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TIMOTHY W. FITZGERALD
SPOKANE COUNTY CLERK

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TIMOTHY W. FITZGERALD
SPOKANE COUNTY CLERK

Superior Court of Washington, County of Spokane

In re: Custodial Interference 12/17/2020

Petitioner :

SIRINYA POLARJ

And Respondent:

AARON SURINA

No. 17-3-01817-0

Motion for Contempt Hearing
(MTSC)

Police Case# 2020-2021-7006

Motion for Contempt Hearing

To both parties:

Deadline! Your papers must be filed and served by the deadline in your county's Local Court Rules, or by the State Court Rules if there is no local rule. Court Rules and forms are online at www.courts.wa.gov.

If you want the court to consider your side, you **must**:

- File your original documents with the Superior Court Clerk; AND
 - Give the Judge/Commissioner a copy of your papers (if required by your county's Local Court Rules); AND
 - Have a copy of your papers served on all other parties or their lawyers; AND
 - Go to the hearing.
- The court may not allow you to testify at the motion hearing. Read your county's Local Court Rules, if any.

Bring proposed orders to the hearing.

To the person receiving this motion:

If you do not agree with the requests in this motion, file a statement (using form FL All Family 135, *Declaration*) explaining why the court should not approve those requests. You may file other written proof supporting your side.

1. I declare: I am the father of DMS and AAS, I arrived to pickup my two children at the court ordered time according to the parenting plan on December 17, 2020.

- a. I had a lawful right to the physical custody of my children based on a residential schedule ordered by the court.
- b. I was denied access to my children by 3 people on December 17, 2020 intentionally without regard for law.
- c. Sirinya Polarj, Keith Landrus and Benjamas Srirattanakun were present and all participated in this interference.
- d. These 3 worked together and intended to deny me access to my children on December 17, 2020 at around 3pm.
- e. My children and I were deprived of approx. 24 hours of Court ordered residential schedule with an extreme level of harassment, intimidation and threats on 12/17/2020 which continued and has not ended.

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2. The other party, **Sirinya Polarj**, did **not** obey the orders checked below that were signed by the court 12/20/2019.

The parenting plan on Page 3 section 8, Page 8 section 12, Page 9, section 14 items (b), and Page 10 Lines 10, 11) outline the following:

- a. The Parenting Plan under the **school schedule** Dad picks children up on his Thursdays. **(Page 3 s8)**
- b. Mr. Surina transports as receiving parent, required to pickup on exchange days when they will reside with him. **(Page 8 s12)**
- c. The parenting plan also outlines there is to be no interference or intentional conflict. **((Page 9 section 14) items (b),(m))**
- d. Refusing to allow the other parent access to their children is also illegal under RCW 9A.40.060.
- e. The current parenting plan drafted by the Petitioner on Pg10 Lines 10 and 11 includes a warning that a violator could face arrest for violating the parenting provisions in the order.
- f. **Mr. Surina was denied any contact with his children, on his scheduled pickup, after the hearing on December 17, 2020. See attached order Exhibit A (The parenting plan)**

Parenting plan or residential schedule

*Describe how the order was **not** obeyed including dates and times:*

On Thursday, December 17, 2020, right after the hearing in front of Judge Dixon, the following violations occurred at approx. 3pm.

- 1. Page 10, Lines 10 and 11 outline custodial interference.
- 2. Mr. Keith Landrus approached Mr. Surina and Mrs. Colby while they were sitting in their vehicle at the curb for pickup at 227 E. 22nd ave, Spokane, WA 99202
- 3. Mr. Landrus had confirmed that it was Mr. Surina's day and that Mr. Surina would not get his children and assisted Sirinya Polarj and her mother Benjamas Srirattanakun with concealing and retaining Mr. Surina's children intentionally, knowing the court's order and his scheduled residential time with his sons.
- 4. Page 9 section 14 items (b) and (m). Do not cause unnecessary conflict or delay the exchange against the other parent's will. The intentional chaos at the beginning of Mr. Surina's Christmas break which began during his weekend was shocking and an assault on Mr. Surina, Dad.

5. Mr. Landrus kept making the edicts "There is nothing you can do other than file a contempt or call the police and the police won't do anything about it and the court will take weeks and won't listen to you and court orders don't matter". "You're not getting your kids today".
 6. AAS, Mr. Surina's 4 year old was in the window crying trying to get out of the house but was being held back by Benjamas Srirattanakun whom was the perpetrator in a DVPO protecting Mr. Surina's two children from her, less than a month prior.
 7. Benjamas Srirattanakun is the 3rd member assisting with the custodial interference in the 1st degree and a relative outlined in section 1 of 9A.40.060 .
 8. Benjamas Srirattanakun intentionally acted to prevent Mr. Surina from access to his youngest son, by physically restraining AAS from going with his father on his court ordered time which was visible through the front door which is a large window.
 9. Sirinya arrived and implicated that the custodial interference was planned and insisted that Mr. Surina would not be getting his children on December 17, 2020 regardless of the order.
 10. Sirinya went into the house and pulled AAS from near the door, AAS could no longer see Mr. Surina.
 11. Sirinya and her mother Benjamas, both prevented AAS from coming out to go with Mr. Surina; AAS could see Mr. Surina at the curb, in front of the house.
 12. Mr. Surina and his two sons were not able to have contact at any time on Dec 17, 2020.
 13. Sirinya told both boys that they didn't go with Dad because Dad did not want to wait for them.
 14. On December 18, 2020 Mr. Surina was asked by his son why he was not willing to wait for him to get to his mother's house the previous day on December 17, 2020. "Mom said you did not want to wait for me and just left" which both Mr. Surina and Mrs. Colby witnessed.
- Note:** See Declarations of Karmen Colby, Auntie to both children and witness to this encounter with Mr Surina & Sirinya Polarj, Keith Landrus and Benjamas Srirattanakun.

Other order:

Describe how the order was **not** obeyed including dates, times, and amounts, if any:

- a. Sirinya was speaking disparagingly about Mr. Surina in front of the boys.
- b. Sirinya delayed pickup far beyond the 5 minutes outlined in the court's order by concealing the children for over 24 hours to intimidate the children and Dad.
- c. Sirinya also enlisted Mr. Landrus who threatened Mr. Surina that they may keep them until the following Monday, advising Mr. Surina and his sister Mrs. Colby, who witnessed the entire event that "they could interpret the parenting plan any way they want to"

3. Request – I ask the court to:

- ☒ Find the other party in contempt,
- ☒ Order the other parties to go to court to show why the court should not approve the judgment and orders Mr. Surina requested,
- ☒ Consider this motion under the statutes (RCW 9A.40) and the relief designated within that chapter which is included in the court ordered parenting plan (P10.L10,11),
- ☒ Order Petitioner to take the AAPI-2 adult adolescent parenting skill evaluation.
- ☒ Approve the requests checked below

Money judgment requested

- ☒ I ask the court to approve a judgment ordering the other party to pay:

	Amount	Interest	From (date)	To (date)
Violation of Parenting Plan (6th time mandatory)	\$ 100.00	\$	12/17/2020	12/17/2020
Fuel to return to Spokane	\$ 25.00	\$	12/17/2020	12/17/2020
Keith Landrus (1 count) Class C Felony committed against Mr. Surina and his two children (RCW 9A.40.060)	1,000.00	12%	12/17/2020	12/17/2020

5. Fines and penalties or remedial sanctions requested

☐ Does not apply.

☒ Approve other reasonable orders, including ordering the other party to:

- Pay a fine – civil penalty (required for violations of parenting time court orders or criminal conduct),
- Any other relief allowed by law under (Chapter 9A.40, Chapter 7.21 RCW, Chapter 26.09 RCW, Chapter 26.10 RCW, Chapter 26.16, Chapter 26.26 RCW, and RCW 26.18.040).

☐ Do not send the other party to jail.

6. Other orders requested (if any):

Person making this motion fills out below:

I declare under penalty of perjury under the laws of the state of Washington that the facts I have provided on this form are true.

Signed at (city and state): Hayden Idaho

Date: February 10, 2021



Aaron Surina

AARON SURINA
Print name here

I agree to accept legal papers for this case at the following address :

12000 N Stinson Dr

Hayden

Idaho

83835

street address or PO box

city

state

zip

Ex C pg 1

Avirat, Inc. d/b/a
The OurFamilyWizard® Website
230 13th Avenue NE
Minneapolis, MN 55413
OurFamilyWizard.com
info@ourfamilywizard.com
(866) 755-9991



Message Report

Total Number of messages: 1

Generated: Aaron Surina generated this report on 02/15/2021 at 10:13 PM

Time zone of times listed:
America/Los_Angeles

Family Account Structure: Surina - Surina

Parents: Aaron Surina, Sirinya Surina

Child(ren): Andrew Surina, David Surina

Third Party Account(s): KARI CARSON, KARMEN CARSON, CHRISTINE SURINA

Message 1 of 1

Sent: 12/17/2020 at 10:59 PM
From: Aaron Surina
To: Sirinya Surina (*First Viewed: 12/18/2020 at 02:55 PM*)
Subject: Re: Pickup - 12/17/2020 15:00

I know you know who's day it is because you told me it's my weekend and that you're not going to give me the kids.

I did not ask the judge if it was my weekend. That did not need clarification today. I haven't seen my children since I dropped them off according to the court ordered parenting plan 10 days ago on December 7, 2020

I asked Judge Dixon if the writ of habeus corpus was vacated / quashed that you obtained dishonestly issued on December 8, 2020 for December 3, 2020 when you said I kidnapped our children.

He confirmed yes it is and he took care of that yesterday (Wednesday 12/16/2020).

This clarifies that:

- 1) 12/3/2020 was my Thursday Pickup. (week 2 of 2).
- 2) You, Sirinya had last Thursday Dec 10, 2020
- 3) You, Sirinya don't get two Thursday nights in a row in the court ordered parenting plan.
- 4) Today 12/17/2020 is my Thursday which you are very well aware of.
- 5) Today is not part of a holiday schedule. Today is regular parenting plan.
- 6) Tomorrow is also one of my days but has nothing to do with today.

Ex C

EX C PS 2

The saddest part of this all, is that Andrew was there standing at the door looking at me and you blocked him and pulled him away from the door and did not let him come out. He looked so sad, looking at me and wanting to come say hi and you refused to allow him to even say hi or get a hug. Blocked him from coming outside altogether to see Dad.

What would you like to do about this schedule mishap?

On 12/17/2020 at 08:35 PM, Sirinya Surina wrote:

To: Aaron Surina (First Viewed: 12/17/2020 at 10:27 PM)

Subject: Re: Pickup - 12/17/2020 15:00

The judge did not answer you today in court if this was your weekend. When and where did I agree about anything, you just made that up. I always obey the court ordered Parenting Plan which says "Winter Break begins on the day that school is released" which is Friday Dec 18th after school see attached copy of the parenting plan. I fully expect that David and Andrew will be returned to me at noon Christmas Eve Dec 24th see page 5 of 10 lines 8 and 9 of section 10

* note: Receiving Parent Picks-up (P. 5 S. 12)

On 12/17/2020 at 04:04 PM, Aaron Surina wrote:

To: Sirinya Surina (First Viewed: 12/17/2020 at 04:13 PM)

Subject: Re: Pickup - 12/17/2020 15:00

My pickup is Thursday not Friday and you agreed it's my pickup today but out of absolute disdain and defiance for the judge Dixon and his orders you stated

"court orders don't matter"

and that I should

"go file a contempt since you know now that they have no teeth because you're not getting the kids"

You are furthermore are in violation of 9A.40.070 and I am filing a police report regarding this incident.

This is the 5th custodial interference since Sept 1, 2020.

On 12/17/2020 at 03:21 PM, Sirinya Surina wrote:

To: Aaron Surina (First Viewed: 12/17/2020 at 04:01 PM)

Subject: Re: Pickup - 12/17/2020 15:00

Attachments: 20201217_151853.jpg (2 MB)

* You weekend begins tomorrow after school

On 12/17/2020 at 03:15 PM, Aaron Surina wrote:

To: Sirinya Surina (First Viewed: 12/17/2020 at 03:19 PM)

Subject: Pickup - 12/17/2020 15:00

II am almost to your house for the exchange.

Please make sure all David's school stuff is ready and they both have their jackets and boots.

Exc B3

Thank you Oh
Aaron