

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF LINN

In the Matter of:

KYLA MAZHARY-CLARK,
Petitioner,
and
JAMIE CLARK,
Respondent,
and
KENNETH CLARK,
Respondent.

No. 19DR03123

PETITIONERS' MOTION FOR
TEMPORARY PROTECTIVE ORDER
OF RESTRAINT
(Ex-Parte)

COMES NOW the Petitioner, Kyla Mazhary-Clark, and applies to the Court for a Temporary Protective Order of Restraint. Pending hearing, said Order shall enjoin both Guardian and Respondents from:

(1) Changing Sage and Sadie Clark's (hereinafter "children") usual place of residence at 3442 Liberty Rd. S, Apt 48, Salem, OR 97302.

(2) Interfering with the present placement and daily schedule of the minor children as set forth in the Affidavit of Petitioner filed herewith;

(3) Hiding or secreting the children from the other party;

(4) Interfering with each party's usual contact, if there is any, with the children as set forth in the Affidavit of Petitioner filed herewith;

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1 (5) Leaving the state of Oregon with the children without the written permission of
2 the other party or the permission of the Court; or

3 (6) In any manner disturbing the current schedule and daily routine of the minor
4 children until custody and/or parenting time has been determined.

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6 DATED this 12th day of February, 2019.

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9 Kyla Mazhaty-Clark
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No. 19DR03123

PETITIONERS' AFFIDAVIT IN
SUPPORT OF APPLICATION AND
TEMPORARY PROTECTIVE ORDER
OF RESTRAINT (Ex-Parte)

STATE OF OREGON)
County of Linn) ss.

I, Kyla Mazhary-Clark, being first duly sworn do depose and say:

Places the children have lived within the last five years and with whom they resided during that period of time:

<u>Uniform Child Custody Jurisdiction and Enforcement Act Information</u>			
Child	Resided With	Relevant Dates	Address
Sage and Sadie	Petitioner	November 4 th , 2018 - present	3442 Liberty Rd. S Apt. 48 Salem, OR 97321
Sage and Sadie	Respondent Jamie Clark	June 20 th 2018 - November 4 th , 2018	1600 W Bradley Ave. Apt. P297, Champaign, IL 61821

1	Sage and Sadie	Foster Care	April 2018 - June 20 th 2018	Illinois
2	Sage and Sadie	Respondent Jamie Clark	January 8 th , 2018 - April 2018	Illinois
3	Sage Clark	Petitioner and Respondent Jamie Clark	February 2017 - January 8 th , 2018	991 Hayes Ave. Apt 210 Corvallis, OR 97330
4	Sadie Clark	Petitioner and Respondent Jamie Clark	Birth - January 8 th , 2018	991 Hayes Ave. Apt 210 Corvallis, OR 97330
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I helped provide care for the children throughout 2017 by teaching them sign language, taking them to events and activities, preparing meals for them, changing their diapers, and buying them toys, clothes and food.

I have been the primary care giver for the minor children for the last three months, and would like them to maintain their current schedule while this matter is pending. Sage and Sadie are enrolled in a daycare program that they enjoy and are doing well with the stable schedule I have established. Before the minor children were in my care, they bounced around to different addresses with their mother, Jamie Clark, and were placed into foster care for a period of time.

Since their Mother, Jamie Clark, returned to Oregon in late November due to being evicted from her residence in Illinois, she has exercised sporadic parenting time. She has had parenting time on some weekends but no set schedule has been established. The most consistent schedule that their Mother has established is that she calls or video chats with the children during the week. I regularly attempt to facilitate time between Mother and the minor children by having the minor children regularly call Mother and offering parenting time to Mother. To the best of Petitioner's knowledge, Father has not had parenting time with the minor children since February 2017.

1 I love Sage and Sadie very much and have seen them advance in many ways since they
2 have been in my care. Since the minor children came to live with me in November 2018, I
3 have been their sole care provider. I have put the minor children on a schedule which provides
4 them stability, something I can tell they enjoy and are benefitting from. For example, Sage has
5 been learning her number and shapes while Sadie has learned to walk and run and how to use
6 sign language to communicate. I work on these things with the girls on a daily basis. For all
7 these reasons, I respectfully request that the court maintain the status quo for Sage and Sadie
8 Clark until there is a further order from the court.

9 ORS 109.767 (1) Declarations:

10 A. I have not participated, as a party or witness or in any other capacity, in
11 any other proceeding concerning the custody of or parenting time or visitation with the
12 children other than Linn Co. Circuit Court Case No. 17DR17271

13 B. I know of no proceeding that could affect the current proceeding,
14 including proceedings for enforcement and proceedings relating to domestic violence,
15 protective orders, termination of parental rights and adoptions;

16 C. I do not know of any person who is not a party to this proceeding who
17 has physical custody of the children or claims to have rights of legal custody or
18 physical custody of, or parenting time or visitation with the children.

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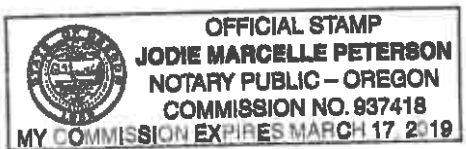
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I am asking the Court to maintain the current status quo and prevent any party from interfering with Sage and Sadie's present placement at 3442 Liberty Rd. S, Apt 48, Salem, OR 97302, and from disturbing the current schedule and daily routine of the minor children until this matter can be decided by the Court.

DATED this 14th day of February, 2019.


Kyla Mazhary-Clark, Petitioner

SUBSCRIBED AND SWORN TO before me this 14th day of February, 2019




Notary Public for Oregon