

CN: 201703018170

SN: 459

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FEB 16 2021

TIMOTHY W. FITZGERALD
SPOKANE COUNTY CLERK

FILED

2021 FEB 16 PM 11:11

TIMOTHY W. FITZGERALD
SPOKANE COUNTY CLERK

Superior Court of Washington, County of Spokane

In re: Custodial Interference 12/18/2020

Petitioner :

SIRINYA POLARJ

And Respondent:

AARON SURINA

No. **17-3-01817-0**

Motion for Contempt Hearing
(MTSC)

RCW 9A.40.060 Violations

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.

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 **attest**: I am the father of DMS and AAS, I arrived to pickup my two children [REDACTED] on December 18, 2020.
2. I had a lawful right to the physical custody of my children based on a residential schedule ordered by the court which was willfully violated to deprive me of that time with my sons.
3. I was denied access to my children by 3 people on December 18, 2020 intentionally.

RCW 26.09.160
Mandatory Form (05/2016)
FL All Family 165

1. I am a Respondent and father of both children involved in these cases.

2. The other party, **Sirinya Polarj**, did **not** obey the orders checked below that were signed by the court on *the Dec 20, 2019 Court's orders outlining the following:*

- Sirinya concealed and held my children and I did not get my children, see my children or even speak to my children at the court ordered time on 12/17. (RCW 9A.40.060 / PP, Pg10)
- **Page 3 sec 8:** Parenting Plan under the school schedule. Dad picks DMS up on Thursday and drops off on Monday unless there is no school on Monday.
- On 12/18, she continued to conceal and retain my son AAS after I picked DMS up after school (which is where Sirinya leaves him everyday for 4 hours after the other kids go home in DayCamp in violation of Page 3, and Page 10 Lines 10, 11.)
- She was driving AAS around avoiding her house knowing we were there waiting to start Christmas break in violation of 9A.40.060 and Page 10, Lines 10, 11 of the Parenting Plan

3. Parenting plan or residential schedule

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

1. On 12/18/2020 at around 11:40am, Sirinya received a message that I was on my way to pickup my two sons after she withheld them the day before.
2. Under the school schedule, Dad picks up DMS at the release of school, from the school and proceeds to moms for AAS.
3. Mom concealed AAS for approx. 4 hours while I waited and sent numerous messages pleading for common sense to make a comeback after driving all the way back into Spokane in violation of Pg 10 of the PP and law.
4. Sirinya had denied my lawful physical custody of my two sons less than 24 hours prior for the entire evening and night forcing me to return to Spokane for my two children which has become a common occurrence. This violated RCW 9A.40.060, and I ask the court to confirm and find Sirinya in violation of the law.

- Mother continues to cause emotional and psychological harm to children.
- Keeping the children from their father when he shows up on time to pick them up, and then telling them that Dad did not want to wait for you and left.
- A violation of 9A.40.060, Sirinya taking children away from the house where receiving parent picks up to prevent children from having time with their father and deny the entire residential schedule has happened on numerous occasions and is contrary to my sons wellbeing.
- **Committing custodial interference as a method of punishment on the children, withholding their whereabouts and avoiding court ordered exchanges intentionally to deprive Mr. Surina of his lawful physical custody and residential time is a crime.**

•
3. Find the other party in contempt, and

- Approve the requests checked below.

4. Money judgment not requested

5. Fines and penalties or remedial sanctions requested

- ☒ Approve other reasonable orders, including ordering the other party to:
- Pay a fine – civil penalty (required for violations of parenting time orders).
 - CR35 Evaluation
 - AAPI-2 Adolescent Parenting examination
 - Re-Designate parties as Petitioner and Respondent as appropriate to reflect actual case history, facts and findings related to parties
 - Any other relief allowed by law (Chapter 7.21 RCW, Chapter 26.09 RCW, Chapter 26.10 RCW, Chapter 26.16, Chapter 26.26 RCW, and RCW 26.18.040).

6. Other orders requested (if any):]

- Accept the proposed parenting plan, Order a review date around the middle of April, 2021 to ensure compliance with the court's orders as proposed;
- Please remove any restrictions preventing the parties children from calling their family members or emergency services if they are not safe or there is an accident or emergency.
- Remove restraining order that was placed on children blocking their ability to reach out for help to family or emergency responders regardless of which parent they are residing with.

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: Feb 5, 2021


s/ Aaron Surina

Person making this motion signs here

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

Ex. C p 1

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Minneapolis, MN 55413
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Message Report

Total Number of messages: 1

Generated: Aaron Surina generated this
report on 02/15/2021 at 10:45 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: 12/18/2020 at 11:46 AM
From: Aaron Surina
To: Sirinya Surina (First Viewed: 12/18/2020 at 02:54 PM)
Subject: STATUS

Hi,

My understanding is that David's online school ends at 11:50 today.

I will be there about 12:30 to pick up the boys.

If you have any concerns with this, please let me know.

I've been waiting for communication from you regarding withholding the boys yesterday and the exchange today.

EXHIBIT C

Exc pg 2

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CARSON, CHRISTINE SURINA

Message 1 of 1

Sent: 12/18/2020 at 03:05 PM
From: Aaron Surina
To: Sirinya Surina (First Viewed: 12/18/2020 at 03:13 PM)
Subject: Re: We're here

School was out at 11:50.

I pick up from school.
I'm not allowed to pick up my son from daycare?
I'm not sure what you mean

On 12/18/2020 at 02:54 PM, Sirinya Surina wrote:

To: Aaron Surina (First Viewed: 12/18/2020 at 02:55 PM)
Subject: Re: We're here

Pickup time is after school at 3 pm you are not allowed to pick up David up until after 3 pm today this is my time

* Cant order = Dad pick up from school when
school gets out

3pm = if no school on Dad's pick-up day

Exc pg 3

On 12/18/2020 at 01:31 PM, Aaron Surina wrote:

To: Sirinya Surina (*First Viewed: 12/18/2020 at 02:52 PM*)

Subject: We're here

I picked up David from school and Andrew is next.

What's the plan?

Thanks for letting me know

Ex C p4

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Message Report

Total Number of messages: 1

Generated: Aaron Surina generated this
report on 02/15/2021 at 10:45 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: 12/18/2020 at 01:31 PM
From: Aaron Surina
To: Sirinya Surina (*First Viewed: 12/18/2020 at 02:52 PM*)
Subject: We're here

I picked up David from school and Andrew is next.

What's the plan?

Thanks for letting me know

Exc p5

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Message Report

Total Number of messages: 1

Generated: Aaron Surina generated this
report on 02/15/2021 at 10:43 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: 12/18/2020 at 03:09 PM
From: Aaron Surina
To: Sirinya Surina (First Viewed: 12/18/2020 at 03:13 PM)
Subject: Re: We're here

I'm here but you're not here. It's 10 after 3.

More games

On 12/18/2020 at 02:54 PM, Sirinya Surina wrote:

To: Aaron Surina (First Viewed: 12/18/2020 at 02:55 PM)
Subject: Re: We're here

Pickup time is after school at 3 pm you are not allowed to pick up David up until after 3 pm today this is my time

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Message Report

Total Number of messages: 1

Generated: Aaron Surina generated this
report on 02/16/2021 at 02:42 AM

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: 12/18/2020 at 03:13 PM
From: Sirinya Surina
To: Aaron Surina (*First Viewed: 12/18/2020 at 03:19 PM*)
Subject: I'm still at David's school

I will be home soon

EC pg 7

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Message Report

Total Number of messages: 1

Generated: Aaron Surina generated this
report on 02/16/2021 at 02:42 AM

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: 12/18/2020 at 03:33 PM
From: Sirinya Surina
To: Aaron Surina (*First Viewed: 12/18/2020 at 03:34 PM*)
Andrew Surina (*First Viewed: Never*)
David Surina (*First Viewed: Never*)
Subject: Pick up 12/18/2020

Aaron picked up David at school at 1:30pm.
Picked up Andrew at home 3:25pm

Ex C pg 8

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Journal Report

Total Number of journals: 1

Aaron Surina generated this report on

02/16/2021 at 05:56 AM

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

DEFINITIONS

Moments - Entries that allow you to add files, photos and locations and can be added to any day.

Check-ins - Entries that allow you to confirm your location at a specific time. Entry description and sharing permissions may be updated after the fact.

Entry 1 of 1

Check-in

Created: 12/18/2020 at 01:29 PM

Created by: Aaron Surina

Shared with: Connected Practitioners

Sirinya Surina (*First Viewed: 12/18/2020 at 02:58 PM, First Previewed: 12/18/2020 at 02:58 PM*)

Location: 233 E 22nd Ave, 233 E 22nd Ave, Spokane, WA 99203, USA

Yesterday was another Custodial interference.

I'm here for the boys

Exc pg 9

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Journal Report

Total Number of journals: 1

Aaron Surina generated this report on

02/16/2021 at 05:55 AM

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

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Check-ins - Entries that allow you to confirm your location at a specific time. Entry description and sharing permissions may be updated after the fact.

Entry 1 of 1

Check-in

Created: 12/18/2020 at 01:34 PM

Created by: Aaron Surina

Shared with: Connected Practitioners

Sirinya Surina (*First Viewed: 12/18/2020 at 02:58 PM, First Previewed: 12/18/2020 at 02:58 PM*)

Andrew Surina (*First Viewed: Never, First Previewed: Never*)

David Surina (*First Viewed: Never, First Previewed: Never*)

Location: 227 E 22nd Ave, 227 E 22nd Ave, Spokane, WA 99203, USA

Nobody's home.

Where is Andrew ?

EXC B310

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Journal Report

Total Number of journals: 1

Aaron Surina generated this report on

02/16/2021 at 05:55 AM

Time zone of times listed:

America/Los_Angeles

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Entry 1 of 1

Check-in

Created: 12/18/2020 at 02:47 PM

Created by: Aaron Surina

Shared with: Connected Practitioners

Sirinya Surina (*First Viewed: 12/18/2020 at 02:57 PM, First Previewed: 12/18/2020 at 02:57 PM*)

Location: 233 E 22nd Ave, 233 E 22nd Ave, Spokane, WA 99203, USA

Still waiting for my children. David is with me, Andrew is not.
I've been trying to reach you, messages, txt and more.

You're not communicating at all. I'm at the house waiting to pick up Andrew but I'm sure you are aware of that.

Ex C pg 11

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Journal Report

Total Number of journals: 1

Aaron Surina generated this report on

02/16/2021 at 05:55 AM

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

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Entry 1 of 1

Check-in

Created: 12/18/2020 at 03:07 PM

Created by: Aaron Surina

Shared with: Connected Practitioners

Sirinya Surina (First Viewed: 12/18/2020 at 03:15 PM, First Previewed: 12/18/2020 at 03:15 PM)

Location: 233 E 22nd Ave, 233 E 22nd Ave, Spokane, WA 99203, USA

It's 3:07pm. You're not here, I'm back to pick up Andrew the 3rd time.

More games. You're in control Sirinya.