

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
May 12, 2022
8:30 a.m./1:30 p.m.

15. APRIL ROBINSON V. GORDON ROBINSON

PFL20210147

On April 28, 2022 Petitioner filed an ex parte request for supervised visitation for Respondent. Respondent was served with the ex parte request electronically on April 28, 2022. Respondent filed a Responsive Declaration on April 29, 2022.

The court granted the ex parte request in part, on April 29, 2022. The court on its own motion granted an order shortening time and set the Request for Order (RFO) for a hearing on May 12, 2022. The court on its own motion also find it in the best interest of the children to appoint Minors' Counsel. The minors were to be made available to Minors' Counsel. The court reserved on the allocation of costs for Minors' Counsel. Respondent was authorized supervised visitation two times per week for two hours each visit. Parties were to file Income and Expense Declaration prior to the hearing. Petitioner was directed to serve Respondent with notice of the RFO on of before May 2, 2022. Respondent was served electronically on May 2, 2022.

Parties are ordered to appear.

TENTATIVE RULING #15: PARTIES ARE ORDERED TO APPEAR.

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17. DAVID MERCADO V. APRIL LOCKHART

PFL20180104

On March 9, 2022, Petitioner filed a Request for Order (RFO) requesting Family Code 271 sanctions against Respondent. On March 15, 2022, Petitioner filed an Order to Show Cause and Affidavit for Contempt, alleging Respondent has failed to pay attorney fees as ordered on October 21, 2021.

Respondent was personally served with the RFO and Order to Show Cause and Affidavit for Contempt on April 22, 2022. The court finds this notice was not timely, as it was less than 16 court days prior to the hearing as required by Code of Civil Procedure section 1005. Therefore, the matter is dropped from calendar.

TENTATIVE RULING #17: MATTER DROPPED FROM THE COURT'S CALENDAR

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18. COUNTY V. JAMES RHOADES (OTHER PARENT: BRIANNA SNYDER)

PFS20200140

On March 16, 2022, Other Parent filed an Order to Show Cause and Affidavit for Contempt. Upon review of the file, the court finds that there is no proof of service indicating personal service of the contempt complaint on Respondent. As such, the court drops the matter from its calendar.

TENTATIVE RULING #18: MATTER DROPPED FROM THE COURT'S CALENDAR

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19. JUSTIN REEDY V. KAYLA MCKINNEY

PFL20180289

On December 21, 2021, Respondent filed a Request for Order (RFO) requesting a change in child custody orders. Parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on January 19, 2022 and a review hearing on February 17, 2022. Petitioner was notified by mail on December 29, 2022.

Respondent requests the court modify the custody order to allow her to have the minor Monday through Thursday every week with Petitioner to have the minor from Friday after school until Monday morning school drop off. Respondent would have every fifth weekend. Respondent requests the exchanges take place at the Rancho Cordova Police Department until the minor is enrolled in kindergarten. Respondent requests she be designated the primary parent for school purposes and that there be a designated school district. Respondent also requests parties alternate tax years and the minor be called by her legal name. Last, Respondent requests she select a co-parenting counselor who is willing to write reports for the court if needed.

The court notes Respondent's attached Declaration exceeds the 10-page limit, and the court has not considered the Declaration after page 10. Further there are 129 pages of attachments. The court finds this to be excessive.

On January 12, 2022, Petitioner filed a Responsive Declaration. Upon review of the court file the court was unable to locate a Proof of Service for this document and therefore has not considered it. The court also notes Petitioner's declaration exceeds the 10-page limit and has 33 pages of attachments. The court has not considered the declaration after page 10.

Parties attended CCRC on January 19, 2022. Parties were able to reach several agreements. The counselor made recommendations as well. A copy of the report was mailed to the parties on February 4, 2022.

Petitioner filed a Declaration on January 19, 2022 regarding his Grade Point Average from Los Rios Community College.

On February 1, 2022 Petitioner filed an Amended Responsive Declaration as well as a Declaration Re Respondent's Petitioner for Dismissal for Criminal Record.

Respondent filed a Response to Petitioner on February 1, 2022. Upon review of the court file, the court is unable to locate a proof of service of the Declaration on Petitioner, and therefore the court has not considered this document.

On February 9, 2022 the court granted Petitioner's request to continue the February 17, 2022 hearing to April 7, 2022.

On February 22, 2022 Petitioner filed a Supplemental Declaration Re Mediation report.

On March 1, 2022 Petitioner filed a Declaration regarding Social Services.

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There is a March 10, 2022 field Proof of Service showing Respondent was served all the above filings of Petitioner by mail on March 8, 2022.

Respondent filed a Responsive Declaration to the CCRC report on March 23, 2022. Respondent also filed a Supplemental Declaration on March 23, 2022. Respondent also filed a Response to Petitioner's Amended Responsive Declaration filed on 2/1/2022 on March 23, 2022. Petitioner was served via mail with all three declarations on March 24, 2022.

On March 30, 2022, Petitioner filed a Response to Respondent's Response. It is unclear if Respondent was served with the Declaration. The Proof of Service indicates service of a document filed on February 1, 2022 that does not appear to comport with any of the Declarations filed that day.

On April 7, 2022 parties appeared pursuant to the court's tentative ruling. The court did not make any changes to custody orders. The court noted the halfway point between the parties home to be in the Lake Natoma area of Folsom. The request to select a school for the minor was continued to join with the hearing set on May 12, 2022 for Petitioner's RFO.

Respondent filed a Supplemental Declaration to the December 21, 2021 RFO on April 25, 2022. Respondent concurrently filed an Income and Expense Declaration. Petitioner was served by mail on April 26, 2022. Respondent requests the parties select a school for the minor from the list of school proposed in her declaration. Respondent provided a list of elementary schools located within a reasonable commute time from each party's home. Respondent asserts she has attempted to meet and confer with Petitioner on the issue, but the parties have been unable to reach an agreement.

On April 1, 2022, Petitioner filed an RFO requesting child support and designation as the recipient of CalWorks and all social services benefits. Respondent was personally served on April 5, 2022.

Petitioner requests the court order guideline child support. Further Petitioner requests the court designate him the recipient of Social Services benefits for the minor. Petitioner also requests Respondent disclose the name of the boyfriend accompanying her to the exchange and that Respondent's boyfriend be excluded from the exchanges. Petitioner asserts he has been experiencing economic hardships due to multiple disabilities and is unable to work. Petitioner is requesting he be designated as the recipient of Social Services aid so that he may adequately provide for the minor. Petitioner further asserts there have been issues with Respondent's boyfriend at the custody exchanges, including the boyfriend "staring down" Petitioner and taking pictures of the process server. Petitioner asserts Respondent's boyfriend's presence contributes to the high conflict nature of the exchanges.

Respondent filed a Responsive declaration on April 26, 2022, requesting the court deny Petitioner's RFO. Respondent additionally requests the court order court documents not be served at custody exchanges, Petitioner not change the address of the minor for designation of medical and dental benefits, and a seek work order for Petitioner. Petitioner was served by mail on April 26, 2022.

Respondent asserts there is no need to designate Petitioner as the primary caretaker of the minor. Respondent also states the issue of providing the name of her boyfriend has previously been

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ruled on by this court in December 2020. Respondent requests the custody exchanges be just that, and that neither party serve the other court documents at exchanges. Respondent also asserts her boyfriend has not interfered with the exchanges and is not visible to Petitioner given where they each park their vehicles. Respondent asserts there has been issues with the minor's health coverage due to Petitioner unilaterally changing the minor's address in the Medi-Cal system. This has created lapses in the minor's coverage. Respondent states she has inquired with the county as well as the state and only a parent may modify the minor's address in the system. Lastly, respondent requests the court order Petitioner to seek works as she asserts he is capable of working at a job which requires light duties.

Petitioner filed a Response to Respondent's Responsive Declaration on May 2, 2022. Petitioner also filed a Declaration of Debra Reedy on the same date. Respondent's counsel was personally served on May 2, 2022. Petitioner disputes Respondent's assertions regarding the change of address for the minor and reiterates his requests in his RFO.

Petitioner filed an updated Income and Expense Declaration on April 15, 2022. Respondent was personally served on April 5, 2022.

Respondent filed an updated Income and Expense Declaration on April 26, 2022. Petitioner was served by mail on April 26, 2022.

The court has read and considered the filings as outlined above. The court adopts the agreement of the parties and recommendations of the counselor contained in the CCRC report. The parties will continue to have joint legal and physical custody utilizing the current 2-3-2 plan.

The parties shall continue to participate in co-parenting counseling with Carol Greenfield. The parties will work with Ms. Greenfield to select a school for the minor that will accept an inter-district transfer. The parties shall utilize the list of schools put forth by Respondent in her April 25, 2022 Supplemental Declaration.

The exchanges will take place at the minor's school once she is enrolled in kindergarten, however, on non-school days, the exchanges shall take place at the Rancho Cordova Police Department. Pending the minor's enrollment in kindergarten, the exchanges will continue to take place at the Rancho Cordova Police Department. The exchanges shall be brief, and the parties are to be cordial with each other. No party shall use the exchange time to discuss co-parenting issues or to serve the other party. If other individuals are present during the exchanges, they are to remain in their respective vehicles and are not to interact with the parties. The court denies Petitioner's request for Respondent to provide her boyfriend's information to Petitioner. The court has previously entertained and denied the request.

The minor is to be assessed by a therapist who works with young children to determine if further counseling is necessary. If parties cannot agree on a therapist for the minor, Petitioner shall provide Respondent with the names of three licensed therapists, who are available to take on new clients and specialize in working with young children, on or before June 9, 2022. Respondent will then have until June 16, 2022 to select one of the three and notify Petitioner of the selection. The minor should be assessed by the therapist no later than July 7, 2022. If the therapist recommends continued

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therapy, the minor shall attend at a frequency and duration as directed by the therapist. The parties are to abide by the therapist's recommendations and counseling shall terminate when the therapist recommends it is appropriate to do so. The parties shall share in the cost of counseling that is not covered by insurance equally, subject to reallocation.

The court finds that the Department of Child Support Services (DCSS) is a party to the case. DCSS should have been served with the RFO for child support and designation of Petitioner as recipient of Social Services benefits. The court finds as DCSS is a party, the matter should be continued to the Child Support calendar before the child support commissioner pursuant to Family Code section 4251. Petitioner is ordered to serve DCSS with a copy of the April 1, 2022 RFO and May 2, 2022 Reply forthwith. The court continues the matter to the child support calendar to be heard by the child support commissioner on July 11th, 2022 at 8:30AM. Pending that hearing, Respondent's address shall be deemed the minor's address for Medi-Cal purposes. The court also continues Respondent's request for a seek work order to that hearing. Respondent is ordered to serve DCSS with a copy of the April 26, 2022 Responsive Declaration forthwith. The court reserves jurisdiction to modify the child support order to the date of the filing of the RFO.

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

TENTATIVE RULING #19: THE COURT ADOPTS THE ORDERS AS OUTLINED ABOVE. THE COURT CONTINUES THE REQUEST FOR CHILD SUPPORT AND DESIGNATION OF SOCIAL SERVICES BENEFITS TO BE HEARD BY THE CHILD SUPPORT COMMISSIONER ON JULY 11TH, 2022 AT 8:30AM. PARTIES ARE DIRECTED TO SERVE DCSS WITH THE APRIL 1, 2022 RFO AND RESPONSIVE PLEADINGS FORTHWITH PENDING THAT HEARING, RESPONDENT'S ADDRESS SHALL BE DEEMED THE MINOR'S ADDRESS FOR MEDI-CAL PURPOSES. THE COURT ALSO CONTINUES RESPONDENT'S REQUEST FOR A SEEK WORK ORDER TO THAT HEARING. RESPONDENT IS ORDERED TO SERVE DCSS WITH A COPY OF THE APRIL 26, 2022 RESPONSIVE DECLARATION FORTHWITH. THE COURT RESERVES JURISDICTION TO MODIFY THE CHILD SUPPORT ORDER TO THE DATE OF THE FILING OF THE RFO. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING

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20. KAYLA RIVERA V. EDSON RIVERA

21FL0113

On March 14, 2022, Petitioner filed a Request for Order (RFO) requesting the court make child support orders. Petitioner concurrently filed an Income and Expense Declaration.

Upon review of the court file, there is no Proof of Service showing Respondent was served with the RFO and Income and Expense Declaration. Therefore, the matter is dropped from calendar.

TENTATIVE RULING #20: THE MATTER IS DROPPED FROM THE COURT'S CALENDAR.

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21. RICHARD MUELLER V. AMBER MUELLER

PFL20170889

On March 24, 2022, Respondent appeared for arraignment on the January 14, 2022 filed Order to Show Cause and Affidavit for Contempt. The court ordered the Public Defender be appointed and continued the matter to May 12, 2022 for Arraignment.

Petitioner filed subsequent filed Order to Show Cause and Affidavit for Contempt charges on March 16, 2022 and April 12, 2022. Upon review of the file, the court finds that there is no proof of service indicating service contempt complaints filed on March 16, 2022 and April 12, 2022 on Respondent. As such, the court drops the matter from its calendar.

Parties are ordered to appear for arraignment on the January 14, 2022 filed Order to Show Cause and Affidavit for Contempt.

TENTATIVE RULING #21: PARTIES ARE ORDERED TO APPEAR FOR ARRAIGNMENT ON THE JANUARY 14, 2022 FILED ORDER TO SHOW CAUSE AND AFFIDAVIT FOR CONTEMPT.