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SEP 25 2023

TIMOTHY W. FITZGERALD
SPOKANE COUNTY CLERK

FILED

2023 SEP 25 P 2: 50

TIMOTHY W. FITZGERALD
SPOKANE COUNTY CLERK

SUPERIOR COURT OF WASHINGTON

COUNTY OF SPOKANE

SIRINYA SURINA,

Plaintiff,

vs.

AARON SURINA,

Respondent

Case No.: 17-3-01817-0

MOTION FOR CONTEMPT INCL:
RESPONDENT'S AFFIDAVIT OF TRUTH,
OATH OF AUTHENTICITY OF POLICE REPORT
8/6/23
RE: CUSTODIAL INTERFERENCE

I, Aaron Surina, the respondent in the aforementioned case, hereby submit this cover sheet and affidavit of truth, to accompany a police report detailing an incident of custodial interference perpetrated by the petitioner, Sirinya Surina. This incident occurred on August 6, 2023; Aday designated for the exchange of our children as per the court-ordered parenting plan.

Attachment: Police Report - Custodial Interference

The attached police report outlines the sequence of events on the aforementioned date. It is imperative to bring this matter to the court's attention, as it highlights the petitioner's blatant disregard for the existing parenting plan and her unilateral decision to move out of the school district, thereby necessitating a significant modification of the plan.

MOTION FOR CONTEMPT INCL:
OATH OF AUTHENTICITY OF POLICE REPORT 8/6/23
RE: CUSTODIAL INTERFERENCE - 1

RESPONDENT'S AFFIDAVIT OF TRUTH,

B6

1 On the scheduled exchange day, August 6, 2023, the petitioner informed me that
2 she would not be coming to Spokane to fulfill her custodial responsibilities as outlined in
3 the existing parenting plan. Instead, she demanded that I immediately abandon my
4 obligations at work to retrieve our children. I expressed my concerns regarding her
5 move, emphasizing that it had a profound impact on the parenting plan's logistics and
6 that we needed to address this change formally.

8
9 However, the petitioner insisted that the parenting plan remain unchanged, despite her
10 move and the resulting impracticality. This created an untenable situation that forced me
11 to drive to her new residence for the exchange, as she had not only moved out of the
12 school district but also enrolled our children in a different school against their wishes
13 and without considering their well-being.

15 The incident described in the attached police report constitutes custodial interference
16 and is a matter of grave concern. It underscores the urgent need for the court's
17 intervention to address the significant modifications required to ensure the best interests
18 of our children are upheld.

20
21 I, Aaron Surina, Father of the minor children named herein; The respondent in this case
22 and under penalties of perjury, respectfully attest to the following facts and
23 circumstances concerning the prevention of any abduction of my minor children:

24
25 **Motion for Contempt**

26
27 **Timeline and Details:** On May 30, 2023, I was notified via an email from the Petitioner,
28 which included school officials, that she had moved residences and had unilaterally

MOTION FOR CONTEMPT INCL:
OATH OF AUTHENTICITY OF POLICE REPORT 8/6/23
RE: CUSTODIAL INTERFERENCE - 2

RESPONDENT'S AFFIDAVIT OF TRUTH,

1 enrolled our children into a new school district. This change in school districts occurred
2 without my prior knowledge or consent and is in direct violation of our court-approved
3 parenting plan dated December 20, 2019 as well as Washington State relocation laws.
4

5 **Failure to Adhere to Legal Requirements:** The Petitioner did not file any notice of
6 intent to relocate or provide the mandated 60-day notice period as required by
7 Washington State law. Moreover, the Respondent did not seek court approval for the
8 change in school districts as explicitly stated in our existing parenting plan.
9

10 **Impact on the Children:** This unauthorized relocation disrupts the children's
11 educational continuity and creates undue emotional stress, while also breaching their
12 right to parental love and involvement from their biological father.
13

14 **Violation of Court Orders:** By relocating and changing school districts without
15 adhering to the legal requirements, the Petitioner has blatantly disregarded court
16 orders and demonstrated a willful neglect of due process, equal protection, and my
17 rights to familial privacy.
18

19
20 **Actions Taken:**
21

22 **Objection Filed:** Prior to the Petitioner even filing any notice of intent to relocate, I had
23 already filed an objection to the move with the court in anticipation of her disregard for
24 the parenting plan and Washington State laws.
25
26
27
28

1 **Request for Judicial Notice:** I have submitted a Request for Judicial Notice to this
2 honorable court outlining these violations and asking the court to take these facts into
3 account for all future proceedings.
4

5 **Legal Counsel:** The respondent has engaged legal counsel to represent his interests
6 and to guide them through the legal process of enforcing the court's orders.
7

8 **Filing of This Motion:** The respondent is filing this motion for contempt to petition the
9 court to order the petitioner to stop committing these felony crimes against the
10 respondent and his children. The respondent has been a victim of this crime too often
11 with no real teeth in court to slow down these occurrences.
12

13
14 Respondent does hereby request that this Court issue an immediate order to patch
15 potential abduction risks that were written into the parenting plan. I also ask the court
16 to declare Washington state the "home state" according to the UCCJEA and therefore
17 the state of washinhgton and Spokane School District their lawful residence and school
18 district as determined by the existing, court-approved parenting plan.
19

20 **Risk of Flight:**
21

22 **Previous Unilateral Actions:** The Petitioner has already demonstrated a willingness to
23 act unilaterally, as evidenced by her abrupt decision to move residences and enroll the
24 children in a new school district, all without court approval or notice to me. These
25 actions are indicative of a pattern of behavior that raises serious concerns about her
26 potential to flee with the children.
27
28

MOTION FOR CONTEMPT INCL:
OATH OF AUTHENTICITY OF POLICE REPORT 8/6/23
RE: CUSTODIAL INTERFERENCE - 4

RESPONDENT'S AFFIDAVIT OF TRUTH,

B9

1
2
3 **Violation of Parenting Plan and State Law:** The Petitioner's blatant disregard for the
4 legally binding parenting plan and Washington State relocation laws demonstrates a
5 lack of respect for legal mandates and court orders, heightening the risk that she may
6 take further unauthorized actions, such as fleeing with the children.
7

8 **Lack of Communication:** The Petitioner's failure to communicate these critical life
9 changes implies a deliberate intention to deprive me, the Petitioner, of my rightful
10 involvement in the children's lives. This lack of communication creates an environment
11 ripe for further unilateral, secretive actions like flight.
12

13 **Absence of Ties to Current Location:** Given that the Petitioner has already uprooted
14 the children from their original school district, it suggests a lack of significant ties to the
15 community, making it easier for her to contemplate and execute a sudden departure
16 with the children.
17

18
19 **Emotional and Psychological Implications:** The abrupt changes imposed by the
20 Petitioner on the children are emotionally destabilizing and may be indicative of a
21 willingness to cause further emotional upheaval by fleeing with the children, particularly
22 if she believes that legal actions may not be in her favor.
23

24
25 Given these serious concerns, I respectfully request that the court take
26 immediate action to mitigate the risk of flight by the Petitioner with our minor children.
27 The implementation of precautionary measures is essential to protect my rights to
28

1 familial privacy, equal protection, and due process, as well as to ensure the emotional
2 and educational stability of our children.

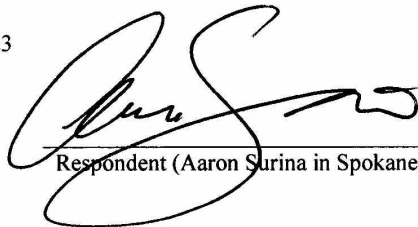
3
4 I respectfully request that this court takes into consideration the attached police report
5 as evidence of the petitioner's actions and their impact on the existing parenting plan. I
6 trust that the court will assess this matter diligently and make decisions in the best
7 interests of our children.
8

9 I affirm the accuracy and authenticity of the attached police report and this affidavit
10 cover sheet.
11

12
13 If there are any further requirements for the submission of this evidence, or if
14 additional steps are needed for its proper admission into the court record, kindly inform
15 me at the earliest convenience. I am committed to following all protocols and guidelines
16 set forth by the court to ensure that this pressing issue is resolved in accordance with
17 the law.

18 Respectfully awaiting your prompt action on this matter.
19

20 Dated this 22nd of September, 2023

21 

Respondent (Aaron Surina in Spokane, WA Signed)

22
23 ATTACHED ⑦ Page Police Report. Dated 8/6/2023
24 CUSTODIAL INTERFERENCE - Report made by AARON
25 SURINA DURING CRIME TAKING PLACE ON EVENING OF AUG 6
26 SPOKANE Police Dept Report # 2023-92002444
27 AS
28

MOTION FOR CONTEMPT INCL:
OATH OF AUTHENTICITY OF POLICE REPORT 8/6/23
RE: CUSTODIAL INTERFERENCE - 6

RESPONDENT'S AFFIDAVIT OF TRUTH,

B11

EXHIBIT B

FILED

SPOKANE POLICE DEPARTMENT SUMMARY INCIDENT REPORT

2023 SEP 25 2 06 PM
REPORT NUMBER: 2023-92002444TIMOTHY W. FITZGERALD
SPOKANE COUNTY CLERK

INCIDENT INFORMATION										
INCIDENT CODE CUSINT	INCIDENT TYPE Custodial Interference	INITIAL SUPP	☒	DATE/TIME STARTED 08/06/2023 06:00 PM	DATE/TIME ENDED 08/06/2023 07:10 PM	DATE/TIME REPORTED 08/06/2023 07:26 PM				
REPORT FILED FROM ***	TRACKING NUMBER T23002877	LOCATION OF OCCURRENCE 227 East 22ND Avenue, SPOKANE, WA 99203				APPROVED BY: Taryn.Hayes:SREC184/Taryn				
LOCATION TYPE Residence/Apartment	THEFT TYPE	METHOD OF ENTRY	METHOD OF EXIT	PT OF ENTRY	PT OF EXIT	ENTRY LOC				

PERSON LISTINGS										
1	TYPE	LAST NAME	FIRST NAME	MIDDLE NAME	DOB	RACE	SEX	DRIVER LIC NO	LIC ST	
		Compla SURINA	AARON	MICHAEL	***	***	*	***	***	
	SSN	ETHNICITY	RESIDENT	EYE COLOR	HAIR COLOR	AGE	HEIGHT	WEIGHT	CELL PHONE	

	EMAIL	RESIDENCE ADDRESS				PHONE				
	aaron@surina.org	***				***				
	EMPLOYER NAME	BUSINESS ADDRESS				WORK PHONE				

2	TYPE	LAST NAME	FIRST NAME	MIDDLE NAME	DOB	RACE	SEX	DRIVER LIC NO	LIC ST	
		Person: Surina	Sirinya		***	***	*	***	***	
	SSN	ETHNICITY	RESIDENT	EYE COLOR	HAIR COLOR	AGE	HEIGHT	WEIGHT	CELL PHONE	
		***		***	***		502	135		
	EMAIL	RESIDENCE ADDRESS				PHONE				
	sirinya@sirinyathairestaurantandlounge.co	***				***				
	EMPLOYER NAME	BUSINESS ADDRESS				WORK PHONE				
	Self Employed	***								

NARRATIVE
Sirinya recently moved with both children out of the school district without any approval or court order. She demanded that I drive to Cheney today to pick up the children however the court order has not changed. She is intentionally depriving me of court ordered time with my children because my car is not running well and I can not drive all the way to Cheney but I did drive to where we normally would exchange. I advised her that I would be home if that would be easier which is a few blocks away from her old house. There is no approval for her moving with the kids to Cheney, she moved without giving notice, she is now demanding that I come out there to pick them up which I will do that but I am not comfortable driving my car to Cheney until I can get it looked at. She can not change the court order by herself. The judge advised her that she can not move with the kids within 60 days. This is crazy. We have a few weeks before school starts, the kids are going to end up running away all the time and riding the bus to spokane which is even scarier to me. They were already doing that when she lived down the street. I need help with this. She intentionally is depriving me of my court ordered time by not showing up at the exchange location approved by the court. There is no new court order. I attached the court order to this. I believe this is a violation of 9A.40.060, maybe 070 since there are 3 I never actually pushed to a hearing and only filed in the court. There have been a LOT of this stuff taking place but it's been a while. Things have been tough for my children and I. She will not allow any phone calls and is very bitter to them, refusing all contact with me while they are with her. It's horrible for them. I need some sort of services or help for my two sons. Person [Sirinya Surina]:

312

EXHIBIT B

REPORT NUMBER: 2023-92002444

- Age Range = [30-39 years old]

INCIDENT IMAGE

- 1 Two weekends with Aaron M. Surina, one weekend with Sirinya Surina and the two
2 weekends with Aaron M. Surina followed by one weekend with Sirinya Surina etc.
3 From Thursday at 1:00 p.m. to Monday at 8:30 a.m.:
- 4 **9. Summer Schedule**
5 Summer begins and ends according to the school calendar of the school district where the
6 children primarily reside.
7 It is understood the parties will exchange the exact days for the summer schedule by
8 May 1st of each year. In the event of a conflict, in even years the father's schedule will
9 prevail, in odd years the mother's shall prevail.
10 Summer begins with that Friday immediately following the release of school, even if
11 school is released on a Friday, and it ends on that Sunday preceding the Sunday of
12 Labor Day weekend. The children will reside with Sirinya Surina the first and last week
13 of every summer every year.
14 The parents will alternate weeks for the Summer and exchange the children on Sunday
15 at 6:00 p.m. with Aaron Surina receiving the 1st week of the rotation each summer
16 unless otherwise agreed upon in writing between the parties.
17 It is understood the parties will exchange the exact days for the summer schedule by
18 May 1st of each year. In the event of a conflict, in even years the father's schedule will
19 prevail, in odd years the mother's shall prevail.
- 20 **10. Holiday Schedule (includes school breaks)**
21 This is the Holiday Schedule for all children:
22

Holiday	Children with: Sirinya Surina	Children with: Aaron Surina
Martin Luther King Jr. Day	With the parent who is exercising residential time for the weekend	
Presidents' Day	With the parent who is exercising residential time for the weekend	
Spring Break	Spring break will be defined by the school district where the children primarily reside and will begin the Friday before Spring Break at 6:00 p.m. and end on Sunday at 6:00 p.m. the day before classes resume. Spring break will be alternated each year.	
Mother's Day	Every Year - from 9am to 9pm	Even
Memorial Day	With the parent who is exercising residential time for the weekend	
Father's Day - from 9am to 9pm.		Every Year

RCW 26.09.018, .181, .187, .194
Mandatory Form (05/2016)
FL All Family 140

Parenting Plan
p. 4 of 10

KEITH A. GLANZER, P.S.
2024 W. Northwest Blvd.
Spokane, WA 99205
Telephone: 509-328-4526
Facsimile: 509-24-0405

EXHIBIT B

REPORT NUMBER: 2023-92002444

INCIDENT IMAGE

Fourth of July will be spent with the parent who was with the children in their care pursuant to the summer schedule.

Holiday	Children with: Sirinva Surina	Children with: Aaron Surina
Fourth of July	Odd Years	Even Years
	Follow the Summer Schedule in Section 9	
Labor Day	Every Year	
Halloween	Odd Years	Even Years
Thanksgiving	Odd Years	Even Years
Day/Break	Thanksgiving shall be defined as from 6:00 p.m. on Wednesday before Thanksgiving until 6:00 p.m. Sunday after Thanksgiving.	
Winter Break	Winter break shall be defined as: From the day school is released until the day before classes resume. Therefore, Christmas Eve, Christmas Day, New Year's Eve, and New Year's Day are governed by winter break. The 1 st half of Christmas break will be from the day school is released until 12:00 p.m. Christmas Eve Day. The 2 nd half will be from 12:00 p.m. Christmas Eve Day until the day before classes resume at the end of the Winter Break.	
	2 nd Half Even Years 1 st Half Odd Years	1 st Half Even Years 2 nd Half Odd Years
11. Conflicts in Scheduling	<i>children will be with the parent who otherwise has the child in his/her care at the time.</i>	
	The Holiday Schedule must be observed over all other schedules. If there are conflicts within the Holiday Schedule:	
	Named holidays shall be followed before school breaks.	
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.	
	<i>The receiving parent</i> 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.	
	The Summer exchanges shall be at 6:00 p.m. on Sunday.	
	When Aaron is exercising a 3 day weekend that includes a Monday holiday, the return to school will be Tuesday morning.	
	Who is responsible for arranging transportation?	

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

Parenting Plan
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KEITH A. GLANZER, P.S.
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2023 SEP 25 P 2:50
TIMOTHY W. FITZGERALD
SPOKANE COUNTY CLERK

REPORT NUMBER: 2023-92002444

INCIDENT IMAGE

1 The **picking up parent** - The parent who is about to **start** parenting time with the
 2 children must arrange to have the children picked up for the various extended vacations
 such as Spring Break Thanksgiving Winter Break and Summer.

3 Other details:

4 Exchanges shall be no longer than 5 minutes. Father may escort children to the door. There
 5 shall be no communication between the parties except through Family Wizard as noted
 below.

6 **13. Moving with the Children (Relocation)**

7 If the custodian plans to move, s/he must notify every person who has court-ordered time
 with the children.

8 **Move to a different school district**

9 If the move is to a different school district, the custodian must complete the form *Notice of
 Intent to Move with Children* (FL Relocate 701) and deliver it at least 60 days before the
 intended move.

11 **Exceptions:**

- 12 • If the custodian could not reasonably have known enough information to complete
 the form in time to give 60 days' notice, the custodian must give notice within 5 days
 after learning the information.
- 13 • If the custodian is relocating to a domestic violence shelter or moving to avoid a
 clear, immediate and unreasonable risk to health or safety, notice may be delayed
 21 days.
- 14 • If information is protected under a court order or the address confidentiality program,
 it may be withheld from the notice.
- 15 • A custodian who believes that giving notice would put her/himself or a child at
 unreasonable risk of harm, may ask the court for permission to leave things out of
 the notice or to be allowed to move without giving notice. Use form *Motion to Limit
 Notice of Intent to Move with Children (Ex Parte)* (FL Relocate 702).

16 The *Notice of Intent to Move with Children* can be delivered by having someone
 17 personally serve the other party or by any form of mail that requires a return receipt.

18 If the custodian wants to change the *Parenting Plan* because of the move, s/he must
 19 deliver a proposed *Parenting Plan* together with the *Notice*.

21 **Move within the same school district**

22 If the move is within the same school district, the custodian still has to let the other
 23 parent know. However, the notice does not have to be served personally or by mail with
 a return receipt. Notice to the other party can be made in any reasonable way. No
 24 specific form is required.

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

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

REPORT NUMBER: 2023-92002444

INCIDENT IMAGE

- 1
- 2 **b. Reasons for limits on major decision-making, if any:**
- 3 Major decision-making **should** be limited because of problems as described in 3.b.
- 4 above.
- 5 **6. Dispute Resolution - If you and the other parent disagree**
- 6 From time to time, the parents may have disagreements about shared decisions or about
- 7 what parts of this parenting plan mean.
- 8 **a. To solve disagreements about this parenting plan, the parents will go to court (without**
- 9 **having to go to mediation, arbitration, or counseling).**
- 10 **7. Custodian**
- 11 The custodian is SIRINYA SURINA solely for the purpose of all state and federal statutes
- 12 which require a designation of determination of custody. Even though one parent is called
- 13 the custodian, this does not change the parenting rights and responsibilities described in
- 14 this plan.
- 15 *(Washington law generally refers to parenting time and decision-making, rather than*
- 16 *custody. However, some state and federal laws require that one person be named the*
- 17 *custodian. The custodian is the person with whom the children are scheduled to spend*
- 18 *more of their time.)*
- 19 **Parenting Time Schedule (Residential Provisions)**
- 20 **Complete the parenting time schedule in sections 8 - 11.**
- 21 **8. School Schedule**
- 22 **a. Children under School-Age**
- 23 The schedule for children under school-age is the same as for school-age children.
- 24 **b. School-Age Children**
- 25 ~~This schedule will apply when begins: Other: —~~
- 26 This schedule will apply immediately.
- 27 The children are scheduled to live with SIRINYA SURINA except when they are scheduled
- 28 to live with Aaron M. Surina on:
- 29 **WEEKENDS:** From Thursday after school until Monday morning when the children will
- 30 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.
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REPORT NUMBER: 2023-92002444

INCIDENT IMAGE

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- Both parties may follow that proposed plan without being held in contempt of the *Parenting Plan* that was in place before the move. However, the proposed plan cannot be enforced by contempt unless it has been approved by a court.
 - Either party may ask the court to approve the proposed plan. Use form *Ex Parte Motion for Final Order Changing Parenting Plan – No Objection to Moving with Children* (FL Relocate 706).
- Forms**
- You can find forms about moving with children at:
- The Washington State Courts' website: www.courts.wa.gov/forms.
 - The Administrative Office of the Courts - call: (360) 705-5328,
 - Washington LawHelp: www.washingtonlawhelp.org, or
 - The Superior Court Clerk's office or county law library (for a fee).
- (This is a summary of the law. The complete law is in RCW 26.09.430 through 26.09.480.)
- 14. Other**
- a. **Our Family Wizard:** The parties are ordered to visit www.OurFamilyWizard.com, and each establish a parent account to utilize the tools listed in the "Services" tab. Each shall enroll in the program for a one-year subscription.
- MP* The parties shall thereafter conduct all communications with each other using Our Family Wizard including but not limited to parenting plan matters, information sharing order matters, schedule alterations and reimbursable expenses matters on the website and shall not communicate with each other directly in any other way but especially regarding issues relating to the children and shall post all communication exclusively on the website. Each party shall respond to the other's request or notification within 48 hours if a response is required.
- A party's failure to respond within such time period without requesting an extension of time to obtain further information of independent medical advice, shall be deemed a consent or a waiver, as the case may be, of the action, activity, period, or decision requested or offered.
- Although no issues regarding health reimbursements are presently before the court, the court orders the parties to utilize the website's Expense feature, OFW Pay, to have a future record of all potentially reimbursable expenses in order to mitigate the necessity to litigate in the future over such matters.
- MP* Each parent shall preserve the original of any scanned document that is posted.
- The parties shall consider and discuss establishing children's pages for each of the children on the website.

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

Parenting Plan
p. 8 of 10

KEITH A. GLANZER, P.S.
2024 W. Northwest Blvd.
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Telephone: 509-326-4526
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REPORT NUMBER: 2023-92002444

INCIDENT IMAGE

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Findings of Fact - Based on the pleadings and any other evidence unfolded:
The Court adopts the statements in section 3. (Reasons for putting limitations on a parent) as its findings.

Conclusions of Law - This Parenting Plan is in the best interest of the children.

Order - The parties must follow this Parenting Plan.

Date 12/28/18 JUDGE MICHAEL PRICE

Warning! If you don't follow this Parenting Plan, the court may find you in contempt (RCW 26.09.160). You still have to follow this Parenting Plan even if the other parent doesn't.

Violation of residential provisions of this order with actual knowledge of its terms is punishable by contempt of court and may be a criminal offense under RCW 9A.40.050(2) or 9A.40.070(2). Violation of this order may subject a violator to arrest.

Presented by: [Signature] Approved for entry: [Signature]
KEITH A. GLANZER, WSBA No. 20424 Aaron M. Suma, Self-represented
Attorney for Petitioner Respondent

RCW 26.09.016, .161, .167, .180
Blanketing Form (S&C 2019)
FL All Family 144

Parenting Plan
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PDF RCW 9A.40.070**Custodial interference in the second degree.**

(1) A relative of a person is guilty of custodial interference in the second degree if, with the intent to deny access to such person by a parent, guardian, institution, agency, or other person having a lawful right to physical custody of such person, the relative takes, entices, retains, detains, or conceals the person from a parent, guardian, institution, agency, or other person having a lawful right to physical custody of such person. This subsection shall not apply to a parent's noncompliance with a court order making residential provisions for the child.

(2) A parent of a child is guilty of custodial interference in the second degree if: (a) The parent takes, entices, retains, detains, or conceals the child, with the intent to deny access, from the other parent having the lawful right to time with the child pursuant to a court order making residential provisions for the child; or (b) the parent has not complied with the residential provisions of a court-ordered parenting plan after a finding of contempt under RCW 26.09.160(3); or (c) if the court finds that the parent has engaged in a pattern of willful violations of a court order making residential provisions for the child.

(3) Nothing in subsection (2)(b) of this section prohibits conviction of custodial interference in the second degree under subsection (2)(a) or (c) of this section in absence of findings of contempt.

(4)(a) The first conviction of custodial interference in the second degree is a gross misdemeanor.

(b) The second or subsequent conviction of custodial interference in the second degree is a class C felony.

[2015 c 38 § 3; 2003 c 53 § 66; 1989 c 318 § 2; 1984 c 95 § 2.]

NOTES:

Intent—2015 c 38: See note following RCW 9A.40.060.

Intent—Effective date—2003 c 53: See notes following RCW 2.48.180.

Severability—1989 c 318: See note following RCW 26.09.160.

Severability—1984 c 95: See note following RCW 9A.40.060.