

On September 27, 2021, Petitioner filed a Request for Order (RFO) requesting the court modify the custody and visitation orders, including to grant Petitioner sole legal custody. A Child Custody Recommendation Counseling (CCRC) appointment was set for October 27, 2021 with a review hearing set for December 16, 2021.

On October 12, 2021, Petitioner's attorney submitted an Attorney Input Letter to the CCRC counselor, served on Respondent by mail on October 12, 2021.

Only Petitioner attended the CCRC session and as a result the CCRC report issued on October 27, 2021 it did not contain recommendations. Copies were mailed to the parties on October 27, 2021.

On November 23, 2021, Respondent filed a Responsive Declaration, served on Petitioner personally on December 1, 2021. Respondent argues that she was not properly served in time to be able to attend the CCRC session. Respondent requests more time to be able to prepare and go to a new CCRC session.

On December 12, 2021 the court adopted its tentative ruling finding good cause to rest the CCRC session to allow the parties to attempt to reach agreements on the issues in contention and so that the court can consider the recommendations contained within the CCRC report. The court set a new CCRC appointment for January 14, 2022 and a further review hearing on February 24, 2022.

On January 14, 2022 parties attended the CCRC appointment and were able to reach a full agreement. A CCRC report was issued on January 18, 2022 and mailed to the parties on February 14, 2022.

The court had read and considered the above filings and adopts the agreements contained in the CCRC report as the court's order as they are in the best interest of the minor. Petitioner is to prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #1: THE AGREEMENTS CONTAINED IN THE CCRC REPORT ARE ADOPTED AS THE COURT'S ORDER. PETITIONER IS TO PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

On July 13, 2021 the court ordered Petitioner to pay Respondent \$2,495 in temporary guideline support under the Alameda formula, commencing on June 1, 2021 until further order of the court. As Respondent's income was set to change due to her receipt of unemployment benefits in the future, the court continued the hearing to August 26, 2021 and reserved jurisdiction to modify spousal support retroactive to the date of filing of the RFO.

On August 17, 2021 Respondent filed an updated Income and Expense Declaration. Served by mail on Petitioner the same day. Per the August Income and Expense Declaration, Respondent continued to have no income. As such, the court continued the matter to November 18, 2021 to consider modifying spousal support, as the information presented at that time was that Respondent was awaiting approval of unemployment benefits. The court continued to reserve jurisdiction to modify support retroactive to the date of the filing of the RFO.

On November 18, 2021, this matter was continued by agreement of the parties to February 24, 2022.

On February 14, 2022 Petitioner filed an updated Income and Expense Declaration along with Declaration regarding Respondent's status of employment. The Petitioner was served electronically on February 14, 2022 with Proof of Service filed the same day. In her Declaration Respondent states she is seeking an externship at Kaiser. She was set to start on September 20, 21. Respondent's mother became ill in September and passed away at the end of October 2021. Respondent admits the externship was not her priority at the time. Respondent has continued to reach out to both Kaiser and her college since November 2021 to resolve the issue of starting the externship but has been unsuccessful.

Respondent also states the parties have reach a global settlement agreement and the judgement packet has been submitted to the court. The parties have agreed to spousal support in the amount of \$2,075 per month once judgement is entered. Respondent opposes further reduction in support.

Respondent's current Income and Expense Declaration provides Respondent has no income currently except for the current support received.

On February 15, 2022 Petitioner filed a Supplemental Reply Brief served on Respondent electronically the same day. Petitioner requests a further review hearing on the issue of spousal support. Petitioner also requests Respondent provide evidence of application for employment at no fewer than two health care providers, hospitals, and or clinic each week for the next 10 weeks. Petitioner also requests the court issue a *Gavron* warning to Respondent.

The court orders Respondent to provide proof of her application for employment or externship at no fewer than two (2) health care providers, hospitals, and or clinics each week until she has obtained successful employment or placement in an externship, or until the next review hearing.

The Parties are advised that it is the goal of the State of California that both parties shall become and remain self-supporting to the best of their ability. You are further advised that, at some future date, should you fail to become self-supporting the other party may argue that your failure to become self-

supporting is a factor which may be considered by the Court to modify a spousal support order or terminate the court's jurisdiction to order spousal support. You are further advised that if you voluntarily terminate employment, the court can impute income to you without application of the ability and opportunity requirement and the court can deny a modification of support. *IRMO Gavron* (1988) 203 Cal.App.3d 705. You are further advised that mismanagement of your estate may result in a reduction of the court's order of support, termination of the court's ability to continue spousal support or imputation of income on property.

The court sets a further hearing for Spousal Support June 2, 2022 at 8:30 a.m. in Department 5 to consider modifying spousal support. The court continues to reserve jurisdiction to modify spousal support retroactive to the date of filing of the RFO.

TENTATIVE RULING #3: THE PRIOR TEMPORARY SPOUSAL SUPPORT ORDER REMAINS IN FULL FORCE AND EFFECT PENDING THE ENTRY OF JUDGEMENT PER THE AGREEMENT OF THE PARTIES. THE COURT CONTINUES THE MATTER TO JUNE 2, 2022 AT 8:30 IN DEPARTMENT 5 TO CONSIDER MODIFICATION OF SPOUSAL SUPPORT. THE COURT RESERVES JURISDICTION TO MODIFY SPOUSAL SUPPORT RETROACTIVE TO THE DATE OF FILING OF THE RFO. RESPONDENT IS TO PROVIDE PETITIONER'S COUNSEL WITH EVIDENCE OF APPLICATION FOR EMPLOYMENT OR EXTERNSHIP AS OUTLINED ABOVE. PARTIES ARE TO FILE UPDATED INCOME AND EXPENSE DECLARATIONS NO LATER THAN 10 DAYS PRIOR TO THE NEXT HEARING. RESPONDENT IS ADVISED HER RESPONSIBILITIES UNDER GAVRON AS OUTLINED ABOVE.

On November 18, 2021 Petitioner filed a request for Order requesting a modification in the parenting plan and that Petitioner enroll the minor in school in Sonoma County for the 2022 school year. Parties were referred to a Child Custody Recommendation Counseling (CCRC) appointment on December 16, 2021 with a review hearing date set for February 3, 2022. Respondent was personally served on December 10, 2021 with Proof of Service filed on December 14, 2021.

Parties agreed to continue the CCRC appointment and review hearing to January 6, 2022 and February 24, 2022 respectively.

Parties attended CCRC on January 6, 2022 and were able to reach several agreements. The report also contains several recommendations from the CCRC counselor. A CCRC report was issued on January 20, 2022 and mailed to the parties on February 15, 2022. Parties agreed to maintain joint legal custody, exchanges to take place in Fairfield, CA, terms for vacation, right of first option for childcare, and to enroll in co-parenting counseling. The CCRC counselor recommends Respondent have parenting time during the school year the 1st, 3rd, 4th, and 5th weekends of every month from Friday at 7:30 p.m. until Sunday at 5:00 p.m., with holiday weekends extending to Monday at 5:00 p.m. During Summer break Petitioner to have parenting time the 2nd and 4th weekend from Friday at 7:30 p.m. to Sunday at 5:00 p.m.. A recommended holiday and phone schedule is also contained in the report.

The court has read and considered the above and find the agreements and recommendations contained in the CCRC report are in the best interest of the minor. The court adopts the agreements and recommendations as its orders. Petitioner is to prepare and file Findings and Orders after hearing.

TENTATIVE RULING #4: THE COURT ADOPTS THE AGREEMENTS AND RECOMMENDATIONS CONTAINED IN THE CCRC REPORT AS THEY ARE IN THE BEST INTEREST OF THE MINOR. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

On November 23, 2021 Respondent filed a Request for Order (RFO) requesting the court authorize Respondent to enroll the minor in counseling. Petitioner was served by mail on November 23, 2021 with Proof of Service filed the same day.

Respondent requests the ability to enroll the minor in counseling. Respondent asserts the minor is having difficulty with transitions between the parent's homes. The minor has exhibited behavior the Respondent finds concerning, including aggression, fear, and control issues. Respondent believes these behaviors to be outside the ordinary for a three-year-old. Respondent reached out to Petitioner via talkingparents.com to obtain his consent, however, Petitioner replied that he has not observed the behaviors in the minor and does not believe counseling is necessary.

Petitioner has not filed a Responsive Declaration.

The court authorizes Respondent to seek counseling services for the minor. Respondent is to obtain a list of three counselors and provide those to Petitioner within two weeks. Petitioner then will have one week to select a counselor from the list. If Petitioner fails to select one of the three counselors within a week, Respondent may select a counselor. The minor is to complete an intake and assessment with the selected counselor. If further counseling is recommended, it shall be at the direction of the counselor as to frequency and duration. The parties are to share equally in any uncovered costs. Respondent to prepare and file the findings and orders after hearing.

TENTATIVE RULING #5: THE COURT AUTHORIZES RESPONDENT TO SEEK OUT COUNSELING FOR THE MINOR AS OUTLINED ABOVE. RESPONDENT TO PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

On December 9, 2021, the parties appeared in court for a CCRC Review. The court declined to adopt its tentative ruling for the hearing and instead ordered Respondent to provide proof of his completion of a drug program and testing and of counseling. The court set a hearing to determine proof of compliance on February 24, 2022. All supporting information regarding compliance was to be filed with the court at least 10 days in advance of the hearing date. The court maintained all prior orders.

Upon review of the file, the court finds that Respondent has not submitted proof of compliance with any of the above orders. The court continues the matter to April 21, 2022 at 8:30 a.m. in Department 5 for proof of compliance. Respondent is ordered to file with the court and serve on the other party all documentation in support of his compliance at least 10 days in advance of the hearing. If Respondent fails to provide proof of compliance at least 10 days in advance of the hearing, the court is inclined to drop the matter from calendar.

Respondent is ordered to prepare and file the Findings and Order After Hearing.

TENTATIVE RULING #6: THE COURT CONTINUES THE MATTER TO APRIL 21, 2022 AT 8:30 A.M. IN DEPARTMENT 5 FOR PROOF OF COMPLIANCE. RESPONDENT IS ORDERED TO FILE WITH THE COURT AND SERVE ON THE OTHER PARTY ALL DOCUMENTATION IN SUPPORT OF HIS COMPLIANCE AT LEAST 10 DAYS IN ADVANCE OF THE HEARING. IF RESPONDENT FAILS TO PROVIDE PROOF OF COMPLIANCE AT LEAST 10 DAYS IN ADVANCE OF THE HEARING, THE COURT IS INCLINED TO DROP THE MATTER FROM CALENDAR. RESPONDENT IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.

On August 6, 2021, Respondent filed a Request for Order (RFO) asking the court to modify the custody and visitation orders. A CCRC session was scheduled on September 3, 2021 with a hearing on the RFO set on October 21, 2021.

On August 6, 2021, Petitioner was served by mail with the RFO and referral to CCRC.

On October 7, 2021, Petitioner filed a Responsive Declaration, served on Respondent by mail the following day.

Both parties participated in the CCRC session and reached several agreements but not on all issues. A CCRC report was issued on September 9, 2021 with copies mailed to the parties that same day. The report recommends that the parties share physical custody but does not recommend a specific schedule.

At the October 21, 2021 hearing, the court adopted its tentative ruling as modified. This included an adoption of the CCRC report with the modifications that the parties shall participate in co-parenting counseling at least once per month and that Respondent shall have visits with the minor on every other weekend from Friday at 6 p.m. to Sunday at 6 p.m., commencing with the weekend of October 22, 2021, and every Wednesday from pick-up at school (or 2 p.m. if school is not in session from Petitioner's home) to Thursday morning drop-off at school (or 9 a.m. if school is not in session to Petitioner's home). The court ordered that, provided the parties participate in co-parenting counseling, after 60 days Respondent's parenting time shall increase to every other Thursday at 6 p.m. to Sunday at 6 p.m.

The court set review hearings on December 16, 2021 and February 24, 2022. The court ordered the parties to file declarations with the court at least 10 days in advance of the next hearing updating it on the status of the visits and the co-parenting counseling. If neither party files such a declaration with the court, the matter shall be dropped from calendar.

On December 3, 2021 and December 6, 2021, Respondent and Petitioner filed declarations updating the court on the status of the visits. On December 9, 2021, Respondent filed a reply declaration. All declarations were properly served and were considered by the court.

At the December 16, 2021 hearing, the court adopted its tentative ruling, ordering the minor into therapy with specific orders regarding the selection of a therapist and ordering the parties to share the costs equally. The court further confirmed that the Wednesday overnight visits are to occur every week.

Additionally, On October 7, 2021 Petitioner filed a Request for Order (RFO) requesting the court make an order for child support, for Respondent to pay for medical insurance through his employment, as well as to split the costs of uncovered medical expenses. Petitioner filed an

Income and Expense declaration on the same date. A hearing on the RFO was set for January 6, 2022. Respondent was served by mail with the RFO on October 8, 2021.

Respondent filed a Responsive Declaration on November 2, 2021 agreeing to guideline support dependent on the custody order entered October 21, 2021, consenting to providing medical and dental insurance as well as to paying half of the uncovered medical expenses, and requesting that Petitioner be imputed full time minimum wage or in the alternative consider funds paid by her partner for expenses as her income. Respondent filed his Income and Expense Declaration on October 21, 2021. On November 2, 2021, Petitioner was served by mail with both filings.

At the January 6, 2022 hearing, the court adopted its tentative ruling, imputing minimum wage for 20 hours per week to Petitioner and ordering Respondent to pay Petitioner \$557 in monthly child support for November 2021 and December 2021 and \$551 in monthly child support beginning January 1, 2022. The court further ordered Respondent to pay an additional \$49 per month towards the arrears balance, payable on the 1st of the month, commencing on February 1, 2022, until the balance is paid in full. Petitioner was authorized to file for a wage garnishment.

Respondent was ordered to provide medical and dental insurance for the child if it is available through his employment at no or a reasonable cost. The court ordered the parties to share equally all uncovered medical, dental, vision, and prescription drug costs.

The court continued the matter to February 24, 2022 regarding the health insurance coverage and costs, with the parties ordered to meet and confer prior to the next hearing. The court reserved jurisdiction to modify child support back to the date of filing of the RFO.

On February 14, 2022, Petitioner filed a Status Report for Review Hearing, served on Respondent electronically that same day. Petitioner indicates that as of the filing of the declaration she had not received any additional information from Respondent regarding health insurance for the minor. Petitioner continued that the parties are cooperating in trying to get the child into therapy, which is in process as the first two therapists had no availability and the third option is requesting additional information before she accepts the minor as a patient.

On February 15, 2022, Respondent filed Respondent's Declaration Re: Status Update to the Court, served on Petitioner electronically the day prior and by mail the same day. Respondent reports that he has been attending the co-parenting sessions consistently, not missing a single session. Respondent also states that he enrolled the minor in health, dental, and vision coverage, but has yet to receive the paperwork confirming the enrollment. Respondent believes the out-of-pocket premium will be about \$60, which he requested be included in the child support calculation. Respondent agrees with Petitioner that efforts have been made to get the minor into therapy but they are waiting for a therapist to confirm availability. Respondent requests that his parenting time be increased to the next planned step.

Having reviewed the filings of the parties, the court finds that neither party has provided the court with confirmation of when the co-parenting counseling began. The court maintains its prior orders that Respondent's parenting time shall increase after 60 days in co-parenting counseling. The parties are ordered to meet and confer to determine on which date the 60 days have elapsed. The court finds that co-parenting counseling shall be deemed to have commenced on the date that Respondent had his initial intake with the co-parenting counselor.

Regarding health insurance coverage, the court finds that Respondent has substantially complied with the court's orders. Respondent is ordered to provide Petitioner a copy of the paperwork confirming enrollment of the minor into the health insurance plans as well as proof of the out-of-pocket cost of the premiums within 3 days of receiving the paperwork. Respondent also is ordered to provide Petitioner the insurance cards within 3 days of receiving them.

The court continues the matter to April 28, 2022 at 8:30 a.m. in Department 5 to confirm that the parties have increased Respondent's parenting time as ordered, to confirm that Respondent has provided the documents and insurance cards to Petitioner as ordered above, and to modify child support based on Respondent's increased timeshare and his out-of-pocket insurance costs. The court reserves jurisdiction to modify child support back to the date of filing of the RFO. The court orders the parties to meet and confer to resolve the above issues and to provide the court with a declaration updating it on the status at least 10 days in advance of the hearing. If neither party files a declaration regarding the status, the matter shall be dropped from calendar. If the parties have resolved all of the above issues, they are directed to prepare a stipulation for the court's approval and to vacate the hearing from calendar, if appropriate.

Respondent is ordered to prepare and file the Findings and Order After Hearing.

TENTATIVE RULING #8: THE COURT CONTINUES THE MATTER TO APRIL 28, 2022 AT 8:30 A.M. IN DEPARTMENT 5 TO CONFIRM THAT THE PARTIES HAVE INCREASED RESPONDENT'S PARENTING TIME AS ORDERED, TO CONFIRM THAT RESPONDENT HAS PROVIDED THE DOCUMENTS AND INSURANCE CARDS TO PETITIONER AS ORDERED ABOVE, AND TO MODIFY CHILD SUPPORT BASED ON RESPONDENT'S INCREASED TIMESHARE AND HIS OUT-OF-POCKET INSURANCE COSTS. THE COURT RESERVES JURISDICTION TO MODIFY CHILD SUPPORT BACK TO THE DATE OF FILING OF THE RFO. THE COURT ORDERS THE PARTIES TO MEET AND CONFER TO RESOLVE THE ABOVE ISSUES AND TO PROVIDE THE COURT WITH A DECLARATION UPDATING IT ON THE STATUS AT LEAST 10 DAYS IN ADVANCE OF THE HEARING. IF NEITHER PARTY FILES A DECLARATION REGARDING THE STATUS, THE MATTER SHALL BE DROPPED FROM CALENDAR. IF THE PARTIES HAVE RESOLVED ALL OF THE ABOVE ISSUES, THEY ARE DIRECTED TO PREPARE A STIPULATION FOR THE COURT'S APPROVAL AND TO VACATE THE HEARING FROM CALENDAR, IF APPROPRIATE. RESPONDENT IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.

On September 3, 2021, Respondent filed a Request for Order (RFO) asking the court to modify the custody and visitation orders, specifically to start the reunification process. On September 3, 2021, Petitioner was served by mail with the RFO, with Respondent filing a Declaration Regarding Address Verification that same day.

On June 17, 2021, the court adopted the June 1, 2021 CCRC report recommendations with the addition that Respondent shall not use alcohol or controlled substances without a prescription during her visitation or in the 12 hours prior to her visitation, once it commences, to include her reunification therapy. The court further ordered that Respondent prove her compliance with the court orders, including those issued in 2017, and that she provide the information to her therapist to be evaluated for the appropriate time to begin reunification with the minor.

In the RFO, Respondent claims that she has complied with everything that has been asked of her by the court. Attached to the RFO are a certificate of completion for a 90-day early intervention program with Sacramento County, a letter from Sacramento County CPS regarding her involvement with outpatient Substance Abuse treatment and the Specialized Treatment and Recovery Services program, which included individual meetings with recovery specialists, random drug testing, support groups (i.e., NA/AA meetings), and participating in the early intervention program noted above. She further attached several clean drug tests.

Additionally, on July 23, 2021, Respondent filed a Declaration, served on Petitioner by mail on July 27, 2021, to which was attached a certificate of completion for her substance abuse treatment and recovery program as well as a letter regarding from completion of the GPS House Arrest Program.

On October 7, 2021, Petitioner filed a Responsive Declaration, served on Respondent by mail that same day.

On October 14, 2021, Respondent filed a Supplemental Declaration, served on Petitioner by mail on October 12, 2021.

At the October 21, 2021 hearing, the court adopted its tentative ruling as modified to reflect that Respondent's Responsive Declaration was properly served. In the adopted ruling, the court found that Respondent had not met her burden for the court to order drug testing for Petitioner based on the information currently provided to the court. The court further ordered Petitioner not to permit anyone other than Respondent to be referred to as the mother of the minor and to not disparage Respondent or permit others to do so in the hearing distance of the minor.

While the court commended Respondent on her progress, the court's orders on June 17, 2021 included requiring Respondent to share this information with her therapist to be assessed as to the appropriateness of beginning the reunification process.

The court continued the matter to December 2, 2021 at 1:30 p.m. in Department 5 and to ensure compliance with its June 17, 2021 orders and ordered Respondent to obtain a letter from her therapist acknowledging receipt of the information submitted to the court and regarding the therapist's recommendations as to the appropriateness of beginning the reunification counseling with the minor.

On November 23, 2021, Respondent filed a Declaration. However, upon review of the file, the court finds that there is no proof of service indicating service of this filing on Petitioner. As such, the court did not review or consider this filing.

Also, on November 23, 2021, Petitioner filed a Supplemental Declaration, served on Respondent by mail that same day. Petitioner states that a confidential proceeding is set on January 19, 2022. Petitioner argues that it would not be in the child's best interest to commence contact in light of those proceedings. Petitioner requests a continuance of the matter for a few months to allow those issues to proceed, arguing that Respondent has not seen the minor since 2016 and therefore a continuance would not place her in any worse position than she is in now.

On December 2, 2021 the court adopted the tentative ruling as there was no proper request for oral argument.

On December 7, 2021 Respondent filed a RFO again requesting reunification and visitation. Petitioner was served by mail on December 8, 2021 with Proof of Service filed the same day.

On February 9, 2022, Petitioner filed a Responsive Declaration requesting the matter be continued past the current date for trial on the confidential probate matter, which is currently set for April 5, 2022 in Department 8. Respondent was served by mail on February 9, 2022 with Proof of Service filed the same day. Petitioner renews the concerns previously raised in the November 23, 2021 Supplemental Declaration.

Respondent filed a Declaration in support of the RFO on February 15, 2022. Petitioner was served by mail on February 15, 2022 with Proof of Service filed the same day. Petitioner reiterates the same requests from her previous filings.

The court remains concerned about the impact on the minor if she begins to re-establish her relationship with Respondent given the pending proceedings. Therefore, the court finds that the best interest of the child is served by a continuance to the matter to May 12, 2022 at 8:30 a.m. in Department 5.

Respondent is ordered to prepare and file the Findings and Order After Hearing.

TENTATIVE RULING #9: THE COURT CONTINUES THE MATTER TO MAY 12, 2022 AT 8:30 A.M. IN DEPARTMENT 5. RESPONDENT IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.

On October 12, 2021, Respondent filed a Request for Order (RFO) asking the court to make child and spousal support orders. An Income and Expense Declaration was filed concurrently with the RFO.

Upon review of the file, the court finds that Respondent file a proof of service on October 12, 2021, showing service of the Income and Expense Declaration on Petitioner that same day. However, the court finds that there is no proof of service for the RFO.

Nonetheless, on December 16, 2021, Petitioner filed a Responsive Declaration, served on Respondent by mail on December 14, 2021, in which she responds to the requests in the RFO and does not raise lack of service as an issue. Petitioner argued that child and spousal support should not be awarded to Respondent at that time as there was a Temporary Restraining Order in effect then granting Respondent only nonprofessionally supervised visits.

The court finds that a Temporary Restraining Order was granted against Respondent on October 27, 2021, limited his parenting time to supervised visits twice per week for up to 2 hours per visit. At the December 3, 2021 hearing, the court increased Respondent's parenting time to every Wednesday and Friday from after school to 7 p.m. as well as time on Christmas Eve from 10 a.m. to 5 p.m.

On November 9, 2022, Petitioner filed an Income and Expense Declaration, served on Respondent by mail the day prior.

On January 3, 2022, the court continued the initial hearing on the RFO set for January 6, 2022 to February 24, 2022 by the agreement of the parties, as indicated in a letter jointly submitted to the court.

On January 26, 2022, Petitioner filed an Income and Expense Declaration, served on Respondent by mail the same day.

After the January 26, 2022 hearing, the parties agreed to increase his parenting time to every Thursday after school to Sunday morning, supervised by the paternal grandparents.

On February 17, 2022, the court granted a Restraining Order After Hearing against Respondent. The court maintained the current parenting schedule but ordered that it would become unsupervised upon Respondent completing two anger management sessions. The court also ordered that the parties file updated Income and Expense Declaration and any other declarations they wish the court to consider regarding Petitioner's request for attorney's fees as the prevailing party in the restraining order trial. The parties were ordered to file these documents within 30 days of the February 17, 2022 hearing.

As the court does not have a current Income and Expense Declaration from Respondent, the court finds good cause to continue the matter until after Respondent has filed his updated Income and Expense Declaration as ordered by the court on February 17, 2022. Additionally, as the court finds that a current guideline support amount likely would lead to a payment of support from Petitioner to Respondent based on their respective incomes and the current timeshare, the court finds good cause to consider any attorney's fees ordered by the court to determine whether it is appropriate to have the support order function as an offset from Respondent's potential attorney's fee obligation.

For the above reasons, the court continues the matter to April 28, 2022 at 8:30 a.m. in Department 5. The court reserves jurisdiction to make child and spousal support orders retroactive to the date of filing of Respondent's RFO. Respondent is ordered to prepare and file the Findings and Order After Hearing.

TENTATIVE RULING #10: THE COURT CONTINUES THE MATTER TO APRIL 28, 2022 AT 8:30 A.M. IN DEPARTMENT 5. THE COURT RESERVES JURISDICTION TO MAKE CHILD AND SPOUSAL SUPPORT ORDERS RETROACTIVE TO THE DATE OF FILING OF RESPONDENT'S RFO. RESPONDENT IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.

On November 5, 2021 Respondent filed a Request for Order (RFO) requesting orders regarding custody, spousal support, a vocational evaluation, that Petitioner turn over the minors' social security cards, reimburse Respondent for the cost of copies of the minors' birth certificates, and attorney fees. Respondent filed and served an Income and Expense Declaration contemporaneously. Parties were referred to Child Custody Recommendation Counseling (CCRC) for an appointment on December 9, 2021. A review hearing was set for January 27, 2021. Petitioner was served by mail on November 12, 2021 with Proof of Service filed the same day.

Respondent requests sole legal custody of the minors. Respondent asserts he has been the full time primary parent for the minors for over a year and a half. It is Respondent's position that it is difficult to maintain contact with Petitioner as she is out of state. Respondent also requests the court modify spousal support by imputing Petitioner will full time income and order petitioner to submit to a vocational evaluation. Respondent request the social security cards for the minors as well as reimbursement for the costs of obtaining copies of the minors' birth certificates, both of which are necessary for the minors to obtain their learner's permits and eventually their driver's licenses. Respondent also requests to be reimbursed for the costs to driving to Sacramento. Respondent requests Family Code 271 sanctions, as Respondent asserts Petitioner's refusal to provide the social security cards and birth certificates has been unreasonable.

On December 8, 2021 parties agree to continue the review hearing from January 27, 2022 to February 24, 2022.

On December 9, 2021 parties attended CCRC. They were able to reach several agreements. The CCRC counselor made recommendations as to the issues the parties were not able to reach agreements on. A CCRC report containing the agreements and recommendations was filed on January 5, 2022 and mailed to the parties on January 11, 2022. The parties agreed that the minors would decide when and for how long they will visit with Petitioner. The parties also agreed that they will communicate via talkingparents.com. The CCRC counselor recommends that the parties continue to share joint legal custody of the minors, with Respondent to have the final decision making authority if the parties cannot agree. Parties must respond to each other's notification on talkingparents.com within 24-hours of receipt, and failure to do so may affect that parent's legal custody status. The communication must only be regarding the minors and neither party shall respond to the communication about issues unrelated to the minors. Once Petitioner's parenting time has been schedules, it will not be modified unless there is a medical emergency that prevents the minor or minors from traveling to Petitioner's home. The only medical emergency that would suffice is one that would prevent the minor or minors from attending school or extracurricular activities.

Petitioner filed a Responsive Declaration on February 9, 2022. Respondent was served electronically, and the Proof of Service was filed the same day. Petitioner filed an Income and Expense Declaration on February 15, 2022. Respondent was served electronically on February 14, 2022, with the Proof of Service Filed on February 15, 2022. Petitioner requests the court adopt the agreements and recommendations contained in the CCRC report. Petitioner objects to Respondent's request to terminate spousal support as well as the request for a vocational evaluation. Petitioner requests the court award her Family Code 2030 attorney fees. Petitioner agrees to provide the minors with their social security cards when they visits her in person or when she is in the Sacramento area, but does not

agree to mail the cards. Petitioner also requests the court deny Respondent's request for reimbursement of gas or time to obtain copies of the minors' birth certificates.

The court has read and considered the filings as outlined above.

The court adopts the agreements and recommendations contained in the CCRC report as they are in the best interests of the minors.

The court also denies Respondent's request for a vocational evaluation. Based on Petitioner's Income and Expense declaration, she is working full time as a speech pathologist. The court finds there is currently no need for a vocational evaluation. Petitioner is currently employed full-time within her area of expertise and training. The court denies Respondent's request to terminate temporary spousal support.

Based on Respondent's Income and Expense Declaration, his average monthly income is \$10,100 with \$100 in deductions for health care. Based on Petitioner's Income and Expense Declaration, she has a average monthly income of \$6,240 with a \$300 month deduction for a Health Savings Account. Petitioner does not pay income tax in Washington. The court is using a 0% time share for Petitioner's custody time. Based on the above numbers, Petitioner would pay \$1,478 per month in child support. Respondent would pay \$493 per month in spousal support. This results in a net payment of \$985 from Petitioner to Respondent for child support. See attached DissoMaster report. The court orders Petitioner pay \$985 per month as and for child support commencing on March 1, 2022.

The court denies respondent's request for Petitioner to reimburse half the cost of gas to travel to Sacramento to obtain copies of the birth certificates for the minors. Respondent has filed no documentation to support reimbursement of the cost for the duplicate birth certificates.

Petitioner shall provide the minors' social security cards forthwith. If Petitioner is not going to be in the Sacramento area or the minors are not traveling to the Petitioner's home within the next 30 days, the cards are to be sent to Respondent via certified mail with track and confirm no later than March 25, 2022.

The court denies Respondent's request for an accounting of the Adoption Assistance Program (AAP) funds. Respondent has provided no grounds for which this would be necessary. The court does order Petitioner to maintain any AAP funds she holds for the minors in trust for each minor.

The court denies Respondent's request for Family Code section 271 sanctions. Respondent has requested Petitioner pay his fees as a sanction, however, has provided no documentation as to what those fees are. Further, the court does not find the Petitioner's concerns about sending birth certificate and social security cards in the mail completely without merit.

The court finds that the parties' Income and Expense Declaration demonstrate that there is a disparity in monthly income, with Respondent earning substantially more than Petitioner each month prior to support. Following the support order, the disparity in income remains as Petitioner's child support will increase and spousal support will decrease. Although both parties list funds available to them in #11a of their Income and Expense Declaration, the court finds that Respondent does continue to have greater access to funds and ability to pay attorney's fees for both parties. The court orders Respondent to pay Petitioner \$1,250 as and

for attorney fees within 30 days of this order, finding that this is sufficient to address Petitioner's request for Family Code section 2030 fees.

Respondent to prepare and file the findings and orders after hearing.

TENTATIVE RULING #11: THE AGREEMENTS AND RECOMMENDATIONS CONTAINED IN THE CCRC REPORT ARE ADOPTED. RESPONDENT'S REQUEST FOR A VOCATIONAL EVALUATION AND IMPUTATION OF INCOME IS DENIED. RESPONDENT'S REQUEST FOR PETITIONER TO REIMBURSE FOR HALF THE COST OF OBTAINING DUPLICATE BIRTH CERTIFICATES IS DENIED. PETITIONER IS ORDERED TO PROVIDE THE SOCIAL SECURITY CARDS EITHER IN PERSON OR BY CERTIFIED MAIL WITH TRACKING NO LATER THAN MARCH 25, 2022. THE COURT DENIES RESPONDENT'S REQUEST FOR AN ACCOUNTING OF AAP FUNDS. PETITIONER IS ORDERED TO MAINTAIN ANY AAP FUNDS SHE HOLDS IN TRUST FOR EACH MINOR. THE COURT DENIES RESPONDENT'S REQUEST TO TERMINATE SPOUSAL SUPPORT, HOWEVER, DOES MODIFY SPOUSAL AND CHILD SUPPORT AS OUTLINED ABOVE. PETITIONER IS ORDERED TO PAY \$985 PER MONTH AS AND FOR CHILD SUPPORT BEGINNING MARCH 1, 2022. THE COURT DENIES RESPONDENT'S REQUEST FOR FAMILY CODE SECTION 271 SANCTIONS. THE COURT GRANTS PETITIONER'S REQUEST FOR FAMILY CODE 2030 ATTORNEY FEES IN THE AMOUNT OF \$1,250. RESPONDENT TO PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

ATTORNEY (NAME AND ADDRESS): California ATTORNEY FOR: Respondent	TELEPHONE NO:	Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
DISSOMASTER REPORT 2022, Monthly		CASE NUMBER: PFL 20180544

Input Data	Responden	Petitioner	Guideline (2022)	Cash Flow Analysis	Respondent	Petitioner
Number of children	2	0	Nets (adjusted)	Guideline		
% time with NCP	0%	0%	Respondent	7,728	Payment (cost)/benefit	1,031 (985)
Filing status	HH/MLA	<-MFS	Petitioner	5,053	Net spendable income	8,713 4,068
# Federal exemptions	3*	1*	Total	12,781	% combined spendable	68.2% 31.8%
Wages + salary	10,100	6,240	Support (Nondeductible)		Total taxes	2,272 1,187
401(k) employee contrib	0	0	CS Payor	Petitioner	# WHA	9 0
Self-employment income	0	0	Presumed	(1,478)	Net wage paycheck/mo	7,695 5,172
Other taxable income	0	0	Basic CS	(1,478)	Comb. net spendable	12,781
Other nontaxable income	0	0	Add-ons	0	Proposed	
New-spouse income	0	0	Presumed Per Kid		Payment (cost)/benefit	1,031 (985)
Wages + salary	0	0	Child 2	(549)	Net spendable income	8,713 4,068
Self-employment income	0	0	Child 3	(929)	NSI change from gdl	0 0
Misc ordinary tax, inc.	0	0	SS Payor	Responden	% combined spendable	68.2% 31.8%
SS paid other marriage	0	0		t	% of saving over gdl	0% 0%
Retirement contrib if ATI	0	0	Alameda	493	Total taxes	2,272 1,187
Required union dues	0	0	Total	(985)	# WHA	9 0
Nec job-related exp.	0	0	Proposed, tactic 9		Net wage paycheck/mo	7,695 5,172
Adj. to income (ATI)	0	300	CS Payor	Petitioner	Comb. net spendable	12,781
SS paid other marriage	0	0	Presumed	(1,478)	Percent change	0.0%
CS paid other relationship	0	0	Basic CS	(1,478)	1 Setting Changed	
Qual. Bus. Inc. Ded.	0	0	Add-ons	0	Petitioner, Include State Taxes: No	
Health insurance	100	0	Presumed Per Kid			
Itemized deductions	1,850	2,042	Child 2	(549)		
Other medical expenses	0	300	Child 3	(929)		
Property tax expenses	0	0	SS Payor	Responden		
Ded. interest expense	1,850	0		t		
Charitable contribution	0	1,742	Alameda	493		
Miscellaneous itemized	0	0	Total	(985)		
Required union dues	0	0	Savings	0		
Mandatory retirement	0	0	No releases			
Hardship deduction	0*	0*				
Other gdl. deductions	0	0				
AMT info (IRS Form 6251)	0	0				
Child support add-ons	0	0				
TANF, SSI and CS received	0	0				



13. STEPHANIE ELLIS V. DAVID FRINGS

21FL0112

On December 17, 2021 parties were referred by the court to a Child Custody Recommending Counseling (CCRC) appointment. The appointment was set for January 6, 2022 with a review hearing set for February 24, 2022.

On January 6, 2022 the CCRC appointment was rescheduled to January 20, 2022, due to the unavailability of the CCRC counselor. Parties were noticed by the court clerk.

On January 20, 2022 no parties appeared at the CCRC appointment.

No party has filed any declarations in this matter.

TENTATIVE RULING #13: PARTIES ARE ORDERED TO APPEAR

On May 5, 2021, Petitioner filed a Request for Order (RFO) asking the court to make child and spousal support orders. An Income and Expense Declaration was filed concurrently with the RFO. On May 18, 2021, Respondent was served by mail with the RFO.

On June 9, 2021, Respondent filed an RFO requesting modification of the current custody and visitation orders. The parties were referred to CCRC and given a return to court date. On June 16, 2021 Respondent filed a Proof of Electronic Service and a Proof of Service by First-Class Mail showing service upon Petitioner on June 15, 2021.

On June 25, 2021, Respondent filed a Responsive Declaration to Petitioner's RFO and an Income and Expense Declaration, served on Petitioner by mail that same day. Respondent contends that his income is much lower (\$4,285.42 on average per month) than what Petitioner claims in her RFO (over \$10,000). Respondent also requests that Petitioner be imputed at full-time minimum wage.

On July 8, 2021, Respondent filed a Declaration Regarding Journal Entry and Transcript of Phone Call, served on Petitioner electronically and by mail that same day.

At the hearing on July 15, 2021 regarding Petitioner's RFO, the court found that, while both parties have an equal obligation to support the minor children to the extent of their earning capacity, Respondent has not met his burden of showing that Petitioner has the ability and opportunity to work to this earning capacity.

The court further noted that while there is no proof of service indicating service of Petitioner's Income and Expense Declaration, the proof of service for the RFO indicates that 21 total pages were served, which is consistent with the Income and Expense Declaration being included. Nonetheless, absent confirmation from Respondent that he received the filing, the court determined it could not consider this filing.

The court continued the matter to September 16, 2021 at 8:30 a.m. in Department 5. Both parties were ordered to file and serve on one another updated Income and Expense Declarations at least 10 days in advance of the next hearing date.

On July 19, 2021, Petitioner filed a Responsive Declaration to Respondent's RFO and a Declaration in Support of the Responsive Declaration. Petitioner additionally filed a Proof of Electronic Service showing service upon Respondent the same day.

The parties attended their CCRC appointment and a CCRC report was issued on August 2, 2021. Copies of the report were mailed to the parties on August 31, 2021. The CCRC report reflects that the parties have agreed to maintain the current custody and visitation orders.

On September 7, 2021, Respondent filed an Income and Expense Declaration, served electronically on Petitioner on September 3, 2021.

At the hearing on September 9, 2021, the parties requested a continuance of the hearing to October 21, 2021. The parties also requested that the September 16, 2021 hearing be continued to that date as well. The court approved both requests.

On September 22, 2021, Respondent filed a Reply Declaration to CCRC Report and Supplemental Declaration, served by mail and electronically on Petitioner that same day. Respondent claims that he only agreed to maintain the current orders because he was told in CCRC that his request for sole custody would be denied by the court. Respondent alleges that Petitioner is abusing alcohol and requests that he be granted custody of the kids until Petitioner can prove she can provide a health and safe home for the kids with no alcohol. Respondent further requests that Petitioner be ordered to not consume alcohol up to 24 hours prior to her parenting time (an increase from the current order to refrain from using alcohol 8 hours prior to her parenting time) and that Petitioner be ordered to submit to 80-hour EtG testing after her parenting time when requested and to attend AA meetings.

Also, on September 22, 2021, Petitioner filed an Income and Expense Declaration, served on Respondent by mail that same day.

On October 14, 2021, Respondent filed a Supplemental Declaration, served on Petitioner by mail on October 28, 2021. Respondent requests that Petitioner have alternate weekends with the minors, who he claims are refusing to spend time with Petitioner. Respondent declares that in late September the oldest minor showed up at Respondent's home during Petitioner's parenting time, saying he does not want to be at Petitioner's home. Respondent also alleges that on September 27, 2021 Petitioner physically assaulted the oldest minor and called him derogatory names.

At the October 21, 2021, the court inadvertently did not post a tentative ruling, as the parties stipulated to drop a separate issue set for hearing that day, which the court interpreted to mean that all issues were dropped from calendar. Rather, both parties appeared and requested a continuance. The court continued the matter to November 4, 2021.

Finding that the vast majority of information provided by Respondent regarding the children's concerns were from the children themselves or from anonymous neighbors, at the November 4, 2021 hearing the court determined that it did not have competent evidence regarding what is occurring in Petitioner's home and appointed a CASA to advocate for the children. The CASA was ordered to file and serve on all parties a report to provide input to the court regarding the minors' best interest at least 10 days in advance of the next hearing.

The court continued the matter to January 27, 2022. Pending the next hearing, the current custody and visitation orders were ordered to remain in full force and effect.

Regarding child support, using the most recent Income and Expense Declarations, the court found at the November 4, 2021 hearing that guideline child support was \$686 and temporary spousal support under the Alameda formula was \$302. The court adopted these amounts as the orders of the court, effective June 1, 2021. Respondent was ordered to pay an additional \$50 per month towards the arrears balance, payable on the 1st of the month, commencing with December 1, 2021, until the balance is paid in full.

The court reserved jurisdiction to modify child and spousal support retroactive to the date of filing of Petitioner's RFO and continued the issues of child and spousal support to the January 27, 2022 hearing. Both parties were ordered to file and serve on one another updated Income and Expense Declarations at least 10 days in advance of the hearing.

On January 13, 2022, Petitioner filed an Income and Expense Declaration, served by mail on Respondent that same day.

On January 14, 2022, the court received the CASA report, which was served on Petitioner's counsel by mail and Respondent's counsel and both parties electronically that same day. The report provides input from the children and further information from the parties regarding the children's well-being in each parent's home. The report notes that both minors prefer to spend more time with Respondent. The report gives input as to possible custody orders, including an order for both parties to complete a co-parenting class and a modification to the schedule to reduce Petitioner's parenting time to every Wednesday and every other weekend.

At the January 27, 2022, the parties declined to stipulate to Commissioner Slossberg hearing the matter as a Temporary Judge, and the matter was continued to February 24, 2022.

On February 16, 2022, Petitioner filed a Supplemental Declaration of Petitioner in Opposition to CASA Report, served on Respondent electronically that same day. Petitioner argues that the court cannot consider the CASA Report as it is inadmissible hearsay and requests that the court exclude it.

The court agrees with Petitioner and finds that CASA Report is inadmissible hearsay and declines to consider it for the February 24, 2022 hearing. The court notes that the matter is set for trial on March 15, 2022 and that per Petitioner's Statement of Issues and Contentions filed on February 7, 2022 custody and visitation is at issue at the trial. Finding that the court does not have new admissible evidence for its consideration, the court continues the custody and visitation issues to the March 15, 2022 trial. To the extent that these issues have not already been added to the trial date, the court adds these issues now.

Regarding child and spousal support, the court finds that Respondent has failed to file an updated Income and Expense Declaration 10 days prior to the hearing as ordered by the court. The court further finds that child and spousal support are set for trial on March 15, 2022. The court continues the issues of child and spousal support to the trial date and orders

Respondent to file an updated Income and Expense Declaration at least 10 days in advance of the hearing. The court reserves jurisdiction to modify the support amounts back to the date of filing of Petitioner's RFO.

Petitioner is ordered to prepare and file the Findings and Order After Hearing.

TENTATIVE RULING #14: THE MATTER IS CONTINUED TO THE TRIAL DATE OF MARCH 15, 2022. THE COURT ORDERS RESPONDENT TO FILE AN UPDATED INCOME AND EXPENSE DECLARATION AT LEAST 10 DAYS IN ADVANCE OF THE HEARING. THE COURT RESERVES JURISDICTION TO MODIFY THE SUPPORT AMOUNTS BACK TO THE DATE OF FILING OF PETITIONER'S RFO. PETITIONER IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.