

SN: 463

PC: 8

FILED

FEB 25 2021

Superior Court of Washington, County of Spokane

**TIMOTHY W. FITZGERALD
SPOKANE COUNTY CLERK**

In re: Custodial interference Dec 17, 2020

Petitioner:

Sirinya Polarij

And Respondent:

Aaron Surina

No. 17-3-01817-0

Affidavit of facts by Aaron Surina in
Response TO: (Petitioner's reply RE:
Motion for contempt Dec 17, 2020)

(DCLR)

**Affidavit of facts of Aaron Surina in Response to Petitioner's reply RE:
Motion for Contempt - Custodial interference 12/17/2020**

1. I am 43 years old and I am the father of the Surina's two children DMS and AAS. I am competent to testify to the events outlined in this affidavit and am of sound mind and knowledgeable of the people involved in these events. This affidavit addresses responses to a motion for contempt in re: custodial interference 12/17/2020

If the court is inclined to reschedule this motion regarding December 17, 2020 or the entire hearing (all 3 contempt motions), I also intend to yield to the court in regards to the scheduling and orders signed by the court on Feb 17, 2021 for Ms. Sirinya Polarij's appearance on these matters Feb 26, 2021.

2. Sirinya intentionally omitted the entirety of the court's orders regarding our parenting plan. I have attached Judge Price's explanation of the parenting plan. We have been doing this same thing for 4 years now.

3. Ms. Sirinya Polarj was served by a process server on 2/17/2021 before 5pm at her residence, the date the order to show cause was signed as well as sent a digital copy using Our Family Wizard. Proof of Service filed February 25, 2021.
4. There has never been a parenting plan where I don't pickup from school on my days. Sirinya has been able to follow the parenting plans except when she wants to create conflict. This is our 4th school year of Dad picks up from school when school releases.
5. I request the court take judicial notice in response to the petitioner's reply on Pg2 Paragraph1. Sirinya is defiant of the court's recent orders surrounding continual false allegations of Aaron Surina kidnapping his children duringf his court ordered parenting schedule.
Kidnapping is a very serious false allegation and I request the court assist in addressing this matter to protect my two sons and I from Sirinya and her continued false allegations, disparaging comments and constant harassment/conflict.
6. December 3, 2020 Ms. Sirinya Polarj without counsel or translators served over 100 pages of fraudulent pleadings the court denied and dismissed on Dec 17, 2020 which were all in english. Sirinya paid over 100 dollars to serve an official "Restraining order" stamped as "Filed" by the Spokane County Clerk as the top page to the 103 pages of pleadings to interfere with my lawful right to physical custody of my children through intimidation and threats in the form of court action.
7. I would request the court take judicial notice of page 2 of her reply to each of the 3 contempt motions before the court, filed by Sirinya Polarj 2/23/21.

8. Ms. Sirinya Polarj admits she understands the parenting plan clearly with regards to "Father's weekends" on Page 2 in Paragraph 6 making my case for this motion.
9. Her admission to understanding Thursday pickups from school is on Page 2 Paragraph 6 and states the following: ***"Regarding Jan 28th alleged interference respondent arbitrarily of his own volition arrived early at David's school. The parenting plan says "3pm Thursday pickup" for father's weekend".***
10. She has no issues following the parenting plan when she is not stirring up conflict. She willfully violated the law and the court's order signed December 20, 2019.
11. She also admits that the Holiday schedule starts on Friday 12/18/20.
12. On December 17, 2020, My two sons were withheld by Sirinya and her mother Benjamas and "advisor" Keith Landrus. This custodial interference was carried out with the intent to deprive me of my lawful right to physical custody of my two sons in violation of a court's order and the law under RCW 9A.40.060.
13. School was released at 11:50am December 17, 11:50am on December 18, and 2:25pm January 28, 2021.
14. **See Exhibit A, A true and correct copy of the verbatim of Judge Price's explanation regarding the parenting plan.**

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8. School Schedule

a. Children under School-Age

The schedule for children under school-age is the same as for school-age children.

b. School-Age Children

~~This schedule will apply when begins: Other: _____~~

This schedule will apply immediately.

The children are scheduled to live with SIRINIYA SURINA except when they are scheduled to live with Aaron M. Surina on:

WEEKENDS: From Thursday after school until Monday morning when the children will be delivered to school on the following rotation:

RCW 26.09.016, .181, .187, .194
Mandatory Form (05/2016)
FL All Family 140

Parenting Plan
p. 3 of 10

KEITH A. GLANZER, P.S.
2024 W. Northwest Blvd.
Spokane, WA 99205
Telephone: 509-326-4526
Facsimile: 509-24-0405

**** Affidavits filed in Feb 2021 by Karmen Colby and myself are incorporated and fully set forth herein. ****

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12. Transportation Arrangements

The children will be exchanged for parenting time at school whenever possible. Until Andrew is enrolled in school he shall be exchanged at curbside or he may be escorted to the mother's door for the exchange. The parties will not communicate with each other during these exchanges.

the receiving parent
udj Aaron Surina will provide all transportation for the weekly visitation exchanges.

When school is not in session, the exchanges will be at 3:00 p.m.

(Number any pages you attach to this Declaration. Page limits may apply.)

I declare under penalty of perjury under the laws of the state of Washington that the facts I have provided on this form (and any attachments) are true. ☒ I have attached (number): 4 pages.

Signed at (city and state): Hayden, ID Date: 2/25/2021

[Signature] AARON SURINA
Sign here Print name

Warning! Documents filed with the court are available for anyone to see unless they are sealed. Financial, medical, and confidential reports, as described in General Rule 22, **must** be sealed so they can only be seen by the court, the other party, and the lawyers in your case. Seal those documents by filing them separately, using a Sealed cover sheet (form FL All Family 011, 012, or 013). You may ask for an order to seal other documents

1 if they're in private school unless he so agrees. And as you
2 can imagine, folks, this is an issue that comes up
3 occasionally and I would be sending a rather confusing message
4 to parents and the community as a whole if I pick private
5 schooling over public schooling. I'm not going to suggest
6 that private school is better than public school. That's not
7 a finding that I can make. If you both want private
8 schooling, that's absolutely fine with me, but Mom gets the
9 last word since I have given her sole decision-making,
10 understanding that she'll need to pick up 100 percent of the
11 cost if she decides on private school.

12 Now, I already said I can't order a shared plan.
13 But I do have discretion to increase the father's time. So
14 effective December -- and it's going to be important folks, I
15 know you're paying close attention, but it's going to be
16 important you pay close attention because this decision is not
17 going to be in your hands to look at the court order. And I'm
18 going to start this new plan effective December. (2019)

* 19 So effective December, Mr. Surina will have the
20 children in his care from the time they're released from
21 school on Thursday, which would be around 3:00 p.m., until
22 Monday morning when he will return the children to school or
23 daycare, whichever is applicable, and he will ensure that the
24 children arrive for school promptly on time, not late.

25 This schedule will be in place as follows: The

1 first weekend of the month with Dad. The second weekend of
2 the month with Dad. Then one week off. Then back to Dad
3 again for the weekend. I could say first, second, and fourth
4 weekend but, as you probably are aware, sometimes it doesn't
5 work out exactly, so it might be better to just say Thursday
6 to Monday twice in a row, skip a week, then Thursday to Monday
7 again. That's how this schedule is going to work. The
8 schedule will start like this Thursday, December 5, as
9 Mr. Surina's first weekend under this plan. So you can start
10 counting from there.

11 Effective now, and I apologize Mr. Surina, the
12 Wednesday visits are going to stop. They're not working.
13 They're problematic. I suspect you'll find that I'm more than
14 making up for it elsewhere. Pick-up and drop-off of the
15 children will be at the school whenever possible. If that's
16 not possible, then the children will be exchanged curbside.
17 If curbside is necessary, Mr. Surina, you may walk the
18 children to the door to make sure they get safely inside.
19 There will be no communication that will be allowed between
20 the parents. I am sorry it has to be this strict, but that's
21 going to be the rule.

22 Now, if there is a three-day holiday weekend that is
23 attached to the dad's weekend, he'll drop the kids off at
24 school or daycare on Tuesday instead of on Monday. So those
25 will just go with him if he has that weekend in the normal

1 and that stuff on the children?

2 THE COURT: You don't need to even go there, sir.
3 I've considered everything. This ruling is extraordinarily
4 slanted in your favor, so --

5 MR. SURINA: Okay.

6 THE COURT: If I was you --

7 MR. SURINA: I'll leave it alone. I'm leaving it
8 alone. I got another question on the roof, though. The house
9 was off the market so there was -- and you didn't -- you know,
10 that didn't go anywhere, but some of this was -- some of these
11 judgments were because I didn't pay my own mortgage because of
12 the financial orders of the court.

13 THE COURT: To help you, sir, this is more in line
14 with reconsideration you're asking me to do, and this is not
15 the time for that. I'm just asking if you have questions
16 about the ruling, not about your agreement with it.

* 17 MR. SURINA: The Parenting Plan. The Parenting
18 Plan. Does the receiver always pick up or the receiver always
19 transport? *

20 THE COURT: No.

21 MR. SURINA: No.

22 THE COURT: No, because your Thursday through
23 Monday, you provide all of that.

24 MR. SURINA: Okay, because I'm -- going to school,
25 okay.

1 THE COURT: Yeah. You go to school or drop them off
2 at daycare.

3 MR. SURINA: Okay. Makes sense.

4 THE COURT: Unless it -- let's see. That only
5 changes the pick-up and drop-off for I'll call it holidays,
6 special occasion.

7 MR. SURINA: So if we're not doing it at school,
8 then receiver picks up, the receiver transports.

9 THE COURT: Generally. I think your assistant was
10 taking pretty good notes.

11 MR. SURINA: Yeah, she's faster than me.

12 SPEAKER: I was -- I did have a question to confirm
13 on that. Is -- just so it's absolutely clear. If Dad is
14 picking up if it's Dad's time, he's picking them up from
15 school when they get out of school.

16 THE COURT: Yes. At school.

17 SPEAKER: And -- (AAS)

18 THE COURT: He's not in school yet, but that means
19 he's entitled to that child at the same time. So if he's in
20 daycare, for example, or at Mom's house, then he would have to
21 go to Mom's to pick up the child. Otherwise there wouldn't be
22 any provision for --

23 MR. SURINA: Fine.

24 THE COURT: -- Mr. Surina to go to Mom's house at
25 all. That's the reason it's in there.