

FILED
Court of Appeals
Division III
State of Washington
10/1/2019 8:00 AM

No. 366961 III

COURT OF APPEALS
DIVISION III OF THE STATE OF WASHINGTON

ON APPEAL FROM THE SUPERIOR COURT OF THE
STATE OF WASHINGTON FOR SPOKANE COUNTY

BRIEF OF APPELLANT

Aaron M. Surina,

Appellant,

&

Sirinya Polarj (Surina)

Respondent.

Opposing Counsel:

Keith Glanzer
(for Respondent)
2024 W. Northwest Blvd,
Spokane, WA 99204
Kagps70@hotmail.com

Pro-Se appellant:

Aaron M. Surina
PO BOX 30123
Spokane, WA 99223
(509) 474-2222
Legal@surina.org

I. INTRODUCTION ----- 5

RCW 26.20.035----- 6

II. ASSIGNMENTS OF ERROR ----- 7

No.1----- 7

No.2----- 7

No.3----- 7

No.4----- 8

Obtaining a signature by deception or duress ----- 9

RCW [9A.60.030](#)----- 10

Obtaining a signature by deception or duress. ----- 10

No.5----- 11

RCW 26.09.191----- 11

Restrictions in temporary or permanent parenting plans.----- 11

No.6----- 12

RCW [49.60.2235](#) ----- 13

Unfair practice to coerce, intimidate, threaten, or interfere regarding secured real estate
transaction rights. ----- 13

No.7----- 14

No.8----- 14

RCW 9A.72.085 ----- 14

Unsworn statements, certification—	14
ISSUES PERTAINING TO ASSIGNMENTS OF ERROR	15
No. 1	15
No.2	17
No.3	24
No.4	25
No.5	26
No.6	26
No.7	27
No.8	27
<u>III. STATEMENT OF THE CASE</u>	<u>27</u>
<u>IV. SUMMARY OF ARGUMENT</u>	<u>28</u>
<u>V. ARGUMENT</u>	<u>29</u>
Mandatory Limitations	30
Jurisdiction and the role of dual citizenship.	31
The substantial ties to the kingdom of Thailand;	31
Thailand heritage important	32
RCW 26.09.191	32
Thai due process conforms with us procedure	33
Family Non-Support Finding	33
RCW <u>26.20.035</u>	33
Family nonsupport—Penalty—Exception.	33

CR11 Requirements to impose sanctions-----	34
WAC 192-100-050-----	34
Fraud on the court defined.-----	35
Vexatious and Intransigent Litigators motivated by profit -----	36
DUE PROCESS - SPOKANE VS. THAILAND.-----	36
RSA 458-A:27-----	36
Enforcement of Registered Determination. - -----	36
RCW 26.27.421-----	37
Duty to enforce. -----	37
RSA 458-A:35-----	37
Appeals. -----	37
Children’s Domicile to remain in America-----	38
RCW 26.27.051-----	39
International application of chapter. -----	39
<u>TABLE OF AUTHORITIES -----</u>	40
TABLE OF CASES-----	40
CONSTITUTIONAL PROVISIONS -----	41
STATUTES-----	41
RCW 26.27.421-----	41
Duty to enforce. -----	41
RCW 26.27.051-----	42
International application of chapter. -----	42
REGULATIONS AND RULES-----	42

OTHER AUTHORITIES----- 42

HAGUE CONVENTION ON CIVIL ASPECTS OF INTERNATIONAL CHILD ABDUCTION ----- 42

RSA 458-A:24 Duty to Enforce. – ----- 42

RCW 9A.72.080----- **Error! Bookmark not defined.**

Statement of what one does not know to be true. ----- **Error! Bookmark not defined.**

I. Introduction

Mr. Surina first and foremost would like to clarify that at no time during this 2 years of vexatious abuse of civil process against his assets, life and children was Judge Michael Price taking part in any manner and as such Mr. Surina would like to separate the honorable Judge Price from any reference in this Appeal. That being said, the form my not be exact in Mr. Surina’s attempt to access justice and wait until it arrives.

Mr. Surina makes these appeals to the Division III court with request for relief and if possible, a writ of mandamus ordering lower court adjudicators to forbid the enrollment of child support on a parent who is the sole contributor and only parent willing to support the children in a dissolution or separation. These enrollments appear to be based primarily on the amount of revenue each parent is capable of making due to the DSHS contracts signed by county commissioners that provide incentive to

remove the income generating parent as a primary custodian and create an emergent need for “a welfare right to be assigned to the children” which in turn often forces children who otherwise would not be a dependent of the state to be forced into dependency without any due process provided to the fit working parent. It’s unacceptable and it needs someone to stand up and do the right thing in a position of authority. It is not just a Washington issue as research has led to the facts which show the entire nation’s social security has been exploited since around the mid nineties and the result is Social Security is now the 2nd largest expenditure above national defense due to the social security act being construed and exploited under the guise of “child support enforcement services” being invoiced for grants returned for “locating parents who abandoned their children” and “enforcing support orders” which have no objection by a parent when the state has taken control of the children as dependents of the state by assigning this “federal welfare right” to children. This right is assigned at times in direct contrast to the best interests doctrine so often touted as the deciding factor for family law cases. This welfare right is creating a welfare state and has emptied the social security fund to pay for one parent to sign up for the federal welfare right which is being granted by the state often. Otherwise, the court is siding with a parent and protecting them while committing a gross misdemeanor by statute under: RCW 26.20.035

II. Assignments of Error

Assignments of Error

No.1

The court erred when it accepted Mr. Glanzer's version of the facts assuming he diligently inquired into the law and facts surrounding Mr. Surina's registration among many other items not discussed in this appeal.

Thailand is a signer of the Hague convention

No.2

The court erred when it assumed Mr. Glanzer was telling the truth and that the divorce was not contested by Sirinya initially when it was.

A contested divorce where the respondent chooses her own trial schedule in discussions with the Royal Thai court and custody administration / staff and which afterwards goes to trial; AND which providing each side with an ample opportunity to be heard and notice which is different than if she truly had not known which is an outrageous claim for them to make.

No.3

The court erred when it agreed to Mr. Glanzer's untimely CR11 motions after receiving Mr. Surina's pleadings which include evidence of Ms. Polarj's uncontrolled violent behavior towards their children. This has been continual and Ms. Polarj ended up being cited by the Spokane County Sheriff's regarding 2nd degree child assault as well as child neglect during the case's long and outrageous tenure in the superior court.

Mr. Glanzer was well aware of violence being perpetrated by the children's mother, grandmother as well as the children speaking about Mom's friends and other people perhaps boyfriends whom the children are being told to call Dad extending to numerous different men who have come in and out of their life adding to the unfortunate situation the children have been held in by the intentional actions of the opposing team to retain the child support.

No.4

It appears the trial court erred when allowing Mr. Glanzer and Mr. Wilson to coerce the petitioner into involuntary servitude and financial bondage for accepting the legal services of Mr. Glanzer. Mr. Surina submitted evidence of felony activities taking place behind the scenes in the dissolution as events would happen including the Deed of Trust which assigned Mr. Surina's separate property to Mr. Wilson except Mr. Wilson did not understand that the property was not characterized as community property despite all the statements in nearly every hearing that regardless of the legal title and marital property settlement agreements of husband and wife, Mr. Glanzer was determined to liquidate the property and confiscate and use his influence to obtain un believable judgements from contempt proceedings when there was no alimony ordered to force a contempt for non payment and the overpayment of child support continued and appeared to be paid in full (albeit 33,500 overpaid by the states

standard calculations). but none of those submissions were considered even though they are still under a statute of limitations which is valid and are accurately outlined for the record. This group of people which as a single unemployed woman is nearing 100,000.00 after forcing the community out of nearly 900,000.00 or more in mature investment valuations.

Obtaining a signature by deception or duress

The legal fees they obtained her signature in agreement to include fees for Mr. Glanzer defending his friend Carl in a protection order case that Sirinya did not participate in whatsoever. That protection order case was also a protection for Sirinya which the judge was so misled that she literally lost her direction in providing pro se litigants with relief from harassment, sexual aggressors towards minor children they share and because of this, the legal fees being assigned to Sirinya continued to grow without any issues finding resolve and no effort being paid to resolving the divorce. This continued while forcing artificial conflict and manipulating the parties by misleading the court with “high conflict” nonsense when we were unable to even talk and often we both concealed our communications as basic co-parenting is impossible under the orders of communication the court insisted we be placed under per Mr. Glanzer’s request so we did not resolve issues on our own. The fees from this shady activity are now nearing 100,000.00. Keith and Carl have since coerced the petitioner to sign obligations and contracts forcing her into servitude as an

unemployed single woman without a job which is the status when the case was accepted over 2 years ago. Since then, methodical and predatory loan contracts were forced upon Sirinya after the failure to place false instruments against separate property of the petitioner. That was apparently a catalyst for the loan shark types of obligations and contracts which even sign over the monthly child support award the children would otherwise be supported by. The statutes with regards to this type of activity appear to apply criminal reference to felony charges in:

RCW [9A.60.030](#)

Obtaining a signature by deception or duress.

(1) A person is guilty of obtaining a signature by deception or duress if by deception or duress and with intent to defraud or deprive he or she causes another person to sign or execute a written instrument.

(2) Obtaining a signature by deception or duress is a class C felony.

That makes a bad situation for the children a lot worse. Being willing to sign over the 1260 out of 1464 dollars to the pair who initiated and kept this case going for over 2 years without any issues settled (Keith Glanzer and Carl Wilson) along with Paul Collabera, Richard Perednia and likely other associates who initially drafted the fraudulent instrument which was placed against the title to real and separate property amounting to a class C felony to everyone privy to the instrument which was an attempt to

commit title fraud and which ended up in a hearing where Mr. Glanzer tried to convert the separate property of the petitioner into community property to immediately validate the Deed of trust placed against the petitioner's property which was confiscated using the fraudulent delivery of an ex parte restraining order to deny property rights guaranteed to Mr. Surina.

No.5

The trial court erred when it denied Mr. Surina's children relief which is outlined in RCW 26.09.191 in particular, Washington states "191's" or mandatory restrictions under the Washington State statutes which were enacted with the intention to protect children from the exact outcome this court was forcing them into after it found that the respondent Ms. Polarj had engaged in a pattern of conduct outlined in the statute and evidence of abuse and neglect had been presented in this matter. Evidence was made available yet again in this hearing through Appellate's Responsive declaration as well as other pleadings before the same judge in the dissolution suit (See this case and evidence: CLERKS INDEX #11, #12 and #14 in numerous references). The applicable statute is:

RCW 26.09.191

Restrictions in temporary or permanent parenting plans.

(1) The permanent parenting plan shall not require mutual decision-

making or designation of a dispute resolution process other than court action if it is found that a parent has engaged in any of the following conduct: (a) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (b) physical, sexual, or a pattern of emotional abuse of a child; or (c) a history of acts of domestic violence as defined in RCW 26.50.010(3) or an assault or sexual assault that causes grievous bodily harm or the fear of such harm or that results in a pregnancy.

(2)(a) The parent's residential time with the child shall be limited if it is found that the parent has engaged in any of the following conduct: (i) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; ***(ii) physical, sexual, or a pattern of emotional abuse of a child; (iii) a history of acts of domestic violence as defined in RCW 26.50.010(3) or an assault or sexual assault that causes grievous bodily harm or the fear of such harm*** or that results in a pregnancy;

No.6

The trial court erred and allowed opposing counsel to obtain and maintain possession of real separate property belonging to the petitioner after it was found that the TRO was obtained due to baseless testimony without any substantial burden of proof showing imminent harm and solely based on counsel providing witness testimony of things he did not know to be true

as outlined in:

RCW 9A.72.080 without merit (or any burden of proof aside from counsel providing witness testimony), A TRO which was further used to extort the equity from Mr. Surina forcing him out of 55,000 in rental income, forcing him out of the immediate care and custody of his children without any harm violating fundamental liberty interests and the loss of all personal property and separate real property during the case up to June, total loss of the mature investment during the term of the loan and the equity with conservative inflationary calculations. 844,000.00 is the valuation of the investment at it's maturity and that loss continues to grow towards that figure each month now that the investment no longer is able to produce any income and the proceeds are less than the actual loss Mr. Surina was forced into as a violation of the human rights statute 49.60.2235 which states:

RCW [49.60.2235](#)

Unfair practice to coerce, intimidate, threaten, or interfere regarding secured real estate transaction rights.

It is an unlawful practice to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other person in the exercise or enjoyment of, rights regarding real estate transactions secured by RCW [49.60.030](#), [49.60.040](#), and [49.60.222](#) through [49.60.224](#) . [[1993 c 69 § 7.](#)]

The children should never have to return to an abusive environment where they do not feel safe or comfortable even pulling up to the house. which require mandatory limitations on the respondent visiting

Mr. Surina's children until the court can confirm she has been rehabilitated or otherwise is convinced that there is no longer a danger to the children.

No.7

The trial court erred when it accepted an attorney's subjective belief about the veracity of the pleading.

No.8

The trial court erred when it accepted pleadings missing certifications, unsworn in nature without considering the applicable statutes surrounding such requirements in official proceedings.

The pleadings of Mr. Glanzer and his client which do not offer the standard for subscribing to an unsworn statement are inadmissible on their face missing the certifications required in official proceedings on unsworn statements or affidavits.

Carl Wilson who is the author of the pleadings Mr. Glanzer submits on his behalf according to their testimony in numerous hearings. They did not certify to be true or correct in a hearing that also did not swear any party in providing oral arguments. *This requirement for all motions submitted in this case by the respondent and counsel for her is outlined in:*

RCW 9A.72.085

Unsworn statements, certification—

Standards for subscribing to an unsworn statement.

certification of being factual and/or true on clerks index #13,pg2,Line3.

Did the trial court understand the implications of a country who's civil procedure is in substantial conformity with the united States and whom the United States congress has agreed to sign the Hague treaty with in regards to the requirements outlined in the UCCJEA and Hague Convention?

Did the trial court properly adjudicate the process which Thailand uses to process a contested divorce between thai nationals and foreign spouses with children born to a Thai mother?

Are these considerations valid to the trial court's administration of relief to either party?

These items which are directly applicable in this situation other than Mr. Surina not intending to return the children to Thailand which is a little bit of a twist under the normal Hague convention applications. Mr. Surina wanted to ensure they are able to visit and meet with their thai extended family without Mr. Surina having to worry withi regards to the respondent collecting on her promises and threats of abduction stemming all the way back to 2013 within 6 months of arrival in America after finding out she was pregnant with David. Mr. Surina is tired. Exhausted from the effort to protect his children and having to fight the very system which is supposed to protect his children.

No.2

Did the trial court extend due diligence and inquire into the actual facts of the case as relevant considering the Thai administration of justice was incredibly efficient in comparison to Mr. Glanzer's superior court show we've endured for 2 years now.

Is it the trial court's duty to inquire into the facts surrounding a final decree and the participation of parties involved? Did the trial court consider reaching out to the foreign counterparts to validate and understand the due process requirements of the civil servants who and the custody interview officer that the respondent scheduled her hearing dates with?

The civil servants are a part of the Royal Thai courts and whom initiate contact with their citizens in substantial conformity with fair procedures in the administration of justice and civil procedure as common law and adversarial systems expect.

Did the trial court find that service of process in Thailand did not meet the trial court judges idea of fair and just civil procedures? Did the trial court reach out to obtain the information about the foreign case directly from the courts overseas?

Is it true that the trial court considers the process used in Thailand inadequate for the superior court? Did Opposing counsel convince the trial court judge that the only way for a legit registration was for petitioner to

provide a single type of signature on paper as proof that the court made contact and was able to discuss and nail down a date for the first part of the case in person?

Did the trial court require a service of process that is less strict and less secure than the actual process used in Thailand for the case that was before the court?

Some methods of process service in America would not be allowed in Thailand due to their process service procedures being much more strict than American process requirements and service is done by civil servants who work for the trial court which is much less chance of violations of due process.

Does Thailand having a more secure and strict process service and summons in their civil procedure? Does that strict process invalidate the proceedings and rulings of the Royal Thai court with regards to it's judicial findings of fact when applied to Thai national children in in final divorce decrees registered in US family courts?

Is there any other way to register a foreign final divorce if a petitioner does not have a specific signed piece of paper which was demanded to be produced according to the American interstate laws of jurisdiction which are not exactly the same with regards to foreign countries as outlined in RCW 26.27.421?

Do we still follow statutes as being the law when the legislative intent is

clear and unambiguous such as in RCW 26.27.051 and the international application of foreign final decrees, foreign judgements in America with regards to custody of children with substantial ties to the foreign country such as citizenship for example?

Did the trial court understand the concepts between interstate custody and international applications of these standards with respect to jurisdiction and the substantial ties to the foreign country by the children and or 1 or more parent?

Did the trial court jump to conclusions assuming that this is nothing more than international forum shopping which is not really applicable when children are citizens of the foreign country?

Is it not relative in this particular case to register our children's Thai custody order since half of their citizenship is in fact the kingdom of Thailand and both parents actually desire for the children to have and maintain ties however Mr. Surina is trying to properly create a safe environment conducive to allow this without risk of losing his children to the threats he's had to endure regarding abduction for so many years off and on.

Are these concerns better dealt with another avenue even though the state dept advises this is an appropriate route towards the safe ability for children to travel and get to know their Thailand extended family which the petitioner knows to be important and has continued to attempt to

minimize the risks which have actually increased due to Mr. Glanzer's failure to recognize a father's rights to his own sons. This all is with regards to a Hague member nation issuing a valid custody order with regards to its minor citizens and their parents. There was a request for a very odd piece of evidence which was the only accepted item. This item was used to attempt to litigate a case that the trial court still is not done and has yet to resolve as of the date this was being drafted.

Does Thailand have to follow United States specific process service in order to have a valid divorce decree or custody order issued to a US Citizen parent?

idea of process service and it was to be a signature on physical paper of the respondent in order to be valid which is not exactly the only way a legitimate service could have taken place.

Is it true the trial court can litigate and justify a perceived gap in the process for a foreign country issuing summons or service that conforms with the fair administration of civil procedure in an acceptable matter with the United States?

Does the trial court consider such compliance with modern civil procedure and as such, judgements are routinely accepted across the united states in a similar fashion including returning children to Thailand when that is the request? That is not the request here.

Did the trial court act in the best interests of the children by denying the

petitioner the ability to maintain custody, control and a safe and stable environment IN AMERICA as stated in the trial court that day?

Did the trial court purposely intend on blocking Mr. Surina from being able to safely allow the children into Thailand with the ability to summon the international authority (the State dept) in the event an abduction was attempted and have the children returned as the parent who's solely committed to doing whatever it takes to support and provide for his sons?

Is there any value in being a signatory of the Hague and having foreign custody assigned as a parental responsibility to obtain custody as quickly as possible to provide a safe and stable environment and thwart any further actions that hurt or damage the wellbeing, emotional, physical or overall welfare of the two sons Mr. Surina has put so much effort into trying to protect as his fundamental liberty interests have been denied in contrast to :

RCW 26.16.125 which guarantees each parent in Washington state equal custody time, equal access, equal everything but apparently the courts disregard clear statutes due to financial incentives to separate the children from the higher income earner which is impartial to gender when it comes to state revenue being made off of children losing access to a loving parent in tens of thousands of cases in Washington state every year. The clear intent of the legislators are not important clearly in these proceedings state wide when it comes to financial incentives being issued to the very people

who make the parenting plans which are often causing extreme hardship on families and hurting children which we see the aftermath of in society statistically for example, 80% of prison inmates that are male are from fatherless homes. This intent to disregard the shared parenting statutes in pursuit of financial incentives and interests that do not align with the best interests of the children need mandamus orders to stop the chaos being perpetrated on Washington states children whom fall victim to these adjudication proceedings which revolve around child support enrollment and the services of enforcement contracts which divert a portion of the grant money to the local county. Money is the root of many issues. These issues need attention and likely mandamus carefully crafted and issued with consequences for misadministration of justice in relation to children and their rights to loving fit parents being denied due to the policies around support enforcement and the collection of money between the county and DSHS from the TITLE IV-D funding. RCW 26.16.125 which actually was one of the first IF NOT the first equal rights state in the entire nation whom without these incentives to enact these extremely damaging parenting plans which the legislators knew 15 years ago when that statute was enacted forcing the courts to apply shared parenting to every case that was absent misconduct which would otherwise hurt or endanger the children. The courts appear to be doing what the state has a financial interest which contrasts the best interests of the children in an extremely

disheartening and damaging manner. The parenting plans in shared a shared parenting model which the legislators enacted in RCW 26.16.125 clearly intending for shared parenting to be the standard of all family law courts which would minimize so much of the fraud we have seen in this case for example. The statute can not be construed as it's unambiguous and clearly defines legislative intent. essentially blocks the state from large reimbursement revenue so these intended statutes to minimize the emotional and long term damage to children are being disregarded in what appears to be incentives of a financial nature that are trickling down to the county level through the DSHS reimbursement contracts with the social security administration.

Does the trial court have the authority at either the Superior court judge or the commissioner level to disregard clear statutes with regards to the family court and shared parenting intentions of Washington state legislators as outlined in RCW 26.16.125;

Does the trial court have the authority to deny the liberty interests of loving fit parents in pursuit of revenue from child support enforcement grants?

Does this authority exist when there is no evidence of harm and the parents clearly otherwise should be treated under equal protection and equal rights to the care, custody and companionship of their children as a fundamental liberty interest secured by the many laws which surround

such important interests including the US Constitution?

How has the trial court continued to force the children to remain in an environment which evidence shows without any doubt whatsoever is often not safe, not fun and not conducive to learning? being the only parent the trial court found to have passed all assessments willingly attempted and prior to the American abduction was the primary and sole custodian, doing most of the caretaking due to a lack of interest at the time on the respondents part regardless of her reasons.

due to the negligent and harmful actions of a parent who under their care have allowed unspeakable abuse and neglect to continue for 2 years? The Thai civil procedure is internationally accepted including being a signatory with America on the Hague? A civil servant who makes contact with Sirinya and during contact she makes her initial interview dates for custody decisions, validating personal thai, key pieces of security information or essential information that validates Ms. Polarj is widely recognized even in America now. There are jurisdictions allowing service of summons on facebook in America. This process with the Royal Thai courts is likely an acceptable service as well as scheduling hearing dates which is an agreement to proceed with the case and was the understood situation prior to the respondent No-Showing to her appointments and a final decree being issued.

No.3

Does counsel have an obligation to the court to ensure that factual misrepresentations are amended or cleared up with the court if they mislead the court? What is the consequence of counsel lacking and willfully omitting the candor towards the tribunal expected of an officer of the court who's been practicing for 30 years in this environment?

No.4

Are the actions of the respondents team including the signers and folks who drafted and coerced the respondent to sign obligations they know she has no ability to pay and would be indebted for the rest of her life including the signing away of even base child support income due to her bondage financially from the 100,000.00 approx in legal fees that counsel is demanding she pay as an unemployed single woman whom they had been going around the courthouse as hero's helping the vulnerable woman when it appears the real predators are being exposed by the contracts which have been submitted to the court including a bizarre submission in the dissolution of a 50,000.00 judgement awarded to Carl Wilson for "helping" the respondent sell everything to pay him for finding his friend to help charge her 100,000 in legal fees for resolving a total of 0 issues over the course of 2 years while she was taken for everything in the interim. This coincides with RCW 9A.60.030 as a violation with respect

to evidence that is now before the trial court. Does the trial court have to ignore these felony crimes because they are being hidden and covered by the abuse of civil process intending on obtaining blessings from the superior court to continue in these predatory activities that at a minimum certainly appear to be criminal in nature?

No.5

Does the trial court have the authority to over-rule the restrictions legislators intended to protect the children under the statute of restrictions placed upon parents residential time when evidence of abuse, neglect or other harmful actions are before the court?

Does the trial court have an obligation to protect children and to follow the 26.09.191 statutes when violations related to the parent are before the court or is this discretionary more than mandatory intent of legislators regarding the safety of minor children?

No.6

Did the trial court intentionally allow the abusive use of conflict and the misuse of civil proceedings to continue when it had reason to believe that there was harm to the children and Mr. Surina from the outrageous orders which any reasonable person would find unacceptable and which continue all the way to this very day?

No.7

Did the trial court abuse discretion by assuming an officer of the court had the court's best interests in regards to the administration of a fair and impartial proceeding for both parties when the evidence contradicted this notion in just about every way it could?

No.8

Does counsel have an express ability to avoid the requirements of RCW 9A.72.085 with regards to the certification of unsworn statements and pleadings in official proceedings before a court in the United States? What if any waiver of the exceptions to the certification requirement outlined are available within the guidelines of this hearing?

III. Statement of the Case

This case is a simple request for the law to apply to my family in Washington state. See assignment of errors and issues pertaining to them.

A case where one man has been against all odds while watching and having to witness his children abused, tormented, beaten, threatened and treated like Chattel while being denied the basic protection laws in this state provide victims of crime, abuse, domestic violence and the aftermath which follows these unfortunate circumstances which were ignored

potentially as a favor for the 30 year veteran of the court.

Pleadings filed by opposing have no certification. Motion for CR11 was not timely filed. There is no factual contentions found in opposing counsel's arguments but rather a lack of inquiry into the law and facts surrounding the foreign final custody order issued by Thailand with regards to my children whom are thai nationals and whom deserve to be able to travel back and forth without risk of parental responsibilities being used to exact financial gain for the rest of their lives as minors.

CR11 sanctions did not meet the criteria set out by the Court of Appeals of Washington state even in 1 of the 3 conditions. Furthermore, Mr. Glanzer has made baseless denials of fact contentions which constitute CR11 sanctions when held to the standard of a 30 year veteran attorney taking advantage of a pro se litigant whom is not held to the same standards by law.

IV. Summary of Argument

The civil procedure in Thailand conforms to substantial due process and fair procedures which are based on the common law and adversarial system. The same human rights are respected and the best interests of the children are the priority in Thailand dissolutions as well with the term used in the like manners as the United States. Thailand foreign final decree's are accepted and Mr. Surina has been legally divorced from the

respondent for almost a year already without remedy in the US Courts or an answer as to how such outrageous court decisions against Mr. Surina were allowed to continue without any intervention from the authorities with the duty to protect and maintain reasonable temporary orders for Mr. Surina and his two children.

The courts are obligated to do a best interests test and to protect the children in dissolution cases when evidence of danger, abuse, neglect or compromising the wellbeing, safety or welfare of a child becomes evident to the court. If the court had not erred in ignoring the mandatory restrictions to the parenting plan, this case would have been a lot less damaging to both Mr. Surina and Ms. Polarj. It certainly wouldn't have caused so much harm and hurt to their two sons which is it's own cause of action and which Mr. Surina is tired of having to fight for what is normally by law already granted to him.

V. Argument

Mandatory Limitations ----- 30

Jurisdiction and the role of dual citizenship. ----- 31

The substantial ties to the kingdom of Thailand;----- 31

Thailand heritage important ----- 32

RCW 26.09.191 ----- 32

Thai due process conforms with us procedure ----- 33

Family Non-Support Finding ----- 33

RCW <u>26.20.035</u> -----	33
Family nonsupport—Penalty—Exception.-----	33
CR11 Requirements to impose sanctions-----	34
WAC 192-100-050-----	34
Fraud on the court defined.-----	35
Vexatious and Intransigent Litigators motivated by profit-----	36
DUE PROCESS – SPOKANE VS. THAILAND.-----	36
RSA 458-A:27-----	36
Enforcement of Registered Determination. –-----	36
RCW 26.27.421-----	37
Duty to enforce.-----	37
RSA 458-A:35-----	37
Appeals.-----	37
Children’s Domicile to remain in America-----	38
RCW 26.27.051-----	39
International application of chapter.-----	39

Mandatory Limitations

The mandatory limitation statutes are outlined on parenting plans and this intentional disregard for those limitations are a cause of action from the damages and injury as a result of the decision to not act in the best interests AND safety of the parties children. Having to stand by while the Judge provides favor to Mr. Glanzer whom he believed to be acting with

integrity in these matters has been incredibly heart wrenching as a father who's dedicated his life to providing the absolute best future for his children possible. All of the hard work and investments were negligently forced from Mr. Surina's legal possession by extrinsic fraud perpetrated on the court which is another example of how the trial court erred in its adjudication through appeasing Mr. Glanzer's client who has yet to face any sort of consequence or assessment after all of this has taken place.

Mr. Glanzer and the court had received a plethora albeit not every photo of the injuries inflicted on the Surina boys while in the care of their mother including black eyes going back to a month or two after the abduction. This was when Mr. Surina's youngest was being picked up with huge black eyes at only 1 years old while in the custody of his mother and grandmother who both have an extremely violent upbringing and in relation, the Surina children to this day never want to return to the unsupervised environment his mother has been allowed to maintain.

Jurisdiction and the role of dual citizenship.

The children in this case are considered Thai nationals by birthright when in Thailand.

The substantial ties to the kingdom of Thailand;

These ties to multi cultural heritage of Mr. Surina's two children are important and need careful consideration. This is a valid aspect of this appeal. Thailand has a substantial interest in the safety of Thai national

children just like America does. Thailand was likely able to identify issues with Sirinya and her history as a Thai national, her conversation with the custody interviewing officer as well as her opportunity to ask questions to the Thai authorities with regards to the custody and control of children while in the kingdom of Thailand which the petitioner considers a very important part of the heritage and ancestry they are a part of.

Thailand heritage important

Mr. Surina has total respect for the respondent's grandmother who resides in Thailand and is ashamed of what the respondent and her mother have done to this family, to the children and to Mr. Surina. The respondent have been taken out of the will of her grandmother because of this. Mr. Surina has no issues with and loves Gosum, the respondent's grandmother and Mr. Surina made a promise to grandmother that he would never obstruct the children from their Thai heritage as long as their travels to Thailand were safely regulated by safe and reasonable court orders with regards to custody. To allow the respondent to leave with the children after removing the court's order restricting international travel is not reasonable especially when mandatory restrictions are required to be implemented by

RCW 26.09.191

making this access for the children nearly impossible without America agreeing to enforce the laws as they already exist..

take an objective review of the evidence and most importantly were willing to review admissible video evidence which is relative to the safety of the children involved and which has not been allowed or even partially reviewed by authorities in the children's home state of Washington.

Thai due process conforms with us procedure

The Royal Thai court and its dissolution procedures are in substantial conformity to the laws and procedures of Washington state and the rest of the united states.

This is evidenced by the signatory and acceptance of the Hague Treaty the United States congress signed and according to Congress's acceptance of Thailand's mutual signatory with regards to these matters which are directly relative to the children and their best interests in mixed culture international custody proceedings.

Family Non-Support Finding

No finding of "family non-support" would be made although the statutes protect Mr. Surina from these things happening to him as found in:

RCW 26.20.035

Family nonsupport—Penalty—Exception.

(1) Except as provided in subsection (2) of this section, any person who is able to provide support, or has the ability to earn the means to provide support, and who:

(a) Willfully omits to provide necessary food, clothing, shelter, or medical attendance to a child dependent upon him or her; or

(b) Willfully omits to provide necessary food, clothing, shelter, or medical attendance to his or her spouse or his or her domestic partner, is guilty of the crime of family nonsupport.

The respondent would block access to the basic necessities of life and survival in a Spokane winter on the streets after being removed from his separate property and children. This action is regarding the respondent denying Mr. Surina a jacket once winter began to set in forcing him into dangerous weather. Eventually a sheriff on October 18, 2017 on an initial investigation into the hospital's documented abuse of the respondent's 1 year old son while in her care and control to also demand a jacket for Mr. Surina when he realized that the respondent was defiant and acting in a manner which hardly resembled a woman in fear of Mr. Surina. Mr. Surina witnessed the Sheriff being forced to raise his voice and repeat his demand for the necessities numerous times before she complied.

CR11 Requirements to impose sanctions

Mr. Glanzer did little to no inquiry into the facts and laws regarding this mixed culture marriage, dissolution, early warnings signs and indicators of abduction among other items which were provided to him by Mr. Surina. Mr. Glanzer never contacted Mr. Surina with any type of concerns about the pleadings. The attempts to file CR11 motions in this manner constitute fraud as outlined in the WAC:

WAC 192-100-050

Fraud on the court defined.

(1) For purposes of RCW **50.20.070**, **50.20.190**, and chapter **192-220** WAC, fraud means an action by an individual where all of the following elements are present:

(a) The individual has made a statement or provided information.

(b) The statement was false.

(c) The individual either knew the statement was false or did not know whether it was true or false when making it.

(d) The statement concerned a fact that was material to the individual's rights and benefits under Title 50 RCW.

(e) The individual made the statement with the intent that the department would rely on it when taking action.

(2) To decide whether an individual has committed fraud, the elements in subsection (1) must be shown by clear, cogent, and convincing evidence. Fraud cannot be presumed. **Circumstantial evidence, rather than direct evidence, is enough to establish fraud if the evidence is clear, cogent, and convincing.**

(3) This definition of fraud also applies to the term "misrepresentation" in RCW **50.20.190**. A violation of RCW **50.20.070** must meet this definition of fraud.

Mr. Glanzer did not file Motion for CR11 according to the rules of civil procedure as well as the local rules governing this court which he is certainly familiar with. In most courts internationally, this would be considered perpetrating "Vexatious litigation" towards Mr. Surina to harass, delay judicial relief and raise the costs of an otherwise simple divorce without the manipulation and intimidation of a foreign single mother who has been led to believe that she was being abandoned by Mr.

Surina when in reality, her lawyer forced her out of everything Mr. Surina intended to provide.

Vexatious and Intransigent Litigators motivated by profit

Vexatious litigation as a term originates in the OJJDP's "Early warning indicators and risk factors of international parental abduction" which was part of the Petitioners pleadings in this hearing. That bulletin contains the textbook risk factors and red flags of common actions just prior to international abductions since the parties children are not considered US Citizens when they leave a US Airport using foreign passports obtained by the respondent without any agreement by the other parent during custody proceedings where the respondent ended up an indentured servant to her "helpers" with nearly 100,000 dollars of legal fees where 2 years of vexatious and damaging litigation ensued without a single issue having any resolve or attention.

DUE PROCESS – SPOKANE VS. THAILAND.

A choice to not attend a trial in Thailand does not make the procedure invalid, baseless or frivolous. The final decree issued after trial took place and the respondent decided not to show up still conforms with substantial due process rights and the concepts of a fair trial as is internationally outlined in the Hague. Treaty members are bound by the concepts of comity and fair judicial processes as seen in:

RSA 458-A:27

Enforcement of Registered Determination. –

I. A court of this state may grant any relief normally available under the law of this state to enforce a registered child-custody determination made by a court of another state.

II. A court of this state shall recognize and enforce, but may not modify, except in accordance with RSA 458-A:12 through RSA 458-A:21, a registered child-custody determination of a court of another state.

Washington state has similar statutes regarding the duty to enforce legit final foreign decrees in:

RCW 26.27.421
Duty to enforce.

(1) A court of this state shall recognize and enforce a child custody determination of a court of another state if the latter court exercised jurisdiction in substantial conformity with this chapter or the determination was made under factual circumstances meeting the jurisdictional standards of this chapter and the determination has not been modified in accordance with this chapter.

(2) A court of this state may use any remedy available under other law of this state including writs of habeas corpus under chapter 7.36 RCW and enforcement proceedings under Title 26 RCW to enforce a child custody determination made by a court of another state. The remedies provided in this article are cumulative and do not affect the availability of other remedies to enforce a child custody determination.

RSA 458-A:35
Appeals. –

An appeal may be taken from a final order in a proceeding under this subdivision in accordance with expedited appellate procedures in other civil cases. Unless the court enters a temporary emergency order under

RSA 458-A:15, *the enforcing court may not stay an order enforcing a child-custody determination pending appeal.*

That decision is not the same as a case that provided no notice and which the respondent had no idea about as she claims is the case after the facts of the outcome were disclosed. The respondent initially scoffed at Mr. Surina stating that only the outcome of the American court matters which likely has to do with child support and the pursuit of using the parties children as an income.

Children's Domicile to remain in America

The American court does matter to the petitioner as well. The petitioner wants to retain domicile in America which has recently been compromised by the influence of Mr. Glanzer going in and quashing a court order requiring parties to agree to international travel plans and/or a court order before the parties children are taken overseas. An optional bond being placed was another common remedy. US citizens who do not have dual citizen children have this right by default but when dual citizenship is in play, certain rights have to be reserved and one of those is the restriction of travel without both parents agreement or bond or court's order. This right was denied to Mr. Surina and his US citizen children in the eyes of the US Court which signals to Thailand that the United States waives its restrictions on travel and until a court's order is returned, there is nothing that says she can not abduct the children and exit the US since no exit

controls exist and foreign passports conceal the party upon their departure. This would force the children to remain in a situation where there is convincing evidence of horrible assaults on a child as young as 1 years old. The statute is unambiguous and as such the trial court erred in this regard which to this day the abductor and abuser evidenced by the actions before the court including hospitalization of a 1 year old, 2nd degree assault, child neglect and moreand is nearly impossible to construe which leads one to consider intentions of legislators on limiting construction of this protection and mandatory enforcement as a judicial duty that all family law judges review on likely a daily basis. The international implications of dual citizen children are very serious and need special attention especially when a situation goes to extreme lengths such as the Surina family has been forced to. Application of the international aspects of RCW 26.27 are intended to be clear and unambiguous in their construction. *“Clear statutes are not to be construed”*

RCW 26.27.051

International application of chapter.

(1) A court of this state shall treat a foreign country as if it were a state of the United States for the purpose of applying Articles 1 and 2.

(2) Except as otherwise provided in subsection (3) of this section, a child custody determination made in a foreign

country under factual circumstances in substantial conformity with the jurisdictional standards of this chapter must be recognized and enforced under Article 3.

VI. Conclusion

Please Reverse Imposing Of Sanctions, As The Court Of Appeals Has Developed Criteria To Determine The Imposition Of Sanctions And This Filing As Well As The Other Half A Dozen i've Been Sanctioned For Which Are All In Good Faith And Attempts To Protect My Two Sons Whom Are Vulnerable And Have Been Injured Repeatedly During This Litigation.

VII. Appendix

A-1

PRO-SE LITIGANT UNSURE WHAT TO PUT IN THIS AREA – Never received a copy of the actual index of clerk papers including any of the actual stamped motions from the opposing party or pleadings other than a word .docx Mr. Glanzer sent without any stamps.

TABLE OF AUTHORITIES

Table of Cases

In Miller, 51 Wash. App. at 300, 301–02, and McClure v. Tremaine, 77

Wash. App. 312, 318, 890 P.2d 466 (1995), the courts concluded that a finding of one element is sufficient to impose sanctions.

On the other side, in **Doe v. Spokane & Inland Empire Blood Bank, 55 Wash. App. 106, 110–11, 780 P.2d 853 (1989)**, and **Harrington v. Pailthorp, 67 Wash. App. 901, 910, 841 P.2d 1258 (1992)**, the courts determined that all three elements must be established before imposing sanctions.

Bryant v. Joseph Tree, 119 Wash. 2d 210, 219, 829 P.2d 1099 (1992) (quoting **FED. R. CIV. P. 11 advisory committee note, 97 F.R.D. 165, 192 (1983)**). **Watson v. Maier, 64 Wash. App. 889, 898, 827 P.2d 311 (1992)**.

Doe, 55 Wash. App. at 114 (explaining that once reasonable inquiry reveals party should be dismissed, signature on subsequent pleadings in furtherance of claim is a violation of CR 11);

Mac-Donald v. Korum Ford, 80 Wash. App. 877, 888, 912 P.2d 1052 (1996) (finding a violation of CR 11 where, after client’s deposition, attorney lacked factual basis for pursuing claim).

Roeber v. Dowty Aerospace Yakima, 116 Wash. App. 127, 142, 64 P.3d 691 (2003) (Determining that the failure to establish prima facie civil rights case did not equate with complete lack of factual basis).

Saldivar v. Momah, 145 Wash. App. 365, 403, 186 P.3d 1117 (2008), as amended (**July 15, 2008**) The reasonableness of the attorney’s pre-filing inquiry under the objective is very relative to the nature of the CR11 impositions after inquiry.

Constitutional Provisions

Statutes

RCW 26.27.421

Duty to enforce.

(1) A court of this state shall recognize and enforce a child custody determination of a court of another state if the latter court exercised

jurisdiction in substantial conformity with this chapter or the determination was made under factual circumstances meeting the jurisdictional standards of this chapter and the determination has not been modified in accordance with this chapter.

(2) A court of this state may use any remedy available under other law of this state including writs of habeas corpus under chapter 7.36 RCW and enforcement proceedings under Title 26 RCW to enforce a child custody determination made by a court of another state. The remedies provided in this article are cumulative and do not affect the availability of other remedies to enforce a child custody determination.

RCW 26.27.051

International application of chapter.

(1) A court of this state shall treat a foreign country as if it were a state of the United States for the purpose of applying Articles 1 and 2.

(2) Except as otherwise provided in subsection (3) of this section, a child custody determination made in a foreign country under factual circumstances in substantial conformity with the jurisdictional standards of this chapter must be recognized and enforced under Article 3.

Regulations and Rules

Other Authorities

Hague convention on civil aspects of international child abduction

RSA 458-A:24 Duty to Enforce. –

1. A court of this state shall recognize and enforce a child-custody determination of a court of another state if the latter court exercised jurisdiction in substantial conformity with this chapter or the

determination was made under factual circumstances meeting the jurisdictional standards of this chapter and the determination has not been modified in accordance with this chapter.

II. A court of this state may utilize any remedy available under other law of this state to enforce a child-custody determination made by a court of another state. The remedies provided in this subdivision are cumulative and do not affect the availability of other remedies to enforce a child-custody determination.

VI. CONCLUSION

Please reverse the CR11 sanctions as there was no inquiry into the details, the CR11 motion was not timely filed (a day or two before the hearing is not appropriate service to form a proper response to, and assist in the assignment of a right to relief with regards to the respondent's actions within the Spokane civil court against any reasonable process afforded litigants in a normal divorce where the parties are able to work towards settling basic differences without being ripped off for all assets regardless of character through the incredible influence some have over the civil cases within the Spokane Superior court. Please accept registration so that my children can safely travel back and forth without opposing counsel pushing his chest out and placing Mr. Surina's sons in a very dangerous and vulnerable predicament. Please issue mandamus to curb the exploitation of families from

the financial incentives found to be flowing towards the parenting plan contract adjudicators or county commissioners.

Search "Title IV-D" @ spokanecounty.org for a copy of those contracts as evidence to support mandamus needs for the state of Washington.

9/30/2019 – Spokane, Washington

Respectfully submitted,

Signature

Aaron Surina

A Washington born Pro-Se Father defending the future success of his two sons.

FILED
Court of Appeals
Division III

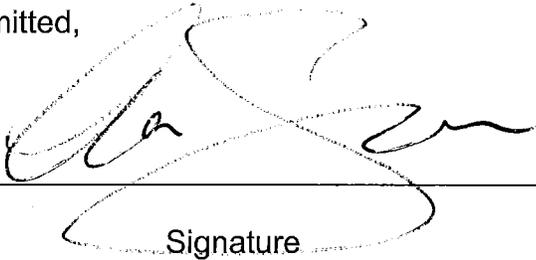
*the financial incentives found in the state of Washington supports the parenting
plan contract adjudicators or county commissioners.*

State of Washington
10/14/2019 2:49 PM

*Search "Title IV-D" @ spokanecounty.org for a copy of those
contracts as evidence to support mandamus needs for the state
of Washington.*

9/30/2019 – Spokane, Washington

Respectfully submitted,



Signature

Aaron Surina

*A Washington born Pro-Se Father defending the future success of
his two sons.*

THE SURINA FAMILY

September 30, 2019 - 6:19 PM

Transmittal Information

Filed with Court: Court of Appeals Division III
Appellate Court Case Number: 36696-1
Appellate Court Case Title: Aaron Michael Surina v. Siriyana Poljari
Superior Court Case Number: 19-3-00129-0

The following documents have been uploaded:

- 366961_Briefs_20190930180254D3160833_3772.pdf
This File Contains:
Briefs - Appellants - Modifier: Amended
The Original File Name was PRO-SE-ATTEMPT-AT-COMPLEX-INTL-ABDUCTION-PREVENTION.pdf
- 366961_Financial_20190930180254D3160833_0298.pdf
This File Contains:
Financial - Other
The Original File Name was FOREIGN REGISTRATION - FEE WAIVER-20190924141436713.pdf
- 366961_Other_20190930180254D3160833_4116.pdf
This File Contains:
Other - When counsel screws up-WA imposition of sanctions
The Original File Name was When Counsel Screws Up_ The Imposition and Calculation of Attorney Fees as Sanctions.pdf

A copy of the uploaded files will be sent to:

- kagps70@hotmail.com

Comments:

Appellant Brief - Attached MTAF indigent waiver of fees "When counsel screws up" - A look at the COA directions on CR11 requirements

Sender Name: Aaron Surina - Email: legal@surina.org
Address:
PO BOX 30123
Spokane, WA, 99223
Phone: (707) 200-4372

Note: The Filing Id is 20190930180254D3160833