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FILED

APR 19 2024

TIMOTHY W. FITZGERALD
SPOKANE COUNTY CLERK

SUPERIOR COURT, STATE OF WASHINGTON, COUNTY OF SPOKANE

SIRINYA SURINA,
Petitioner,
And
AARON SURINA,
Respondent.

NO. 17-3-01817-0

FINAL ORDER AND FINDINGS
ON OBJECTION ABOUT
MOVING WITH CHILDREN AND
PETITION ABOUT CHANGING A
PARENTING/CUSTODY ORDER
(RELOCATION)

**FINAL ORDER AND FINDINGS ON OBJECTION ABOUT MOVING WITH
CHILDREN AND PETITION ABOUT CHANGING A
PARENTING/CUSTODY ORDER (RELOCATION)**

1. Money Judgment Summary

Judgment for	Debtor's name	Creditor's name	Amount	Interest
	Aaron Surina	Sirinya Surina		
Lawyer fees	9,363.00		\$9,363.00	\$
Yearly Interest Rate: % (12% unless otherwise listed)				
Lawyer (name): Stanley A. Kempner, Jr. Represents: Petitioner				
Lawyer (name): Aaron Surina Represents Pro Se				

2. This Order is based on the Court's decision about the *Objection* after a contested trial on March 12, 2024.

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The following people were at the trial:

Petitioner: Sirinya Surina, represented by: Stanley A. Kempner, Jr.

Respondent: Aaron Surina, pro se

Findings & Conclusions

3. **Jurisdiction over the children** (RCW 26.27.201 – .221, .231, .261, .271)

The court can decide this case for the children because:

Exclusive, continuing jurisdiction – A Washington court has already made a parenting plan, residential schedule or custody order for the children, and the court still has authority to make other orders for David Surina and Andrew Surina.

4. **Children's Residence**

The children live most of the time with the relocating person Sirinya Surina, Petitioner.

5. **Factors for / against move with children**

David and Andrew Surina (the children) live with the person who wants to move most of the time. Based on the factors listed below, the Court concludes that Respondent has failed to demonstrate that the detrimental effect of the relocation outweighs the benefit of the change to the children and the relocating person. The relocation is in the best interests of the children.

Factors:

a. Relationships: "The relative strength, nature, quality, extent of involvement, and stability of the child's relationship with each parent, siblings, and other significant persons in the child's life." Findings: Respondent testified that he loves the children and that they are everything to him. Respondent testified about his care of the children, how he is very involved in the children's education, and how he provides health care and financial support for them. Respondent testified that Petitioner has taken the children to sports and asserted that the children are not allowed to go to counseling. Respondent provided little to no evidence concerning the relative strength, nature, quality, extent of involvement, and stability of the children's relationship with the Petitioner, the children's relationship with each other, and the children's relationship with other significant persons in the children's lives. As a result, this factor weighs in favor of relocation.

1 **b. Agreements:** "Prior agreements of the parties." Findings: There were no agreements
2 between the relocating and objecting persons about moving with the children. This
3 factor does not apply.

4 **c. Contact** "Whether disrupting the contact between the child and the person seeking
5 relocation would be more detrimental to the child than disrupting contact between the
6 child and the person objecting to the relocation." Findings: Respondent did not present
7 testimony about disruption of contact between the children and Respondent.
8 Respondent acknowledged that the relocation would not "majorly" affect Respondent's
9 time with the children. The relocation would not disrupt the children's contact with the
10 objecting person. This factor weighs in favor of relocation.

11 **d. Limitations:** "Whether either parent or a person entitled to residential time with the
12 child is subject to limitations under RCW 26.09.191." Respondent testified that .191
13 restrictions were imposed on him due to abusive use of conflict. The current
14 parenting/custody order includes limitations under RCW 26.09.191 on Respondent.
15 This factor weighs in favor of relocation.

16 **e. Reasons for seeking relocation:** "The reasons of each person for seeking or opposing
17 the relocation and the good faith of each of the parties in requesting or opposing the
18 relocation." Findings: Petitioner purchased a house that was closer to her business than
19 her previous residence had been. The Petitioner had good faith reasons for seeking
20 relocation.

21 **f. Reasons for objecting:** Findings: Respondent's opposition to the relocation was not
22 made in good faith. Respondent acknowledged that the proposed relocation would not
23 "majorly" affect his time with the children. Respondent admitted that he would not
24 have been able to oppose a relocation of greater distance within the Spokane School
25 District. Respondent admitted that it would only take him about fifteen minutes to take
26 the children from Respondent's house to the children's new school in Cheney. In
27 addition, Respondent made little effort to address the relocation factors at trial. The
28 Respondent did so despite being handed a copy of RCW 26.09.520 at the
29 commencement of trial. The Court also admonished the Respondent on multiple
30 occasions to focus on the relocation statute. Respondent admitted that he hadn't given
31 one of the relocation factors "much thought." Respondent made it abundantly clear
32 throughout the relocation trial that his true intent was to use the relocation trial as a

1 vehicle to modify the parenting plan. For example, Respondent repeatedly testified
2 about the Petitioner's business and his displeasure over the children spending time at
3 Petitioner's business. Respondent stated he was opposing the relocation because of the
4 alleged lack of support networks at the Cheney School District yet presented very little,
5 if any, evidence about Cheney schools. Respondent asserted that there was not as much
6 of a support network in the Cheney School District and that the teachers in the children's
7 current school are more familiar with the children than they would be at the Cheney
8 School District. Respondent provided no evidence that Cheney schools were inferior in
9 any way to the Spokane School District. Respondent seemed to concede the issue of
10 relocation at times. This factor weighs in favor of relocation.

11 **g. Children:** "The age, developmental stage, and needs of the child, and the likely
12 impact the relocation or its prevention will have on the child's physical, educational,
13 and emotional development, taking into consideration any special needs of the child."
14 Findings: Respondent presented some evidence about the impact of the relocation on
15 the children, such as the current school's familiarity with the children. Respondent did
16 not present evidence about a scarcity of professionals in the Cheney School District that
17 were equipped to address any of the issues the children may have. This factor weighs
18 in favor of relocation.

19 **h. Quality of life:** "The quality of life, resources, and opportunities available to the child
20 and to the relocating party in the current and proposed geographic locations." Findings:
21 Respondent provided little in the way of specific testimony about how the current
22 location differs from the proposed location. Respondent asserted that there was
23 "nothing" at the new location and that the opportunities in Spokane Schools cannot be
24 replicated. Respondent acknowledges that the relocation would benefit the Petitioner's
25 commute and finances. This factor weighs in favor of relocation.

26 **i. Other arrangements:** "The availability of alternative arrangements to foster and
27 continue the child's relationship with and access to the other parent." Findings:
28 Respondent provided a dearth of evidence on this factor; therefore, it weighs in favor of
29 relocation.

30 **j. Alternatives:** "The alternatives to relocation and whether it is feasible and desirable
31 for the other party to relocate also." Findings: Respondent acknowledged that he hadn't
32

given this factor a lot of thought. Respondent failed to address this issue; therefore, it weighs in favor of relocation.

k. Financial: "The financial impact and logistics of the relocation or its prevention."
Findings: Respondent failed to address this issue; therefore, it weighs in favor of relocation.

6. Changes to parenting/custody order

No Change- The parenting/custody order should not change because:

Other findings: Respondent's contact with the children will not be materially affected as a result of the relocation.

7. Child Support

Does not apply.

8. Protection order

No one requested an Order for Protection in this case.

9. Restraining Order

No one requested a Restraining Order in this case.

10. Fees and costs

Other findings: Aaron Surina shall be ordered to pay Sirinya Surina's attorney fees incurred in this action based upon RCW 26.09.550 because Respondent's objection to the intended relocation was made to harass the Petitioner and/or needlessly increase the cost of litigation.

11. Other findings, if any

None of the factors in RCW 26.09.520 weigh in Respondent's favor and as a result he has not met his burden of proof to prevent the relocation of the Petitioner and the children. As a result, Petitioner's CR 41(b)(3) motion is granted.

Court Orders

12. Decision

Move with children – Allowed – The children may move with Sirinya Surina as requested.

Parenting/custody order – No Change – The current parenting/custody order remains in effect.

Child Support – The current child support order remains in effect.

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(RELOCATION) 5 of 7

Mandatory Form

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Protection Order Restraining Order – Does not apply.

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13. – Money Judgment

Judgment for	Debtor's name	Creditor's name)	Amount
Lawyer fees	Aaron Surina	Sirinya Surina	\$9,363.00

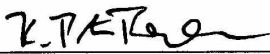
The interest rate is 12%, unless another amount is listed below.

14. Other orders

Petitioner's motion pursuant to CR 41 (b)(3) is granted in that the facts presented by the Respondent at the close of his case failed to show that he has a right to relief under RCW 26.09.520.

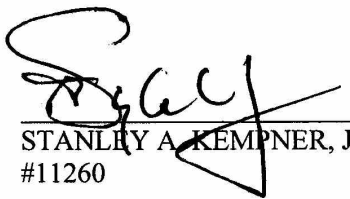
The children shall continue to attend their respective schools in Spokane School District 81 until the end of the 2023-2024 school year. The children will attend the Cheney School District at the beginning of the 2024-2025 school year.

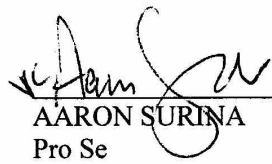
DONE in open Court this 19th day of April, 2024.


JUDGE K. PETER PALUBICKI

Presented by:
Attorney for Petitioner

Approved as to Form and
Content; Notice of Presentment
Waived.


STANLEY A. KEMPNER, JR.
#11260


AARON SURINA
Pro Se

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