

FILED

JUL 12 2023

Superior Court of Washington, County of SPOKANE

TIMOTHY W. FITZGERALD
SPOKANE COUNTY CLERK

In re: ?

Petitioner/s (as listed on the parenting/custody order) No. 17-3-01817-0

SIRINYA SURINAMotion for Temporary Order Preventing
Move with Children (Relocation)
(MTPM)And Respondent/s (as listed on the parenting/
custody order)AARON SURINA**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 TO 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.

I write to bring to your attention the prejudice caused by Sirinya Surina's late notice and unauthorized relocation, which have directly impacted my ability to argue against the proposed move. Despite Sirinya Surina never seeking the court's approval, she has already relocated to the new location without giving me adequate time to respond or seek appropriate remedies from the court. This situation has resulted in significant prejudice and negatively affected the children's best interests.

The late notice of Sirinya Surina's relocation and her decision to proceed without seeking court approval have hindered my ability to present a timely and well-prepared argument against the move. I was unexpectedly required to pick up the children from the new location, which created the impression that the court had already granted permission. Such actions by Sirinya Surina have not only caused confusion but also deprived me of the opportunity to provide proper input and counterarguments in a timely manner.

The lack of consideration for due process and failure to involve the court in her relocation plans have compromised the fairness of the proceedings and undermined the children's best interests. It is essential for the court to acknowledge the prejudice caused by Sirinya Surina's actions and take appropriate measures to rectify the situation.

In light of these circumstances, I kindly request the court to expedite the scheduling of a hearing to address the unauthorized relocation and its impact on the children's best interests. I urge the court to carefully consider the prejudicial effect caused by Sirinya Surina's actions and ensure that due process is followed in determining the appropriate course of action for the well-being of our children.

Thank you for your attention to this matter. I trust in the court's commitment to upholding justice and protecting the best interests of our children.

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

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 number of benefits to the children during the court of the summer and next school year as well. 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

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

11 ☐

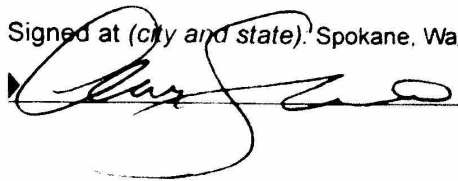
. Other information (if any)

See declaration filed contemporaneously with this motion.

Person filing 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 (and any attachments) are true. ☐ I have attached (*number*): ____ pages.

Signed at (*city and state*): Spokane, Washington _____ Date: 07/12/2023 _____



Aaron Surina _____

email: aaron@surina.org

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.