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Timothy W. Fitzgerald
SPOKANE COUNTY CLERK

**SUPERIOR COURT OF WASHINGTON
COUNTY OF SPOKANE**

In re the Matter of:

SIRINY SURINA,

Petitioner,

and

AARON SURINA,

Respondent.

NO. 17-3-01817-0

ORIGINAL

**VERBATIM REPORT OF PROCEEDINGS
ORAL RULING**

BE IT REMEMBERED that the above-entitled matter was
heard before the Honorable Nichole Swennumson, Superior
Court Commissioner, County of Spokane on September 27, 2017,
in Courtroom 202.

SUSAN L. ROBSON, TRANSCRIBER
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APPEARANCES:

For the Petitioner: MR. KEITH GLANZER
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For the Respondent: MS. HEATHER HOOVER
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For the State: MR. GEORGE GAGNON
Deputy Prosecuting Attorney
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1 THE COURT: All right, I appreciate the comments of
2 counsel both very much. I'm going to start with the
3 finances because, frankly, out of everything that you guys
4 have thrown at me, that is the easiest.

5 As I look at Mr. Gagnon's worksheets there was one that
6 was very close to what I calculated, but let me go through
7 my calculations for everybody. The one that was most
8 closely to what I calculated, I think our withholdings were
9 different, was the one where he found the gross income of
10 the father to be \$9325. But I want to walk through my
11 calculations. So, as of July 8, 2017, dad had made
12 \$58,829.83; that represents 6.26 months. When you divide
13 that amount by that many months its \$9398. So, Mr. Gagnon
14 and I were off by like \$60. So, that's really close. How I
15 calculated his father's federal tax rate is I look at his
16 2014 tax return and he had an 8.9 effective tax rate on
17 there; on that year he made \$110,000. If I extrapolate this
18 gross income for the whole year it's \$112,000. So, I'm
19 really close on incomes. So I think the father's effective
20 tax rate is going to be 8.9 percent or thereabouts; on a
21 temporary order that's going to be good enough, so that's
22 \$836 a month. His FICA rate will be \$719 and his retirement
23 as I calculated on his paychecks will be \$282. Mr. Gagnon
24 didn't have that. So, his total deductions are \$1837. His
25 net income is \$7561.

1 MR. GLANZER: Can you say that net again?

2 THE COURT: \$7561. Mom's income is imputed at the
3 minimum wage for \$1906. I already have my calculations
4 done. I don't think she'll have an income tax rate so I'm
5 not giving her any federal withholding. I looked at the
6 parties' child support worksheets, they both agreed with
7 that. FICA would be 145.81. Mom's net income is \$1760.

8 Combined income of the parties is \$9321. Mom's share
9 is 19 percent, the father's share is 81 percent. For two
10 kids under 12 years old at that income rate its \$966 per
11 child, a combined support obligation of \$1932. Nineteen
12 percent of that is \$367; eighty-one percent is \$1565. From
13 there I took -- there is a tuition for the child. Mom's 19
14 percent share of that would have been \$101, so I subtracted
15 \$101 from dad's support obligation and the transfer payment
16 for child support is \$1464 a month.

17 On dad's financial declaration he had a need -- well,
18 I'm going to first start his gross income was \$7561. I'm
19 going to take right off the bat the child support of 1464,
20 which leaves him still with \$6097.

21 MR. GLANZER: Say that number again, Commissioner.

22 THE COURT: \$6097. Dad's stated need on his financial
23 declaration was 6900, which initially would leave him with
24 negative \$803. But what I then had to do is I note there is
25 no Kindercare being charged right now, so I had to add that

1 back in. So the father is actually positive \$267. Now,
2 that need includes mom's mortgage and dad's rent. I had the
3 utilities as Ms. Hoover stated of 469. It had mom's car
4 payment at \$600. That's a total of \$1191. So, I'm going to
5 order that the dad pay those, the car payment, the car
6 insurance, the utilities, and the mortgage. That's what dad
7 is going to pay on top of child support in lieu of
8 maintenance. What that does to mom is she gets 1464 in
9 child support. Her stated need on her financial declaration
10 was \$4505. So, when I take out the child support she still
11 had a need of 3041, but then I had to subtract those double
12 dips real quick where dad is already paying it that were on
13 mom's; you guys saw me flipping through that. So that still
14 leaves her short. Well, mom's declaration also had that's
15 not going to actually leave mom short, that's going to come
16 out about even. Because mom had the mortgage payment on
17 hers and I already subtracted that out.

18 MR. GLANZER: Did that -- did you look at the 325 a
19 month, 4000 on the internet online sales? Is that
20 calculated in at all?

21 THE COURT: The what?

22 MR. GLANZER: He has a -- they both have talked about
23 it, they have this online that they work together a little
24 bit on E-Bay.

25 THE COURT: Well, you guys -- nobody provided me good

1 information or argument or---

2 MR. GLANZER: Okay.

3 THE COURT: ---anything on that.

4 MR. GLANZER: That's what my question was.

5 THE COURT: Yeah, so, no.

6 MR. GLANZER: The answer is no.

7 THE COURT: (Inaudible) information.

8 MR. GLANZER: Yeah.

9 THE COURT: You certainly can, probably get that to me
10 and I'll look at it. But that's how I'm ordering the
11 finances for today because that's going to leave both
12 parties in about the relative same position. It's going to
13 be a tight position, so folks should be careful.

14 In regards to the parenting plan and restraining order.
15 The restraining order is what I struggle with the most in
16 this case because as mom outlines in her declarations some
17 of the things she has outlined to me is domestic violence.
18 Some of the things that dad outlines in his declaration is
19 domestic violence. I don't have a motion for an order
20 against mom right now. But I think these parties both
21 perpetuated against each other and neither one is rising
22 above the other. Because I have things being thrown at dad,
23 allegations, nail polish. I have allegations that she's
24 hitting him. I have photos. I have allegations from mom
25 that dad is financially kind of cutting her off. I have

1 some evidence that maybe he's not. I have the allegation
2 that, really is quite awful, is that he had a friend that
3 came in at 1:00 in the morning filming her. That's pretty
4 awful. Mom outlines some other things in the declaration.
5 So what I'm going to do today is I'm not making any criminal
6 restraining orders, but I am going to restrain the father
7 from going into the residence. It's not criminal. It
8 doesn't go to law enforcement; or to have any contact with
9 mom that's not only in regards to the children and only like
10 via text or something. I don't know how well texting is.

11 I have to say that I think mom is in a really hard
12 position here; because she has got to feel isolated here in
13 this country. I'm not saying that negates anyone's actions
14 in this case. Because I have a counselor who says the child
15 has reported both, that he sees it from both and so I have
16 parents saying that this happens in front of the children.
17 But anyone today suggesting to me that mom has to have a
18 plan to start becoming employed or that I should do a review
19 hearing or all that, I'm not doing any of that. I have
20 someone who needed an interpreter for today, who doesn't
21 speak that much English; and who is going to have a rough go
22 to make it get up to speed. So, I'm setting deadlines as I
23 get here today. Is this going to be a long-term
24 maintenance? Probably not. Your marriage wasn't that
25 short. Does she need help in the meantime? She certainly

1 does, and she needs help until she can get there.

2 I'm also going to have that, and this isn't a criminal
3 restraint, but I don't want mom going to dad's residence
4 either. These parties, I think, had different ideas of what
5 their marriage was going to be and I think maybe their
6 cultural backgrounds were different. Clearly were
7 different. And they just had different expectations. And I
8 don't think this marriage worked out the way either of them
9 expected it to. But I do think both parties have engaged in
10 some contact that meets the definition of domestic violence.

11 So, I'm going to do the order as I've said, Mr.
12 Glanzer, in regards to the restraining order. It's just not
13 going to go to law enforcement, but he's not to enter the
14 residence. It's that language, not the two block language.
15 It's not to enter the residence.

16 In regards to the parenting plan; everyone, well, I
17 don't know if everyone, but I think mom was the primary
18 parent. She stayed at home. She was in charge of most of
19 the day to day things for the children. I think dad was
20 involved for sure. I don't have any indication that he
21 wasn't. In fact, as the English speaking parent, he
22 probably he did help facilitate a lot of these things,
23 medical. I had the teacher, who didn't say dad did more of
24 it, but said that dad did more than some of the dads she
25 sees and that she thought it probably worked around his work

1 schedule. But I'm confident that dad was involved too, and
2 that dad is a good parent too. I think that you two need to
3 be separated. I think that hopefully your children won't
4 experience anymore of this between the two of you. If there
5 are cameras in the house beyond the two that you said---

6 MR. SURINA: They're not, Your Honor.

7 THE COURT: ---you should speak now because if they
8 find anymore I'm going to revisit this. Okay. You're
9 saying that to me, I'm going to believe you here today.
10 Because that would change things significantly for me.

11 In regards to a parenting plan, mom is primary. I am
12 going to give dad every other weekend with these children
13 from Friday after school until Sunday and if there's no
14 school 3:00 PM until Sunday at 5:00; and we're going to
15 start there. Dad can also have Wednesdays from, what time
16 is he off?

17 MR. SURINA: I work from home Wednesdays.

18 THE COURT: Oh, that's true.

19 MR. SURINA: I'd like to have them all day if I can get
20 them.

21 THE COURT: I'm going to do we'll one is in school, I'm
22 going to from 3:30 until 7:00. We're going to start there.
23 I'm not saying that's the end of the (inaudible). But we're
24 going to start there. I do have young kids. I'm going to
25 include Andrew in this rotation because he has his brother

1 with him and that's the most normal thing. I don't see any
2 reasons at this age not to -- not to do those types of
3 weekends. I think that is a good plan that is going to
4 start us out.

5 I'm reserving attorney fees until people get me more
6 information about what these accounts are and not accounts
7 are. What would be great in that too, is that there are
8 these online sales that somebody could tell me about; so I
9 can take that into consideration if there's this other
10 source of income out there that I should be aware. But I'm
11 reserving it. I'm not saying no, because I think in this
12 case there's probably going to be some (inaudible).

13 MR. GLANZER: Yeah.

14 THE COURT: Let me look at something. I noticed on
15 dad's he didn't put what he had in his bank account. Your
16 client had 1500, for now I'm actually going to order \$1000
17 in fees and I'm going to reserve the rest. The incomes are
18 too disparate in this case not to do something on a
19 temporary basis, as I sit here, but I'd like more
20 information from the parties to do anything else. Okay.

21 MR. GLANZER: Thanks, Commissioner.

22 THE COURT: Any other questions?

23 MS. HOOVER: Yes, Your Honor.

24 THE COURT: Yes?

25 MS. HOOVER: First, you said start out here, so we have

1 an idea what would -- if we brought for a motion for
2 increased time what would you be looking for there?

3 THE COURT: I don't know. Tell me how this goes and
4 we'll look.

5 MS. HOOVER: Okay. And then would counseling for
6 David, could that resume?

7 THE COURT: That needs to go, but both parents need to
8 have the ability to be involved in that. Because it's
9 certainly not for court purposes, it's for David purposes.

10 MR. GLANZER: Well, then that's why we would need joint
11 decision making, picking out a counselor.

12 MS. HOOVER: (Inaudible).

13 MR> GLANZER: Is what we want to do. We -- my client
14 would agree, but we need to do it together.

15 MS. HOOVER: And then---

16 THE COURT: Okay, then why don't you guys talk and see
17 if you like the current one and if you don't like the
18 current one, pick a new one.

19 MR. GLANZER: Okay.

20 MS. HOOVER: And would there be a time for my client to
21 get his belongings from the home?

22 THE COURT: Yes. Why don't -- I do want dad -- so in
23 this order there should be a couple hours for dad to get his
24 property. I think counsel needs to arrange a time for that
25 so mom can get out of the home during that time. If mom

1 wants a third party representative there during that to make
2 -- to be there so that nothing not on the list is taken.
3 I'm confident counsel can work out what that list of items
4 would be and the time that would be if you can't I'm sitting
5 here. So come find me.

6 MS. HOOVER: All right.

7 MR. GLANZER: Thanks. Thanks, Commissioner.

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10 (COURT RULING CONCLUDES)

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STATE OF WASHINGTON)
COUNTY OF STEVENS)

CERTIFICATE

I, SUSAN L. ROBSON, a notary public in and for the
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WITNESS my hand and seal this 7th day of November, 2017
at Clayton, Washington.


NOTARY PUBLIC in and for the
State of Washington, residing
at Clayton. My commission
expires: 09/09/2021