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Superior Court of Washington,

FILED

County of Spokane

SEP 27 2024

TIMOTHY W. FITZGERALD
SPOKANE COUNTY CLERK

In re: Custody of AAS & DMS

Petitioner:

Sirinya Surina

No. 17-3-01817-0

v.

**Resp's Affidavit of Facts in support
of custody**

And Respondent:

Aaron Surina

RESPONDENT'S AFFIDAVIT OF FACTS IN SUPPORT OF CUSTODY

1. INTRODUCTION:

I, Aaron Surina, being first duly sworn upon oath, depose and state as follows:

a. I am the father of two sons, AAS and DMS.

b. I am over the age of eighteen, competent to testify, and make this affidavit based on personal knowledge.

c. I submit this affidavit in support of my request for primary custody of my sons at the upcoming UCCJEA conference scheduled for October 2, 2024, and as a supplemental affidavit in the current case.

2. The Relative Strength, Nature, and Stability of the Child's Relationship with Each Parent:

a. My Relationship with AAS and DMS: I have consistently prioritized the safety, emotional well-being, and upbringing of my sons. Despite challenges imposed by court orders and limited communication, I have been an engaged and responsible father, ensuring their daily needs are met, providing emotional support, and maintaining their safety.

b. Sirinya's Relationship with the Children: Sirinya has been largely absent due to her work commitments, working six days a week at two restaurants. This limits her ability to perform daily parenting duties. Her unwillingness to nurture the relationship between me and the children has contributed to heightened tension and emotional strain.

3. The Agreements of the Parties, Provided They Were Entered Into Knowingly and Voluntarily

a. Previous agreements and the parenting plan was made without my opportunity to review or even read it. The orders made in secrecy and

based on fabrications from opposing counsel, resulting in an unfair advantage in favor of Sirinya. These orders limited communication and prevented cooperative co-parenting.

b. I did not enter into these agreements knowingly or voluntarily, as they were aimed at controlling community assets and depriving me of my personal property.

c. I request that any further agreements be re-evaluated to ensure fairness and transparency.

4. Each Parent's Past and Potential for Future Performance of Parenting Functions

a. My Parenting Functions: I have taken significant responsibility for my sons, focusing on their well-being, safety, and emotional stability. My dedication to their upbringing is evident in my continued advocacy in court and my determination to protect them from harmful influences.

b. Sirinya's Parenting Functions: Sirinya's past performance has been limited by her work schedule and lack of engagement in the children's daily lives. Her absence from crucial aspects of their upbringing has been detrimental, and her future potential to take on more parenting functions is compromised by her ongoing work commitments.

5. The Emotional Needs and Developmental Level of the Child:

a. Emotional Needs: AAS and DMS require a parent who is present, emotionally available, and capable of meeting their evolving developmental needs. My efforts to provide stability, security, and emotional support align with their best interests.

b. Developmental Level: I understand their needs and am willing to adjust my life to accommodate their growth and development. Their emotional health has been challenged by the current arrangement, where Sirinya's absence and refusal to facilitate communication have created unnecessary stress.

The court of appeals in Washington state has ruled extensively on parents unwilling to facilitate the relationship with the other parent.

6. The Child's Relationship with Siblings and Other Significant Adults, as well as Their Involvement with Physical Surroundings, School, or Significant Activities

a. I have maintained meaningful relationships between my sons and significant adults involved in their care. The physical environment I provide,

along with attention to their involvement in school and activities, ensures they have the support network necessary for growth.

I worked with Andrew's teachers in Coeur d'Alene and his work with me over the course of the last 11 months after the court ruled in their favor to go to school according to my address in September 2023 motivated his advancement.

b. Sirinya's absence from significant activities has limited her ability to foster relationships with important figures in their lives. Her limited presence reflects her lesser involvement in their upbringing.

7. The Wishes of the Parents and the Wishes of a Child Who Is Sufficiently Mature to Express Reasoned and Independent Preferences

a. My Wishes: I have consistently expressed my desire to be the primary caregiver, focusing on the best interests of the children by advocating for their safety, emotional health, and stability.

b. Sirinya's Wishes: Sirinya has not demonstrated the same level of commitment to adjusting her life to prioritize the children's needs. Her primary focus has been on maintaining control over the proceedings rather

than fostering the boys' relationship with both parents. She denies allowing the children to have my phone number in their cellular watches in case they want to talk to me. She takes their phones away so they can not call their grandparents, aunts, uncles, cousins and of course they get physically assaulted / spanked if they call or talk to their father. They have lost their xboxes all summer and still do not have xboxes anymore because we played games sometimes together. They also lost their alexa amazon echo because it could make phone calls and they called me. They lost access to the internet even for homework, because they could make contact with someone and that is absolutely not allowed. They are totally under the watchful eye of Eric Brubaker and Sirinya. They are treated worse than prisoners in jail. In jail, you can call people. They can not reach out for help or call anyone at any time. All methods of communication or devices used to communicate have been confiscated and were never returned. She does not plan to allow the internet going forward JUST TO PREVENT THEM FROM SAYING HI TO THEIR FATHER.

8. Each Parent's Employment Schedule, and Accommodations Consistent with Those Schedules

a. My Employment Schedule: As a cloud-based network and solutions architect, I work from home but am not on call or bound to any kind of a rigid schedule like someone in retail store front or a bar would be. So my

employment offers flexibility, allowing me to be available for my sons without the constraints of a rigid work schedule.

b. Sirinya's Employment Schedule: Sirinya's employment at two restaurants, working six days a week, severely limits her availability and hinders her ability to provide necessary care and attention. She is however doing very well from all the time she puts in. She has a lot of money and could contribute to the costs of raising children. I pay child support but I also pay for all of the things the children need because they won't have it if I don't. I bought all of the school clothes, many of which are in their bedroom in Idaho still. She bought DMS a hoodie for his birthday in August. They had not obtained new clothes with Sirinya for school when school started. Minor oversight.

9. Advocacy for My Children in Court

a. I have actively advocated for my children in court, reflecting my determination and concern for their well-being, especially in dangerous situations while they are with their mother.

b. My commitment to their safety has been unwavering, and I have taken all necessary legal steps to ensure their protection.

10. Relevant Case Law Supporting Custody Modification

a. Facilitation of a Relationship with the Other Parent: Washington courts have emphasized the importance of each parent's ability and willingness to facilitate and encourage a close and continuing relationship between the child and the other parent.

- In *In re Marriage of Rideout*, 150 Wn.2d 337 (2003), the Washington Supreme Court held that a parent's interference with the other parent's visitation rights could be a basis for modifying custody arrangements. The court recognized that the parent's ability to foster a good relationship with the other parent is a significant factor in determining the child's best interests.

- In *In re Marriage of Wicklund*, 84 Wn. App. 763 (1997), further supports this principle, where the court considered one parent's attempts to undermine the child's relationship with the other parent as detrimental to the child's well-being.

b. Custody Changing to the Father Due to Mother's Interference

- In *In re Marriage of McDevitt*, 181 Wn. App. 765 (2014), the court affirmed a modification of custody in favor of the father due to the mother's persistent interference with the father's relationship with the children.

c. These cases demonstrate that the courts in Washington place significant weight on a parent's willingness to support the child's relationship with the other parent.

Sirinya's refusal to facilitate communication and cooperation undermines this principle and negatively impacts our sons' best interests.

11. Conclusion

a. Based on these factors and supported by relevant case law, I believe that granting me primary custody serves the children's best interests.

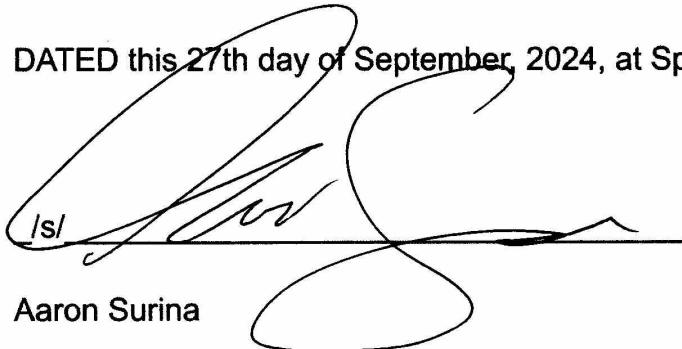
b. My consistent involvement, flexible employment, and ability to prioritize their well-being make me the better choice for primary custody.

c. Sirinya's absenteeism and refusal to foster a positive co-parenting relationship have affected the children's emotional health and undermine her ability to meet their needs.

d. I respectfully request that the court recognize my commitment and the supporting case law in determining the best custodial arrangement for AAS and DMS.

I declare under penalty of perjury under the laws of the State of Washington
that the foregoing is true and correct.

DATED this 27th day of September, 2024, at Spokane, Washington.

/s/ 

Aaron Surina
12000 N. Stinson Dr
Hayden, ID 83835
707-200-4372

SUBSCRIBED AND SWORN to before me this 27th day of
September, 2024.



NOTARY PUBLIC in and for the State of ~~Washington~~

Idaho

Residing at: Hayden

My commission expires: 6-3-2026

