

FEB 22 2024

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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

Protection Order (OR-)

Domestic Violence (PRT)

Sexual Assault (SXP)

Harassment (AH)

Stalking (PSTK)

Vulnerable Adult (PRTVA)

Clerk's Action Required: 5.B., 10, 11, 12, 15

Protection Order

1. This order is effective immediately and for one year from today's date, unless a different end date is listed here (end date): _____.

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 AmH
and the following children who are under 18 (if any) no minors

ORIGINAL

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

The person who filed this petition requested protection for (*check all that apply*):

themselves

someone else. The filing party has the right to petition on the protected person's behalf because:

The filing party is a parent, legal guardian, or custodian of the minor protected person/s.

The filing party is age 18 or older and a family or household member of the minor protected person/s. (*For domestic violence orders only.*)

The filing party is age 15 to 17 and filed on behalf of a minor family or household member. The filing party has been chosen by the minor, and is capable of pursuing the minor's stated interest in this case.

The protected person is a vulnerable adult and the filing party is

the vulnerable adult's guardian, conservator, or legal fiduciary, or

an interested person as defined by RCW 7.105.010(18), or

WA Department of Social and Health Services.

The protected person is an adult 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.*)

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.

B. Based upon the petition, testimony, case record, and response, if any, the court finds by a preponderance of evidence that the protected person (or petitioner on their behalf) has proved the required criteria for the following protection order under chapter 7.105 RCW.

Check only one!

- Domestic Violence Protection Order**– The restrained person has subjected the protected person to domestic violence: physical harm, bodily injury, assault, or the infliction of fear of physical harm, bodily injury, or assault; nonconsensual sexual conduct or nonconsensual sexual penetration; coercive control; unlawful harassment; or stalking. *(For intimate partners or family or household members only).*
- Sexual Assault Protection Order**– The restrained person has subjected the protected person to nonconsensual sexual conduct or nonconsensual sexual penetration.
- Stalking Protection Order**– The restrained person has subjected the protected person to stalking.
- Vulnerable Adult Protection Order**– The restrained person has subjected the protected person to acts of abandonment, abuse, financial exploitation, or neglect. The protected person is a vulnerable adult as defined in chapter 7.105 RCW because the protected person:
 - Is over 60 years old and does not have the functional, mental, or physical ability to care for himself or herself.
 - Is an individual subject to guardianship under RCW 11.130.265 or an individual subject to conservatorship under RCW 11.130.360.
 - Has a developmental disability as defined in RCW 71A.10.020.
 - Self-directs their own care and receives services from a personal aide under RCW 74.39.
 - Is receiving services from a home health, hospice, or home care agency licensed or required to be licensed under RCW 70.127.
 - Is receiving in-home services from an individual provider under contract with DSHS.
 - Has been admitted to an assisted living facility, nursing home, adult family home, soldiers' home, residential habilitation center or any other facility licensed by DSHS.
- Vulnerable Adult Objects.** The petition was filed by someone other than the vulnerable adult and the vulnerable adult objects to some or all of the order. The court finds by clear, cogent, and convincing evidence the petitioner established that there is abandonment, abuse, financial exploitation, or neglect of a vulnerable adult and the vulnerable adult is unable, due to incapacity, undue influence, or duress, to protect their person or estate in connection with the issues raised in the petition or order based on the following evidence:

Antiharassment Protection Order– The restrained person has subjected the protected person to unlawful harassment.

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

Credible Threat: The restrained person represents a credible threat to the physical safety of the protected person/s.

The restrained person is under 18 years of age. The court:

appointed (*name*) _____ as guardian ad litem to represent the restrained person in this proceeding.

did not appoint someone to represent the restrained person because:

Other: _____

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 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: _____

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

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 (as listed in the Law Enforcement and Confidential Information form, PO 003). 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 order*): _____

Restrained Person must pay cost of electronic monitoring.

H. **Evaluation:** The restrained person shall get an evaluation for: mental health
 chemical dependency (drugs and alcohol) at: _____

The evaluation shall answer the following question/s:

An evaluation is necessary because:

I. **Treatment:** 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: _____

other: _____

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:** Comply with the Order on Motion to Restrict Abusive Litigation (FL All Family 155), filed separately.

N. [] **Pay Fees and Costs:** The protected person is granted judgment against the restrained person as provided in the Judgment (PO 005), filed separately. The court finds that the restrained person is not under active duty in military or SCRA has been complied with. 50 U.S.C. § 3931.

Firearms and Other Dangerous Weapons

O. ^{9/7} **Surrender Weapons:**

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

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Findings. The Court (*check all that apply*):

must issue the orders referred to above because:

the court ordered the **No Harm** restraints above (section 8.A.) and the court finds that the restrained person had **actual notice** and an **opportunity to participate**. AND:

- the restrained person represents a **credible threat** to the physical safety of a protected person, OR
- this order explicitly prohibits the use, attempted use, or threatened use of **physical force** against any protected person.

Therefore, weapons restrictions are required by state law. RCW 9.41.800(2).

the court finds by a preponderance of the evidence that the restrained person:

[] has used, displayed, or threatened to use a firearm or other dangerous weapon in a felony; or

is ineligible to possess a firearm under RCW 9.41.040.

may issue the orders referred to above because the court finds by a preponderance of the evidence that the restrained person presents a serious and imminent threat to public health or safety, or the health or safety of any individual by possessing a firearm or other dangerous weapon.

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.

Minors

Other family law court cases may modify this order about custody and visitation.

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, and 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 in common.)

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 PO 040B Attachment B School Transfer.)

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:** 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 until (specify date, not to exceed 90 days)

Other

- Z. None Any subsequent order of the family law court shall supersede this order re: the minor children

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
(List the same agency that entered the temporary order, if any)

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 copy of this order and any order to surrender and prohibit weapons.

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) 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 copy of this order and any order to surrender and prohibit weapons on or before the next judicial day to the agency and/or party checked above. The court clerk shall also provide a copy of these orders to the protected person upon request.

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

Not required. See section 4 above for appearances.

The restrained person appeared at the hearing, in person or remotely, and received notice of the order. No further service is required. *(May apply even if the restrained person left before a final ruling is issued or signed.)*

The restrained person did **not** appear at the hearing. However, the material terms of this order have not changed from the *Temporary Protection Order* that was served on the restrained person. No further service is required.

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. Prosecutor's duty to notify protected person of future firearm restoration:

If the restrained person petitions for restoration of firearms, the prosecutor must:

Notify the protected person of the restoration petition and of the court's decision. The protected person requests notification.

Do not notify the protected person of the restoration petition or the court's decision. The protected person opts out of notification.

This order does not affect law enforcement's obligation to notify under RCW 9.41.340.

14. Other Orders (if any):

None.

15. Review Hearing

No review hearing is scheduled.

The court schedules a review hearing on (date): _____ at (time): _____
For (purpose): _____

Ordered.

Dated: 2/22/24 at 1:34 a.m./p.m. [Signature]
Judge/Court Commissioner

Court Phone: _____
Print Judge/Court Commissioner Name Andrew Howell

Court Address: _____

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 _____ Elias Huizar
Print Name Date

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

DocuSigned by: Amber Rodriguez
Signature of Petitioner _____ Amber Rodriguez 2/9/2024
Print Name Date

[Signature] 27818
Signature of Petitioner's Lawyer _____ WSBA No. _____
Print Name Date 2-9-24

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 9.41.340.

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.