

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 12, 2022

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

1. ANDREA ALFONSO V. ROMEO VALLAR

PFL20070651

On April 21, 2022 Petitioner filed an Application for Order Shortening Time for a Request for Order (RFO). The court granted the Order to Shorten time and set the RFO for a hearing on May 12, 2022. The court Respondent be served with the RFO on or before April 28, 2022. Respondent was served electronically on April 22, 2022.

Petitioner requests the court bifurcate the trial and try the issue of the date of valuation first. Petitioner asserts the issue of the valuation of the community property located at 501 Finders Way was established by Respondent's admission made on February 13, 2019.

Respondent filed a Responsive Declaration on April 21, 2022, a Points and Authorities in Opposition of the requests, and a Proof of Service showing service upon Petitioner electronically on April 21, 2022.

The court has read and considered the above filings and finds that Petitioner's motion is untimely. Further, the court finds that even considering the motion on the merits, Petitioner has not shown good cause for an alternate valuation date or to bifurcate the trial. Petitioner's requests are denied.

TENTATIVE RULING #1: PETITIONER'S MOTION IS DENIED.

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

2. CHRISTIAN BOOTH V. POPPY BOOTH

PFL20160594

On March 8, 2022, Petitioner filed a Request for Order (RFO) requesting a change in child support orders. Petitioner concurrently filed an Income and Expense Declaration.

Respondent was personally served on April 14, 2022. The Proof of Service was filed on May 9, 2022.

Respondent has not filed a Responsive Declaration or an Income and Expense Declaration.

The court continues the matter as it does not have the requisite information to make a modification to the current child support order. Respondent is ordered to file an updated Income and Expense declaration at least 10 days prior to the next hearing. The court reserves jurisdiction to modify child support to the date of the filing of the RFO.

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

TENTATIVE RULING #2: THE COURT CONTINUES THE MATTER TO JULY 7TH, 2022 AT 8:30AM FOR A MODIFICATION OF CHILD SUPPORT. RESPONDENT IS ORDERED TO FILE AN UPDATED INCOME AND EXPENSE DECLARATION AT LEAST 10 DAYS PRIOR TO THE NEXT HEARING. THE COURT RESERVES JURISDICTION TO MODIFY CHILD SUPPORT TO THE DATE OF THE FILING OF THE RFO. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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

3. COUNTY OF EL DORADO DCSS V. SAMUEL SALAZAR (OTHER PARENT KRISTINE ROUNSEVILLE)

PFS20150168

On September 3, 2021, Respondent filed an ex parte application asking the court to grant Respondent temporary sole legal and physical custody. On September 7, 2021, the court denied the ex parte request and referred the parties to a CCRC session on October 13, 2021 with a CCRC review hearing set on December 2, 2021.

On October 13, 2021, Other Parent was served with the RFO, the Referral to CCRC, as well as a Declaration of Respondent's attorney. In this Declaration, Respondent's attorney states that due to a miscommunication the RFO and Referral to CCRC were not served until that day, which was too late to give Other Parent timely notice of the CCRC session. As such, Respondent requests a re-referral to CCRC.

Only Respondent participated in the CCRC session, so the report contained no recommendations. A single parent CCRC report was issued on October 21, 2021 with copies mailed to the parties that same day.

On November 12, 2021, Other Parent filed a Responsive Declaration. However, had not filed a Proof of Service at the time and therefore the court had not considered it.

Parties were re-referred to CCRC on December 2, 2021. On January 6, 2022 parties were provided notice that CCRC was rescheduled to January 11, 2022. On January 6, 2022, Respondent's counsel filed a Declaration stating notice of the change in CCRC was provided to the Other party via phone call.

On December 20, 2021, Respondent filed a Supplemental Declaration. Other Party was served via mail on December 23, 2021, with a Proof of Service Filed on December 30, 2021. Respondent outlines his concerns about the Other Party's and minors' relocation to Sacramento County as well as his request to have the children during he week, with the Other Party to have parenting time on the weekends.

On January 11, 2022, no parties appeared at CCRC.

On February 7, 2022, Other Parent filed a Responsive Declaration to the September 7, 2021 RFO by Respondent. Respondent was served by mail on December 13, 2021, with Proof of Service Filed on February 7, 2022. Other Parent is requesting the minors continue to reside with her and attend their current school, Respondent to have visitation the first and third weekend of the month from 4:00 P.M. on Friday until 4 P.M. on Sunday. Other Parent states in her Declaration that Respondent has not been utilizing his parenting time.

On February 8, 2022 Respondent filed a supplemental declaration. Other Parent was served by mail on February 8, 2022 with a Proof of Service filed the same day. In Respondent's declaration, he states the January 11, 022 CCRC session was missed due to being in quarantine for Covid-19. Respondent is requesting to be re-referred to CCRC. Respondent is also concerned with the minors change in school and excessive absences this school year. Respondent is requesting the minors be returned to their previous school and full custody.

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On February 17, 2022, the court adopted its tentative ruling and re-referred the parties to Child Custody Recommending Counseling (CCRC) on March 3, 2022 and set a further review hearing on May 12, 2022. Parties were advised that if they failed to appear for CCRC again, the court may impose sanctions pursuant to Local Rule 8.10.02. Other Party was reminded to abide by the agreement of the parties for joint legal and physical custody.

On March 23, 2022, Respondent filed an ex parte request for order, requesting sole legal and physical custody of the minors. Other Parent was not served, as she was incarcerated. Respondent asserts Other Parent was arrested on March 18, 2022 for possession of a stolen vehicle with the minors present in the vehicle with Other Parent. Further, there was drug paraphernalia found in the vehicle. The minors were also unrestrained in the vehicle. Respondent further requested the court grant him the ability to enroll the minors in school and therapy.

On March 28, 2022, the court granted the ex parte request, giving Respondent temporary sole legal and physical custody. The court authorized supervised visitation for Other Parent two times per week for two hours each. The court confirmed the previously set CCRC appointment and review hearing. Other Parent was served with the granted ex parte orders and RFO by mail on March 28, 2022.

On March 30, 2022, Respondent attended the CCRC appointment. Other Parent did not attend, as she remains incarcerated. As only one parent attended, a single parent CCRC report was issued, with no agreements or recommendations. A copy of the report was mailed to the parties on April 20, 2022. The court has read and considered the CCRC report.

The court grants Respondent's request for sole legal and physical custody, as it is in the minors' best interest. Other Parent shall have professionally supervised visitation in El Dorado County, two times per week for two hours each upon her release from custody. Other Parent shall be responsible for the costs of supervised visitation. Respondent is authorized to enroll the minors in therapy. They shall attend at the frequency and duration as directed by the therapist.

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 #3: RESPONDENT SHALL HAVE SOLE PHYSICAL AND LEGAL CUSTODY OF THE MINORS. OTHER PARENT SHALL HAVE PROFESSIONALLY SUPERVISED VISITATION IN EL DORADO COUNTY TWO TIMES PER WEEK FOR TWO HOURS EACH UPON HER RELEASE FROM INCARCERATION. OTHER PARENT SHALL BE RESPONSIBLE FOR THE COSTS OF SUPERVISED VISITATION. RESPONDENT IS AUTHORIZED TO ENROLL THE MINORS IN THERAPY. THEY SHALL ATTEND AT THE FREQUENCY AND DURATION AS DIRECTED BY THE THERAPIST. 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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8:30 a.m./1:30 p.m.

4. DEDRA SCHMEECKLE-COX V. JASON COX

PFL20180475

On March 10, 2022, Respondent 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 serve of the contempt complaint on Respondent. As such, the court drops the matter from its calendar.

TENTATIVE RULING #4: MATTER DROPPED FROM THE COURT'S CALENDAR

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May 12, 2022

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

5. GENNELLE STOCKDALE V. BRIAN STOCKDALE

PFL20180709

On February 23, 2022, Respondent filed a Request for Order (RFO) requesting a change in child custody and parenting time. Parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on March 30, 2022 and a review hearing on May 12, 2022. Petitioner was personally served on March 11, 2022.

Respondent requests the custody and parenting time orders be modified to allow him primary physical custody with Petitioner having parenting time every other weekend. Respondent asserts Petitioner is not adequately addressing the special needs of the minor W.S. and has been neglectful of the medical needs of the minor O.S.. Therefore, Respondent asserts the current custody arrangement should be reversed, allowing him to be the primary caretaker.

Petitioner filed a Responsive Declaration on April 27, 2022. Respondent was served by mail on April 29, 2022. Petitioner requests the court deny Respondent's RFO and instead reduce Respondent's parenting time to one weekend per month and half the summer. Petitioner also requests the court adopt an alternating holiday schedule. Petitioner denies Respondent's assertions about her failure to adequately meet the minors' needs. Petitioner denies she has neglected either minors' medical or special needs. Petitioner requests Respondent's parenting time be reduced to one weekend per month to allow the minor Owen more time to participate in weekend extracurricular activities as well as social activities.

Parties attended CCRC, however, were unable to reach any agreements. Therefore, a CCRC report with recommendations was provided. Parties were mailed a copy of the report on April 20, 2022. The court has read and considered the CCRC report and finds the recommendation to be in the best interest of the minors and adopts it as the court's order. The current custody and parenting time orders remain in full force and effect. The court modifies the order to allow Petitioner to have two weeks of vacation during the summer break. The minor O.S. shall participate in an assessment to determine if individual therapy is necessary. If so, the minor shall attend individual therapy at a frequency and duration as directed by the licensed clinician.

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 #5: ALL PRIOR ORDERS AS TO CUSTODY AND PARENTING TIME REMAIN IN FULL FORCE AND EFFECT. THE COURT MODIFIES THE ORDER TO ALLOW PETITIONER TO HAVE TWO WEEKS OF VACATION DURING THE SUMMER BREAK. THE MINOR O.S. SHALL PARTICIPATE IN AN ASSESSMENT TO DETERMINE IF INDIVIDUAL THERAPY IS NECESSARY. IF SO, THE MINOR SHALL ATTEND INDIVIDUAL THERAPY AT A FREQUENCY AND DURATION AS DIRECTED BY THE LICENSED CLINICIAN. 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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6. JARED DENNIS V. AMORE BISHOP

PFL20160085

On December 2, 2021 the court adopted the tentative ruling as there was no proper request for oral argument. The court set a review hearing for March 10, 2022 at 8:30 to review the request for reunification and visitation.

In the interim, 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. A hearing was set for the RFO on February 24, 2022.

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 pervious filings.

On February 24, 2022 the court adopted the tentative ruling issued on February 23, 2022, as no parties requested oral argument. The court continued the review hearing to join with the RFO set for May 12, 2022.

Respondent filed a Supplemental Declaration on April 26, 2022. Petitioner was served by mail on April 25, 2022. The Supplemental Declaration raises the same arguments as previous declarations.

The court finds the underlying issue in the confidential probate matter has still not been resolved and therefore, this matter will need to be continued past the date of trial. The matter is continued to July 14th, 2022 at 8:30AM.

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

TENTATIVE RULING #10: THE MATTER IS CONTINUED TO JULY 14TH, 2022 AT 8:30 IN DEPARTMENT 5. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. RESPONDENT IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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7. JEFFREY GROTE V. NICOLE GROTE

PFL20170044

On February 25, 2022, Petitioner filed a Request for Order (RFO) requesting a modification to the child custody orders. Parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on April 1, 2022 and a review hearing on May 12, 2022. Respondent was served by mail on March 2, 2022.

Petitioner is requesting the court grant him the final decision-making authority on joint legal custody issues. Petitioner asserts Respondent has failed to abide by the joint legal custody orders in that she had the parties' minor son vaccinated for Covid-19 despite Petitioner raising an objection to it.

Respondent filed a Responsive Declaration on April 29, 2022. Petitioner was served personally on April 29, 2022. Respondent requests the court deny Petitioner's request or in the alternative she be given the final decision-making authority on Covid/vaccination issues. Additionally, Respondent requests the court order parties to participate in co-parenting counseling. Respondent asserts in her declaration that with court ordered co-parenting counseling, she believes the parties will be able to reach agreements on other issues that may arise between the parties. Previously the parties have been able to work cooperatively on issues regarding the minors. Respondent requests final decision-making authority on Covid vaccinations as she works in healthcare and has been involved more extensively in the minors' healthcare decision throughout their lives.

Parties participated in CCRC on April 1, 2022 but were unable to reach any agreements. A report with a recommendation from the CCRC counselor was prepared. A copy of the report was mailed to the parties on May 3, 2022. The court has read and considered the CCRC report and finds the recommendation to be in the minors' best interests. The recommendation is adopted as the court order. All prior orders as to custody remain in full force and effect. Respondent is reminded that further failure to follow the joint legal custody orders could result in the court modifying the custody orders. The court orders parties to participate in co-parenting counseling. If parties are unable to agree on a co-parenting counselor, Respondent shall provide the names to Petitioner of three licensed therapists who specialize in co-parenting counseling and are accepting new clients no later than June 7, 2022. Petitioner shall select one of the three therapists and provide Respondent with notice of his selection no later than June 14, 2022. Parties are to participate in co-parenting counseling at a frequency and duration as directed by the therapist.

On March 10, 2022, Respondent filed a RFO requesting a change in child support and post judgement spousal support. Respondent concurrently filed an updated Income and Expense Declaration. Petitioner was served by mail on March 18, 2022. Respondent filed a Declaration regarding address verification of Petitioner on March 25, 2022.

Respondent asserts Petitioner has obtained new employment since their settlement agreement and therefore child support and spousal support should be recalculated based on Petitioner's new income.

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Petitioner filed a Responsive Declaration on April 28, 2022. Petitioner concurrently filed an Income and Expense Declaration. Respondent was served by mail on April 27, 2022. Petitioner consents to guideline child support, but requests Respondent be imputed with full time income. Petitioner further requests the court deny Respondent's request to modify post judgement spousal support.

Based on the March 10, 2022 filed Income and Expense Declaration the court finds Respondent's average gross income to be \$4,437 per month (32 hours per week at \$32 per hour, multiplied by 52 weeks a year, divided by 12 months a year). Respondent has a deduction of \$250 per month for health insurance. Respondent files as head of household. The court declines to impute further income to Respondent.

Based on the April 28, 2022 filed Income and Expense Declaration, Petitioner has an average monthly income of \$13,750. Petitioner has a month deduction of \$450 for health insurance. Petitioner files as head of household.

Utilizing the above figures and each party claiming one child with 50/50-timeshare, the court finds the guideline child support to be \$1,243 per month payable by Petitioner to Respondent. Petitioner is ordered to pay Respondent \$1,243 per month as and for child support, commencing on April 1, 2022, payable on the 1st of the month, until further order of the court or termination by operation of law. See attached DissoMaster Report.

The court finds this results in an arrears balance of \$364 for the months of April and May. Petitioner is ordered to pay Respondent \$364 as and for arrears on or before June 15, 2022.

The court must set an evidentiary hearing to receive evidence on the Family Code section 4320 factors, which it must weigh prior to making a post judgment modification of spousal support. The court orders the parties to appear for purposes of selecting a trial date.

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

TENTATIVE RULING #7: THE PRIOR CUSTODY ORDERS REMAIN IN FULL FORCE AND EFFECT. PARTIES ARE ORDERED TO PARTICIPATE IN CO-PARENTING COUNSELING AS OUTLINED ABOVE. PETITIONER IS ORDERED TO PAY RESPONDENT \$1,243 PER MONTH AS AND FOR CHILD SUPPORT, COMMENCING ON APRIL 1, 2022, PAYABLE ON THE 1ST OF THE MONTH, UNTIL FURTHER ORDER OF THE COURT OR TERMINATION BY OPERATION OF LAW. SEE ATTACHED DISSOMASTER REPORT. PETITIONER IS ORDERED TO PAY RESPONDENT \$364 AS AND FOR ARREARS ON OR BEFORE JUNE 15, 2022. THE COURT ORDERS THE PARTIES TO APPEAR FOR PURPOSES OF SELECTING A TRIAL DATE. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. RESPONDENT IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

ATTORNEY (NAME AND ADDRESS): EDC Court California	TELEPHONE NO:	Superior Court Of The State of California, County of
ATTORNEY FOR: Pet.		COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
DISSOMASTER REPORT 2022, Monthly		CASE NUMBER: PFL 2017 0044

Input Data	Pet.	Resp.	Guideline (2022)	Cash Flow Analysis	Pet.	Resp.
Number of children	1	1	Nets (adjusted)	Guideline		
% time with Second Parent	49.99%	49.99%	Pet.	9,358	Payment (cost)/benefit	(1,243) 1,243
Filing status	HH/MLA	HH/MLA	Resp.	3,651	Net spendable income	8,115 4,894
# Federal exemptions	2*	2*	Total	13,009	% combined spendable	62.4% 37.6%
Wages + salary	13,750	4,437	Support		Total taxes	3,942 536
401(k) employee contrib	0	0	CS Payor	Pet.	# WHA	7 8
Self-employment income	0	0	Presumed	1,243	Net wage paycheck/mo	9,715 3,901
Other taxable income	0	0	Basic CS	1,243	Comb. net spendable	13,010
Short-term cap. gains	0	0	Add-ons	0	Proposed	
Long-term cap. gains	0	0	Presumed Per Kid		Payment (cost)/benefit	(1,331) 1,331
Other gains (and losses)	0	0	Child 1	435	Net spendable income	8,229 4,781
Ordinary dividends	0	0	Child 2	808	NSI change from gdl	114 (113)
Tax. interest received	0	0	Spousal support	blocked	% combined spendable	63.3% 36.7%
Social Security received	0	0	Total	1,243	% of saving over gdl	17973.9% -17873.9%
Unemployment compensation	0	0	Proposed, tactic 9		Total taxes	3,740 737
Operating losses	0	0	CS Payor	Pet.	# WHA	9 3
Ca. operating loss adj.	0	0	Presumed	1,331	Net wage paycheck/mo	9,901 3,671
Roy, partnerships, S corp, trusts	0	0	Basic CS	1,331	Comb. net spendable	13,010
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	522		
New-spouse income	0	0	Child 2	808		
Adj. to income (ATI)	0	0	Spousal support	blocked		
SS paid other marriage	0	0	Total	1,331		
Ptr Support Pd. other P'ships	0	0	Savings	1		
CS paid other relationship	0	0	Total releases to Pet.	1		
Health ins(Pd by party)	450	250				
Qual. Bus. Inc. Ded.	0	0				
Itemized deductions	0	0				
Other medical expenses	0	0				
Property tax expenses	0	0				
Ded. Interest expense	0	0				
Charitable contribution	0	0				
Miscellaneous itemized	0	0				
Required union dues	0	0				
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				



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9. LIDIA BANTEA V. GARY GLENESK

PFL20210277

On April 25, 2022, Petitioner filed an ex parte request for an Order Shortening Time on her Request for Order (RFO). Respondent was properly noticed of the ex parte request. On April 27, 2022, the court granted the request to shorten time, setting the RFO for a hearing on May 12, 2022. The court ordered Petitioner to provide Respondent with notice of the RFO on or before April 29, 2022 and ordered any response to be filed no later than May 6, 2022.

Petitioner's RFO was filed on April 27, 2022. Respondent was served by mail on the same date. Petitioner is requesting the court order the evidentiary hearing currently set for May 25, 2022 to be continued. Petitioner asserts Respondent has intentionally failed to comply with court orders. Petitioner further requests the court order Respondent be compelled to serve full, complete, verified responses complying with the court's February 10, 2022 order. Petitioner requests the court order terminating sanction for the alleged willful failure to comply with the February 10, 2022 orders. Petitioner also seeks monetary sanctions pursuant to the Code of Civil Procedure as well as Family Code section 271 sanctions. Petitioner asserts Respondent has willfully failed to comply with discovery requests and court orders.

Respondent filed a Responsive Declaration on May 4, 2022. Petitioner was served by mail on May 4, 2022. Respondent objects to Petitioner's requests, and requests the court dismiss the RFO in its entirety, maintain the current date set for the evidentiary hearing, and deny the request for sanctions and attorneys fees. Respondent further requests the court grant his request for judicial notice.

Parties are ordered to appear.

TENTATIVE RULING #9: PARTIES ARE ORDERED TO APPEAR.

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10. MICHA VAN CLEAVE V. TREVOR VAN CLEAVE

PFL20210623

On March 17, 2022, Petitioner filed a Request for Order (RFO) requesting the court order child support, spousal support, and attorney fees. 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 or the Income and Expense Declaration. Therefore, the matter is dropped from the court's calendar.

TENTATIVE RULING #10: THE MATTER IS DROPPED FROM THE COURT'S CALENDAR.

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11. MICHELLE GREENE V. JOSHUA SEATS

PFL20210580

On March 17, 2022, the court re-referred the parties to Child Custody Recommending Counseling (CCRC) for an appointment on March 24, 2022 and a review hearing on May 12, 2022. The CCRC appointment was to include the eldest minor.

Parties appeared for the March 24, 2022 CCRC appointment, however, parties submitted a stipulation and order to the court on April 13, 2022. Because of the stipulation, a CCRC report was not generated. The court signed the parties' stipulation and order on April 13, 2022.

The court finds the CCRC review hearing to be moot, as the parties have submitted a stipulation and order on the issue. As such, the matter is dropped from the court's calendar.

TENTATIVE RULING #11: THE COURT FINDS THE CCRC REVIEW HEARING TO BE MOOT, AS THE PARTIES HAVE SUBMITTED A STIPULATION AND ORDER ON THE ISSUE. THE MATTER IS DROPPED FROM THE COURT'S CALENDAR.

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12. SHANNON SMITH V. MICHAEL SMITH

PFL20130695

On February 10, 2022, Minors' Counsel filed a Request for Order (RFO) requesting a modification of child custody and parenting time. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on March 21, 2022 and a review hearing on March 2, 2022. Petitioner and Respondent were served by mail on February 18, 2022.

Minors' Counsel requests the court modify the current custody and parenting time order to grant Petitioner physical custody of the minor J.S. with Respondent to have parenting time during the summer. The parties to share in the cost of travel for the minor equally. Minors' Counsel asserts the minor J.S. is under extreme stress and anxiety at Respondent's home. Further, Respondent and the minors are being evicted and Respondent has failed to arrange for new housing. J.S. expressed the prior issues with Petitioner's husband have been repaired and that he believes he is able to better communicate than he was in the past. The minor J.S. wanted to remain in Respondent's care as he is turning 18 in July and wants to complete high school at his current school.

Petitioner appeared for the CCRC appointment, Respondent however, did not. Therefore, a single parent report without agreements or recommendations was issued. A copy of the report was mailed to the parties on April 20, 2022.

Petitioner filed a Responsive Declaration on April 11, 2022. Respondent and Minors' Counsel were served by mail on April 4, 2022. Petitioner agrees with the requests in Minors' Counsel's RFO with the exception of parenting time. Petitioner requests all visitation with Respondent take place in Florida. Petitioner asserts Respondent has been neglecting the minors' care for the prior two years and therefore, should be required to visit in Florida.

Respondent has not filed a Responsive Declaration.

Parties are ordered to appear.

TENTATIVE RULING #12: PARTIES ARE ORDERED TO APPEAR.

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13. THERESA JUBA V. ROBERT LEBARRE

PFL20200764

On October 4, 2021, Petitioner filed an ex parte application for custody and visitation orders. The underlying Request for Order (RFO) also requests child support orders and an order regarding the enforcement of health care orders. An Income and Expense Declaration was filed concurrently with the ex parte application.

On October 5, 2021, the court denied the ex parte request and set a CCRC session on November 4, 2021 and a hearing on the RFO on January 6, 2022.

Respondent was served electronically with the RFO and CCRC referral on October 20, 2021, with Proof of Service filed October 25, 2021.

Respondent filed a Responsive Declaration on November 5, 2021 with Proof of electronic service on the Petitioner on November 4, 2021.

Both parties and both minors participated in CCRC. A CCRC report was issued on December 13, 2021 with copies mailed to the parties on December 20, 2021.

The CCRC report notes that the minors do not wish visit with Respondent, who lives in the Santa Cruz area and recently has had a contentious relationship with the minors. The report further notes the animosity of the parties and each's allegations that the other is an unfit parent. Given the age of the minors and the divergent positions of the parties, the report relies on the wishes of the children, recommending joint legal custody, physical custody to Petitioner, and visits to Respondent on the 1st and 3rd weekends, provided the children wish to visit with him. The report also recommends that the minors be engaged in mental health services.

Based on Respondent's Declaration filed on November 5, 2021, the minors are eligible for free health care through the Shingle Springs Tribal Health Center. Any uncovered medical expenses are to be split between the parties 50/50.

The parties appeared at the February 10, 2022 hearing. After hearing arguments from the parties, the court re-referred the parties to CCRC. The court stayed the tentative ruling and continued the issue of support for parties to file their Income and Expense Declarations.

Only Respondent appeared for the CCRC appointment. As such, a single parent CCRC report was issued without an agreement or recommendations. A copy of the report was mailed to the parties on April 22, 2022. Respondent is requesting more flexibility in the parenting schedule to accommodate the children's schedules.

There have been no additional filings in this matter.

Regarding the request for child support the court declines to make any orders as the court finds that neither party has filed an updated Income and Expense Declaration as required by California Rule of Court 5.260 and by Local Rule 8.01.01. Although Petitioner did file an Income and Expense Declaration on October 4, 2021, there is no proof of it having been served on Respondent and it is now stale. The

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court also denies Petitioner's request for attorney fees as it does not have the requisite information to grant the request.

All prior orders remain in full force and effect. Petitioner is ordered to prepare and file the Findings and Order After Hearing.

TENTATIVE RULING #13: THE COURT DECLINES TO MAKE ANY ORDERS REGARDING CHILD SUPPORT OR THE ENFORCEMENT OF HEALTH CARE ORDERS. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. PETITIONER IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.