

Amended

FILED

JUL 12 2023

TIMOTHY W. FITZGERALD
SPOKANE COUNTY CLERKSuperior Court of Washington,
County of SPOKANE

In re: Surina v. Surina

Petitioner:

Sirinya Surina

And Respondent:

Aaron Surina

No. 17-3-01817-0

Amended

Objection about Moving with Children
and Petition about Changing a
Parenting Plan pursuant to (Relocation)

(OBPT)

A M E N D E D**Objection about Moving with Children and Petition about
Changing a Parenting/Custody Order (Relocation)**

Use this form to object to a move outside the school district. You may not object to a move within the school district.

1. My name is AARON SURINA (FATHER AND RESPONDENT IN THIS CAUSE)
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 MICHAEL	11	2. ANDREW ALEX	7

3. **Notice of move**

The other parent or non-parent custodian (*relocating person's name*): **SIRINYA SURINA**
moved with the children. (*Check one*):

☒ The relocating person moved or plans to move with the children on
(date): **BETWEEN MAY AND JUNE 2023**, but I have **not** received proper notice.

☒ I received a *Notice of Intent to Move with Children* on (date): **06/16/23**

The Child Relocation Act does may apply to this move.

Important! File a copy of the Notice separately. It has confidential information.
Do not attach it.

4. **Do you and the relocating person have substantially equal residential time?**
[X] **Yes.** The children spend 45% or more of their time with each parent.
5. **Do you object to the children moving?**
[X] **Yes.** The children should **not** be allowed to move with the relocating person.
(Check one:)
[X] I have substantially equal residential time. I object to the children moving because it is not in their best interest, based on the factors below.

Since the relocating person moved, the parenting/custody order should be changed so that the children live with me most of the time.

I am filing and serving my proposed ***Amended* Parenting Plan or Residential Schedule** with this **Objection**.

Note – If you cannot answer some of the sections below because you don't have enough information about the move, you may say so. If you need more space to explain any of the sections below, you may add more pages to this Petition. Number, date, and sign each page that you add.

- a. **Relationships:** The children's relationships with each parent, any siblings, and other important people in the children's life. (Describe the strength, nature, quality, extent of involvement, and stability of the children's relationships, and how those would be affected by the planned move):

Given that the respondent actively facilitates opportunities for the children to have extended family relationships, friendships, and a supportive network, while the petitioner has limited availability due to her demanding business, disrupting the petitioner's current custody arrangement would have a positive impact on the children.

By granting the respondent increased custody or primary custody, the children would have greater access to their extended family members, including grandparents, aunts, uncles, and cousins, who play an important role in their lives. Additionally, the respondent's ability to facilitate playdates, social activities, and maintain a stable routine for the children ensures that they have a supportive network of friends and acquaintances.

Disrupting the petitioner's custody arrangement would provide the children with a more stable, nurturing, and supportive environment. They would have increased opportunities for social interaction, emotional support, and a sense of belonging, which are crucial for their overall well-being and development.

Additionally, granting the respondent increased custody or primary custody would not only benefit the children but also support the petitioner in her efforts to build her lounge and business. By relieving the petitioner of the responsibility of juggling the demands of her business and parenting, she can focus on establishing and growing her business without compromising the children's well-being.

Allowing the petitioner to have dedicated time to invest in her business endeavors will likely lead to greater success and stability in her professional life. This, in turn, can positively impact her ability to provide financial support and create a more secure future for the children.

By granting the respondent a larger role in the children's lives, the court can ensure that both parents have the opportunity to pursue their respective careers and personal goals while maintaining a healthy and supportive environment for the children. This arrangement would enable the petitioner to save face and establish a solid foundation for her business without compromising the children's best interests.

Ultimately, by considering the needs and well-being of all parties involved, including the petitioner, the court can reach a resolution that supports the children's stability, provides the petitioner with the necessary flexibility for her business, and promotes a cooperative and harmonious co-parenting relationship.

b. Agreements: Are there any agreements between you and the relocating person about moving with the children? ☐ Yes ☒ No

c. Contact: Would disrupting the children's contact with the relocating person be more harmful than disrupting their contact with you? ☒ No

Disrupting contact with the petitioner, in this case, would be less harmful than maintaining the current situation for several reasons:

Stability and Routine: Children thrive in stable and predictable environments.

Maintaining contact with the petitioner, who spends a significant amount of time in a bar or lounge, where the children are left unsupervised, can lead to an inconsistent and potentially harmful routine for them. Disrupting this contact would provide an

opportunity to establish a more stable and structured environment for the children, which is essential for their well-being and development.

Role Model and Parental Influence: As the same-sex parent and the respondent, I have a unique and important role to play in the lives of our children. It is crucial for them to have a strong and positive male role model who can provide guidance, support, and nurture their emotional and psychological growth. Disrupting contact with the petitioner would allow for a greater focus on maintaining a healthy and influential relationship between the children and their father, which is vital for their long-term well-being.

Safety and Well-being: The petitioner's disregard for the children's safety, as evidenced by leaving them unsupervised in a bar or lounge, raises concerns about their overall well-being. Disrupting contact with the petitioner would minimize the risks associated with such unsupervised situations and ensure that the children's safety and security are prioritized.

Educational Stability: The proposed relocation would result in a downgrade in the quality of education for the children, as the current middle school has a significantly higher rating compared to the proposed Cheney middle school. Disrupting contact with the petitioner would allow the children to remain in their current school district, ensuring continuity in their education, access to necessary resources, and the support network they have established.

Emotional Stability and Support Networks: Disrupting contact with the petitioner would also minimize the emotional impact on the children, particularly the youngest son, who relies heavily on his older brother for support. Losing the support networks and familiar relationships they have developed during their time with me could have a negative long-term impact on their emotional well-being. By prioritizing stability and

maintaining contact with the father, the children can continue to rely on their established support networks, providing them with the necessary emotional stability and a sense of security.

Considering these reasons, it is evident that disrupting contact with the petitioner would be less harmful than maintaining the current situation. By doing so, the children's overall well-being, stability, and healthy development can be better ensured.

Furthermore, it is crucial to address the concerns regarding the petitioner's decision to have her children remain at a lounge while she works, rather than seeking suitable supervision where the children would feel loved and cared for. This arrangement raises significant red flags regarding the children's well-being and the potential negative influence of adult patrons, particularly those consuming alcohol, on impressionable young minds.

It is in the best interests of any child to be in an environment where they feel nurtured, supported, and surrounded by positive role models. The petitioner's choice to prioritize her business over ensuring proper supervision and a loving environment for the children during her working hours is concerning.

By disrupting the petitioner's current custody arrangement, the court can provide an opportunity to establish a more suitable and loving caregiving situation for the children.

- d. **Limitations:** Does the current parenting/custody order include limitations under RCW 26.09.191 on you or the relocating person? ☒ Yes ☐ No

(Explain): I can not explain it. I have no idea how or why or any facts or findings about that label. I was not the moving party, I never won any hearings and it's absurd to state that I was the one keeping the litigation going. I had no say, opposing counsel wrote that, like most of the final orders, he is powerful and he directed the hearings and wrote the orders the way he wanted them to read. Everytime. Including this label projecting what he was doing onto me.

- e. **Reasons for moving:** Were the relocating person's reasons for moving given in good faith? ☐ Yes ☒ No :

It is crucial for the court to recognize that her main reason for relocating was to increase affordability, as stated on Page 19 of her declaration. She claims that there will be no change in the children's friendships. However, she fails to comprehend that the activities and experiences I raise are solely facilitated during my time with the children. It is perplexing to her because she has not engaged in these activities or prioritized them for the boys. The petitioner's claim of no change in their lives stems from her disregard for the time they spend with me, during which they engage in play, form friendships, complete homework, and attend appointments.

- f. **Reasons for objecting:** I have the following good faith reasons for objecting to the planned move: It is essential to underscore that the petitioner's statements regarding affordability are misleading. The housing cost alone has increased from \$1,700 to \$2,400 according to Zillow records. Furthermore, it is worth noting that the petitioner's house was listed on Zillow on June 23rd, 2023, the very same day she denied having moved in court, attempting to portray a sense of normalcy and adherence to regular timelines. However, the respondent had to travel to the petitioner's new house on July 9th, 2023, to pick up the children after receiving a letter from the petitioner confirming their relocation. This sequence of events underscores the petitioner's lack of credibility. I hereby object to the petitioner's unilateral decision to relocate without providing proper notice or seeking the court's approval. I respectfully request a hearing within the next 15 days to address the motions filed, including motions for clarification, objection, contempt regarding taxes, contempt regarding moving

without the court's permission, and a temporary modification of the parenting plan pending the final outcome of this case at trial. I am fully committed to finding common-sense parenting plan solutions that avoid unnecessary delays and costs, while ensuring the well-being and stability of both my children.

In conclusion, it is evident that the petitioner's arguments primarily revolve around financial considerations, while disregarding the impact on the children's education, stability, and structured environment. The petitioner's misleading statements, lack of consideration for the children's best interests, and disregard for proper legal procedures necessitate the court's intervention. I implore the court to grant my objection to the relocation and prioritize the children's well-being and access to quality education, while maintaining stability in their lives.

- g. **Children:** Describe how allowing or preventing the move would affect the children's physical, educational, and emotional development, considering their age, developmental stage, and needs (including any special needs).
(Describe both possibilities – if the move is allowed or if it is prevented.)

- h. **Quality of life:** Describe the quality of life, resources, and opportunities available to the **children** and the relocating person in the current location and in the new location.

A huge effort from Spokane public school district, many friends in the neighborhood and at school that would be totally ripped from them after it took them so long to acclimate. That is a terrible idea. David is looking forward to joining the ranks of middle school with his close friends. The primary goal of mom moving is monetary like most things except, the cost doubled. Why would that be a good reason to disrupt the boys when I moved here for them

and I still live right here in the same neighborhood making 0 disruptions for school, social and sports activities. Their life will improve 70% if my requests are granted. School grades will improve drastically if I am allowed the school nights to help. I had Fridays only for the last couple years, and the boys hate returning to that schedule which is associated with returning to school. That's also not good.

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- i. **Other arrangements:** Describe any other arrangements available to foster and continue your relationship and contact with the children. Any time during the excessive amount of time the petitioner gets (even though she's unavailable for about 80% of that time) is used to block all contact with our children. She refused to allow me to tutor my oldest son which he needed and still needs desperately. She puts her control above his success. My children are visibly affected by the constant disparaging remarks and double teaming while bad mouthing their father to them. The children believe some of the things they are being told also. They are no longer allowed to say if they were at the restaurant or not and answer with "I don't know" to avoid getting beat for telling Dad the truth. I can't really say much because if the petitioner finds out the boys have said anything, there will be severe consequences for them. _____
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- j. **Alternatives:** Describe alternatives to the planned move, and whether it is possible or desirable for you to move too. _____
The cost of moving there is too high. I do not have 4,000.00 per month to pay a mortgage payment. I am a stay at home father working the best I can.

- k. **Financial:** Describe the financial impact and logistics of moving or not moving (for example, the timing, cost, and how the move would happen).

TRANSPORTATION TO SCHOOL DURING WORKING HOURS IN THE MORNING IS DIFFICULT. THIS IS A DRASTIC CHANGE, IT TOOK OVER 25 MINS TO GET TO THIS NEW HOUSE ON 7/9/2023. THE PETITIONER ALREADY MOVED AND I HAVE TO DRIVE TO PICK UP THE CHILDREN NOW IN A NEW LOCATION.

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6. **Do you want the court to change the parenting/custody order if the children are allowed to move with the relocating person?**
[] **No.** I want the court to keep the current parenting/custody order the same, even if the court allows the children to move.
[X] **Yes.** If the children are allowed to move with the relocating person, I ask the court to approve the *Parenting Plan* or *Residential Schedule* that is proposed by (check one):
[X] me. I am filing and serving my proposed *Parenting Plan* or *Residential Schedule* with this *Objection*.
[] the relocating person.
7. **Child Support**
[X] No request.
[] I ask the court to change the *Child Support Order* as necessary if the court allows the children to move or changes the parenting/custody order.
Note –If you have other reasons to change child support, you may file separate forms to make that request (use form FL Modify 501 or 521).
8. **Protection Order**
Do you want the court to issue a Protection Order as part of the final orders in this case?
[X] **No.** I do not want a *Protection Order*.
[] **Yes.** (You must file a *Petition for Protection Order*, form P 001. You may file your *Petition for Protection Order* using the same case number assigned to this case.)
Important! If you need protection **now**, ask the court clerk about getting a *Temporary Protection Order*.
[] **There already is a Protection Order between (name):** _____
_____ **and me.** (Describe): _____
Court that issued the order: _____
Case number: _____
Expiration date: _____
9. **Restraining Order**
Do you want the court to issue a Restraining Order as part of the final orders in this case?

☒ **No.** (Skip to 10.)

☐ **Yes.** Check the type of orders you want:

☐ **Do not disturb** – Order (name/s) _____
not to disturb my peace or the peace of any child listed in 2.

☐ **Stay away** – Order (name/s) _____
not to go onto the grounds of or enter my home, vehicle, workplace, or
school, and the daycare or school of any child listed in 2.

☐ Also, not knowingly to go or stay within _____ feet of my home,
workplace, vehicle, or school, or the daycare or school of any child
listed in 2.

☐ **Do not hurt or threaten** – Order (name/s) _____:

- Not to assault, harass, stalk, or molest me or any child listed in 2; and
- Not to use, try to use, or threaten to use physical force that would
reasonably be expected to cause bodily injury against me or the children.

Warning! If the court makes this order, the court must consider if weapons
restrictions are required by state law; federal law may also prohibit the Restrained
Person from possessing firearms or ammunition.

☐ **Prohibit weapons and order surrender** – Order (name/s) _____

- Not to access, possess, have in their custody or control, or obtain any
firearms, other dangerous weapons, or concealed pistol licenses until the
Order ends, and
- To immediately surrender any firearms, other dangerous weapons, and
any concealed pistol licenses that they possess to (check one): ☐ the
police chief or sheriff. ☐ their lawyer. ☐ other person (name):

☐ **Other restraining orders:** _____

Important! If you want a restraining order **now**, you must file a Motion for Temporary Family Law Order and
Restraining Order or a Motion for Immediate Restraining Order (Ex Parte).

10. Correct County (Venue)

This is the correct county for this case to be heard because

I live in (county and state): _____

The relocating person lives in (county and state): _____

The children live/s in (county and state): _____

The parenting/custody order we have now was issued in : **SPOKANE/WA** _____

Important! Attach or file a certified copy of the current parenting/custody order that you want to change if it
was issued in a different county or state.

11. Children's Home/s

RCW 26.09.260(6), .480, .520
Mandatory Form (07/2022)
FL Relocate 721

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At any time during the past 5 years have any of the children lived:

- on an Indian reservation,
- outside Washington state,
- in a foreign country, or
- with anyone who is not a party to this case?

☒ No. (Skip to **12.**)

☐ Yes. (Fill out below to show where each child has lived during the last 5 years.)

Dates	Children	Lived with	In which state, Indian reservation, or foreign country
From: 12/2017 To: PRESENT	☒ All children ☐ (Name/s):	☒ Petitioner ☐ Other (name):	☒ Respondent
From: To:	☐ All children ☐ (Name/s):	☐ Petitioner ☐ Other (name):	☐ Respondent
From: To:	☐ All children ☐ (Name/s):	☐ Petitioner ☐ Other (name):	☐ Respondent
From: To:	☐ All children ☐ (Name/s):	☐ Petitioner ☐ Other (name):	☐ Respondent

12. Other people with a legal right to spend time with a child

Do you know of anyone besides you and the other parties to this case who has, or claims to have, a legal right to spend time with any of the children?

(Check one): ☐ No. (Skip to **13.**) ☐ Yes. (Fill out below.)

Name of person	Children this person may have the right to spend time with
	☐ All children ☐ (Name/s):
	☐ All children ☐ (Name/s):

13. Other court cases involving a child

Do you know of any other court cases involving any of the children in this case?

(Check one): ☐ No. (Skip to **14.**) ☒ Yes. (Fill out below.)

Kind of case (Family Law, Criminal, Protection Order, Juvenile, Dependency, Other)	County and State	Case number and year	Children
PROTECTION ORDER	SPOKANE COUNTY, WA	2021	☐ All children ☒ (Name/s):

Kind of case (Family Law, Criminal, Protection Order, Juvenile, Dependency, Other)	County and State	Case number and year	Children
PROTECTION ORDER	SPOKANE COUNTY, WA	2021	☒ All children ☐ (Name/s): ☐ All children ☐ (Name/s): ☐ All children ☐ (Name/s):

14. Jurisdiction over children (RCW 26.27.201 – .221, .231, .261, .271)

The court can decide this case for the children because *(check all that apply; if a box applies to all of the children, you may write "the children" instead of listing names)*:

☐ **Exclusive, continuing jurisdiction** – A Washington court has already made a parenting plan, residential schedule, or custody order for the children, and the court still has authority to make other orders for *(children's names)*: _____

☒ **Home state jurisdiction** – Washington is the children's home state because *(check all that apply)*:

☒ *(Children's names)*: DAVID AND ANDREW _____ lived in Washington with a parent, or someone acting as a parent, for at least the 6 months just before this case was filed or, if the children are less than 6 months old, they have lived in Washington with a parent, or someone acting as a parent, since birth.

☐ There were times the children were not in Washington in the 6 months just before this case was filed (or since birth if they are less than 6 months old), but those were temporary absences.

☐ *(Children's names)*: _____ do not live in Washington right now, but Washington was the children's home state at some time in the 6 months just before this case was filed, and a parent, or someone acting as a parent of the children, still lives in Washington.

☐ *(Children's names)*: _____

do not have another home state.

☐ **No home state or home state declined** – No court of any other state (or tribe) has the jurisdiction to make decisions for *(children's names)*: _____

or a court in the children's home state (or tribe) decided that it is better to have this case in Washington **and**:

- The children and a parent, or someone acting as a parent, have ties to Washington beyond just living here; **and**

- There is a lot of information (substantial evidence) about the children's care, protection, education, and relationships in this state.

☐ **Other state declined** – The courts in other states (or tribes) that might be (*children's names*): _____'s home state have refused to take this case because it is better to have this case in Washington.

☐ **Temporary emergency jurisdiction** – The court can make decisions for (*children's names*): _____ because the children are in this state now **and** were abandoned here **or** need emergency protection because the children (or the children's parent, brother, or sister) were abused or threatened with abuse. (*Check one*):

☐ A custody case involving the children was filed in the children's home state (*name of state or tribe*): _____. Washington should take temporary emergency jurisdiction over the children until the Petitioner can get a court order from the children's home state (or tribe).

☐ There is **no** valid custody order or open custody case in the children's home state (*name of state or tribe*): _____. If no case is filed in the children's home state (or tribe) by the time the children have been in Washington for 6 months, (*date*): _____, Washington should have final jurisdiction over the children.

☐ Other reason (*specify*): _____

15. Fees and costs

☐ No request.

☒ Order the relocating person to pay for my costs, lawyer fees, and other fees.

16. Other requests, if any

16.a I hereby request that all exhibits filed with my affidavit, which was notarized on July 7th, be incorporated herein for the purpose of providing additional supporting evidence and context to the matters discussed. These exhibits are integral to a comprehensive understanding of the objections raised and will further demonstrate the validity of my concerns regarding the petitioner's relocation.

I affirm under penalty of perjury under the laws of Washington that the aforementioned request to incorporate exhibits is true and accurate to the best of my knowledge and belief. _____

Person filing this Objection 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 (including any attachments) are true. ☒ I have attached (#): _____ pages.

Signed at (*city and state*): SPOKANE, WASHINGTON _____ Date: 7/11/2023 _____

SI AARON SURINA

Person filing Objection signs here

AARON SURINA

Print name

Lawyer (if any) for person filing this **Objection** fills out below:

Lawyer signs here

Print name and WSBA No.

Date

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.