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FILED

OCT 1, 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

PETITIONER'S MEMORANDUM
RELATING TO UCCJEA ISSUES

FACTS

Mr. Surina filed a petition for a protection order in Kootenai County Idaho against Eric Brubaker, who is Ms. Surina's boyfriend. (Case number CV 28-24-4151) Ms. Surina is not named in the Idaho action. Mr. Surina's petition sought to have the parties' minor children protected from Mr. Brubaker. The Idaho court entered a Temporary Ex Parte Order on June 21, 2024, ordering Mr. Brubaker from Ms. Surina's residence located at 9120 W. Silver Court, Cheney, Washington, and provided that Mr. Brubaker shall not have the children until further order of the court.¹ It is important to note that Mr. Surina's petition states he was the noncustodial parent of the children. Mr. Surina petition incorrectly stated there was a 50/50 parenting plan in place and there were no other court cases or orders relating to the children.

The parties have been involved in lengthy litigation in Washington, first with their divorce and more recently Mr. Surina's objection to Ms. Surina's relocation from Spokane to Cheney. The relocation issue was tried on March 12, 2024, and an order was entered reflecting the court's decision on April 19, 2024. Mr. Surina filed his appeal of that decision with the Washington Court of Appeals. That matter is still pending. At the time of trial, Mr. Surina stated he was residing in Spokane, Washington. Between the time of entry of the April 19, 2024, order and Mr. Surina's petition for a protection order in Idaho on June 21, 2024, Mr. Surina moved to Hayden, Idaho.

¹ The temporary order was dismissed on September 9, 2024, with the provision that the matter be set for hearing on Mr. Surina's petition.

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ORIGINAL

1 Mr. Surina's allegations supporting his petition for a protection order revolve around
2 an incident that occurred at the Costco parking lot located in Spokane Valley, Washington on
3 June 15, 2024. Other than Mr. Surina's recent move to Idaho and him spending his parenting
4 plan allotted time with the children in Idaho, there is no other connection to that state.

5 LAW

6 The Uniform Child-Custody Jurisdiction and Enforcement Act (UCCJEA) is intended
7 to promote consistent rules for child custody decisions and prevent parental kidnapping across
8 state lines. Washington has incorporated the UCCJEA under RCW 26.27 et seq. The ultimate
9 question for discussion between the Washington and Idaho courts is which state is the home
10 state for the children. Under the reading of RCW 26.27.201(1)(a), Washington is clearly the
11 home state for the children as they have been residing in Washington for far more than 6
12 months prior to the commencement of the Idaho action against Mr. Brubaker.

13 Assuming arguendo that the UCCJEA is applicable to the circumstances surrounding
14 Mr. Surina's Idaho petition, RCW 26.27.221 prevents Idaho from doing anything with regard
15 to modifying the Washington child custody determination.

16 Except as otherwise provided in RCW 26.27.231, a
17 court of this state may not modify a child custody
18 determination made by a court of another state unless a
19 court of this state has jurisdiction to make an initial
20 determination under RCW 26.27.201(1) (a) or (b) and:

21 (1) The court of the other state determines it no longer
22 has exclusive, continuing jurisdiction under RCW
23 26.27.211 or that a court of this state would be a more
24 convenient forum under RCW 26.27.261; or

25 (2) A court of this state or a court of the other state
26 determines that the child, the child's parents, and any
27 person acting as a parent do not presently reside in the
28 other state.

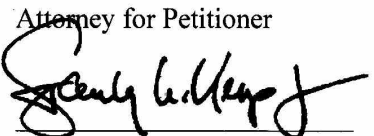
29 CONCLUSION

30 Most important is Ms. Surina is not a party to Mr. Surina's action in Idaho, Mr.
31 Brubaker is. Considering the alleged events occurred in Washington involving children who
32 were residents of Washington, it is questionable whether Idaho had the authority to make any
decision relating to the Surina children. Beyond that issue, for purposes of the UCCJEA,

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Washington is the home state for the children and Washington must retain jurisdiction over any effort by Mr. Surina to change the custody of the Surina children.

DATED this 27th day of October, 2024.

Attorney for Petitioner

STANLEY A. KEMPNER, JR.
WSBA #11260