

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 7, 2022

8:30 a.m./1:30 p.m.

2. AMANDA VASQUEZ V. ARNOLD ROSENFELD III

PFL20210668

On January 6, 2022, the court found that the agreements contained within the CCRC report to be in the best interest of the minors and adopted them as the orders of the court with the following additions. The court found good cause to appoint a CASA to the case to assess the home environment of each of the parties based on the allegations contained with the RFO and the agreement of the parties. The CASA was ordered to submit a report after the home visits and serve it on the parties. The court set a review hearing on the CASA report for April 7, 2022. The parties were ordered to file and serve supplemental declarations regarding their positions no later than 10 days prior to the hearing date. Failure to do so may result in the hearing being dropped.

On March 17, 2022, CASA filed a report with an assessment of each of the parties' respective homes. The CASA report was served on the parties by mail on March 17, 2022. The CASA was able to observe both parties' homes. Petitioner's home was appropriate for the minors. There was one noted concern about a freestanding fireplace. Respondent's home was found to be appropriate. There was one noted concern about a hole in the bathroom floor which was addressed with Respondent.

There have been no additional filings in this case.

Based on the CASA report, the court finds that each parties' home is appropriate for the minors. All prior orders remain in full force and effect.

TENTATIVE RULING #2: BASED ON THE CASA REPORT, THE COURT FINDS THAT EACH HOME IS APPROPRIATE FOR THE MINORS. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT.

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3. CARMEL MITCHELL V. ADAM MITCHELL

PFL20150209

On December 16, 2021 the matter was re-referred to Child Custody Recommending Counseling (CCRC) for the Counselor to interview the minor to determine what parenting plan will best suit the minor's needs. The matter was set for a further review hearing on April 7, 2022 to address the progress of the current custody orders and how the minors are doing.

Parties filed a stipulation to change the CCRC hearing date to accommodate the minor's school schedule.

On February 28, 2022 the minor met with the CCRC counselor. A CCRC report was filed on March 15, 2022 and served on the parties on March 30, 2022. The recommendation is to maintain the current parenting plan with the minor having a week on/week off schedule. The recommendation is also to maintain the ability for the minor to flex the schedule with 48 hours notice and not to interfere with the other parent's parenting time for more than 48 hours unless expressly agreed by the parties in writing. Finally, the recommendation is to make the current orders permanent orders.

The court has read and considered the updated CCRC report and makes the following orders: The court adopts the recommendations contain within the CCRC report that the current orders as to the minor Samantha remain in full force and effect. The parenting plan is a week on/week off schedule. The court orders the minor has the ability to flex her schedule with 48 hours' notice. The flex schedule is not to interfere with parenting time for more than 48 hours unless the parties have expressly agreed in writing.

All prior orders not in conflict, remain in full force and effect. Petitioner is ordered to prepare and file the findings and orders after hearing.

TENTATIVE RULING #3: THE RECOMMENDATIONS CONTAINED WITHIN THE CCRC REPORT ARE ADOPTED AS THE ORDERS OF THE COURT. ALL PRIOR ORDERS NOT IN CONFLICT, REMAIN IN FULL FORCE AND EFFECT. PETITIONER IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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5. ELIZABETH VAN LUEVEN V. KIRK VAN LEUVEN

PFL20190169

Respondent filed a Request for Order (RFO) on January 11, 2022. Respondent is requesting child custody orders, parenting time, and reinstatement of reunification therapy. Parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on February 17, 2022 and a review hearing on April 7, 2022. Petitioner was served with the RFO and referral to CCRC by mail on January 25, 2022.

Respondent requests the court order joint legal and physical custody of the minor. Respondent request the court reinstate a reunification therapist and a new individual counselor for the minor. The court had previously ordered joint legal custody and sole physical custody to Petitioner. The parties were to participate in co-parenting counseling as well as family counseling. The minor was to continue to participate in her individual counseling. Respondent's parenting time was to be determined and agreed upon by the child, therapist, and parents. The individual therapists were to provide input to the family therapist. Respondent asserts that the therapists have not been able to reach a consensus, which has delayed reunification progressing. Respondent further asserts he has been unable to participate in the minor's education, medical care, and extracurricular activities and has not had any therapeutic visitation or contact with the minor.

Petitioner filed a responsive Declaration on February 25, 2022. Respondent was served by mail on February 27, 2022. Petitioner objects to Respondents requested orders but agrees to having a reunification therapist to work with the family and coordinate between the individual therapists and family therapist. Petitioner requests the court maintain the current custody order granting her sole physical custody and further requests the court allow her the ability to travel out of state without Respondent's permission. Petitioner asserts Respondent has prevented the minor from traveling out of state to visit with her siblings and friends.

Parties attended CRC on February 17, 2022 and reached an agreement. A copy of the report was mailed to the parties on March 30, 2022.

Petitioner filed a RFO on February 25, 2022 requesting a modification of child support orders. Petitioner filed her Income and Expense Declaration concurrently with the RFO. A hearing was set for the RFO on April 7, 2022. Respondent was served by mail on February 27, 2022.

Petitioner's Income and Expense Declaration shows she has an average monthly income of \$1,900. She has \$210 in month deductions for health insurance.

Respondent filed a Responsive Declaration to the February 25, 2022 RFO, an Income and Expense Declaration, and a Supplemental Declaration on April 1, 2022, which is less than nine days prior to the hearing and does not comply with Code of Civil Procedure 1005. Therefore, the court has not considered these filings. Petitioner was served by mail on March 30, 2022.

On April 5, 2022 Petitioner filed an Objection to Respondent's Responsive Declaration as it was served late. Respondent was served with Petitioner's Objection electronically on April 5, 2022.

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The court has read and considered the filings as outlined above and makes the following findings and orders:

The agreement contained within the CCRC report is in the best interest of the minor and is adopted as the court order. Petitioner shall provide the names of three potential reunification therapists to Respondent no later than April 21, 2022. Respondent shall select one of the three no later than April 28, 2022. The individual therapists and reunification therapist are authorized to coordinate with each other for purposes of providing reunification therapy.

The court continues Petitioner's request for child support to [date 6-7 weeks]. The court reserves jurisdiction to the date of the filing of the request to modify child support.

All prior orders not in conflict remain in full force and effect. Respondent is to prepare and file the findings and orders after hearing.

TENTATIVE RULING #5: THE AGREEMENT CONTAINED WITHIN THE CCRC REPORT ARE ADOPTED AS THE COURT'S ORDER. PARTIES ARE TO SELECT A REUNIFICATION THERAPIST AS OUTLINED ABOVE. THE COURT CONTINUES THE REQUEST FOR MODIFICATION OF CHILD SUPPORT TO MAY 19TH, 2022 AT 8:30AM. THE COURT RESERVES JURISDICTION TO MODIFY CHILD SUPPORT TO THE DATE OF THE FILING OF THE RFO. ALL PRIOR ORDERS NOT IN CONFLICT REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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7. GRAYSON HOWARD V. NATALIE PETERSEN

PFL20180836

On October 14, 2021, the court adopted the parties' agreements, appointed Minors' Counsel, and set a hearing on January 27, 2022 regarding Minors' Counsel's input and the custody and visitation orders.

On January 20, 2022, Petitioner filed a Supplemental Declaration outlining the reunification process to date. Petitioner requests the step-up plan be expedited, as the initial meeting with the minors went well, and there were no concerns noted. Respondent was served a copy of the Supplemental Declaration by mail on January 20, 2022 with Proof of Service filed the same day.

Parties appeared at the January 27, 2022 hearing, however, Respondent objected to the matter being heard by a temporary judge. Parties agreed to have Dennis Brimer appointed as Minors' Counsel.

On March 4, 2022 Petitioner filed a Supplemental Declaration. Respondent and Minors' Counsel were served by mail on March 4, 2022, with Proof of Service Filed the same day. Petitioner requests the court move forward with the step-up plan as agreed to by the parties and adopted by the court in October last year. Petitioner includes as exhibits communication from the reunification therapist. Exhibit A outlines that visitation is going well and the minors appear to have a positive relationship with the Petitioner. Exhibit B is a statement from the reunification therapist that she is unable to make recommendations as to custody, as it is beyond the scope of her practice. She can provide the court with information about the visits, which she has done.

Parties and counsel, with the exception of minors' counsel at the March 10, 2022 hearing. Minors' Counsel had not yet had an opportunity to meet with his clients and requested the matter be continued. The court ordered that Petitioner have phone calls with the minors two evenings per week at 6:00 p.m. Parties were to meet and confer to select days. The court continued the hearing to March 24, 2022.

On March 21, 2022 Minors' Counsel filed a Report with recommendations. There is no proof of service for the report.

On March 24, 2022 parties and counsel, with the exception of minors' counsel, appeared for the hearing and counsel for each of the parties agreed they had received a copy of the report and the court could consider it. The court ordered father to have unsupervised day visits with the minor. The court declined to order drug testing.

Minors' counsel recommends the family continue reunification therapy. The report also recommends unsupervised visits for 4 hours each one time per month. If all visits go well for the first month, then to start the visits as outlined in the CCRC report. Minors' Counsel also recommends Petitioner submit to random drug testing one time per month.

Petitioner filed a Responsive Declaration to Minors' Counsel's report on April 1, 2022. Parties were served by mail on the same day. Petitioner requests the court adopt the agreement of the parties, as outlined in the September 1, 2021 CCRC report and adopted by the court on October 14, 2021, and commence with Step 2 of the step-up plan.

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The court has read and considered the above filings and makes the following findings and orders:

Reunification therapy shall continue at a frequency and duration as recommended by the therapist. Petitioner shall progress to Step 2 as outlined in the CCRC report. Petitioner shall have parenting time on the 1st, 3rd, and 5th Saturday from 10:00 A.M. to 6:00 P.M. and one weekday on the 2nd and 4th week from 5:00 P.M. to 7:00 P.M. Additionally, Petitioner is authorized to have phone calls with the minors two days a week at 6:00 P.M. Step 2 shall begin on Saturday April 16, 2022. Petitioner will have an unsupervised day visit with the minors on April 9, 2022. Step 2 shall be in effect for 30 days. The parenting plan shall proceed as outlined in the September 1, 2021 CCRC report as adopted by the court. The court denies the request for random drug testing without prejudice.

All prior orders not in conflict with this order will remain in full force and effect. Petitioner to prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #7: REUNIFICATION THERAPY SHALL CONTINUE AT A FREQUENCY AND DURATION AS RECOMMENDED BY THE THERAPIST. PETITIONER SHALL PROGRESS TO STEP 2 AS OUTLINED IN THE CCRC REPORT. PETITIONER SHALL HAVE PARENTING TIME ON THE 1ST, 3RD, AND 5TH SATURDAY FROM 10:00 A.M. TO 6:00 P.M. AND ONE WEEKDAY ON THE 2ND AND 4TH WEEK FROM 5:00 P.M. TO 7:00 P.M. ADDITIONALLY, PETITIONER IS AUTHORIZED TO HAVE PHONE CALLS WITH THE MINORS TWO DAYS A WEEK AT 6:00 P.M. STEP 2 SHALL BEGIN ON SATURDAY APRIL 16, 2022. PETITIONER WILL HAVE AN UNSUPERVISED DAY VISIT WITH THE MINORS ON APRIL 9, 2022. STEP 2 SHALL BE IN EFFECT FOR 30 DAYS. THE PARENTING PLAN SHALL PROCEED AS OUTLINED IN THE SEPTEMBER 1, 2021 CCRC REPORT AS ADOPTED BY THE COURT. THE COURT DENIES THE REQUEST FOR RANDOM DRUG TESTING WITHOUT PREJUDICE. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER WILL REMAIN IN FULL FORCE AND EFFECT. PETITIONER TO PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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8. HEATHER KAPLAN V. DAVID KAPLAN

PFL20180836

On October 5, 2021 Respondent's ex parte application was granted and Respondent was awarded sole legal and physical custody with supervised visitation to Petitioner. The parties were referred to CCRC and the concurrently filed Request for Order (RFO) was set on the Law and Motion calendar for December 16, 2021. Respondent filed a Proof of Service showing service by email of the ex parte application upon both Petitioner and her attorney showing service on October 4, 2021. Petitioner did not respond to the ex parte application.

On October 14, 2021 Respondent filed a Proof of Electronic Service and Service by Mail showing service of the filings and ex parte orders upon Petitioner's counsel on October 5, 2021.

On October 18, 2021 Respondent filed a Letter from Maternal Grandmother (Lisa Williams) Dated September 22, 2021 and a Proof of Service showing service upon Petitioner's counsel on October 14, 2021.

Respondent appeared for CCRC and Petitioner did not. A CCRC report was issued on November 8, 2021 and copies were mailed to the parties on November 8, 2021.

On December 16, 2022 the court modified and adopted its tentative ruling and made the following findings and orders:

The court took Judicial Notice of its own file per Evidence Code section 452(d) and found that Judgment entered on January 6, 2020, which included custody and visitation orders. The Judgment contains a provision on page 14, section 16 indicating that the Judgment is intended to be "the final, complete and exclusive agreement of the parties on the matters it covers." Therefore, the court found that the parties intended the custody and visitation orders to be final orders.

The court found that Respondent complied with Family Code section 215(a) and notified Petitioner, in addition to her attorney of record, of the ex parte application. The court found that Respondent demonstrated a change in circumstances to support the ex parte orders issued on October 5, 2021 changing legal and physical custody to Respondent. Those orders are affirmed.

The court noted that service of the RFO and referral to CCRC had been provided. Parties were re-referred to CCRC on February 14, 2022 and a further review hearing was set for April 7, 2022. Petitioner's visits are supervised and can be supervised by a party agreed to by the parties in writing.

Pending return to court, the October 5, 2021 orders remain in full force and effect. All prior orders not inconsistent also remain in full force and effect.

On February 1, 2022 Respondent filed a Supplemental Declaration. Petitioner was served electronically on January 26, 2022. Respondent requests the court order no custodial time with Petitioner unless she can demonstrate protective capacity from Jesse Medina and show proof of successful rehabilitation from drugs and alcohol. Respondent requests the court grant him sole physical and legal custody of the minor.

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Only Respondent appeared at the February 14, 2022 CCRC appointment. As such, a single parent CCRC report was issued which contains no agreements or recommendations. The court finds Petitioner had notice of the CCRC appointment as she was present in court when the appointment was set. This is the second time Petitioner has failed to appear at CCRC and the court will not set a further CCRC appointment in this matter.

There have been no additional filings from Petitioner.

The court finds the current custody and parenting time orders remain in the minor's best interest and shall remain in full force and effect. Respondent shall have sole physical and legal custody of the minor. Petitioner shall have supervised visitation two times per week for two hours each. The supervisor is to be agreed to by the parties in writing. If parties cannot agree, visits are to be professionally supervised. Petitioner is to pay for professional supervision. Petitioner must confirm the in-person visitation at least 24 hours in advance or the visit will not take place.

All prior orders not in conflict remain in full force and effect. Respondent shall prepare and file the findings and orders after hearing.

TENTATIVE RULING #8: THE COURT FINDS THE CURRENT CUSTODY AND PARENTING TIME ORDERS REMAIN IN THE MINOR'S BEST INTEREST AND SHALL REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL HAVE SOLE PHYSICAL AND LEGAL CUSTODY OF THE MINOR. PETITIONER SHALL HAVE SUPERVISED VISITATION TWO TIMES PER WEEK FOR TWO HOURS EACH. THE SUPERVISOR IS TO BE AGREED TO BY THE PARTIES IN WRITING. IF PARTIES CANNOT AGREE, VISITS ARE TO BE PROFESSIONALLY SUPERVISED. PETITIONER IS TO PAY FOR PROFESSIONAL SUPERVISION. PETITIONER MUST CONFIRM THE IN-PERSON VISITATION AT LEAST 24 HOURS IN ADVANCE OR THE VISIT WILL NOT TAKE PLACE. ALL PRIOR ORDERS NOT IN CONFLICT REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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9. JAMES VERANDES V. ALLISON VERANDES

PFL20170788

On October 14, 2021 the court adopted its tentative ruling with modifications and set a further review hearing to determine whether Petitioner's parenting time should be further expanded.

On December 8, 2021 the submitted a stipulation to modify the findings and orders after hearing from the October 14, 2021 hearing. Petitioner's Saturday parenting time shall be from 1:00 pm to 7:00 pm.

In February 2022 Petitioner's parenting time was expanded to include overnights every other weekend from Saturday at 9:00 am to Sunday at 7:00 plus Wednesday from after school until 7:00 pm.

Petitioner filed a Supplemental Declaration on March 28, 2022. Petitioner was served electronically on the same day. Petitioner states in his declaration that his parenting time with the minors has continued to go well. Petitioner also states the parties have not participated in court-ordered co-parenting counseling and their communication and co-parenting continues to be difficult. Petitioner states he has demonstrated the ability to adhere to the rules and parent the minors. Petitioner request the court progress to joint physical custody with his parenting time to be Sunday at 12:00 pm to Monday at 7:00 pm. Tuesday and Wednesday after school until 7:00 pm and alternating weekends from Saturday at 9:00 am to Sunday at 12:00 pm.

On April 1, 2022 Respondent filed a Supplemental Declaration. Petitioner was served by mail and electronically on March 31, 2022. Respondent requests the current parenting time schedule remain in full force and effect or be reduced. Respondent asserts the minor's do not feel comfortable in the home of Petitioner due to his yelling as well as his roommate's behaviors. The minors have disclosed these concerns to Respondent as well as to their counselor.

Petitioner filed a Reply Declaration on April 1, 2022. Respondent was served electronically the same day. Petitioner objects to Respondent's exhibit A as hearsay as it was not written under penalty off perjury. Petitioner also requests Respondent's Exhibit A be placed under seal as it contains confidential communications between the minors and their therapist. Petitioner is also objecting to the minors continuing therapy with Sabrina Griswold, as she is not a licensed therapist.

The court has read and considered the above filings and makes the following orders:

The court agrees with Petitioner and finds the therapist's letter is inadmissible hearsay and declines to consider it for the April 7, 2022 hearing. The court grants Petitioner's request to place the letter under seal as it contains confidential information.

The court denies Petitioner's request to change the minor's therapist. Upon review of the October 14, 2021 court order, there is no specification the therapist be fully licensed. The court notes Petitioner's concerns, however, the minors have begun establishing a relationship with Ms. Griswold. Ms. Griswold is being overseen by Katherine Thomas, who is a licensed Marriage and Family Therapist. There was a significant delay, from the October order for the minors to be in therapy, to February when therapy commenced. The court cannot find further delay or a change in therapists after the process of establishing a therapeutic relationship would be in the minor's best interest.

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The court denies Petitioner's request to vacate the order for co-parenting counseling but does make the following modification. Parties are to enroll and participate in a co-parenting class. Parties must file and serve proof of completion of the co-parenting class no later than May 31, 2022. Upon completion of the co-parenting class, parties are to participate in co-parenting counseling. Petitioner is to provide Respondent with the names of three licensed co-parenting therapists within two weeks of receiving proof of Respondent's completion of co-parenting classes. Respondent will then have one week to select one of the three therapists. Parties will participate in co-parenting counseling at the frequency and duration as directed by the therapist.

The court grants Petitioner's request to re-refer the parties to CCRC on May 4th at 1:00PM with Ady Langer. The CCRC counselor is authorized to speak with the minors' therapist. The court sets a further review hearing on June 23rd, 2022 at 8:30AM.

All prior orders not in conflict remain in full force and effect. Petitioner is ordered prepare and file the findings and orders after hearing.

TENTATIVE RULING #9: THE COURT FINDS THE THERAPIST'S LETTER IS INADMISSIBLE HEARSAY AND DECLINES TO CONSIDER IT FOR THE APRIL 7, 2022 HEARING. THE COURT ORDERS THE LETTER PLACED UNDER SEAL AS IT CONTAINS CONFIDENTIAL INFORMATION. THE COURT DENIES THE REQUEST TO CHANGE THE MINOR'S THERAPIST. THE COURT DENIES THE REQUEST TO VACATE THE ORDER FOR CO-PARENTING COUNSELING. PARTIES ARE TO ENROLL AND PARTICIPATE IN A CO-PARENTING CLASS. PARTIES MUST FILE AND SERVE PROOF OF COMPLETION OF THE CO-PARENTING CLASS NO LATER THAN MAY 31, 2022. UPON COMPLETION OF THE CO-PARENTING CLASS, PARTIES ARE TO PARTICIPATE IN CO-PARENTING COUNSELING. PETITIONER IS TO PROVIDE RESPONDENT WITH THE NAMES OF THREE LICENSED CO-PARENTING THERAPISTS WITHIN TWO WEEKS OF RECEIVING PROOF OF RESPONDENT'S COMPLETION OF CO-PARENTING CLASSES. RESPONDENT WILL THEN HAVE ONE WEEK TO SELECT ONE OF THE THREE THERAPISTS. PARTIES WILL PARTICIPATE IN CO-PARENTING COUNSELING AT THE FREQUENCY AND DURATION AS DIRECTED BY THE THERAPIST. THE COURT RE-REFERS THE PARTIES TO CCRC ON MAY 4TH, 2022 AT 1:00PM WITH ADY LANGER. THE CCRC COUNSELOR IS AUTHORIZED TO SPEAK WITH THE MINORS' THERAPIST. THE COURT SETS A FURTHER REVIEW HEARING ON JUNE 23RD, 2022 AT 8:30AM. ALL PRIOR ORDERS NOT IN CONFLICT REMAIN IN FULL FORCE AND EFFECT. PETITIONER IS ORDERED PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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10. JESUS FLORES V. ALEXANDRIA WASHBURN

PFL20200647

On February 25, 2022, Respondent filed a Request for Order (RFO) requesting the court enforce the order for co-parenting counseling. Petitioner was served with the RFO by mail and electronically on February 28, 2022. Respondent request the court enforce the order made on July 15, 2021, directing parties to enroll in and participate in co-parenting counseling. Respondent requests the court order sanctions of \$100 a day if Petitioner fails to participate in co-parenting counseling. Respondent also request the court order Family Code section 271 sanctions.

Petitioner has not filed a responsive declaration.

The court finds that while Petitioner has filed a notice of appeal of the court's November 5, 2021 ruling, not stay has been issued. Therefore, the court affirms its July 15, 2021 order for the parties to enroll and participate in co-parenting counseling. The parties have enrolled and participated in co-parenting counseling with Tim Rood. The court denies the request for sanctions of \$100 a day if Petitioner fails to participate, however a motion for contempt may be brought.

The court reserves on Respondent's request for Family Code section 271 sanctions. However, Petitioner is warned any further failure to abide by the court order to participate in co-parenting counseling may result in sanctions being imposed.

All prior orders remain in full force and effect. Respondent shall prepare and file the findings and orders after hearing.

TENTATIVE RULING #10: THE PRIOR ORDER FOR CO-PARENTING COUNSELING REMAINS IN FULL FORCE AND EFFECT. PARTIES ARE TO CONTINUE TO PARTICIPATE IN CO-PARENTING COUNSELING WITH TIM ROOD AT A FREQUENCY AND DURATION AS DIRECTED BY MR. ROOD. THE COURT RESERVES ON RESPONDENT'S REQUEST FOR FAMILY CODE SECTION 271 SANCTIONS. HOWEVER, PETITIONER IS WARNED ANY FURTHER FAILURE TO ABIDE BY THE COURT ORDER TO PARTICIPATE IN CO-PARENTING COUNSELING MAY RESULT IN SANCTIONS BEING IMPOSED. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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11. JON GRGICH V. KIMBERLY GRGICH

PFL20190950

Respondent filed a Request for Order (RFO) on January 27, 2022 requesting the court order Petitioner to file his Preliminary Declarations of Disclosure and award Respondent Family Code section 271 attorney fees. Petitioner was served by mail on February 2, 2022. Respondent asserts Petitioner has failed to comply with Family Code section 2104 (f) in that he has failed to serve her with the preliminary declaration of disclosure within 60 days of filing the petition. Respondent requests the court compel Petitioner's disclosures and Family code section 271 sanctions.

Petitioner has not filed a responsive declaration.

The court grants Respondents motion to compel. Petitioner is to serve his preliminary declarations of disclosure, and file Proof of Service within 5 days. The court also grants Respondent's request for Family Code section 271 sanctions in the amount of \$1,500.

TENTATIVE RULING #11: THE COURT GRANTS RESPONDENTS MOTION TO COMPEL. PETITIONER IS TO SERVE HIS PRELIMINARY DECLARATIONS OF DISCLOSURE, AND FILE PROOF OF SERVICE WITH THE COURT WITHIN 5 DAYS. THE COURT ALSO GRANTS RESPONDENT'S REQUEST FOR FAMILY CODE SECTION 271 SANCTIONS IN THE AMOUNT OF \$1,500.

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12. JONETTE MONTBLEAU V. RICHARD MONTBLEAU

PFL20180797

On February 14, 2022 Petitioner filed a Request for Order (RFO) requesting the court child support, spousal support, Respondent to provide declarations of disclosure, submit to a vocational evaluation, and attorney fees. Petitioner filed her Income and Expense Declaration concurrently with the RFO. Respondent was served by mail on February 14, 2022.

Petitioner requests the court order guideline child support. Petitioner also requests the court order guideline child support and guideline temporary spousal support with imputation of income subject to the requested vocational evaluation. Petitioner also seeks and order for Respondent to provide his Declaration of Disclosure. Petitioner also requests the court order Family Code section 2030 attorney fees.

The court finds based on Petitioner's Income and Expense Declaration that her average monthly income is \$4,059. Petitioner has monthly deductions of \$100 for required union dues, \$602 for health insurance, and \$663 for property taxes. Petitioner also pays \$861 in health care for the minors that is not covered by insurance as well as tuition, uniform, and tutoring expenses for the minors totally \$797.00 per month.

Respondent filed a responsive Declaration to the RFO on March 24, 2022. Respondent filed an Income and Expense Declaration concurrently. Petitioner was served electronically on March 24, 2022. Respondent requests the court use an equal timeshare when calculating support, use Petitioner's expenses as her income, deny Petitioner's request to impute income to him, deny Petitioner's request for spousal support, deny Petitioner's request for attorney fees.

The court finds based on Respondent's Income and Expense Declaration that he currently has no income but has \$373,000 in cash assets. Respondent has \$65 a month in charitable donations as deductions. Respondent contributes \$1,888 per month towards the minors' private tuition and gym membership.

On March 30, 2022, Petitioner filed a Reply Declaration. Respondent was served electronically the same day.

The court grants petitioner's motion to compel Respondent's Declaration of Disclosure. Respondent shall serve his Declaration of Disclosure within 5 days.

Regarding Petitioner's request to impute income to Respondent, the court finds that Respondent has the ability to work and opportunity to work. Therefore, the court finds it appropriate to impute full-time minimum wage earnings (40 hours per week at \$14 per hour, or \$2,427) to Respondent. Respondent has an obligation to make efforts to support the children as such the court finds good cause to impute income to him.

The court further orders Respondent to submit to a vocational evaluation. Respondent shall provide Petitioner the names of at least three vocational evaluators by April 21, 2022 and Petitioner shall select one within one week. Respondent shall contact the evaluator within five days after the

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selection to schedule the first appointment. Petitioner shall advance all costs for the vocational evaluation subject to reallocation.

The court also declines to deny temporary spousal support to Respondent finding an insufficient basis for such an order.

Using these figures and a 20% timeshare for Respondent, the court finds that guideline child support is \$633 payable by Respondent to Petitioner and temporary spousal support per the Alameda formula is \$0. See attached DissoMaster Report. The court orders Respondent to pay Petitioner \$633 per month, commencing on March 1, 2022, until further order of the court or termination by operation of law. This results in an arrears payment of \$1266. Respondent is ordered to pay \$211 per month in arrears, commencing on April 15th and due on the 15th of each month until the balance is paid in full (approximately six (6) months). If a payment is late or missed the remaining balance is due in full with legal interest within 5 days. The court reserves jurisdiction to modify child and spousal support back to March 1, 2022.

The court continues the matter to June 23rd, 2022 at 8:30 a.m. in Department 5 to receive an update on the status of the vocational evaluation and to consider further modifications to the support orders. At least 10 days in advance of the next hearing, both parties are ordered to file with the court and serve on one another updated Income and Expense Declarations and Supplemental Declarations updating the court on the status of the vocational evaluation and any other issues related to support.

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

TENTATIVE RULING #12: THE COURT GRANTS PETITIONER'S MOTION TO COMPEL RESPONDENT'S DECLARATION OF DISCLOSURE. THE COURT FINDS THAT RESPONDENT HAS THE ABILITY TO WORK AND OPPORTUNITY TO WORK AND IMPUTES FULL-TIME MINIMUM WAGE EARNINGS (40 HOURS PER WEEK AT \$13 PER HOUR, OR \$2,253) TO RESPONDENT. THE COURT FURTHER ORDERS RESPONDENT TO SUBMIT TO A VOCATIONAL EVALUATION. RESPONDENT SHALL PROVIDE PETITIONER THE NAMES OF AT LEAST THREE VOCATIONAL EVALUATORS BY APRIL 21, 2022 AND PETITIONER SHALL SELECT ONE. RESPONDENT SHALL CONTACT THE EVALUATOR WITHIN 5 DAYS AFTER THE SELECTION TO SCHEDULE THE FIRST APPOINTMENT. PETITIONER SHALL ADVANCE ALL COSTS FOR THE VOCATIONAL EVALUATION SUBJECT TO REALLOCATION. , THE COURT FINDS THAT GUIDELINE CHILD SUPPORT IS \$633 PAYABLE BY RESPONDENT TO PETITIONER AND TEMPORARY SPOUSAL SUPPORT PER THE ALAMEDA FORMULA IS \$0. SEE ATTACHED DISSOMASTER REPORT. THE COURT ORDERS RESPONDENT TO PAY PETITIONER \$633 PER MONTH, COMMENCING ON MARCH 1, 2022, UNTIL FURTHER ORDER OF THE COURT OR TERMINATION BY OPERATION OF LAW. THIS RESULTS IN AN ARREARS PAYMENT OF \$1266. RESPONDENT IS ORDERED TO PAY \$211 PER MONTH IN ARREARS, COMMENCING ON APRIL 15TH AND DUE ON THE 15TH OF EACH MONTH UNTIL THE BALANCE IS PAID IN FULL (APPROXIMATELY SIX (6) MONTHS). IF A PAYMENT IS LATE OR MISSED THE REMAINING BALANCE IS DUE IN FULL WITH LEGAL INTEREST WITHIN 5 DAYS. THE COURT RESERVES JURISDICTION TO MODIFY CHILD AND SPOUSAL SUPPORT BACK TO MARCH 1, 2022. THE COURT CONTINUES THE MATTER TO JUNE 23RD, 2022 AT 8:30 A.M. IN DEPARTMENT 5 TO RECEIVE AN UPDATE ON THE STATUS OF THE VOCATIONAL EVALUATION AND TO CONSIDER FURTHER MODIFICATIONS TO THE

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 7, 2022

8:30 a.m./1:30 p.m.

SUPPORT ORDERS. AT LEAST 10 DAYS IN ADVANCE OF THE NEXT HEARING, BOTH PARTIES ARE ORDERED TO FILE WITH THE COURT AND SERVE ON ONE ANOTHER UPDATED INCOME AND EXPENSE DECLARATIONS AND SUPPLEMENTAL DECLARATIONS UPDATING THE COURT ON THE STATUS OF THE VOCATIONAL EVALUATION AND ANY OTHER ISSUES RELATED TO SUPPORT. THE COURT RESERVES JURISDICTION ON PETITIONER'S REQUEST FOR FAMILY CODE 2030 ATTORNEY FEES. PETITIONER IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.

ATTORNEY (NAME AND ADDRESS): EDC Court California	TELEPHONE NO:	Superior Court Of The State of California, County of
ATTORNEY FOR: Respondnet		COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
DISSOMASTER REPORT 2022, Monthly		CASE NUMBER: PFL 20180797

Input Data	Respondne	Petitioner	Guideline (2022)	Cash Flow Analysis	Respondne	Petitioner
Number of children	0	2	Nets (adjusted)	Guideline		
% time with Second Parent	20%	0%	Respondnet	2,184	Payment (cost)/benefit	(633) 633
Filing status	MFJ->	<-MFJ	Petitioner	2,142	Net spendable income	1,551 2,775
# Federal exemptions	1*	3*	Total	4,326	% combined spendable	35.9% 64.1%
Wages + salary	2,427	4,059	Support	Total taxes	243	354
401(k) employee contrib	0	0	CS Payor	Respondne	# WHA	3 5
Self-employment income	0	0	Presumed	633	Net wage paycheck/mo	2,181 3,688
Other taxable income	0	0	Basic CS	633	Comb. net spendable	4,325
Short-term cap. gains	0	0	Add-ons	0	Proposed	
Long-term cap. gains	0	0	Presumed Per Kid		Payment (cost)/benefit	(633) 633
Other gains (and losses)	0	0	Child 1	248	Net spendable income	1,551 2,775
Ordinary dividends	0	0	Child 2	385	NSI change from gdl	0 0
Tax. interest received	0	0	Alameda	0	% combined spendable	35.9% 64.1%
Social Security received	0	0	Total	633	% of saving over gdl	0% 0%
Unemployment compensation	0	0	Proposed, tactic 9	Total taxes	243	354
Operating losses	0	0	CS Payor	Respondne	# WHA	3 5
Ca. operating loss adj.	0	0	Presumed	633	Net wage paycheck/mo	2,181 3,688
Roy, partnerships, S corp, trusts	0	0	Basic CS	633	Comb. net spendable	4,325
Rental income	0	0	Add-ons	0	Percent change	0.0%
Misc ordinary tax. inc.	0	0	Presumed Per Kid		Default Case Settings	
Other nontaxable income	0	0	Child 1	248		
New-spouse income	0	0	Child 2	385		
Adj. to income (ATI)	0	0	Alameda	0		
SS paid other marriage	0	0	Total	633		
Ptr Support Pd. other P'ships	0	0	Savings	0		
CS paid other relationship	0	0	No releases			
Health ins (Pre-tax)	0	1,463				
Qual. Bus. Inc. Ded.	0	0				
Itemized deductions	65	663				
Other medical expenses	0	0				
Property tax expenses	0	663				
Ded. interest expense	0	0				
Charitable contribution	65	0				
Miscellaneous itemized	0	0				
Required union dues	0	100				
Cr. for Pd. Sick and Fam. L.	0	0				
Mandatory retirement	0	0				
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				

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 7, 2022

8:30 a.m./1:30 p.m.

13. KYLE KUZINISH V. AMANDA KUZINISH

PFL20200539

Petitioner filed a Request for Order on January 26, 2022 requesting the court modify the child custody orders, parenting time orders, make orders regarding daycare costs, make orders as to the costs of the parties' QDROs, reimbursement for storage fees, that the costs payable to Petitioner from respondent be a reduction in Respondent's interest in Petitioner's 401K, that the clerk of the court act as elisor to sign the QDRO, and that Family Code section 271 sanctions be awarded to Petitioner. Parties were referred to a Child Custody Recommending Counseling (CCRC) with an appointment on February 28, 2022. Respondent was served with the RFO, declaration, and referral to CCRC at a PO Box as well as a physical address in Moss Beach, California on January 31, 2022 and again on February 2, 2022.

Petitioner filed a Supplemental Declaration on March 22, 2022. Respondent was served by mail and electronically on March 21, 2022. Petitioner requests the court include the cost of day care through March of 2022. Petitioner also request the court include the costs of storage through April 2022. Petitioner asserts Respondent is avoiding personal services. Petitioner also asserts Respondent has failed to engage in reunification counseling since April of 2021. Further Respondent failed to participate in the February 28, 2022 CCRC session. It is Petitioner's belief Respondent has abandoned the minors. Petitioner seeks reimbursement from Respondent for half of childcare costs totally \$13,707.50 for Respondents share. Reimbursement of \$1,315 for Respondents share of storage costs. Petitioner also seeks reimbursement from Respondent of \$934.72 for her share of the cost of the QDRO. The total amount of reimbursements is \$15,957.22. Respondent is owed \$14,854.09 from Petitioner's 401K. Petitioner request the costs Respondent owes Petitioner be deducted from the amount she would have received from the 401K. Petitioner also requests Family Code section 271 sanctions in the amount of \$5,000.

Respondent has not filed a responsive declaration.

The court grants Petitioner's request to vacate the order for reunification counseling. The court finds Respondent has failed to participate in reunification counseling for nearly a year. Further the court finds Respondent failed to participate in the February 2022 CCRC session. It is no longer in the minors' best interests to participate in reunification counseling.

The court grants Petitioner's request for reimbursement of one half of the childcare costs through March 2022. Respondent is to pay Petitioner \$13,707.50 as and for childcare costs. Petitioner may reduce the amount owed to Respondent from the 401K as payment.

The court grants Petitioner's request for reimbursement of the cost of storing Respondent's personal property in the amount of \$1,315. Petitioner is no longer responsible for the continued costs to store Respondent's personal property. Petitioner is authorized to deduct the amount from Respondent's share of proceeds of the 401K.

The court grants Petitioner's request for reimbursement of \$934.72 for. Respondent's share of cost for preparation of the QDRO. Petitioner is authorized to deduct the amount from Respondent's share of proceeds of the 401K. The court also grants Petitioner's request for the clerk of the court to act as elisor to sign the QDRO.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 7, 2022

8:30 a.m./1:30 p.m.

The court grants Petitioner's request for Family Code section 271 sanctions. The court finds Respondent has failed to comply with court orders and engaged delaying tactics by not signing the QDRO. The court orders Respondent to pay Petitioner \$2,500 as and for Family Code Section 271 sanctions.

TENTATIVE RULING #13: THE COURT GRANTS PETITIONER'S REQUESTS AS OUTLINED ABOVE. THE ORDER FOR REUNIFICATION COUNSELING IS VACATED. PETITIONER IS AWARDED \$15,957.22 IN REIMBURSEMENTS FOR RESPONDENT'S PORTION OF CHILDCARE, STORAGE FEES, AND THE COST OF THE QDRO. PETITIONER IS AUTHORIZED TO DEDUCT THE AMOUNT OF REIMBURSEMENTS FROM RESPONDENT'S SHARE OF THE AMOUNT SHE WOULD HAVE RECEIVED FROM THE 401K. THE COURT GRANTS PETITIONER'S REQUEST FOR THE CLERK OF THE COURT TO ACT AS ELISOR TO SIGN THE QDRO. THE COURT GRANTS PETITIONER'S REQUEST FOR FAMILY CODE SECTION 271 SANCTIONS IN THE AMOUNT OF \$2,500.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 7, 2022

8:30 a.m./1:30 p.m.

14. LAURA PARKES V. DANIEL PARKS

PFL20210112

On February 13, 2022, Petitioner filed a Request for Order (RFO) requesting the court grant a motion to compel Preliminary Declarations of Disclosure. Respondent was served by mail on February 8, 2022. Petitioner requests the court order Respondent to serve his Preliminary Declarations of Disclosure (PDD) within 5 days of the hearing. Petitioner also requests sanctions pursuant to Family Code 2107(c). Petitioner asserts Respondent's PDD was to be served on or before July 11, 2021. Petitioner further asserts there have been multiple attempts to obtain the PDD prior to filing this RFO.

Respondent filed a Responsive Declaration on March 24, 2022. Petitioner was served by overnight service on the same day. Respondent agrees to immediately serve his preliminary declaration of disclosure. Respondent requests the court either deny the request for sanctions or in the alternative reserve on the request for sanctions to the time of trial. Respondent acknowledges there has been a delay in serving the disclosure, however, asserts there was also a delay in Petitioner serving her disclosures.

Petitioner filed a Reply on March 30, 2022. Respondent was personally and electronically served on the same day. Petitioner acknowledges the initial delay in serving her disclosures, but asserts it was due to Respondent's failure to provide necessary documentation. Petitioner also asserts there were good faith efforts to meet and confer to avoid litigation. Petitioner renews her request for sanctions.

The court grants Petitioner's motion to compel. Respondent shall serve his PDD within 5 days. Respondent is to file a Proof of Service with the court no later than April 18, 2022. The court also grants Petitioner's request for sanctions pursuant to Family Code section 2107 in the amount of \$2,500. Respondent is to pay Petitioner \$2,500 as and for Family Code section 2107(c) sanctions.

TENTATIVE RULING #14: THE COURT GRANTS PETITIONER'S MOTION TO COMPEL. RESPONDENT SHALL SERVE HIS PDD WITHIN 5 DAYS. RESPONDENT IS TO FILE A PROOF OF SERVICE WITH THE COURT NO LATER THAN APRIL 18, 2022. THE COURT ALSO GRANTS PETITIONER'S REQUEST FOR SANCTIONS PURSUANT TO FAMILY CODE SECTION 2107 IN THE AMOUNT OF \$2,500. RESPONDENT IS TO PAY PETITIONER \$2,500 AS AND FOR FAMILY CODE SECTION 2107(C) SANCTIONS.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 7, 2022

8:30 a.m./1:30 p.m.

16. SHAWNA RODRIGUEZ V. ANTHONY RODRIGUEZ

PFL20210023

On December 16, 2021, parties reached a full agreement as to visitation orders. Parties are to utilize talkingparents.com to communication regarding visitation. The court set a further reviewing on April 7, 2022. Parties were to file any supplemental declarations no later than 10 days prior to the hearing.

On March 28, 2022 Minor's counsel filed a statement of issues and contentions and request for orders. Minor's counsel has been able to meet with the minor on two occasions. She has also been able to meet and confer with the minor's therapist. Minor's counsel requests the court order the parties to continue to have joint legal custody. Respondent's parenting time to be Sunday at 10 am until Monday at 7:00 pm and Tuesday from 3:00 pm to 7:00 pm. Minor's counsel is requesting Respondent's parenting time continue to be supervised by the current individuals agreed upon. Respondent to take the minor to one of her regularly schedule counseling appointments, and that he by supervised while transporting the minor. The parties will coordinate to determine which appointment this will be, and it should take place within one month of the order. Following the appointment with Respondent and minor's therapist, all parties to meet and confer about the minor's ability to report, if Respondent's parenting time were to be expanded to include unsupervised time. If the therapist believes the minor to be able to disclose any abuse, then Respondent's Tuesday visit to be unsupervised. Petitioner to keep Respondent informed about the minor's medical appointments and extracurricular activities. Respondent may arrange to participate in medical appointments via conference call or Zoom. Respondent's relatives shall be allowed to attend extracurricular activities. Allow modification of the temporary restraining order to allow Respondent to attend extracurricular activities in public places, for example soccer games at parks, with a 20 yard stay away order, and provided the older sibling also protected in the restraining order is not present. Petitioner is not to use the protected sibling as a means to prevent Respondent from attending. Last, Minor's counsel requests and there be a mutual order that neither party make disparaging remarks about the other in the presence of the minor.

Respondent submitted a supplemental declaration on March 28, 2022. Parties were served electronically the same day. Respondent requests the court order Petitioner to provide him with her new address and that he be included in selecting a new preschool/daycare for the minor. Respondent requests the minor be removed as a protected party of the Domestic Violence Temporary Restraining Order (DVTRO) or in the alternative that the DVTRO be modified to remove the 100 yard stay away from the minor's school. Respondent requests he be allowed to attend the minor's school and extracurricular activities that take place in a public setting. Respondent requests the ability to attend the minor's medical appointments. Respondent requests his parenting time be unsupervised on Sunday from 8:00 AM to 7:00 PM, Monday from 8:00 AM to 7:00 PM, Tuesday 3:00 PM to 7 PM and Friday 8:00 AM to 7:00 PM. Respondent also requests overnight visitation every third weekend Saturday 8:00 AM to Sunday 7:00 PM. If visits remain supervised, Respondent requests the overnight occur every other Sunday to Monday. Respondent request the court order a holiday schedule. Lastly, Respondent requests a mutual non-disparaging remark order.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

April 7, 2022

8:30 a.m./1:30 p.m.

Petitioner filed a supplemental declaration on March 29, 2022. Parties were served electronically on the same day. Petitioner request the court vacate the order that the minor's older sibling not be unattended with the minor. Petitioner also requests the visitation time end by 5:30 PM to accommodate the minor's bedtime schedule. Petitioner agrees to the mutual non-disparagement order. Petitioner requests no modifications be made to the DVTRO and that Respondent's parenting time remain supervised. Petitioner also has a proposed holiday schedule.

The court has read and considered the above filings and makes the following findings and orders:

The court adopts the recommendations of minor's counsel with the following modifications:

Respondent's parenting time to be Sunday at 10 am until Monday at 6:00 pm and Tuesday from 3:00 pm to 6:00 pm. Respondent's parenting time will continue to be supervised by the mutually agreed upon non-professional supervisors. Respondent to take the minor to one of her regularly schedule counseling appointments, and that he by supervised while transporting the minor. The parties will coordinate to determine which appointment this will be, and it should take place within one month of the order. Following the appointment with Respondent and minor's therapist, all parties to meet and confer about the minor's ability to report, if Respondent's parenting time were to be expanded to include unsupervised time. If the therapist believes the minor to be able to disclose any abuse, then Respondent's Tuesday visit to be unsupervised. Petitioner to keep Respondent informed about the minor's medical appointments and extracurricular activities via the talkingparents.com calendar. Respondent may arrange to participate in medical appointments via conference call or Zoom. The court denies the request to modify the DVTRO. The court orders neither party shall disparage the other in front of the minor; this order includes any disparaging remarks about the minor's sibling. The court denies the request to lift the order that the minor not be left unattended with the older sibling.

All prior orders remain in full force and effect. Respondent to prepare and file the findings and orders after hearing.

TENTATIVE RULING #16: THE COURT ADOPTS THE RECOMMENDATIONS OF MINOR'S COUNSEL AS MODIFIED ABOVE AS THE COURT ORDER. THE COURT DENIES THE REQUEST TO MODIFY THE DVTRO. THE COURT DENIES THE REQUEST TO MODIFY THE ORDER THE MINOR NO BE LEFT UNATTENDED WITH THE OLDER SIBLING. THE COURT ORDERS NEITHER PARTY IS TO MAKE DISPARAGING REMARKS ABOUT THE OTHER IN FRONT OF THE MINOR; THIS ORDER INCLUDES ANY DISPARAGING REMARKS ABOUT THE MINOR'S SIBLING. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.