**Superior Court of Washington**

**County of Snohomish**

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| **In re the Marriage of:**JANE D. SMITH **Petitioner,****and**JOHN D. SMITH**Respondent.** | **No.** 55-5-55555-55**Petitioner/Wife’s Declaration for Temporary Orders** |

**I. INTRODUCTION**

I, Jane D. Smith, the Petitioner/Wife/Mother, submit this declaration in support of my motion for temporary orders in this divorce. My husband suffers from substance abuse problems and mental illness. I am seeking a temporary parenting plan that keeps our children safe, as well as exclusive possession of the former family home and financial assistance.

**II. BACKGROUND**

My name is Jane Smith, and I am 32 years old. My husband of 11 years is John Smith; he is 34 years old. We married on June 7th, 2003 and are separating as I write this. We have 2 children: Sam is 4 and Maya is 2. I am currently living in our home with our children. My husband is staying in a hotel because of a temporary criminal no-contact order the municipal court awarded me against him a few weeks ago.

**III. ABUSE & ADDICTIONS**

My husband is an alcoholic and prescription medication addict. Sometimes he does both at the same time. When he drinks or is on pills he can become extremely angry and abusive. He has also become suicidal on a few occasions, including a recent time in February 2012. He has tried outpatient rehab in the past but did not finish the program and it was not successful.

 Exhibit A is a November 2011 email chain between the two of us about his pill addiction, alcoholism, and mental health issues. He and I wrote in relevant part:

[**Me**:] The abuse of pills is what did it for me. How can I open up and love someone who checks out on me for days at a time. That's just too much to bear. Someone who could take pills and risk his life in doing so and ignore his children and wife for days on end, I have to protect myself from that pain . . . .

[**Husband**:] I told you that [I] was done with the pills and . . . I still mean it. Me losing my job and not being able to provide for my family was a wakeup call. I respond to wake up calls.

What you don't understand is the pill abuse and the drinking are all because I have no one else who loves me . . . The one person I needed to understand how difficult my [life] can be because of the mental health issues . . . ignored me.

In that November 2011 email chain, he said he was done with pills.

 Then in January 2012 he took pills again. He wrote me an email saying:

Where are the pills. I need a just a couple. If I cant find them Mike is going to get me some today.

A copy of the email is attached as Exhibit B.

 In February he took pills, drank, and wrote to me saying he was going to take his life. I told him he needed to go to the hospital, but he would not go. I felt like I had no choice but to call the police. He indicated he had his gun and would shoot the police if they tried to enter the house. The police set up a perimeter around the house, talked my husband down, arrested him, and took him to the hospital. At the hospital he tried to break out of his restraints and wanted to fight with security and the police. He was deranged.

Exhibit C is a set of our emails from the February 2012 incident. In relevant part we wrote:

[**Husband**:] Ill make you cant find me.tonight im sorry for everything I put you threw and our children. I am a better not around than teaching bad things.

. . . .

[**Husband**:] I don't know where noise is

[**Me**:] Stop it!! what are you talking about? Answer the phone now!! I'm about to call The police and send them to our home.

[**Husband**:] I have my gun. The cant come in

[**Me**:] I called them

[**Husband**:] Then this is on you .. I hope you are happy.

[**Me**:] What are you doing?!

[**Husband**:] Defending myself.

[**Me**:] From what?? What is wrong with you?

[**Husband**:] The fucking cops you just called on me . . . . Why would you fucking do thsat to me ... !!!!!!!!!!!

[**Me**:] But I have to do something before you hurt yourself. You need to go to the hospital now!

. . . .

[**Me**:] Just please go to the hospital you are having a bad reaction to the pills, they can help you at the hospital. Please just go there. I did not call the police.

. . . .

[**Me**:] If you don't go to the hospital now I will call the police. I'm afraid you are going to hurt

yourself.

[**Husband**:] I will hurt them a lot more than they will hurt me.

Exhibit D is comprised of the police narratives from the February 2012 incident. The first police officer’s narrative describes the standoff between my husband and law enforcement. The narrative reads in relevant part:

Officers arrived and set up tactical containment around the residence. Lt. Enid was able to finally make contact with John. John made statements to Lt. Enid like the fact that his kids would be better off without him. He talked about insurance money and he did not want to hurt anyone else. After approximately a 40 minute standoff Lt. Enid was able to persuade John to secure the gun in his house and to come outside with his hands up and visible. John was compliant and taken into custody. Officer Thomas located John' gun, an MP .40 cal, inside his residence and impounded the gun for safe keeping.

The second police narrative describes my husband fighting with officers and security at the hospital. The narrative reads:

I arrived and went to room #206 where Officer Janis was standing by with hospital security. Smith was tensing his muscles and trying to break free of the restraints. His face was red and he was moving about. I asked for Smith to cooperate. He had freed his left arm from the restraint. He indicated he would go ahead and fight with us. I took a hold of his left arm and pinned it down while Hospital Security Employee Lacey Gordon restrained his arm. Smith was screaming at me calling me a, "faggot." He was yelling at me to, "break it." He moved his head like he was going to try and bite me, but he couldn't tum his head far enough towards my arm to bite.

 May 2, 2012 was another time I called the police out of fear of my husband. He was drunk, angry, and making vague threats. Then he shoulder checked me and spat in my face. Exhibits E and F contain some of the relevant text messages my husband and I wrote that day. They read in relevant part:

[**Husband**:] I suggest you not come home. I will be drunk and pissed

. . . .

Im going to make your life as fucked up as mine so you file out of desperation. Welcome to my world, bitch.

. . . .

Any time you stress how hard life is I will fuck you up ... Enjoy my world, bitch

[**Me**:] I want you to stay safe

[**Husband**:] . . . But your to much of a bitch to give me that and I'm done taking your shit.

Explain why you’re a self centered cunt to your kids

[**Me**:] . . . But I still want to try to keep it together for them

[**Husband**:] Your life just got 10000% more difficult. After I am done, you will welcome a divorce. Believe that, bitch.

[**Husband**:] [Y]ou’re a psychotic bitch.

. . . .

Enjoy the shitstorm that follows

. . . .

. . . [C]onvince him how you are awesome .. I’m sure it will play well:-)

[**Me**:] I’m not awesome.

[**Husband**:] I’ve been drinking all day. I don’t think you should come home. Ive never been this drunk or angry.

[**Me**:] Ok.

[**Husband**:] I’m out of control.

[**Me**:] Please be careful then

Exhibit F is the police report describing what happened next. The police report reads:

John Smith said that he spat on his wife.

. . . .

Officer Yeadon informed me of what he had learned from Jane Smith. Jane Smith indicated that her husband had sent her some text messages earlier in the day . . .

Jane Smith indicated that she and John Smith argued at the residence and that he shoved her with his shoulder and spat in her face.

I asked John Smith if he had shouldered his wife aside and he said that it might have happened.

 Notice how he calls me horrible names. He often calls me these kinds of names in front of our children.

**IV. PARENTING DURING THE PAST 12 MONTHS**

I do most of the parenting and domestic chores. I usually work three days a week – Monday through Wednesday – for ten hours each day, which gives me four days a week off. The housework and childrearing has always been something I do because I have more days off than my husband. I bathe the kids, do most of the food preparation, get the kids ready most mornings, do most of the child transportation, do the kids’ laundry, clean the floors, and change the sheets (I don’t do all the cleaning though—we hire someone to do a “deep” cleaning once a month).

When I work, the kids go to daycare or my mom’s house. My husband does not watch them even though he has been unemployed since January. On Tuesdays and Wednesday the kids attend daycare, and on Mondays my mother watches them.

On Sundays I take the children to church and then we go visit my parents. My husband just stays home.

My husband does an occasional load of laundry, sometimes does the dishes, helps the kids get ready for school twice a week, and drops the kids off at daycare. That’s about it.

I don’t know my husband’s current work schedule. He found a new job as soon as we separated.

**V. EDUCATION & WORK HISTORY**

A. *Wife*. I graduated from Sammamish’s High School in 1998. Then I took some college courses but did not graduate. After college, I entered the work force. I have worked at Gandolf Law Firm since March 2002. I started as the receptionist and worked my way up to accounting assistant. I work 30 hours a week there, which is considered full time for purposes of qualifying for benefits. I am on pace to earn a gross income of $32,788.51 this year. That means my monthly pay is about $2,732.40 gross and $2,276.08 net.

B. *Husband*. My husband graduated from Cashmere High School in 1994. Like me, he then took some college courses but did not graduate. After college, he entered the Navy. He has had many different jobs since we have been married. Most recently he worked as a project manager for Seattle Energy. He lost his job in January, but he is receiving medical leave of 80% of his previous salary. This will be the last month he receives his medical leave. He tells me Verizon hired him on May 17 at just over $50.00 per hour, 40 hours per week, which sounds right given his past earnings. Assuming his pay is $50 per hour, he would make $8,666.70 per month gross and about $6,417.60 per month net.

**VI. RELIEF SOUGHT**

 A. *Parenting Plan*. I ask that the Court adopt my proposed temporary parenting plan making me the primary residential parent.

 B. *Child Support*. I ask for a standard support calculation. My worksheets indicate a standard transfer amount would be $1,352.02 per month.

 C. *Attorney Fees*. I ask for attorney fees only if the Court offers me little in the way of maintenance.

 D. *Use of Family Home*. I ask that I be awarded exclusive of the family home with the children, at least for the time being.

 E. *Spousal Maintenance*. I ask for $1,000 per month in spousal maintenance. My husband’s net income is $6,417.60 per month. Factoring tax implications of maintenance, it would require a maintenance payment of $2,744 to equalize our net incomes (excluding child support). I am asking for less than 37% of that. His share of the former family income would still be much higher than mine.

Moreover, I need a maintenance payment of $1,000 a month to pay my bills. My net income would be $4,440.69 per month including net maintenance and requested child support. My monthly expenses are $4,306 (see financial declaration). With maintenance, I would have only $134.69 after expenses every month.

My expenses are so high because virtually all the family debts and liabilities are in my name. My husband has poor credit history. I cannot rely on my husband to make these payments, since he gained is poor credit history by not paying his obligations in the past. I am stuck with these expenses until we can sell the house, get cheaper cars, pay down our credit cards, and enter a cheaper cable/internet/phone contract.

 F. *Additional Relief*. I ask that my husband be restrained from drinking, and be restrained from taking any controlled substances not prescribed to him. I would also like the Court to require my spouse to undergo periodic drug and alcohol testing.

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, [City] \_\_\_\_\_\_\_\_\_\_ [State] on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [Date].

JANE SMITH