

CN: 201703018170

SN: 504

PC: 24

FILED

JUL 12 2023

**TIMOTHY W. FITZGERALD
SPOKANE COUNTY CLERK**

**Superior Court of Wash ington,
County of Spokane**

In re: contempt, motion for pp mod, objection

Petitioner/s (person/s who started this case):

Sirinya Surina

And Respondent/s (other party/parties):

Aaron Surina

No. 17-3-01817-0

**RESPONDENT'S RESP DEC TO PET'S
DEC RE: NOTICE OF RELO**

**Affidavit of Aaron Surina in response to declaration of
Petitioner re notice of intent to move with children**

I, Aaron Surina, age 46, the Respondent and Father in this case, hereby submit this affidavit as the legal representative of Aaron Surina, myself, and my two sons, David (11) and Andrew (7). I respectfully present this document in support of my objection to the relocation of the children and as a response to the petitioner's declaration advocating her intent to relocate.

The petitioner's claim, as stated in their declaration supporting the notice to relocate with the children, centers around the issue of affordability. However, it is essential to critically analyze this assertion. The petitioner contends that the primary reason for

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Case# 17-3-01817-0

Respondents resp Dec - final
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July 9, 2023

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moving is to increase affordability. Yet, the decision to purchase a house with a mortgage of approximately \$3,600, as opposed to their previous rent of \$2,400, does not align with their stated goal of enhancing affordability. It raises concerns about the petitioner's decision-making process and their ability to assess the financial impact on the children's daily lives. Moreover, it brings into question the true primary motivations behind the proposed relocation, as it contradicts the notion of improving affordability.

The petitioner claims to have sole decision-making authority regarding healthcare and education. However, it is crucial to highlight the track record in this regard. Medical and dental matters have predominantly been handled and approved by myself, the respondent, which contradicts the petitioner's assertion of sole responsibility for day-to-day decisions. While the petitioner does spend time with the children, it is important to note that a significant portion of that time is often spent leaving the children unsupervised in a bar or lounge, which she conveniently refers to as a "restaurant" in her pleadings. To ensure the children's well-being during instances when the petitioner is unavailable or obligated to work, the respondent is simply seeking first right of refusal.

The respondent has been reasonable in requesting schedule adjustments, but the petitioner has chosen to disregard these reasonable requests, escalating the matter unnecessarily and demonstrating a lack of cooperation in resolving disputes outside of court.

Exhibit's Detailed Account.. Page 3

Exhibit B: OFW Message (Court ordered app 'Our Family Wizard')

October 17, 2022 21:34

Sender: Sirinya Surina

Recipient: Aaron Surina

Subject: David's School Situation

A typical response that is drafted to speak to court personnel rather than answer my inquiry or suggestions. The response does little to answer or address any of the concerns I have for the children. Not entirely sure who drafts some of the messages, but they do so with her authorization.

AS

On page 2 of the petitioner's declaration, she falsely states that I am attempting to eliminate her contact with our children. However, the reality is that the petitioner spends the majority of her time at the lounge and is unwilling to make any adjustments to financial arrangements or the parenting plan. She fails to acknowledge that the care she provides for the children has significantly changed since she is no longer a stay-at-home mother. Her statement regarding the lack of change in their friendships during her time is also misleading since she has not allowed the children to form meaningful relationships while in her care. The petitioner's assertion that the children spend the entire summer at the lounge is also odd for her to include but it is true. She dismisses her admitting that was the case in previous summers oddly with quotation marks and improper quoting.

Additionally, on page 3, the petitioner claims to be looking for a house when, in fact, she had already purchased and closed on the house. She attempts to deceive the court by suggesting otherwise. It is important to note that she refused to provide timely notice of her relocation and lied to the court on June 23rd regarding her move. Furthermore, she continues to withhold updated financial information, which further raises concerns about her motives, primarily driven by monetary considerations.

The petitioner alleges on page 3 that I asserted her unwillingness to discuss alternatives. It is true that she never filed anything within the legal framework, nor did she have any intention of doing so. As the respondent, I object to protect my rights in proposing a more suitable parenting plan that addresses the change in circumstances.

The petitioner's argument regarding my inability to have the children live with me because I am not a mother amounts to outright discrimination and further reinforces the cognitive bias prevalent throughout this case.

I strongly object to the proposed school change, particularly for our oldest son, who requires additional support. The middle school the petitioner intends for him to attend next year has a significantly lower rating, representing a 50% decrease compared to his current school. Our son, David, is on the brink of adolescence and should not be subjected to such a disruptive transition, leaving behind his friends and familiar environment. This abrupt change without proper consideration for the negative long-term impact it may have on my youngest son, Andrew, who relies heavily on his brother's support, is deeply concerning. The petitioner has failed to address any of these crucial factors and dismisses them to be closer to her restaurant, where she spends the majority of her time instead of prioritizing our children's well-being.

It is essential to highlight that the petitioner's primary argument revolves around financial considerations. It is crucial for the court to recognize that her main reason for relocating was to increase affordability, as stated on Page 1 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. The petitioner frequently schedules medical and dental appointments during my allotted time, which was an agreement made long ago to streamline the process for her and the professionals involved. This practice effectively allows me to make decisions regarding day-to-day matters despite her claim of sole decision-making authority.

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 before taking on an approx.. 3,600 dollar mortgage which is roughly the mortgage for a house closing at 565,000 or therein about. .

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.

In light of the petitioner's actions, 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. I also would like to point out that I have no control over the length of time of this proceeding but hope to wrap up this hearing quickly as the facts are pretty straight forward.

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.

Furthermore, 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, Aaron Surina, do 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.

I, Aaron Surina, do solemnly declare under penalty of perjury under the laws of Washington that the foregoing is true and correct to the best of my knowledge and belief.

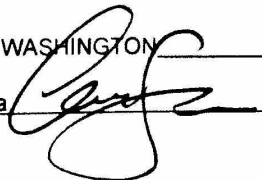
Executed on this 9th day of July, 2023 in Spokane, Washington

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.

Signed at: SPOKANE, WASHINGTON

Date: JULY 9, 2023

▶ /s/ Aaron Surina
Sign here



AARON SURINA
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

Aaron Burlina
PO BOX 30123
Spokane, WA 99223
207 200 4372
mail@surina.org

1.0000000000000000
0000000000000000

In the Superior Court of the State of Washington In and for Spokane County

Sirinya Burlina v. Aaron Burlina

Case No. 17-3-01817-0

AFFIDAVIT OF Aaron Burlina

I, Aaron Burlina, being of sound mind and legal age, hereby declare and affirm under penalty of perjury, pursuant to the laws of the State of Washington, that the following statements are true, accurate, and based on my personal knowledge:

I, Aaron Burlina, the Respondent in the above captioned family law case, I am providing this affidavit to present evidence regarding the various messages, emails and "Of W" (Out familyWizard App) messages exchanged between myself and Sirinya Burlina as they pertain to the matters in dispute.

I, Aaron Burlina, solemnly declare that the contents of this affidavit are true and accurate to the best of my knowledge and belief. I understand that making false statements under oath may result in penalties for perjury.

AS

Exhibit's Detailed Account:

Exhibit A: OFW Message (Court ordered app 'Our Family Wizard')

October 17, 2022 at 13:59

Sender: Aaron Surina

Recipient: Sirinya Surina

Subject: David's School Situation

This message is from the respondent trying to speak reason into the situation with the children being in the bar every single day because mom has to work and asking to tutor David so that he can catch up in school and not burn out from all of his homework being piled up on our Fridays when the weekend starts.

Context: This is significant because not a single hour of tutoring was allowed all year to David's detriment. His teacher was trying to support him with contacts at the middle school which is when Sirinya sent the message in email that she had already moved.

AS

Exhibit's Detailed Account.. Page 3

Exhibit B: OFW Message (Court ordered app 'Our Family Wizard')

October 17, 2022 21:34

Sender: Sirinya Surina

Recipient: Aaron Surina

Subject: David's School Situation

A typical response that is drafted to speak to court personnel rather than answer my inquiry or suggestions. The response does little to answer or address any of the concerns I have for the children. Not entirely sure who drafts some of the messages, but they do so with her authorization.

AS

Exhibit's Detailed Account.. Page 4

Exhibit C: OFW Message (Court ordered app 'Our Family Wizard')

May 5, 2023 15:29

Sender: Aaron Surina

Recipient: Sirinya Surina

Subject: Kids / Intoxicated People

This message goes over the various items that have been ignored that benefit the boys.

My offer to tutor my own son struggling in school was denied.

Context: The boys instead of being allowed to play or learn or be tutored or stay at Dad's while mom worked, they were taken to the bar while mom had to work everyday after school and kept there until the bar closed. I have stopped in and visited with the boys dozens of times, I can only think of 1 time they were not there when I stopped in.

Exhibit's Detailed Account.. Page 5

Exhibit D: OFW Message (Court ordered app 'Our Family Wizard')

April 10, 2022 18 03pm

Sender: Aaron Surina

Recipient: Sirinya Surina

Subject: RE: Pick Up

This message is from respondent asking why she would show up on a weekend immediately following one of her weekends (she does not get 2 weekends in a row) and asking her yet again to keep the children out of the bar.

Context: This is 6 months prior to the previous message in Exhibit A asking to keep the children out of the bar. It's been very clear that both of the boys have been influenced by the types of people hanging out there or the regulars. They do not need that type of influence. They are boys and impressionable. The respondent asks in this message what days and times she has off work, but it is ignored and the children remain in the bar everyday.

Exhibit's Detailed Account.. Page 6

Exhibit E: True and correct copy of email between Sirinya, DMS 5th grade teacher and respondent

May 30, 2023 19:26pm

Sender: Sirinya Surina

Recipient: Kim Yahne (5th grade teacher) CC: **Aaron Surina**

Subject: End of Year Conference

This email sent on the evening of May 30, 2023 by Sirinya Surina to DMS 5th grade teacher which indicated that they moved and provides the new schools in response to DMS's teacher trying to fill the gap and provide support network as DMS transitions to middle school while struggling

Exhibit's Detailed Account.. Page 7

Exhibit F: True and authentic copy of sms message received from DCS regarding recent deposits to the child support account as well as the balance of the account.

April 4th, 2023 13:25pm

Sender: DCS automated system (Child support account updates)

Recipient: Aaron Surina

Context: This shows that I have been making payments and that there is no risk or need of the children being unmet. There is over 9,000 dollars in the account at the time of this message. This shows that there was enough money to find alternative care for our children while working, as well as providing healthcare insurance as the judge ordered in the final ruling

Exhibit's Detailed Account.. Page 8

Exhibit G: True and authentic copy of a letter received from the Spokane Public Schools

January 19, 2023 09:52am

Sender: Spokane Public Schools

Recipient: Aaron Surina

Context: This letter outlines that the petitioner blamed the parenting plan as a reason why she would not allow DMS to be tutored by me. The teachers were sort of stunned. They even included this in the letter they sent back under "The reasons we rejected those options are" section.

"David's father indicated he would like to tutor David after school and David's Mom indicated that she was not in agreement with that and it's not in the parenting plan so she gets to say yes or no.

Notarization:

I hereby affirm that the foregoing statements are true and correct to the best of my knowledge and belief.

Aaron Surina

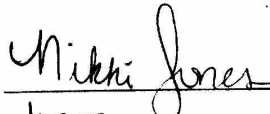
Signature: 

Date: 7-7-2023

State of Washington

County of Spokane

On this 7th day of July, 20, before me, a Notary Public in and for the State of Washington, personally appeared Aaron Surina, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged that they executed the same as their free and voluntary act and deed.

Notary Public Signature: 

Printed Name: Nikki Jones

Notary Public Commission Number: 23016562

Date Commission Expires: June 20, 2024

Message Report

OurFamilyWizard

Generated: 06/20/2023 at 04:31 AM by Aaron Surina

Number of messages: 1

Timezone: America/Los_Angeles

Parents: Aaron Surina, Sirinya Surina

Child(ren): Andrew Surina, David Surina

Third Party: KARI CARSON, KARMEN CARSON, CHRISTINE SURINA

OurFamilyWizard
701 N Washington Ave Suite 700
Minneapolis, MN 55401
ourfamilywizard.com
info@ourfamilywizard.com

Message 1 of 1

Sent: 10/17/2022 at 01:59 PM
From: Aaron Surina
To: Sirinya Surina (First Viewed: 10/17/2022 at 02:02 PM)
Subject: David's school situation

Sirinya,

I'd like to help David with his school work after school while you are working at the restaurant at least a few days a week.

His teacher has emailed you and I regarding the situation with David being very behind on learning although he has been trying very hard. I only have one school day and that's not enough for him to get to middle school as his current schooling is not working for him and hadn't been for years now.

I'm happy to pick him up and tutor him to get him caught up and make sure he doesn't get held back from the lack of availability due to your working schedule which is where we can work together.

You'd have to pick him up from my house after work.

Nothing else would change but I think it will help him and I don't mind it since I am off work after he gets out of school.

Let me know what you think about this, what days are good days and what time you get off work to pick up.

They are very tired and I don't think they're going home and getting ready for bed at normal time due to being attached to the schedule for you to operate the restaurant and bar everyday.

This is probably the most important thing to help David with his school work and he has a chance still to make it to middle school but it will quickly pass by if we don't work together.

Let me know what you want to do

Hope you're doing well and staying healthy

Aaron

OurFamilyWizard

Page 1 of 1

Exhibit A

1

Message Report

Generated: 06/20/2023 at 04:31 AM by Aaron Surina
Number of messages: 1
Timezone: America/Los_Angeles
Parents: Aaron Surina, Sirinya Surina
Child(ren): Andrew Surina, David Surina
Third Party: KARI CARSON, KARMEN CARSON, CHRISTINE SURINA

OurFamilyWizard

OurFamilyWizard
701 N Washington Ave Suite 700
Minneapolis, MN 55401
ourfamilywizard.com
info@ourfamilywizard.com

Message 1 of 1

Sent: 10/17/2022 at 09:34 PM
From: Sirinya Surina
To: Aaron Surina (First Viewed: 10/18/2022 at 09:17 AM)
Subject: Re: David's school situation

I am very proud of how hard David tries, he does home work everyday that I have them, yes he is behind and have been working diligently with him and his teacher to get him on track for middle school. When it is your time you need to do homework with them too and it does not matter if it is weekend they still need to do the homework.

On 10/17/2022 at 01:59 PM, Aaron Surina wrote:

To: Sirinya Surina (First Viewed: 10/17/2022 at 02:02 PM)
Subject: David's school situation

Sirinya,

I'd like to help David with his school work after school while you are working at the restaurant at least a few days a week.

His teacher has emailed you and I regarding the situation with David being very behind on learning although he has been trying very hard. I only have one school day and that's not enough for him to get to middle school as his current schooling is not working for him and hadn't been for years now.

I'm happy to pick him up and tutor him to get him caught up and make sure he doesn't get held back from the lack of availability due to your working schedule which is where we can work together.

You'd have to pick him up from my house after work.

Nothing else would change but I think it will help him and I don't mind it since I am off work after he gets out of school.

Let me know what you think about this, what days are good days and what time you get off work to pick up.

They are very tired and I don't think they're going home and getting ready for bed at normal time due to being attached to the schedule for you to operate the restaurant and bar everyday.

This is probably the most important thing to help David with his school work and he has a chance still to make it to middle school but it will quickly pass by if we don't work together.

Let me know what you want to do

I hope you're doing well and staying healthy

OurFamilyWizard

EXHIBIT B

Page 1 of 2

Message Report

➤ OurFamilyWizard

Generated: 06/20/2023 at 04:36 AM by Aaron Surina

Number of messages: 1

Timezone: America/Los_Angeles

Parents: Aaron Surina, Sirinya Surina

Child(ren): Andrew Surina, David Surina

Third Party: KARI CARSON, KARMEN CARSON, CHRISTINE SURINA

OurFamilyWizard
701 N Washington Ave Suite 700
Minneapolis, MN 55401
ourfamilywizard.com
info@ourfamilywizard.com

Message 1 of 1

Sent: 05/05/2023 at 03:29 PM
From: Aaron Surina
To: Sirinya Surina (First Viewed: 05/30/2023 at 07:37 PM)
Subject: Kids / Intoxicated people

Hey I just wanted to remind you that I have been here all year as I discussed with you about tutoring David after school and the offer was declined. Also, I discussed with you about the kids and exposing them to intoxicated people who have no business being a role model to our children.

I moved closer to help with the kids, with school and my hope is that you'd be happy to prevent them from being in the environment where they have alcoholics (people who hang out at bars) as role models.

I'd like to prevent the situation where our children have daily interactions with drunk or intoxicated people. That is no place for my kids to be everyday. It's not something you have responded to, but I think it's time to talk about it. David asked if he could come over and get lessons for riding wheelies, on his bicycle. He desperately needs exercise after his being stuck at your work from the end of school everyday until you close.

That sucks for the boys and you know it does. Who has time to spend? I'm not sure what the answer is but this situation is not working for me or them.

Let's talk about it and see if we can do the right thing for them during your working hours and during mine too.

We can do it but we have a little bit of stuff to get agreement on.

Please respond and let me know what a good time to discuss this would be.

I'm reasonable but I'm also serious about it.

Message Report

Generated: 06/20/2023 at 04:50 AM by Aaron Surina

Number of messages: 1

Timezone: America/Los_Angeles

Parents: Aaron Surina, Sirinya Surina

Child(ren): Andrew Surina, David Surina

Third Party: KARI CARSON, KARMEN CARSON, CHRISTINE SURINA

➤ OurFamilyWizard

OurFamilyWizard
701 N Washington Ave Suite 700
Minneapolis, MN 55401
ourfamilywizard.com
info@ourfamilywizard.com

Message 1 of 1

Sent: 04/10/2022 at 06:03 PM
From: Aaron Surina
To: Sirinya Surina (First Viewed: 04/10/2022 at 06:03 PM)
Andrew Surina (First Viewed: Never)
David Surina (First Viewed: Never)
Subject: Re: Pick up

I had the boys for spring break, to come across state lines and demand the kids when you went on and on about how you had the boys because it was your weekend last weekend when you were not even going to have any plans just to keep me from being able to leave for the trip Friday night, it cost me a days rentals which is 826 dollars and the hotel reservation for us was 179... That cost me a thousand dollars for my kids to be withheld intentionally to prevent me from being able to have my court ordered time for spring break.

How are you going to have this weekend too? You never have two weekends in a row.....unless you have a holiday and get it like this.

Anyway you can call me if you want. Im not sure what you're doing. Obviously not your weekend according to the residential schedule which in 16 minutes is what we snap back to wherever it is when a holiday ends. If it was your weekend, yes. You'd be right.

Hope this helps. Are you serious or just wanted to make it appear like you're confused?

Tell you what,. Why don't you just let me know what time and days you can get off work for time with the kids and I will let you have those times.

That would be the best way to go forward quite honestly

I don't want you taking the kids to the bar anymore. It's not ok.

Let me know if you have any questions, again please respect my court ordered time as I have always been respectful of yours.

EXHIBIT D

Re: End of year conference?

From: Sirinya Polarj

sirinyaandrew@gmail.com

To: Kim Yahne

KimberlyY@spokaneschools.org

Cc: Aaron Surina aaron@surina.org

Sent: Tuesday, May 30, 7:26 PM

I too want the very best for David, his education is the most important step to a better future, and a conference to discuss a plan to help pave that path for David would be in his best interest. Yes I would like that meeting before the end of the school year to discuss how we are going to go about achieving that goal. He will be attending Westwood Middle School in Cheney next year as we moved to Cheney.

On Tue, May 30, 2023, 1:37 PM Kim Yahne

[<KimberlyY@spokaneschools.org>](mailto:KimberlyY@spokaneschools.org)

wrote:

Good afternoon,

I apologize for the delay as I know we had discussed this happening

Tuesday, Apr 4 • 1:25 PM

On 04/04/2023, \$380.95 was
loaded onto your ReliaCard card.
Your available balance is now
\$9059.83. Quit? Txt STOP. Help?
Txt HELP

1:25 PM



Text message



Spokane Public Schools

200 N Bernard, Spokane, Washington, 99201, 509-354-5900

PRIOR WRITTEN NOTICE

PURPOSE: As a parent/guardian of a special education child or child suspected of needing special education services, the school district is required to provide you with prior written notice whenever it **proposes or refuses** to initiate or change the identification, evaluation, educational placement, or provision of a free appropriate public education to your child. This notice should be given to you after a district makes a decision and before action is taken on the decision. The notice should be given to you in a reasonable amount of time before the district takes action.

Date: 01/17/2023

Aaron Surina
12000 N Stinson Rd
Hayden, Idaho 83835

To: Aaron Surina
Parent/guardian

Re: David M Surina - 08/12/2012
Student's name/Date of Birth

The purpose of this prior written notice is to inform you that we are:

☐ proposing to ☒ initiate ☐ change a/an
☒ refusing (Choose one) (Choose one)

Mark all items below that apply:

☐ referral ☐ educational placement
☒ initial evaluation ☐ reevaluation
☐ eligibility category This activity will include standardized testing: ☐ Yes ☒ No
☐ IEP
☐ Other:

Description of the proposed or refused action:

Refusing to initiate a formal evaluation of David's skills and abilities.

The reason we are proposing or refusing to take action is:

Per a meeting with parents, school psychologist, general education teacher and principal, the parents are in agreement that they would not like to proceed with a special education evaluation at this time.

Description of any other options considered and rejected:

The team considered moving forward with an evaluation.

The reason(s) we rejected those options was:

Both parents indicated they would not like to proceed with an evaluation at this time. David's father indicated he would like to tutor David after school and David's Mom indicated that was not in agreement with current parenting plan. Parents were encouraged to discuss outside school resources at a different time. Team agreed to continue with current interventions within school and monitor David's progress.

A description of each evaluation procedure, test, record, or report we used or plan to use as the basis for taking this action is as follows (if initial evaluation or reevaluation, include the areas being assessed and the purpose):

Review of referral data, teacher input and parent input was utilized in this decision.

Any other factors that are relevant to the action:

Parent can refer at anytime by emailing ChildFind@spokaneschools.org or calling 509.354.7947

The action will be initiated on 01/31/2023

Your child has procedural protections under IDEA. These protections are explained in the *Notice of Procedural Safeguards for Special Education Students and Their Families*. If this prior written notice is given to you (1) as part of a referral for evaluation, (2) as part of a request for a reevaluation, or (3) as notice regarding disciplinary **EXHIBIT 6** that results in a change of placement, the procedural safeguards accompanies this notice. If a copy of the *Notice of Procedural Safeguards for Special*