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TIMOTHY W. FITZGERALD
SPOKANE COUNTY CLERK

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Superior Court of Washington, County of SPOKANE

In re: ?

Petitioner/s (as listed on the parenting/custody order):

SIRINYA SURINA

And Respondent/s (as listed on the parenting/
custody order):

AARON SURINA

No. 17-3-01817-0

Motion for Temporary Order Preventing
Move with Children (Relocation)
(MTPM)

**Motion for Temporary Order Preventing
Move with Children (Relocation)**

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 filing this motion:

You must schedule a hearing on this motion. You may use the *Notice of Hearing* (form FL All Family 185) unless your county's Local Court Rules require a different form. Contact the court for scheduling information.

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. My name is AARON SURINA.

2. I have a court order giving me a legal right to spend time with the following children:

Child's name	Age	Child's name	Age
1. DAVID	10	4.	
2. ANDREW	7	5.	
3.		6.	

3. The other parent (or non-parent custodian) (name): SIRINYA SURINA (check one):
☐ plans to move with the children on (date): _____
☒ has already moved with the children on (date): 5/24/2023

4. **Objection**

I am filing with this motion, an Amended *Objection about Moving with Children and Petition about Changing a Parenting/Custody Order (Relocation)* (form FL Relocate 721).

5. **Request**

I ask the Court to order the other parent (or non-parent custodian) to

- ☐ not move with the children.
☒ return the children.

Warning to the parent (or non-parent custodian) who intends to move!

If the hearing on this motion is scheduled to be held within **15 days** of the day you are served with the *Objection about Moving*, you **must not** move with the children before the hearing unless the special circumstances described in RCW 26.09.460(3) apply.

RCW 26.09.460(3) says: "If a person intending to relocate the child is relocating to avoid a clear, immediate, and unreasonable risk to the health or safety of a person or the child, notice may be delayed for twenty-one days."

➤ **Reasons for request**

6. **Late or no notice of move**

- ☐ Does not apply.
☐ I have **not** received a *Notice of Intent to Move with Children* from the other parent (or non-parent custodian).
☒ I received a *Notice of Intent to Move with Children* from the other parent (or non-parent custodian) on (date): 06/16/2023. This is late notice because I received it after the legal deadline and without good legal reasons to justify delay. (See RCW 26.09.440.)

I was substantially prejudiced by the late notice or lack of notice. (Explain how getting late notice or no notice put you in an unfair position):

The petitioner stated she has not moved, is still living in the house etc on June 23rd, Her documents submitted state she's going to be out of the house by the 30th of June.

The Petitioner is essentially asking to keep receiving support as a stay at home mother,
and I shouldn't have to

7. Move happened without agreement, court order or proper notice

- ☐ Does not apply.
- ☒ The other parent (or non-parent custodian) already moved with the children and:
- I did not agree to the move;
 - There was no court order allowing the move; and
 - The other parent (or non-parent custodian) did not give proper notice of the move.

8. Move unlikely to be approved

- ☐ Does not apply.
- ☒ The court is unlikely to approve the planned move at trial. Even though the law presumes that the move will be allowed, I can show that the move would cause more harm to the children than good to the children and the parent (or non-parent custodian) who wants to move. My reasons for believing this are based on the factors in RCW 26.09.520, as explained in my *Objection*.

9. No reason to move now

- ☐ Does not apply.
- ☒ Whether or not the move will be approved at trial, the circumstances **don't** justify allowing the move before the court makes a final decision.

Explain: The petitioner works 6 days a week regardless of the claims that she only

spends 20 minutes a week at her business. She's the sole proprietor of the

lounge and bar. I am a stay at home Dad, I follow the court's rules and I am asking

the court to order my motion to block the children relocating temporarily as it will provide a
~~Please consider my amended parenting plan temporarily until the court can hear the facts~~
and decide the case as the law provides.

10. Active duty military

(The **federal** Servicemembers Civil Relief Act covers:

- Army, Navy, Air Force, Marine Corps, and Coast Guard members on active duty;
- National Guard or Reserve members under a call to active service for more than 30 days in a row;
and
- commissioned corps of the Public Health Service and NOAA.

The **state** Service Members' Civil Relief Act covers those service members listed above who are either stationed in or residents of Washington state, and their dependents, except for the commissioned corps of the Public Health Service and NOAA.)

- ☒ None of the other parties are covered by the state or federal Service Members' Civil Relief Acts.

- ☐ (Name): _____
is covered by the ☐ state ☐ federal Service Members' Civil Relief Act.

Motion for Temporary Order
Preventing Move with Children
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