

JOSIE DELVIN  
BENTON COUNTY CLERK

FEB 09 2024

FILED

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Superior Court of Washington, County of Benton

Amber Rodriguez 05/16/1992  
Petitioner, Date of Birth

vs.

Elias Huizar 12/07/1984  
Respondent, Date of Birth

No. 24-2-00314-03

Temporary Protection Order and Hearing Notice (TMO-) (Select only one)

Domestic Violence (RPRT)

Sexual Assault (RSXP)

Harassment (RAH)

Stalking (STKH)

Vulnerable Adult (RVA)

Clerk's Action Required: 5.B, 10, 11, 12

Next Hearing Date and Time:

02/28/2024 at 1:30 pm

See **How to Attend** at the end of this order

Temporary Protection Order and Hearing Notice

1. This order is effective until the end of the hearing listed above.

This protection order complies with the Violence Against Women Act and shall be enforced throughout the United States. See last page.

2. This order restrains (**name**): Elias Huizar  
also known as (*list any known aliases*) Elias Zuniga

The restrained person must obey the restraints ordered in section 8.

Gender	Race	Height	Weight
Male	Hispanic	5'5	155
Eye Color	Hair Color	Skin Tone	Build
Brown	Brown	Medium	Thin

Noticeable features (*Ex.: tattoos, scars, birthmarks*): Double Cross on left side of chest, Zuniga across the top of his back. Medium brown birthmark on the middle of his back. Glasses, ears pierced.

Has  access to or  possession of  firearms  other weapons  unknown

Surrender weapons ordered:  Yes  No

3. **This order protects (name):** Amber Rodriguez \_\_\_\_\_  
 and the following **children** who are under 18 (if any)  no minors

Child's name	Age	Child's name	Age
1. [REDACTED]	8	2. [REDACTED]	5
3.		4.	
5.		6.	

There is a rebuttable presumption to include the protected person's minor children.

For good cause, the court is **not** including the protected person's minor children in this order because: \_\_\_\_\_

**Warnings to the Restrained Person**



**You can be arrested even if the protected person or persons invite or allow you to violate the order.** You alone are responsible for following the order. **Only the court may change the order.** Requests for changes must be made in writing.

**If you do not obey this order, you can be arrested and charged with a crime.**

- The crime may be a misdemeanor, gross misdemeanor, or felony depending on the circumstances. You may also be found in contempt of court.
- You can go to jail or prison, lose your right to possess a firearm or ammunition, and/or pay a fine.
- It is a felony to take or hide a child in violation of this order.
- If you travel to another state or to tribal lands or make the protected person do so with the intention of disobeying this order, you can be charged with a federal crime.



**Firearms and Weapons.** If the court approves a full protection order, you may not be able to get or have a gun, firearm, other dangerous weapon, ammunition, or concealed pistol license for as long as the protection order is in place.



**Go to the court hearing scheduled on page 1.** If you do not, the court may:

- Make this temporary order effective for 1 year or longer
- Order weapons restrictions, even if that was not requested
- Order other relief requested in the petition
- Order electronic monitoring, payment of costs, and treatment
- Issue a final order that you are required to follow and you may not be served with the order if it is substantially the same as this temporary order

If you are under age 18, your parent/s or legal guardian/s will also be served with this order and should also go to the hearing. The court will decide if someone should be appointed to represent you.

**Findings**

**4. Ex Parte Hearing**

The court issues this temporary order without a hearing.

The court held a hearing before issuing this temporary order. These people attended:

Protected Person  in person  by phone  by video

Restrained Person  in person  by phone  by video

Other: \_\_\_\_\_  in person  by phone  by video

**5. Basis**

**A. The court finds:** Based upon the petition, testimony, and case record, it appears that the restrained person engaged in conduct against the protected person/s that would be a basis for a protection order under chapter 7.105 RCW. This *Temporary Protection Order* should be issued without notice to the restrained person to avoid serious immediate harm or irreparable injury.

**B. Antiharassment Temporary Protection Order**

No fee required (stalking, hate crime, single act of violence, or 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, or nonconsensual sexual conduct or penetration or a sex offense. RCW 7.105.105(9)).

**6. Jurisdiction**

The court has jurisdiction over the parties and the subject matter.

**Minors:** Washington state  has exclusive continuing jurisdiction  is the home state  has temporary emergency jurisdiction over the children.

**Temporary Emergency Jurisdiction:** The petitioner has until (date) \_\_\_\_\_ to return to (state/court with jurisdiction over the minors) \_\_\_\_\_ to seek any court orders about these minors:

\_\_\_\_\_

The Washington order will terminate on that date for the minors. RCW 26.27.231.

**The person who filed is not a parent** of one or more children listed above. (**Important!** Complete *Protection Order Attachment A: Non-Parent (ICWA), PO 030A/PO 040A.*)

**7. Other Findings (if any)**

None.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Temporary Restraints** (Check all that apply):

**8. The Court Orders: To 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:

the protected person  the minors named in section 3 above

these minors only: \_\_\_\_\_

B.  **No Contact:** Do not attempt 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:

the protected person  the minors named in section 3 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 only, 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 3 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:

the protected person

protected person's vehicle

protected person's school

protected person's workplace

protected person's residence

protected person's adult day program

the shared residence

the residence, daycare, or school of  the minors named in section 3 above

these minors only: \_\_\_\_\_

other: \_\_\_\_\_

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

keep their address confidential       list their address here:

5500 Maui Ct 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.

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:** You must submit to electronic monitoring. (*Restrained person must be age 18 or older.*)

Monitoring by (*specify*): \_\_\_\_\_

Term (*if different from expiration of temporary order*): \_\_\_\_\_

Restrained Person must pay cost of electronic monitoring.

H.  **Evaluation:**  To be decided at the full hearing.  Ordered now.

The restrained person shall get an evaluation for:  mental health  chemical dependency (drugs or alcohol) at: \_\_\_\_\_

The evaluation shall answer the following question/s:

\_\_\_\_\_

An evaluation is necessary and it is feasible and appropriate to order an evaluation in this temporary order because:

I.  **Treatment:**  To be decided at the hearing.  Ordered now.

The restrained person shall participate in state-certified treatment as follows:

domestic violence perpetrator treatment program approved under RCW 43.20A.735 at: \_\_\_\_\_

sex offender treatment program approved under RCW 18.155.070 at: \_\_\_\_\_

It is feasible and appropriate to order treatment in this temporary order because:

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

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

**Finances:** The following financial relief is ordered: \_\_\_\_\_

L.  **Vehicle:** The protected person shall have use of the following vehicle:  
Year, Make & Model \_\_\_\_\_ License No. \_\_\_\_\_

M. **Restrict Abusive Litigation:** To be decided at the hearing, if requested.

N. **Pay Fees and Costs:** To be decided at the hearing, if requested.

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**Firearms and Other Dangerous Weapons**

O.  **Surrender Weapons:** **Important!** Also use form *Order to Surrender and Prohibit Weapons*, WS 001.

**The court finds** that (*check all that apply*):

Irreparable injury could result if the *Order to Surrender and Prohibit Weapons* is not issued.

The restrained person's possession of a firearm or other dangerous weapon presents a serious and imminent threat to public health or safety or the health or safety of any individual.

Irreparable injury could result if the restrained person is allowed to access, obtain, or possess any firearms or other dangerous weapons, or obtains or possesses a concealed pistol license.

The restrained person must:

- Immediately surrender to law enforcement and not access, possess, have in their custody or control, purchase, receive, or attempt to purchase or receive firearms, other dangerous weapons, or concealed pistol licenses; and
- Comply with the ***Order to Surrender and Prohibit Weapons***, filed separately.

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**Minors**

P.  **Custody:** The protected person is granted temporary care, custody, and control of:  
 the minors named in section 3 above.

these minors only: \_\_\_\_\_

Exceptions for Visitation and Transportation, if any (including exchanges, meeting location, pickup and dropoff): \_\_\_\_\_

\_\_\_\_\_  
Visitation listed here is an exception only to No Contact and Stay Away provisions about the children in **B** and **D** above.

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

To comply with the Child Relocation Act, anyone with majority or substantially equal residential time (at least 45 percent) who wants to move with the child must notify every other person who has court-ordered time with the child. Specific exemptions from notification may be available if the court finds unreasonable risk to health or safety. Persons entitled to time with the child under a court order may object to the proposed relocation. See RCW 26.09.405 - .560 for more information.

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

the minors named in section 3 above

these minors only: \_\_\_\_\_

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

the minors named in section 3 above

these minors only: \_\_\_\_\_

S.  **School Enrollment:** Do not enroll or continue attending 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. Complete form Appendix A School Attendance.)

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**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*) \_\_\_\_\_

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**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:** You must provide an accounting of the disposition of the vulnerable adult's income or other resources by (*date*) \_\_\_\_\_

Y.  **Property Transfer:** Do not transfer the property of  the vulnerable adult  the restrained person. This restraint is valid for up to 90 days.

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**Other**

Z. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Other Orders** (Check all that apply):

9.  **Law enforcement must help the protected person with** (RCW 7.105.320(1))

- Possession of the protected person's residence.
- Possession of the vehicle listed in section L above.
- Possession of the protected person's essential personal belongings located at:
  - the shared residence
  - the restrained person's residence
  - other location \_\_\_\_\_
- Custody of  the minors named in section 3 above
  - these minors only \_\_\_\_\_
- Other: \_\_\_\_\_

- Law enforcement must be present while the restrained person collects** personal clothing, personal items needed during the duration of this order, and these other items (specify) \_\_\_\_\_ from the shared residence that restrained person has been ordered to vacate in D or E above (RCW 7.105.320(3)).

10. **Washington Crime Information Center (WACIC) and Other Data Entry**

**Clerk's Action.** The court clerk shall forward a copy of this order immediately to the following law enforcement agency (*county or city*) West Richland PD or Any Law Enforcement Agency \_\_\_\_\_

(*check only one*):  Sheriff's Office or  Police Department

This agency shall enter this order into WACIC and National Crime Info. Center (NCIC).

11. **Service on the Restrained Person**

**Required.** The restrained person must be served with a service packet, including a copy of this order, the petition, and any supporting materials filed with the petition.

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

Law enforcement agency: (*county or city*) West Richland PD or Any Law Enforcement Agency \_\_\_\_\_

(*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. (*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 service packet 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*): \_\_\_\_\_

**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 4 above for appearances. (*May apply even if the restrained person left before a final ruling is issued or signed.*)

**12.  Service on Others (Vulnerable Adult or Restrained Person under age 18)**

Service on the  vulnerable adult  adult's guardian/conservator  Restrained Person's parent/s or legal guardian/s (*name/s*) \_\_\_\_\_ is:

**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.



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



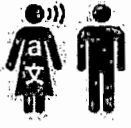

**13. Other Orders (if any):**

None. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

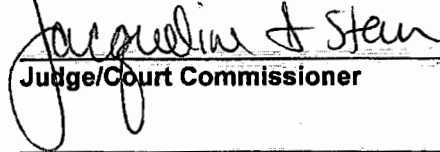
**How to attend the next court hearing (date and time on page 1).**

The hearing scheduled on page 1 will be held:




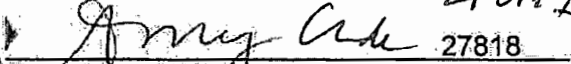
	<p><b>In person</b></p> <p>Judge/Commissioner: _____ Courtroom: _____</p> <p>Address: _____</p>
	<p><b>Online (audio and video)</b> App: _____</p> <p><input type="checkbox"/> Log-in: _____</p> <p><input type="checkbox"/> You must get permission from the court at least 3 court days before your hearing to participate online (audio and video). To make this request, contact: _____</p>

	<p><b>By Phone (audio only)</b>                      <input type="checkbox"/> Call-in number: _____</p> <p><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: _____</p>
	<p><b>If you have trouble connecting online or by phone</b> (instructions, who to contact)</p> <p>_____</p> <p>_____</p>
	<p><b>Ask for an interpreter, if needed.</b> Contact: _____</p>
	<p><b>Ask for disability accommodation, if needed.</b> Contact: _____</p>
<p><b>Ask for an interpreter or accommodation as soon as you can. Do not wait until the hearing!</b></p>	

**Ordered.**

Dated: 2/9/24 at 3:30 p.m. (p.m.)   
 \_\_\_\_\_  
 Judge/Court Commissioner  
 \_\_\_\_\_  
 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:

	Elias Huizar Print Name
Signature of Respondent	Date
	Print Name
Signature of Respondent's Lawyer    WSBA No.	Date
DocuSigned by: 	2/9/2024
Signature of Petitioner	Amber Rodriguez Print Name
	2/9/24
Signature of Petitioner's Lawyer    WSBA No.	Date
_____	Mason Pickett Print Name

**Important! Protected Person:** Law enforcement must notify you before firearms are returned to the Restrained Person. Keep your contact information up to date with the law enforcement agency. The *Proof of Surrender* in the court file should say which agency has the firearms. RCW 9A.41.340.

**Certificate of Compliance With VAWA.** This protection order meets all "full faith and credit" requirements of the Violence Against Women Act, 18 U.S.C. § 2265 (1994) (VAWA) upon notice to the restrained person. This court

has jurisdiction over the parties and the subject matter; the restrained person has been or will be given notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. This order is enforceable in all 50 states, Indian tribal lands, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, American Samoa, the Northern Mariana Islands, and Guam, as if it were an order of that jurisdiction.