

CN: 201703018170

SN: 549

PC: 10

FILED

OCT 12 2023

TIMOTHY W. FITZGERALD
SPOKANE COUNTY CLERK

FILED

2023 JUL -3 P 4: 16

TIMOTHY W. FITZGERALD
SPOKANE COUNTY CLERK

Superior Court of Washington, County of SPOKANE

In re: ?

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

SIRINYA SURINA

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

AARON SURINA

No. 17-3-01817-0

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

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

To both parties:

Deadline! Your papers must be filed and served by the deadline in your county's Local Court Rules, or by the State Court Rules if there is no local rule. Court Rules and forms are online at www.courts.wa.gov.

If you want the court to consider your side, you **must**:

- File your original documents with the Superior Court Clerk; AND
- Give the Judge/Commissioner a copy of your papers (if required by your county's Local Court Rules); AND
- Have a copy of your papers served on all other parties or their lawyers; AND
- Go to the hearing.

The court may not allow you to testify at the motion hearing. Read your county's Local Court Rules, if any.

Bring proposed orders to the hearing.

To the person filing this motion:

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

To the person receiving this motion:

If you do not agree with the requests in this motion, file a statement (using form FL All Family 135, Declaration) explaining why the court should not approve those requests. You may file other written proof supporting your side.

1. My name is AARON SURINA.

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

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

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

4. **Objection**

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

5. **Request**

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

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

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

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

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

➤ **Reasons for request**

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

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

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

The petitioner stated she has not moved, is still living in the house etc on June 23rd, Her

documents submitted state she's going to be out of the house by the 30th of June.

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

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

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

8. Move unlikely to be approved

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

9. No reason to move now

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

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

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

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

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

10. Active duty military

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

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

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

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

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

- ☐ For persons covered only by the **state** act – Military duty may keep the service member or dependent from responding or coming to the hearing on this motion. I ask the court to approve temporary orders even if the covered person asks for a stay or doesn't respond. It would be very unfair (a manifest injustice) not to make temporary orders now because: _____

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 are true.

Signed at (city and state): Spokane, Washington Date: 6/28/2023

▶ AARON SURINA AARON SURINA
Person filing this motion signs here Print name

I agree to accept legal papers for this case at (check one): AS

☐ my lawyer's address, listed below.

☒ the following address (this does **not** have to be your home address):

PO BOX 30123, SPOKANE, WA 99223
street address or PO box city state zip

(Optional) email: LEGAL@SURINA.ORG

(If this address changes before the case ends, you **must** notify all parties and the court clerk in writing. You may use the Notice of Address Change form (FL All Family 120). You must also update your Confidential Information Form (FL All Family 001) if this case involves parentage or child support.)

Lawyer (if any) fills out below:

▶ _____
Lawyer signs here Print name and WSBA No. Date

Lawyer's street address or PO box city state zip

Email (if applicable): _____

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.

Superior Court of Washington

Spokane County

Sirinya Surina Petitioner
v. 
Aaron Surina Respondent

Judge Steve Dixon
Spokane County Superior Court
1116 W. Broadway Ave
Spokane, WA 99203

case no: 17-3-01817-0

Date: 06/28/2023

Subject:

Children and Request for Hearing Motion for Temporary Order Preventing Move with

Dear Judge Dixon,

I am Aaron Surina, the respondent and father of David and Andrew. I write this declaration to bring the move which was denied in the hearing but sworn to in the notice by opposing counsel to your attention. The manner in which this has been done is not what the court's nor legislature intended with regards to relocating and the well-being and best interests of our children, David Surina and Andrew Surina. As the noncustodial parent, I respectfully request your intervention by granting a temporary order to prevent the relocation of our children until a thorough hearing can take place to determine the best course of action in accordance with the rules and statutes governing child custody matters. I do not object to her relocating without the children.

I have reviewed the details of the proposed relocation plan put forth by the petitioner, Sirinya Surina, taking into account the guidelines set forth in RCW 26.09.520. Based on my understanding of the applicable rules and regulations, it is likely that the court will deny the relocation of the children for the reasons previously outlined in my motion.

Furthermore, I wish to bring to the court's attention an additional concern regarding Sirinya Surina's lack of cooperation in providing necessary financial documentation. On the 23rd of June, you (Judge Dixon) issued an order requiring Sirinya Surina to produce two specific forms that are crucial for the respondent to finally find resolve around his taxes. The court's order is not being followed, I did discuss with counsel in a one way conversation asking for compliance around this item. I have attempted to resolve this issue but I am probably witnessing the petitioner tell her attorney that she does not have to follow this edict. This certainly is not the first time she has done this.

I am also writing to bring an urgent matter before the court concerning the well-being and best interests of our children, David Surina and Andrew Surina. As the noncustodial parent, I respectfully request your intervention by granting a temporary order to prevent the relocation of our children until a thorough hearing can take place to determine the best course of action in accordance with the rules and statutes governing child custody matters.

I request / motion the court to assess the financial aspects of our case, particularly in relation to claiming the children on taxes. I hope you can accept this form as such.

PLEASE, I motion the court to compel these irs form 8332 forms (one per child, per year. that is two forms per year. Not a form that has multiple years written on it, that will not be accepted by the IRS. We file taxes annually).

In light of these circumstances, I kindly request the court's immediate attention to address this matter promptly, ensuring that Sirinya Surina complies with the court's order to provide the required financial documentation. Additionally, I reiterate my request for the court to schedule a hearing at the earliest convenience to thoroughly examine the proposed relocation plan and its potential impact on the well-being and best interests of our children.

I ask the court to order the petitioner abide by the proposed parenting plan I filed recently if she moves before the court grants the petition. I have attached a motion.

As per the rules governing motion practice, I have attached a copy of this motion, including the additional concerns about Sirinya Surina's lack of financial transparency. I trust that the court will consider this motion and the related matters in a manner consistent with the rules and regulations of the Spokane County Superior Court.

I have reviewed the details of the proposed relocation plan put forth by the petitioner, Sirinya Surina, taking into account the guidelines set forth in RCW 26.09.520. Based on my understanding of the applicable rules and regulations, it is likely that the court will deny the relocation of the children for the following reasons:

Disruption of Stable Environment: The proposed move to Cheney, Washington has nothing to do with the children who were not considered in any regard and as such will significantly disrupt the children's stable environment, including their schooling, the independent educational program for David which became necessary after spending so much time in the bar late at night and being tired in school everyday, as well as the boy's extracurricular activities, and social connections. Preserving stability and continuity in their lives is of paramount importance for their overall well-being and healthy development. The wishes of both boys are to move in with Dad, asking when they will be able stay at Dad's house for school. Right now, investing money to fight doing the right thing for our children is a decision that is up to her. The obvious reason is her fear that she may be asked to contribute to the cost of raising children financially - Sirinya will try to prevent any obligation to financially contribute to our children with out receiving money for free first. This is all about her hiding he finances, hiding a very demanding restaurant and lounge(bar) and asking to keep the parenting and support order as is from when she had 0 income and all day everyday to "care for our kids". The thought of recalculating child support which Judge Price calls out as an item reviewed and considered if she was wanting to claim a child of course is not followed.

I am writing to bring an urgent matter before the court concerning the well-being and best interests of our children, David and Andrew. As the noncustodial parent, I respectfully request your intervention by granting a temporary order to prevent the relocation of our children until a thorough hearing can take place to determine the best course of action in accordance with the rules and statutes governing child custody matters.

Children's Best Interests: Pursuant to the court's duty to prioritize the best interests of the children, it is vital to ensure that their physical, emotional, and developmental needs are met by promoting a nurturing and stable environment that allows for a strong and supportive relationship with both parents. The petitioner is asking to keep a restraining order on my children. She asked that the children have a restraining order placed on them so they aren't allowed to call anyone in their family who loves them and would be able to assist them, including if there was an emergency and they were left with the petitioner's mother who is unable to communicate an emergency and has been charged with and caught red handed molesting one of the children.

Additionally, I wish to express that I do not object to Sirinya Surina moving without the children. I understand the demands of her business and acknowledge that she may have limited time to devote to the children in this season of her life. As a dedicated and involved parent, I am ready and willing to step up and assume additional responsibilities to fill the gap, ensuring that our children's needs are met and their best interests are protected. The petitioner claimed that as the sole proprietor of her business and the only one who speaks English, she is only there 20-30 minutes a week. This is impossible, and I intend to prove that is not true in the trial.

In light of the aforementioned circumstances, I kindly request the court to schedule a hearing at the earliest convenience to address this matter in accordance with the rules and procedures of the Spokane County Superior Court. I trust that the court's intervention and thorough evaluation of the potential consequences of the proposed relocation will ultimately serve the best interests of our children.

As per the rules governing motion practice, I have attached a copy of this motion for your review. I respectfully request that you consider this motion in a manner consistent with the rules and regulations of the court.

Thank you for your attention to this matter, and I eagerly await your guidance regarding the scheduling of a hearing. I am confident that with the court's intervention, a just and equitable resolution can be reached that safeguards the well-being and best interests of our children.

I hereby affirm, under penalty of perjury, that the statements made in this affidavit are true and accurate to the best of my knowledge and belief.

Sincerely,

□ AARON SURINA

/s/ AARON SURINA

Aaron Surina

A handwritten signature in black ink, appearing to read 'Aaron Surina', written over a horizontal line.

17-3-01817-0

Respondent

Date: 6/28/2023

Signed in Spokane, Washington

State of Washington, County of Spokane

FILED

In re: surina pet to mod PP
Sirinya Surina

2023 OCT 12 A 5:11

Case No. 17-3-01817-0

Petitioner
&

Aaron Surina
Respondent

JIMMY W. FITZGERALD
SPOKANE COUNTY CLERK

AFFIDAVIT OF FACTS BY
RESPONDENT

(NOTARIZED SWORN, SIGNED AND
SUBSCRIBED)

SWORN STATEMENT

I, Aaron Surina, residing at 3318 S.
Bernard St, Spokane, WA 99203, being
duly sworn, depose and state as follows:

I am the affiant in this matter and have
personal knowledge of the facts stated
herein.

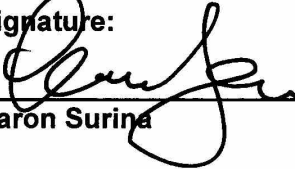
I understand that I am making this
statement under oath and subject to the
penalties of perjury.

I certify that the information contained in
this affidavit is true and correct to the
best of my knowledge, information, and
belief.

I understand that providing false
information in this affidavit may result in
legal consequences, including but not
limited to perjury charges.

I have executed this affidavit voluntarily
and without any form of coercion or
duress.

Signature:

 10/12/23
Aaron Surina Date:

AARON SURINA AMS@SURINA.ORG

PO BOX 30123, SPOKANE, WA 99223

NOTARY BLOCK:

Subscribed and sworn to before me
on this 12th day of October, 2023 at
Spokane, Spokane County,
Washington.

Notary Public:


[Notary Public's Name]

My Commission Expires:

January 09, 2027
[Notary Public's Commission
Expiration Date]

Dated this 12th of October, 2023
Attached: affidavit in support of mod of
parenting plan

MOTION FOR Temp
order, dec in Supp
of Motion Filed 7/3/23
BY Aaron Surina

Notary Public
State of Washington
JORDAN WELTER PAGE 1 OF 1
COMMISSION# 23000736
MY COMMISSION EXPIRES
PUBLIC NOTARIZED SWORN, SIGNED AND
SUBSCRIBED BY RESPONDENT