

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 26, 2022

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

1. ANDREW DILLINGER V. KELLY DILLINGER

PFL20140829

On February 4, 2022 the court denied Petitioner's ex parte application and Petitioner's concurrently filed a Request for Order (RFO) requesting modification of the current child custody and visitation orders was calendared on the Law and Motion calendar for the instant hearing date. Respondent filed a Responsive Declaration to the ex parte application, which was considered by the court. The parties were referred to CCRC.

Although Represented by Counsel at the time, Respondent filed a lengthy declaration with the court on March 10, 2022. However, as there is no Proof of Service in the file showing Petitioner was served with the Declaration, the court did not review or consider the filing.

The parties both appeared for CCRC and a CCRC report was issued on April 13, 2022. Copies of the report were mailed to the parties on April 18, 2022.

On April 21, 2022 Petitioner filed a Supplemental Declaration and a Proof of Service by Mail showing service upon Respondent on April 20, 2021.

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

Judgement was entered on June 18, 2018 and granted joint legal and physical custody to the parties pursuant to their agreement. The Judgement does not contain language indicating this order was intended to be a final order pursuant to *Montenegro v. Diaz* (2001) 26 Cal.4th 249, and therefore a best interest of the child standard applies.

On April 28, 2022, parties appeared for the hearing as Respondent had requested oral argument. Counsel for Respondent requested the matter be continued as Respondent was ill and Respondent had not yet served Petitioner with the March 10, 2022 declaration. The matter was continued to May 26, 2022 and the recommendations from the CCRC report were adopted on a temporary basis.

On May 16, 2022, Petitioner filed a Supplemental Declaration. Respondent was served by mail on May 16, 2022. Petitioner is requesting the court confirm the prior tentative ruling and adopt the recommendations from the CCRC report. Further Petitioner is requesting the court order reunification therapy commence upon the recommendation of the minor's therapist, rather than immediately.

Although Petitioner states he has received the March 10, 2022 Declaration from Respondent, there is no Proof of Service for this document in the court file, and therefore, the court has not considered it.

The recommendations contained within the CCRC report are in the minor's best interest. Further, the court finds that the circumstances described by the minor provide a change in circumstances to warrant a change in legal custody to sole legal custody with Petitioner as recommended by the CCRC. The court adopts the CCRC recommendations as temporary orders. All prior orders not in conflict remain in full force and effect.

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Petitioner shall prepare and file the Findings and Order After Hearing.

TENTATIVE RULING #1: THE COURT ADOPTS THE CCRC REPORT AS THE ORDERS OF THE COURT. THESE ORDERS ARE TEMPORARY ORDERS PENDING FURTHER ORDER OF THE COURT. ALL PRIOR ORDERS NOT IN CONFLICT REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.

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3. ARMANDO GOMEZ V. MELANIE GOMEZ

PFL20200678

On March 9, 2022, Petitioner 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 April 18, 2022 and a review hearing on May 26, 2022. Respondent was served by mail, along with an address verification on March 11, 2022.

Petitioner requests the court modify the current order for joint legal and physical custody with a week on/week off parenting plan to joint legal custody with Petitioner having primary physical custody and Respondent having parenting time every other weekend. Petitioner further requests Respondent be ordered not to consume alcohol during her parenting time.

Both parties appeared at the CCRC appointment on April 18, 2022 and reached a full agreement. A copy of the CCRC report was mailed to the parties on May 17, 2022. The court has read and considered the CCRC report and finds the agreement of the parties to be in the best interest of the minor. The parties agree the current orders for custody and parenting time remain in full force and effect.

Respondent filed a Responsive Declaration on May 12, 2022 requesting the court deny Petitioner's motion and keep the current orders in place. Petitioner was served by mail on May 12, 2022. Respondent asserts there has not been a material change in circumstances that would justify a modification of the current court orders.

The court adopts the agreement of the parties. The current orders for custody and parenting time remain in full force and effect.

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

TENTATIVE RULING: THE CURRENT ORDERS FOR CUSTODY AND PARENTING TIME REMAIN IN FULL FORCE AND EFFECT. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. PETITIONER IS TO PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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4. ASHLEY SHENEFIELD V. SEAN AUGILAR

PFL20140027

On March 3, 2022, Petitioner filed a Request for Order (RFO) requesting a change in child custody, parenting time, and for the minors to resume school in El Dorado County. Parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on April 4, 2022 and a review hearing on May 26, 2022. Respondent was served by mail on March 3, 2022.

Petitioner asserts she has enrolled in and is regularly attending therapy. Petitioner further asserts her criminal case is closed. Petitioner states the minors are requesting to go home with her. Petitioner states she has complied with all the court's orders from the June 17, 2021 hearing and therefore is requesting joint legal custody, unsupervised visitation, and the minors be re-enrolled in their prior elementary school for the 2022-2023 school year.

Parties attended CCRC on April 4, 2022 and were able to reach two agreements. The CCRC report contains the agreements of the parties as well as the recommendations of the counselor was filed on May 9, 2022. A copy of the report was mailed to the parties on May 10, 2022. The court has read and considered the CCRC report and finds the agreements and recommendations to be in the best interest of the minors.

Respondent filed a Responsive Declaration on May 17, 2022. Petitioner was served electronically on May 17, 2022. Respondent requests all current orders remain in full force and effect. Respondent requests the court order Family Code section 271 sanctions against Petitioner for filing the instant RFO despite Petitioner's failure to substantially comply with the June 18, 2021 court orders and for misleading the CCRC counselor and court. Respondent also requests the minors remain in their current school. Respondent also requests Petitioner's parenting time be reduced to every other week, as that is what is currently being practiced. Respondent asserts Petitioner has not complied with the prior court orders, as she only participated in three counseling sessions and has not attended since September 2021. Further, Petitioner failed to provide the therapist a copy of the CCRC report as ordered. Respondent echoes the CCRC report assessment that Petitioner has failed to take responsibility for her actions and has failed to develop insight. Respondent also reports Petitioner has not visited with the minors since approximately April 9, 2022 and there are frequent "no-shows" or late cancellations for visits, causing the minors great upset. Respondent requests the court order Petitioner pay \$1920 in Family Code section 271 sanctions.

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

The court finds Petitioner has failed to comply with the June 17, 2021 order. Petitioner has failed to participate regularly and consistently in and benefit from individual therapy. Petitioner continues to minimize the seriousness of the driving under the influence charges from last year. Further, Petitioner has not fully exercised her parenting time. Therefore, the court adopts the agreements and recommendations as the court's orders with the following modifications.

Respondent shall continue to have sole legal and physical custody of the minors. Pending Petitioner's consistent participation in counseling and benefit from the therapeutic progress on her

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substance abuse issues, as deemed by her therapist, Petitioner shall continue to have professionally supervised parenting time at Family Time Visitation Center. The court modifies the recommendation for two hours, twice a week to a minimum of two hours every other week. Supervised parenting time may be increased up to two hours, twice a week after Petitioner has consistently and regularly attended visitation with no late cancelled and no “no-shows” for 90 days.

Once Petitioner receives unsupervised parenting time, she shall submit to an 80-hour alcohol test after her parenting time and will do so for a duration of six months. If Petitioner has a positive, dilute, or missed test, her parenting time will revert to supervised. The parties will search for a family therapist for conjoint counseling between the minors and Petitioner. Parties are to provide the name of the therapist at or before the May 26, 2022 hearing. The court adopts the additional provisions as set forth in the CCRC report.

The minors shall continue to attend their current school.

The court finds Petitioner’s motion to be meritless as she failed to comply with the June 17, 2021 orders. Respondent’s request for Family Code section 271 sanctions is granted in the amount of \$500. Petitioner is to pay Respondent’s counsel Kristen Alexander \$500 as and for Family Code section 271 sanctions. If Petitioner is unable to pay the full amount, she may make monthly payments of \$100 until the amount is paid in full. Any missed payment will result in the remaining sum being due in full with legal interest.

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

TENTATIVE RULING #4: THE COURT ADOPTS THE AGREEMENTS AND RECOMMENDATIONS OF THE CCRC REPORT AS MODIFIED ABOVE. THE MINORS SHALL REMAIN IN THEIR CURRENT SCHOOL. RESPONDENT’S REQUEST FOR SANCTIONS IS GRANTED IN THE AMOUNT OF \$500. PETITIONER IS TO PAY RESPONDENT’S COUNSEL KRISTEN ALEXANDER \$500 AS AND FOR FAMILY CODE SECTION 271 SANCTIONS. IF PETITIONER IS UNABLE TO PAY THE FULL AMOUNT, SHE MAY MAKE MONTHLY PAYMENTS OF \$100 UNTIL THE AMOUNT IS PAID IN FULL. ANY MISSED PAYMENT WILL RESULT IN THE REMAINING SUM BEING DUE IN FULL WITH LEGAL INTEREST. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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5. DANIEL HOPKINS V. JOHN HOPKINS

PFL20170221

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

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

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

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

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

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

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

Additionally, On October 7, 2021 Petitioner filed a Request for Order (RFO) requesting the court make an order for child support, for Respondent to pay for medical insurance through his employment, as well as to split the costs of uncovered medical expenses. Petitioner filed an Income and Expense declaration on the same date. A hearing on the RFO was set for January 6, 2022. Respondent was served by mail with the RFO on October 8, 2021.

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

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

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

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

On February 14, 2022, Petitioner filed a Status Report for Review Hearing, served on Respondent electronically that same day. On February 15, 2022, Respondent filed Respondent's Declaration Re: Status Update to the Court, served on Petitioner electronically the day prior and by mail the same day. Both parties acknowledged challenges in finding a therapist for the minor.

At the February 24, 2022 hearing, the court found that neither party had provided the court with confirmation of when the co-parenting counseling began. The court maintained its prior orders that Respondent's parenting time shall increase after 60 days in co-parenting counseling. The parties were ordered to meet and confer to determine on which date the 60 days have elapsed, with the court finding that co-parenting counseling shall be deemed to have commenced on the date that Respondent had his initial intake with the co-parenting counselor.

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

The court continued the matter to April 28, 2022 at 8:30 a.m. in Department 5 to confirm that the parties have increased Respondent's parenting time as ordered, to confirm that Respondent has provided the documents and insurance cards to Petitioner as ordered above, and to modify child support based on Respondent's increased timeshare and his out-of-pocket insurance costs. The court reserved jurisdiction to modify child support back to the date of filing of the RFO. The court ordered the

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parties to meet and confer to resolve the above issues and to provide the court with a declaration updating it on the status at least 10 days in advance of the hearing.

Respondent filed a Status Update with the court, filed on April 20, 2022 and served on Petitioner electronically that same day. While the declaration notes that the parties reached an agreement regarding a parenting time schedule, the specific schedule is not stated. Further, while Respondent declares his health insurance deductions (including what will be deducted for dental care), he has not provided confirmation that he provided insurance cards to Petitioner.

On April 28, 2022, parties appeared and agreed to a continuance. The court stayed the tentative ruling until May 26, 2022.

The court has since received Petitioner's status report for the April 28, 2022 hearing. It was filed on April 18, 2022 and served electronically the same day. Petitioner confirms parties have continued to attend co-parenting counseling at least twice per month. Petitioner also asserts parties have been following parenting plan they agreed to in co-parenting counseling since January. Petitioner is opposed to a further step up to a 50/50 parenting plan. Petitioner also asserts parties have been unable to locate a counselor for the minor who is currently taking on new patients.

On April 28, 2022, Respondent filed a Declaration with attachments showing proof of the minor's enrollment in Respondent's health benefit plan. Petitioner was served by mail on April 28, 2022. The attachment shows the minor was enrolled effective March 1, 2022.

Neither party has filed an updated Income and Expense Declaration. Neither party has filed a Supplemental Declaration.

Parties are ordered to appear.

TENTATIVE RULING #5: PARTIES ARE ORDERED TO APPEAR.

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6. DIANA GOODING V. ANTHONY GOODING

PFL20200296

On March 15, 2022, Respondent filed a Request for Order (RFO) requesting the court allow discovery to be re-opened for the limited purpose of Respondent subpoenaing his Bank of America records from 2001-2003. Petitioner was served with the RFO by mail on March 23, 2022.

Respondent asserts he has attempted to obtain these records on his own through Bank of America however, has been unsuccessful. Respondent believes these records are essential to tracing the source of funds used to purchase a home which Respondent claims is separate property. Respondent has previously made this request orally and via an ex parte motion. The court has previously denied the requests, due to the pending trial dates. Parties are currently set for a Mandatory Settlement Conference on July 25, 2022 and trial on August 16, 2022.

Petitioner filed a Responsive Declaration on May 11, 2022. Respondent was served electronically the same day. Petitioner requests the court deny the request as Respondent's claim is barred by res judicata. Petitioner asserts this is the same request as has been previously raised and therefore, should be dismissed with prejudice.

The court notes, the prior request was with regards to Petitioner's motion to quash a subpoena. The ex parte request was for an order to shorten time on the RFO to re-open discovery. The court did not rule on the merits of the RFO. Therefore, the court cannot find this request is barred by res judicata.

According to Code of Civil Procedure (CCP) section 2024.020, every party is "entitled as a matter of right" to have discovery under the Discovery Act completed and motions concerning discovery heard no later than the specified cutoff dates irrespective of continuances or postponements. However, the Act recognizes that circumstances may arise that justify extending these cutoff dates or reopening discovery after the trial date has been postponed. CCP section 2024.050(a) provides that, on motion of any party, a judge may grant leave to complete discovery proceedings or to have a discovery motion heard, close to the initial trial date, or to reopen discovery after a new trial date has been set. This motion must be accompanied by a meet and confer declaration under CCP section 2016.040.

Respondent has failed to include a meet and confer declaration as required under CCP section 2016.040.

A judge must impose sanctions under CCP section 2023.050 against any party, person or attorney who unsuccessfully makes or opposes a motion to extend or reopen discovery, unless the judge finds that the one subject to the sanctions acted with substantial justification or that other circumstances make imposing the sanction unjust.

Parties are ordered to appear.

TENTATIVE RULING #6: PARTIES ARE ORDERED TO APPEAR.

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7. ERIC STONER V. JESSICA STONER

PFL20210279

On March 3, 2022, the court adopted its tentative ruling as modified on the record. Parties were re-referred to Child Custody Recommending Counseling (CCRC) for an appointment on April 4, 2022 and a review hearing on May 26, 2022. Parties were to enroll and participate in co-parenting counseling.

Both parties participated in the April 4, 2022 CCRC appointment and were able to reach some agreements. The CCRC report contains the agreements of the parties as well as the recommendations from the CCRC counselor. A copy of the report was mailed to the parties on May 10, 2022. The court has read and considered the CCRC report and finds the agreements and recommendations to be in the best interest of the minors. The court adopts the agreements and recommendations as the court's order. The parties will continue to share joint legal custody. The current holiday schedule will remain in full force and effect. The parties will use the talkingparents.com application to communicate with each other about the minors. Starting on May 26, 2022 through July 26, 2022, Petitioner shall have parenting time on alternating weeks from Friday at 7:00 pm until Sunday at 7:00 pm. On the opposing weeks, Petitioner shall have parenting time from 2:00 pm on Wednesday to 9:00 am on Thursday. Beginning July 26, 2022, Petitioner shall have parenting time on alternating weekends from Friday at 7:00 pm to Monday at 9:00 am. On the opposing weeks, Petitioner shall have the minors from 2:00 pm Wednesday to 9:00 am on Thursday. The parties are to continue to participate in co-parenting counseling with Mr. Riviera and shall provide him with a copy of the May 9, 2022 CCRC report and the July 2, 2021 CCRC report. Parties shall continue to participate at the frequency and duration as directed by Mr. Rivera. Respondent shall continue to participate in individual counseling at a frequency and durations as directed by her counselor. Petitioner shall participate in an assessment with a licensed therapist to determine if individual counseling is appropriate. If it is determined on-going counseling is appropriate, Petitioner shall continue to participate at a frequency and duration as directed by the clinician. The parties are to abide by the respect guidelines contained in the CCRC report. The minor S.S. is to continue in individual therapy with her current therapist, at a frequency and duration as directed by the therapist. Parties are to abide by the recommendations and treatment plan of the therapist.

Neither party has filed a Supplemental Declaration.

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

TENTATIVE RULING #7: THE COURT ADOPTS THE AGREEMENT AND RECOMMENDATION CONTAINED IN THE MAY 9, 2022 CCRC REPORT AS THE COURT'S ORDER. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER ARE TO REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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8. EUGENE EXUM V. ALYSSA EXUM

PFL20190540

On March 3, 2022, Respondent filed an ex parte emergency request for temporary orders as to custody, parenting time, child support, spousal support, and attorney fees. On March 4, 2022, the court denied the ex parte request. Respondent filed a Request for Order (RFO) on March 4, 2022. Parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on April 8, 2022 and a review hearing on May 26, 2022. Respondent also filed an Income and Expense Declaration on March 3, 2022. Petitioner was personally served on March 4, 2022.

Respondent is requesting the court order joint legal custody to the parties with Respondent to have primary physical custody. Respondent is requesting guideline child and spousal support. Respondent is requesting Petitioner's girlfriend not be present during Petitioner's parenting time and not transport the children. Respondent is requesting a no corporal punishment order. Respondent is seeking tight of first refusal to her if Petitioner must work during his parenting time. Respondent is also seeking property control of six firearms registered in her name only. Respondent is requesting \$15,000 in Family Code section 2030 attorney fees. Respondent asserts Petitioner's girlfriend has a drinking problem and has transported the minors while drinking, including with an open container. Respondent also assert Petitioner's girlfriend has threatened to have the children taken away from Respondent. Respondent states Petitioner recently "backhanded" the parties' minor son for not completing his homework. Respondent is therefore, requesting a no corporal punishment order. Respondent also asserts Petitioner habitually drops the minors off at school late. Respondent states the minors have 30 tardies on days when Petitioner drops them off.

On April 8, 2022, parties attended CCRC. They were not able to reach any agreements. A report containing the recommendation from the CCRC counselor was mailed to the parties on May 16, 2022. The court has read and considered the CCRC report and finds the recommendations to be in the minors' best interests. The court adopts the recommendations as the court's orders. Parties shall share joint legal custody. The minors will reside primarily with Respondent. Petitioner shall have parenting time from Sunday at 3:00 pm until Wednesday afternoon when he returns from work during the school year. When the minors are not in school, Petitioner shall have from Sunday at 3:00 pm until Tuesday at 6:00 pm. The court adopts the recommended holiday schedule. The court adopts the right of first refusal.

On April 12, 2022, Respondent's counsel filed a motion to be relieved. Respondent was served by mail on April 22, 2022. Petitioner was served by mail on the same date. The court orders parties to appear on the motion to be relieved.

Petitioner filed a Responsive Declaration and Income and Expense Declaration on May 18, 2022. Respondent was served electronically on May 17, 2022. Petitioner objects to all the requests made by Respondent. Petitioner requests the court establish a custody and parenting time order like what the parties had previously been exercising informally. Petitioner also requests the court order guideline child and spousal support based on parties' respective incomes. Petitioner requests Respondent provide him with the minors' social security numbers so that he may enroll them on his health insurance plan.

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Respondent has an average monthly income of \$3,033 based on the March 3, 2022 filed Income and Expense Declaration. She last filed taxes as head of household. She has no itemized deductions.

Petitioner has an average monthly income of \$5,373 (\$31 per hour, multiplied by 40 hours a week, multiplied 52 weeks a year, divided by 12 months a year) based on the May 18, 2022 filed income and expense declaration. He last filed taxes as married filing separately. He has \$470 in required retirement payments and \$300 in health insurance premiums.

Using the above figures and a 43% timeshare to Petitioner, the court finds the guideline child support to be \$503 per month payable by Petitioner to Respondent. Petitioner is ordered to pay Respondent \$503 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 further finds the guideline spousal support to be \$62 per month payable by Petitioner to Respondent. Petitioner is ordered to pay Respondent \$62 per month as and for spousal support, commencing on April 1, 2022 payable the 1st of the month, until further order of the court or by termination by operation of law. See attached DissoMaster Report.

The court finds this results in a net payment of \$565 payable from Petitioner to Respondent. Petitioner is ordered to pay \$565 per month as and for child and spousal support, commencing on April 1, 2022, payable the 1st of the month, until further order of the court or by termination by operation of law. See attached DissoMaster Report. Respondent may collect the support via wage garnishment by filing an Income Withholding Order with the court. The court further finds that Petitioner has the potential for overtime, which is appropriately addressed with additional support through the attached overtime schedule. The court further orders additional support per the attached bonus/overtime schedule.

The court further finds this order results in an arrears of \$1,130. The court is unclear if Petitioner has continued to voluntarily pay Respondent \$400 per month for support. If so, then the total arrears owed is \$330. Petitioner is ordered to pay Respondent \$330 as and for arrears due on June 15, 2022. If Petitioner has not continued to make the \$400 per month voluntary payment for the months of April and May, the full arrears are owed. Petitioner is ordered to pay \$282.50 per month as and for arrears due on the 15th of each month until paid in full (approximately 4 months). If there is a missed payment, the remainder is due in full with legal interest.

The court orders Petitioner to return all firearms registered in Respondent's name alone to Respondent forthwith.

The court denies Respondent's request for Family Code section 2030 attorney fees. The court finds with the support payment there is no disparity in income and neither party has a greater access to legal representation.

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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TENTATIVE RULING #8: THE COURT ADOPTS THE RECOMMENDATIONS OF THE CCRC REPORT AS OUTLINED ABOVE. THE COURT ORDERS GUIDELINE CHILD AND SPOUSAL SUPPORT AS OUTLINED ABOVE. THE COURT ORDERS PETITIONER TO RETURN ALL FIREARMS REGISTERED IN RESPONDENT'S NAME ALONE TO RESPONDENT FORTHWITH. THE COURT DENIES RESPONDENT'S REQUEST FOR FAMILY CODE SECTION 2030 ATTORNEY FEES. THE COURT FINDS WITH THE SUPPORT PAYMENT THERE IS NO DISPARITY IN INCOME AND NEITHER PARTY HAS A GREATER ACCESS TO LEGAL REPRESENTATION. PARTIES ARE ORDERED TO APPEAR ON RESPONDENT'S MOTION TO BE RELIEVED. 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.

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 2019 0540

Input Data	Pet.	Resp.	Guideline (2022)	Cash Flow Analysis	Pet.	Resp.
Number of children	0	2	Nets (adjusted)	Guideline		
% time with Second Parent	43%	0%	Pet.	4,022	Payment (cost)/benefit	(561) 566
Filing status	MFS->	HH/MLA	Resp.	3,184	Net spendable income	3,456 3,749
# Federal exemptions	1*	3*	Total	7,206	% combined spendable	48% 52%
Wages + salary	5,373	3,033	Support (Nondeductible)	Total taxes	1,051	(151)
401(k) employee contrib	470	0	CS Payor	Pet. # WHA	0	7
Self-employment income	0	0	Presumed	503	Net wage paycheck/mo	4,243 2,737
Other taxable income	0	0	Basic CS	503	Comb. net spendable	7,206
Short-term cap. gains	0	0	Add-ons	0	Proposed	
Long-term cap. gains	0	0	Presumed Per Kid		Payment (cost)/benefit	(880) 887
Other gains (and losses)	0	0	Child 1	136	Net spendable income	3,521 3,731
Ordinary dividends	0	0	Child 2	368	NSI change from gdl	65 (18)
Tax. interest received	0	0	SS Payor	Pet.	% combined spendable	48.6% 51.4%
Social Security received	0	0	Alameda	62	% of saving over gdl	140.5% -40.5%
Unemployment compensation	0	0	Total	565	Total taxes	661 193
Operating losses	0	0	Proposed, tactic 9		# WHA	7 3
Ca. operating loss adj.	0	0	CS Payor	Pet.	Net wage paycheck/mo	4,604 2,586
Roy, partnerships, S corp, trusts	0	0	Presumed	700	Comb. net spendable	7,252
Rental income	0	0	Basic CS	700	Percent change	0.6%
Misc ordinary tax. inc.	0	0	Add-ons	0	Default Case Settings	
Other nontaxable income	0	0	Presumed Per Kid			
New-spouse income	0	0	Child 1	269		
Adj. to income (ATI)	0	0	Child 2	431		
SS paid other marriage	0	0	SS Payor	Pet.		
Ptr Support Pd. other P'ships	0	0	Alameda	190		
CS paid other relationship	0	0	Total	890		
Health ins(Pd by party)	300	0	Savings	46		
Qual. Bus. Inc. Ded.	0	0	Total releases to Pet.	2		
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				

ATTORNEY (NAME AND ADDRESS): EDC Court California ATTORNEY FOR: Pet.	TELEPHONE NO:	Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
Pet. Monthly Overtime Wages Report 2022 Monthly		CASE NUMBER: PFL20190540

"R" denotes that Pet. is a recipient for the corresponding support
 "CS%" is the percentage of Overtime paid as additional Child Support
 "SS%" is the percentage of Overtime paid as additional Spousal Support

Pet.'s Gross Overtime	Basic CS%	Basic CS	Alameda SS%	Alameda SS	Total Basic CS	Total SS	Total Support CS+SS
0	0.00	0	0.00	0	503	62	566
100	16.52	17	10.52	11	520	73	593
200	16.45	33	10.57	21	536	84	620
300	16.38	49	10.62	32	552	94	647
400	16.31	65	10.68	43	568	105	674
500	16.24	81	10.73	54	584	116	700
600	16.17	97	10.78	65	600	127	727
700	16.11	113	10.83	76	616	138	754
800	16.04	128	10.88	87	632	149	781
900	15.97	144	10.94	98	647	161	808
1,000	15.88	159	11.02	110	662	173	835
1,100	15.79	174	11.08	122	677	184	861
1,200	15.71	188	11.10	133	692	196	887
1,300	15.63	203	11.13	145	706	207	914
1,400	15.56	218	11.16	156	721	219	940
1,500	15.49	232	11.19	168	736	230	966
1,600	15.42	247	11.23	180	750	242	992
1,700	15.36	261	11.26	191	764	254	1,018
1,800	15.29	275	11.29	203	778	266	1,044
1,900	15.23	289	11.33	215	793	278	1,070
2,000	15.17	303	11.36	227	807	290	1,096



LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 26, 2022

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

9. GINA GEPFORD V. ALBERT CARR II

PFL20180536

Petitioner filed a Request for Order (RFO) on January 7, 2022, requesting the court award her sole legal and physical custody of the minors. Parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on February 9, 2022 and a review hearing on March 24, 2022. Respondent was served by mail on January 13, 2022 with Proof of Service filed on the same day.

Parties attended the CCRC appointment on February 9, 2022 and were able to reach several agreements. The CCRC report makes recommendations on the issues the parties were not able to reach agreements on. A copy of the report was mailed to the parties on March 10, 2022.

On February 18, 2022 Respondent filed a Responsive Declaration to the RFO. Petitioner was served by mail on February 17, 2022. Respondent requests the court order joint legal and physical custody with parenting time for the Respondent every other weekend from Friday at 7:00 P.M. until Sunday at 7:00 P.M. correlating with Respondent's on-call schedule. Respondent also requests video calls on Monday, Wednesday and Fridays at 7:00 P.M. Respondent will provide Petitioner with the on-call schedule six (6) months in advance.

On March 17, 2022 Petitioner filed a Reply to the Responsive Declaration. Respondent was served electronically on the same day. Petitioner objects to Respondent's request for joint legal and physical custody of the minors. Petitioner asserts the minors have had no contact with Respondent for three (3) years and it would be disruptive to the minors to proceed immediately to every other weekend parenting time with the Respondent. Petitioner requesting the court grant her sole legal and physical custody.

On March 22, 2022, Respondent filed a Request to Continue the hearing which the court granted. The matter was continued to May 26, 2022.

There have been no new filings in this matter.

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

The court finds the agreements of the parties to be in the best interest of the minors and adopts them as the court's order. The court finds the recommendations contained within the report to be in the best interest of the minors and adopts the recommendations as the court's order. Petitioner will continue to have sole legal and physical custody of the minors. Respondent shall submit to the court all progress reports from the Batterer's Intervention Program and his Certificate of Completion. Respondent is to participate in reunification counseling with the minors upon the recommendation of the minors' therapist. Respondent will have no contact with the minors pending the minors' therapist recommending contact. Parties shall use talkingparents.com to communicate with each other about the minor's physical and mental health, education, and their general welfare. Petitioner and Respondent shall work with the reunification counselor to assess the minors on-going needs and to modify the parenting plan to meet those needs.

All prior orders not in conflict remain in full force and effect.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 26, 2022

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

Petitioner shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #9: THE COURT FINDS THE AGREEMENTS AND RECOMMENDATIONS CONTAINED WITHIN THE CCRC REPORT ARE IN THE BEST INTEREST OF THE MINORS AND ARE ADOPTED AS THE COURT'S ORDER. ALL PRIOR ORDERS NOT IN CONFLICT REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 26, 2022

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

10. LISA THOMASON V. LOUIS MOLAKIDES

PFL20210494

On March 17, 2022, the court adopted its tentative ruling, adopting the recommendations from the Child Custody Recommending Counseling (CCRC) report as modified. The no contact order between the minors and Mr. Whitaker remained in full force and effect. All prior orders remained in full force and effect. Parties were ordered to return for a review hearing on June 23, 2022 to address completion of co-parenting classes and the no contact order.

On April 21, 2022, Petitioner filed a Request for Order with an Order Shortening Time requesting to advance the hearing scheduled for June 23, 2022 as she is pregnant and due to give birth on or near the hearing date. The court granted the Order Shortening Time and advanced the June 23, 2022 hearing to May 26, 2022.

Petitioner filed a Supplemental Declaration on May 16, 2022. Upon review of the court file there is no Proof of Service showing the Supplemental Declaration was served on Respondent. Therefore, the court has not considered it.

On May 17, 2022, Respondent filed a Supplemental Declaration. Petitioner was served electronically on May 17, 2022. Respondent requests the court keep the current no contact order between the minors and Mr. Whitaker in full force and effect. Respondent requests the court keep the no contact order in place due to the violations of the no contact order. Respondent further asserts at least one of the minors has expressed fear of Mr. Whitaker. Respondent asserts a Family Code section 3111 evaluation is necessary and the no contact order should remain in place pending the results of the evaluation. Respondent is also requesting the court modify the parenting time order to allow him parenting time on week one from 5:00 pm Saturday to 5:00 pm Wednesday and week two from 5:00 pm Sunday until 5:00 pm Wednesday. Respondent states he has completed the step-up plan as of May 8, 2022. This plan would allow both parties significant time with the minors. Respondent attached his certificate of completion for a six-hour co-parenting class.

The court notes Respondent has filed a Request for Order (RFO) requesting the court make custody and parenting plan orders and order a Family Code section 3111 evaluation. The RFO has been set for a hearing on July 14, 2022.

The court finds Respondent has completed the court ordered co-parenting class. The matter is not on calendar for modification of the current parenting plan. Absent an agreement of the parties, the court cannot modify the parenting plan as there is no RFO pending.

All prior orders remain in full force and effect, including the no contact order between the minors and Mr. Whitaker.

TENTATIVE RULING #10: ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT, INCLUDING THE NO CONTACT ORDER BETWEEN THE MINORS AND MR. WHITAKER.

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
May 26, 2022
8:30 a.m./1:30 p.m.

11. MAURICIO DEL POZO V. SCHONSE DEL POZO

PPFL20160111

On December 30, 2021, Petitioner filed a Request for Order (RFO) requesting the court make a formal custody order to reflect the parties' agreement which has been in place for the prior seven months. Parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on January 27, 2022 and a review hearing set for March 10, 2022. Respondent and Minors Counsel were served a copy of the RFO and CCRC referral by mail on January 7, 2022.

On January 27, 2022, only Petitioner appeared at the CCRC appointment. As such a single parent report was issued, with no agreements or recommendations. A copy of the report was mailed to parties on March 2, 2022.

Respondent has not filed a Responsive Declaration.

On March 10, 2022, the court adopted its tentative ruling re-referring the parties to CCRC for an appointment on April 15, 2022 and continuing the review hearing to May 26, 2022.

Once again, Respondent failed to appear and participate in the CCRC appointment and again, a single parent report was issued with no agreement or recommendation. Petitioner is requesting the current parenting plan the parties informally agreed to and has been in place for a year be adopted as the court's formal order.

On April 15, 2022, Petitioner filed a Declaration outlining the parties informal agreement. Petitioner is requesting the court adopt this as the court's order. Petitioner asserts the informal agreement has been reduced to writing and shared with the Respondent via email on four occasions and to counsel on at least one prior occasion. However, Respondent has not signed the agreement nor provided any feedback. There is no Proof of Service for Petitioner's declaration.

Parties are ordered to appear.

TENTATIVE RULING #11: PARTIES ARE ORDERED TO APPEAR.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 26, 2022

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

12. PATRICIA DAVY V. CHARLES DAVEY

PFL20200494

On April 8, 2022, Respondent filed a motion to transfer the family law matter from the Placerville branch of the El Dorado Superior Court to the South Lake Tahoe branch of the El Dorado Superior Court. Petitioner was served with the motion on by mail on April 21, 2022.

Respondent asserts that due to Petitioner being a Deputy Clerk in the El Dorado Superior Court for approximately 20 years, he is “very uncomfortable appearing in Placerville as the members of the judiciary and staff are personal friends...” with Petitioner. Therefore, Respondent requests the matter be transferred to the South Lake Tahoe branch.

Petitioner has not filed a Responsive Declaration.

The court has read and considered the motion and denies Respondent’s request to transfer the case to the South Lake Tahoe branch. This bench officer does not have a personal friendship and does not have day to day contact with Petitioner. Petitioner is no longer a Deputy Clerk in the El Dorado Superior Court. Neither party resides in the South Lake Tahoe basin area. The court cannot find good cause to transfer the matter.

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

TENTATIVE RULING #12: RESPONDENT’S MOTION TO TRANSFER THE MATTER TO THE SOUTH LAKE TAHOE BRANCH IS DENIED. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 26, 2022

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

13. REGINA DEWALT V. WILLIAM DEWALT

PFL20180219

On February 24, 2022, Respondent filed a Request for Order (RFO) requesting the court change the parenting time orders, and order parties to abide by the respect guidelines, utilize the talkingparents.com application, and to admonish Petitioner. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on April 7, 2022 and a review hearing on May 26, 2022. Petitioner was served with the RFO and referral to CCRC by mail on February 28, 2022. Petitioner was served electronically with the RFO and referral to CCRC on March 3, 2022.

Respondent asserts that Petitioner calls the minor frequently when he is with Respondent for Respondent's parenting time. Respondent has attached as exhibit A email communication between Respondent and Petitioner where Petitioner states she will call the sheriff's department for a wellness check if the minor does not answer the phone. Respondent further asserts Petitioner engages the minor as a go between to ferry messages between Petitioner and Respondent. Respondent is asking the court to order parties to abide by the Respect guidelines and to use the talkingparents.com application to communicate with each other about co-parenting issues. Last, Respondent requests the court admonish Petitioner about her obligation under a joint legal custody agreement to not make unilateral decisions about the minor's medical needs.

Parties attended CCRC on April 7, 2022 and reached a full agreement. A copy of the report was mailed to the parties on April 25, 2022. The court has read and considered the report and finds the agreement of the parties to be in the best interest of the minor. The court adopts the parties' agreement as the court's order. The parties shall have joint legal custody. The parties shall have a week on/week off parenting plan with the exchanges to take place on Monday. The court adopts the agreement as to travel, vacations, and holiday schedule. The court adopts the additional provisions agreed to by the parties. The minor may have telephone access to the parenting. The custodial parent must make the minor available for the following scheduled telephone contact between 7:00 and 7:15 pm. No party or any other third party may listen to, monitor, or interfere with the calls. The court adopts the Respect Guidelines as outlined in the CCRC report. The minor shall participate in an assessment with a license clinician to determine the minor's need for individual therapy. If it is determined to be necessary, the minor shall participate in individual counseling at a frequency and duration as directed by the clinician. The parties shall follow the recommendations and/or treatment plan of the licensed clinician. The parties shall enroll and participate in co-parenting counseling.

On May 12, 2022, Petitioner filed a Responsive Declaration. Respondent was served by mail on May 11, 2022. Petitioner asserts there have not been excessive phone calls to the minor during Respondent's parenting time. Petitioner further asserts she calls the minor to check in with him as she believes the minor is home alone. Petitioner states the minor has an underlying medical condition which makes him high risk for illness. Petitioner asserts she was unaware she needed Respondent's agreement prior to having the minor vaccinated for Covid-19. Petitioner requests the court order the minor be allowed to continue with the Covid-19 vaccination process as it is her understanding that Respondent will not agree to the minor receiving further doses of the vaccine and she does not want to make further unilateral decisions regarding vaccination.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 26, 2022

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

The court has read and considered the filings as outlined above. The court adopts the agreements of the parties as contained in the CCRC report. The court expects parties to abide by the agreements they have reached. The court declines Petitioner's request to order the minor receive further doses of the Covid-19 vaccine as it exceeds the scope of the RFO. The parties are to address this issue with their co-parenting counselor. If they are unable to reach an agreement, a further RFO may be filed.

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 #13: THE AGREEMENT OF THE PARTIES CONTAINED IN THE CCRC REPORT AND OUTLINED ABOVE IS ADOPTED AS THE COURT ORDER. THE COURT DECLINES PETITIONER'S REQUEST TO ORDER THE MINOR RECEIVE FURTHER DOSES OF THE COVID-19 VACCINE AS IT EXCEEDS THE SCOPE OF THE RFO. THE PARTIES ARE TO ADDRESS THIS ISSUE WITH THEIR CO-PARENTING COUNSELOR. IF THEY ARE UNABLE TO REACH AN AGREEMENT, A FURTHER RFO MAY BE FILED. 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.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 26, 2022

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

14. SEEMA NAVEEN V. AASHEESH NAVEEN

PFL20170667

On February 2, 2022, Respondent filed an ex parte request for an emergency change in child custody and parenting time. Respondent asserted that because the Sacramento County District Attorney's Office had declined to file criminal charges against Respondent the prior custody orders should be restored to joint legal and joint physical custody. On February 23, 2022, the court denied the ex parte request.

On February 23, 2022, Respondent filed a Request for Order (RFO) requesting the court change child custody, parenting time, conjoint co-parenting in lieu of a Special Master previously ordered on December 16, 2021, conjoint counseling between the minors and Respondent, no mid-week dinners, exchanges to take place at school and when school is not in session to take place at a custody service provider or public location, Respondent be authorized to obtain duplicate social security cards and birth certificates for the minors, orders regarding the minors' passports, orders regarding reimbursement of extracurricular activities and other shared expenses for the minors, modification of the previously ordered holiday schedule, the parties to utilize a co-parenting communication platform for any communication about the minors, and Respondent is requesting an Evidence Code 730 evaluation. Upon review of the court file, there is no Proof of Service indicating Petitioner or Minors' Counsel was served with the RFO.

Parties appeared at the April 7, 2022 CCRC appointment but were unable to reach any agreements. A report with the recommendation from the CCRC counselor was mailed to the parties on April 27, 2022. The counselor recommends the current orders remain in place. Parties will continue to have joint legal custody. If parties cannot reach an agreement, they shall utilize a Special Master to address the issue. Minors' Counsel shall select the Special Master. Petitioner shall continue to have sole physical custody. Ansh shall decide if and when he attends visits with Respondent. Pending progress in family therapy for Respondent and Aarav, as deemed by the therapist, Respondent shall continue to have professionally supervised visits for two hours twice a week. The parties are to use the talkingparents.com application for all communication about the minors. Each party must respond to the other parent's message in the talkingparents.com application within 24 hours. Failure to do so may affect that party's legal custody status.

On May 16, 2022, Respondent filed an objection to the CCRC report. Petitioner was served by mail on May 16, 2022. It does not appear Minors' Counsel was served. Respondent renews his request for joint physical custody and for the parenting plan to return to the week on/week off schedule.

Petitioner also filed a Response to the CCRC report on May 16, 2022. Respondent and Minors' Counsel were served by mail on May 16, 2022. Petitioner requests the court adopt the recommendations in the CCRC report except as to legal custody. Petitioner renews her request for sole legal custody.

The court has not received a Statement from Minors' Counsel.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 26, 2022

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

It is the court's understanding that both parties wish to set the issues of custody and parenting time for an evidentiary hearing. Parties are ordered to appear to select Mandatory Settlement Conference and trial dates.

All prior orders remain in full force and effect.

TENTATIVE RULING #14: PARTIES ARE ORDERED TO APPEAR TO SELECT MANDATORY SETTLEMENT CONFERENCE AND TRIAL DATES. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT.

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
May 26, 2022
8:30 a.m./1:30 p.m.

15. STEPHEN FABRIS V. JESSICA FAUCI

PFL20200741

On March 9, 2022, Respondent filed a Request for Order (RFO) requesting a modification of the child custody and parenting plan. Parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on April 20, 2022 and a review hearing on May 26, 2022. Upon review of the file, there is no Proof of Services showing Petitioner was served with the RFO or referral to CCRC.

Nevertheless, both parties appeared at the CCRC appointment and were able to reach a full agreement. A copy of the report was mailed to the parties on April 28, 2022.

The court has read and considered the report and finds the agreement of the parties to be in the best interest of the minors. The court adopts the parties' agreement as the court's order. The parties shall have joint legal custody. Petitioner shall have parenting time the 1st, 3rd, and 5th weekend from Friday at 2:00 pm to Monday at 8:00 am. The court adopts the agreement as to transportation, vacations, and holiday schedule. The court adopts the additional provisions agreed to by the parties. Neither party may consume alcoholic beverages, narcotics, or restricted dangerous drugs, except with a valid prescription, during their parenting time. They shall not allow any third party to consume alcoholic beverages, narcotics, or restricted dangerous drugs, except with a valid prescription, in the presence of the minors. If either party believes the other parent is under the influence of any substance, that parent shall submit to a drug test. If the test is negative, the parent requesting the drug test shall pay for the test. If the test is positive, the parent testing positive shall pay for the test. The minors shall not be left alone with anyone under 14 years old. The children shall participate in individual counseling at a frequency and duration as directed by the clinician. The parties shall follow the recommendations and/or treatment plan of the licensed clinician. The parties shall enroll and participate in co-parenting counseling.

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 #15: THE COURT ADOPTS THE PARTIES' AGREEMENT AS CONTAINED IN THE CCRC REPORT AS THE COURT'S ORDER. THE PARTIES SHALL HAVE JOINT LEGAL CUSTODY. PETITIONER SHALL HAVE PARENTING TIME THE 1ST, 3RD, AND 5TH WEEKEND FROM FRIDAY AT 2:00 PM TO MONDAY AT 8:00 AM. THE COURT ADOPTS THE AGREEMENT AS TO TRANSPORTATION, VACATIONS, AND HOLIDAY SCHEDULE. THE COURT ADOPTS THE ADDITIONAL PROVISIONS AGREED TO BY THE PARTIES. NEITHER PARTY MAY CONSUME ALCOHOLIC BEVERAGES, NARCOTICS, OR RESTRICTED DANGEROUS DRUGS, EXCEPT WITH A VALID PRESCRIPTION, DURING THEIR PARENTING TIME. THEY SHALL NOT ALLOW ANY THIRD PARTY TO CONSUME ALCOHOLIC BEVERAGES, NARCOTICS, OR RESTRICTED DANGEROUS DRUGS, EXCEPT WITH A VALID PRESCRIPTION, IN THE PRESENCE OF THE MINORS. IF EITHER PARTY BELIEVES THE OTHER PARENT IS UNDER THE INFLUENCE OF ANY SUBSTANCE, THAT PARENT SHALL SUBMIT TO A DRUG TEST. IF THE TEST IS NEGATIVE, THE PARENT REQUESTING THE DRUG TEST SHALL PAY FOR THE TEST. IF THE TEST IS POSITIVE, THE PARENT TESTING POSITIVE SHALL PAY FOR THE TEST. THE MINORS SHALL NOT BE LEFT ALONE WITH ANYONE UNDER 14 YEARS OLD. THE CHILDREN SHALL PARTICIPATE IN INDIVIDUAL COUNSELING AT A FREQUENCY AND DURATION AS DIRECTED BY THE CLINICIAN. THE PARTIES SHALL FOLLOW THE RECOMMENDATIONS AND/OR

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 26, 2022

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

TREATMENT PLAN OF THE LICENSED CLINICIAN. THE PARTIES SHALL ENROLL AND PARTICIPATE IN CO-PARENTING COUNSELING. 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.