shall promptly complete and return proof of service to this court.

Law enforcement agency: (county or city) _____ (*check only one*): Sheriff's Office or Police Department

The **protected person** or person filing on their behalf shall make private arrangements for service and have proof of service returned to this court.

Clerk's Action. The court clerk shall forward a copy of this order on or before the next judicial day to the agency and/or party checked above.

7. **Next Court Hearing**

No further court hearings are scheduled in this case.

The next court hearing is or will be scheduled by a separate order.

The next court hearing is scheduled for the date at time listed on page 1.

How to attend the next court hearing






The hearing scheduled on page 1 will be held:




In person

Judge/Commissioner: _____ Courtroom: _____

Address: _____

	Online (audio and video) App: _____ <input type="checkbox"/> Log-in: _____ <input type="checkbox"/> You must get permission from the court at least 3 court days before your hearing to participate online (audio and video). To make this request, contact: _____	
	By Phone (audio only) <input type="checkbox"/> Call-in number: _____ <input type="checkbox"/> You must get permission from the court at least 3 court days before your hearing to participate by phone only (without video). To make this request, contact: _____	
	If you have trouble connecting online or by phone (instructions, who to contact) _____	
	Ask for an interpreter, if needed. Contact: _____	 Ask for disability accommodation, if needed. Contact: _____
Ask for an interpreter or accommodation as soon as you can. Do not wait until the hearing!		

Ordered.

Dated: 2/7/24 at 1:51 a.m. a.m. p.m. 
Judge/Court Commissioner
Branson Brown
Print Judge/Court Commissioner Name

I received a copy of this Order or attended the hearing remotely and have actual notice of this order. It was explained to me on the record:

▶ _____ Signature of Respondent	_____ Print Name	_____ Date	
▶ _____ Signature of Respondent's Lawyer WSBA No.	_____ Print Name	_____ Date	
▶ _____ Signature of Petitioner	_____ Print Name	_____ Date	
▶ _____ Signature of Petitioner/Lawyer	_____ WSBA No.	_____ Print Name	_____ Date