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**FILED**

OCT 29 2024

TIMOTHY W. FITZGERALD
SPOKANE COUNTY CLERK**Superior Court of Washington, County of Spokane**

In re: Custody of DMS & AAS

Petitioner/s (as listed on the Petition):

Sirinya Surina

Respondent/s (as listed on the Petition):

Aaron Surina

No. 17-3-01817-0

**Response to Petition to Change a
Parenting Plan or Custody Order**

(RSP)

☐ Revocation of Joinder (RSPRV)**Response to Petition to Change a Parenting Plan or Custody Order****1. Your Response**

☐ **Revocation of Joinder:** I previously signed an *Agreement to Join Petition* (Joinder) in this case and I am **no** longer in agreement so I am filing this *Response*. (Check *Revocation of Joinder* box above.)

Look at each section of the *Petition*. Check below to say if you agree or disagree with what the other party said in each section, or say if you don't know because you don't have enough information. If you disagree with any part of a section, check "I disagree." List your reasons for disagreeing on page 2.

Section in the Petition	Your response (check one):		
1. Who is asking to change the parenting/custody order?	☐ I agree	☒ I disagree	☐ I don't know
2. Who are the other parents or custodians involved in this case?	☒ I agree	☐ I disagree	☐ I don't know
3. Who are the children involved in this case?	☒ I agree	☐ I disagree	☐ I don't know
4. Describe the parenting/custody order you have now:	☐ I agree	☒ I disagree	☐ I don't know
5. Explain why you are filing your request for change with this court:	☐ I agree	☒ I disagree	☐ I don't know
6. Request for major change.	☐ I agree	☒ I disagree	☐ I don't know

Section in the Petition	Your response (check one):		
7. Request for minor change.	☐ I agree	☒ I disagree	☐ I don't know
8. Request for restrictions on the parent with less parenting time.	☐ I agree	☒ I disagree	☐ I don't know
9. Request for other changes.	☐ I agree	☒ I disagree	☐ I don't know
10. Child support.	☐ I agree	☒ I disagree	☐ I don't know
11. Protection Order.	☐ I agree	☒ I disagree	☐ I don't know
12. Restraining Order.	☐ I agree	☒ I disagree	☐ I don't know
13. Children's home/s.	☐ I agree	☒ I disagree	☒ I don't know
14. Other people with a legal right to spend time with a child.	☐ I agree	☒ I disagree	☐ I don't know
15. Other court cases involving a child.	☐ I agree	☒ I disagree	☐ I don't know
16. Jurisdiction over children.	☐ I agree	☒ I disagree	☐ I don't know

If you checked "I disagree" for any of the above sections, list your reasons here:

Section #: 1 **Reasons:** There is already a pending modification of custody trial that has yet to take place. Interrogatories were send and I answered hers, Stanley denied all answers to delay the trial and to prevent any custody trial from happening.. I move the court to compel Stanley to provide up to date financials immediately. The duplicative petition to change the parenting plan only prejudices the respondent and his paid, properly and timely filed petition to modify the parenting plan which remains properly before the court. The relocation trial has taken place, the second time changing the court's orders including attorney's fees based on lies that the relocation had not been permitted and was an unresolved issue for trial to settle on March 12, 2024. The truth is that the relocation was permitted. The remaining item ordered by the court on 3 seperate hearings is the custody trial. The gross delay, frustration and litigation costs raised by the petitioner is both exasperating and exhausting.

Section 4: Parenting Plan Amendments

- The petition fails to reflect the stipulated agreement between the parties. The current parenting plan is not updated to reflect the amendments made on September 14, 2023.
- ~~Despite this, the petitioner misrepresented her intentions, which led to court-ordered~~ sanctions. Her statements contradict the facts of her previous conduct, such as moving without notice—a fact later proven by court findings, further undermining her credibility and reliability in seeking changes to the parenting plan.

Section 5: Insufficient Justification for Venue

- The petitioner's reasoning for filing in Spokane County is inadequate. Merely stating that the original parenting plan was established in Spokane County, where she and the children reside, does not provide a valid reason for the change or suggest any substantial alteration in circumstances.

Section 6: Reasons for Major Change

- The petitioner's reasoning for major changes, citing "substantial changes" with the other parent, directly contradicts the findings of the Idaho CPS investigator, who has firsthand knowledge of the children's living environment and has reported it as safe and stable.
- Petitioner's claim that "it would be better for the boys to not be able to see their father" disregards established case law, which highlights the primary custodian's duty to facilitate a positive relationship with the other parent.
- The father has provided a consistent, loving environment for the children. By contrast, the petitioner's actions exhibit ongoing emotional abuse, as she routinely speaks disparagingly about the father, impacting the children's psychological well-being. The father has been the sole financial provider and has ensured the children's stability and safety despite these ongoing challenges.

Section 8: Living Arrangements and Care Concerns

- Contrary to the petitioner's claim, the father shares 50% custody during summer and has nearly equal time during the school year. The petitioner only has a slight majority (55%) during school months.
- Issues have only arisen when the children face neglect or harm while in the petitioner's care. Specifically, concerns include instances of physical punishment by the petitioner's boyfriend and the neglect of basic needs. The father's concerns arise solely from the need to protect the children from harm and neglect.

Section 10: Child Support and Financials

- The petitioner has failed to comply with her obligations to provide updated financial documentation for the past three years. Despite court orders, she has not submitted these updates, impeding fair assessments of child support.
- It is concerning that the petitioner's primary motivation appears to be financial gain rather than genuine concern for the children's welfare. The court should consider the neglect inherent in prioritizing child support funds over the children's best interests.

Section 11: Request for Protection Order

- There is no factual basis for a protection order against the father. He has consistently been the primary advocate and protector of the children, ensuring their safety from abuse within the petitioner's home.
- The petitioner's boyfriend has inflicted harm on the children, as evidenced by statements and documented incidents. The children have suffered physical and psychological harm under the petitioner's care and should be protected by the court from further exposure to such harm.

Section 12: Request for Restraining Order

- The petitioner's request for a restraining order lacks justification and appears retaliatory, following an incident at Costco related to the petitioner's boyfriend. Historical context shows that the petitioner has only previously requested a restraining order to gain control over the father's property.

- Her actions, including vindictive destruction of the father's personal belongings, further highlight her lack of genuine safety concerns and indicate that her motives are rooted in bitterness rather than necessity.

Section 13: Children's Living Arrangements

- Contrary to the petition, the children live with the father for 50% of the summer and 45% of the school year. Their time is evenly split between the two parents, reflecting the significant role the father plays in their daily lives and upbringing.

Section 14: Guardianship of David

- The father's mother, Christine Surina, was appointed as the legal guardian of David in 2013, underscoring the extended family's involvement and commitment to the children's welfare and stability.

Section 15: Incomplete Listing of Court Cases

- The petition fails to acknowledge numerous relevant cases, including protective orders against the petitioner and her mother, as well as prior charges filed against the petitioner for assault and neglect.
- Given the prosecutorial history and reluctance in Spokane County to prosecute these issues, federal intervention may be appropriate for the impartial handling of the petitioner's actions as a foreign national.

Section 16: Jurisdictional Limitations

- While the court has jurisdiction over existing orders, it does not have exclusive jurisdiction. The Kingdom of Thailand has previously found the father to be the primary custodian, based on the petitioner's conduct and criminal history there, which further questions her suitability for primary custody.

Conclusion and Request

The petitioner's actions demonstrate ongoing attempts to undermine the father's role and manipulate court proceedings to her advantage, often at the children's expense. Her requests for protective and restraining orders lack merit, and her failure to fulfill her financial and custodial obligations underscores her lack of genuine commitment to the children's best interests. Given the credible evidence of harm inflicted on the children in the petitioner's household and the father's role as their primary caregiver, the court is urged to deny the petition's requests and consider appropriate protective measures that prioritize the children's safety and well-being.

Section #: _____ Reasons: _____

Section #: _____ Reasons: _____

Section #: _____ Reasons: _____

(If you need more space, you may add more pages to this Response. Number, date, and sign each page that you add.)

2. Protection Order

Do you want the court to issue a Protection Order as part of the final orders in this case?

☐ **No.** I do not want a Protection Order.

☒ **Yes.** *(You must file a Petition for Protection Order, form P 001. You may file your Petition for Protection Order using the same case number assigned to this case.)*

Important! *If you need protection now, ask the court clerk about getting a Temporary Protection Order.*

☐ **There already is a Protection Order between (name): _____ and me.**

Court that issued the order: _____

Case number: _____

Expiration date: _____

3. Restraining Order

Do you want the court to issue a Restraining Order as part of the final orders in this case?

☒ **No.** (Skip to 4.)

☒ **Yes.** Check the type of orders you want:

☒ **Do not disturb** – Order (name/s): Eric Brubaker _____
not to disturb my peace or the peace of any child listed in the *Petition*.

☒ **Stay away** – Order (name/s): Eric Brubaker _____
not to go onto the grounds of or enter my home, workplace, vehicle, or school, or the daycare or school of any child listed in *Petition*.

☒ Also, not knowingly to go or stay within 1000 feet of my home, workplace, vehicle, or school, or the daycare or school of any child listed in the *Petition*.

☒ **Do not hurt or threaten** – Order (name/s): Eric Brubaker _____:

- Not to assault, harass, stalk, or molest me or any child listed in the *Petition*; and
- ~~Not to use, try to use, or threaten to use physical force against me or the~~ children that would reasonably be expected to cause bodily injury.

Warning! If the court makes this order, the court must consider if weapons restrictions are required by state law; federal law may also prohibit the Restrained Person from possessing firearms or ammunition.

☐ **Prohibit weapons and order surrender** – Order (name/s): _____:

- Not to access, possess, or obtain any firearms, other dangerous weapons, or concealed pistol licenses until the Order ends, and
- To immediately surrender any firearms, other dangerous weapons, and any concealed pistol licenses that they have in their custody, control, or possession to (check one): ☐ the police chief or sheriff ☐ their lawyer ☐ other person (name): _____.

• ☐ **Other restraining orders:** _____

Important! If you want a restraining order **now**, you must file a Motion for Temporary Family Law Order and Restraining Order or a Motion for Immediate Restraining Order (Ex Parte).

4. Requests

(Check all that apply):

☐ I ask the court to **deny** the other parent's *Petition to Change a Parenting Plan or Custody Order*.

☒ **If the court changes** the current parenting/custody order based on the reasons listed in the other parent's custodian's *Petition*, I ask the court to approve my proposed *Parenting Plan* or *Residential Schedule*. I am filing my proposed *Parenting Plan* or *Residential Schedule* at the same time as this *Response*.

Warning! If you want a change to the current parenting/custody order **based on different reasons** than listed in the other parent's (or non-parent custodian's) *Petition*, you must file your own *Petition to Change a Parenting Plan or Custody Order* (form FL Modify 601).

☒ **Child Support** – My request to change the parenting schedule affects child support because I'm asking to significantly change the amount of time the children spend with the parent who pays child support.

If the court makes my requested changes, I ask the court to set or change child support. I will file a *Financial Declaration* and proposed *Child Support Worksheets*.

Warning! If the court does not change the parenting/custody order, your request to change child support may be denied. If you have other reasons to change child support, you may file a separate form to make that request (use form FL Modify 501 or 521).

☐ **Protection/Restraining Order** – Approve my request for a *Protection Order* or *Restraining Order* as listed above.

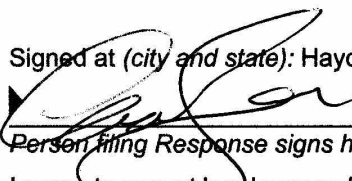
☒ **Other (specify): Protect the children from the abuse and harassment of Eric Brubaker.** The petitioner is an adult and can choose that for herself but using the children to take the abuse instead of her is not right. That's exactly what she's doing. He can not control his anger and should not be beating my children or strangling them. This will stop with the authority of the court and it's rulings to protect children.

Person filing this *Response* 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 (including any attachments) are true.

☒ I have attached (*number of*): 11 ____ pages.

Signed at (city and state): Hayden, ID _____ Date: 10/29/2024 _____


Person filing Response signs here

Aaron Surina
Print name

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

☐ my lawyer's address, listed below.

☐ Email: _____

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

12000 N. Stinson dr Hayden, ID 83835

Street Address or PO Box

City

State

Zip

(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).)

Important! You must fill out and file a Confidential Information form (FL All Family 001) with the court clerk.

Lawyer (if any) fills out below:


Lawyer signs here

Print name and WSBA No.

Date

Lawyer's Address

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.