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TIMOTHY W. FITZGERALD
SPOKANE COUNTY CLERK

2023 AUG -3 P 4: 35

Superior Court of Washington
County of Spokane

TIMOTHY W. FITZGERALD
SPOKANE COUNTY CLERK

In re: Surina v Surina

Petitioner:

Sirinya Surina

v.

Respondent:

Aaron Surina

No. 17-3-01817-0

Motion for Judgement
against employer for non compliance
of an income withholding order

RCW 26.18.110 (6)(a)
(MT)

Aaron Surina
PO BOX 30123
Spokane, WA 99223
ams@surina.org
707.200.4372

Date: August 3, 2023

Honorable Judge
WA State Superior Court for Spokane County
1116 W. Broadway Ave
Spokane, WA 99201

**RE: Motion for judgement payable to Petitioner for non compliance of
income withholding under RCW 26.18.110 approx. \$8,000.00 (2020 – 2022)
Case 17-3-01817-0 [Spokane Co Superior Court]**

Page 1 of 5

in re: Surina v. Surina

Case No. 17-3-01817-0

Aaron Surina ams@surina.org 707.200.4372

August 3, 2023

1
2 I, Aaron Surina, the Respondent in the above-captioned case, respectfully
3 submit this Motion for Recovery of arrears unjustly levied against me for two years of
4 my previous employer acting in a manner non compliant with the income withholding
5 order sent by WA DCS. This back support arrears is massive and as I maintain that I
6 was silently convicted of abandonment without ever denying any financial obligation
7 for my children yet I am living out the sentence of the prosecution that was had in
8 2017, 2019 and potentially shortly again.
9

10
11 Nobody and no system or process is setup for notifying or bring any of it to my
12 attention even with correspondence between employer and DCS – Never advised me
13 of any issue or problem and allowed 8,000 dollars to accrue while I was garnished
14 working for 1 company and thinking all of it was automated and support enforcement
15 was in charge of this. But that wasn't the case and this situation continued and it
16 continued without notice. The law states the employer is responsible for 100% of the
17 money owed to the petitioner.
18

19
20 I submit this Motion to Order **Judgment Payable to the Petitioner** for Non-
21 Compliance with the Income Withholding Order by my employer and to my employer.
22 If this is not a legal form to request the judgement, I make my request known to
23 opposing counsel to pursue this money as the petitioner has a right to it, they are
24 obligated by law to pay the back support and this should be pursued in whatever
25 legal manner counsel knows is necessary if this is not the manner to do that.
26
27

1 **Background and Relevant Facts:**

2 In this family law matter, the Petitioner is the custodial parent of our children,
3 and I am the Respondent. The court previously issued an Income Withholding Order,
4 as per RCW 26.18.110(6)(a), obligating my employer to withhold a specific amount
5 from my wages for child support payments and remit it to the wa state support
6 registry.
7

8
9 Regrettably, my employer has failed to comply with the Income Withholding
10 Order by not remitting the full amount as required by law. As a result of this non-
11 compliance, I have been unjustly deprived of my legal obligation to provide financial
12 support to the Petitioner and our children.
13

14 **Employer's Responsibility and Non-Compliance:**

15
16 RCW 26.18.110(6)(a) clearly outlines that the employer is 100% responsible to
17 the obligee (currently the Petitioner) for the money accrued but not withheld as stated
18 in the Income Withholding Order. My employer's non-compliance has resulted in the
19 accrual of arrears due to not withholding of funds that were intended to provide
20 support to the Petitioner and our children.
21

22 **Request for Judgment Payable to the Petitioner:**

23
24 In light of my employer's non-compliance with the Income Withholding Order
25 and their responsibility for the duty of the income withholding order which they
26 agreed to comply with and they failed with some withheld funds, I respectfully request
27

1 this Honorable Court to order judgment payable to the Petitioner for the amount not
2 remitted as required by law.

3
4 **Impact on Child Support Obligations:**

5 As a direct consequence of my employer's failure to comply with the Income
6 Withholding Order, I have been wrongfully deprived of the opportunity to fulfill my
7 child support obligations and provide necessary financial support to my children. This
8 has caused significant financial hardship and emotional distress for both the
9 Petitioner and myself. I have attached a copy of the RCW statute to this motion.
10
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12
13

14 **Prayer for Relief:**

15
16 I, Aaron Surina, respectfully request the following relief from this Honorable
17 Court:

18
19 **A.** Order judgment on my employer to make the arrears immediately payable to
20 the Petitioner for the full amount that my employer failed to remit as required by the
21 Income Withholding Order, pursuant to RCW 26.18.110(6)(a).
22

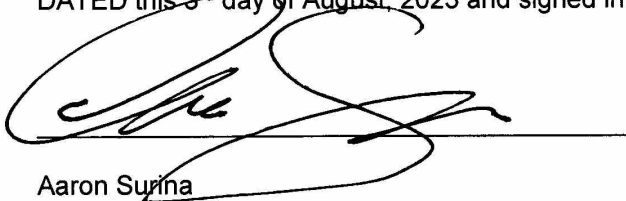
23 **B.** Order my previous employer to comply with the Income Withholding Order
24 henceforth, ensuring timely and accurate remittance of child support payments to the
25 state support registry.
26

27 **C.** Any further relief that this Honorable Court deems just and equitable.

Conclusion:

I, Aaron Surina, sincerely hope that this Honorable Court will intervene to address my employer's non-compliance and uphold the principles of justice and fairness in this matter. Your prompt attention to this motion is genuinely appreciated.

DATED this 3rd day of August, 2023 and signed in Spokane County, Washington

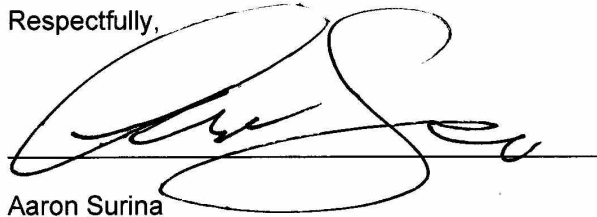


Aaron Surina

1
2 **CERTIFICATE OF SERVICE**

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4 I certify that on August 3rd, 2023, a copy of this pleading of loss, and motion to
5 move the court was served on the counsel of the petitioner, by email
6

7
8 Respectfully,

9
10 
11 Aaron Surina

12
13 /s/ _____

14 Location: Spokane County, Washington
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