

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
June 9, 2022
8:30 a.m./1:30 p.m.

12. A.B. V. D.B.

22FL0244

On March 15, 2022, Petitioner filed a Petition to Establish a Parental Relationship. Petitioner concurrently filed an ex parte request for emergency custody orders, seeking temporary sole legal and physical custody of the minor. On March 21, 2022, the court granted the ex parte request. On March 21, 2022, Petitioner's Request for Order (RFO) was filed. Parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on April 29, 2022 and a review hearing on June 16, 2022.

Upon review of the court file, there is no Proof of Service showing Respondent has been served with the summons of the Petition to Establish a Parental Relationship or the RFO and referral to CCRC.

On April 29, 2022, neither party appeared at the CCRC appointment. A Nonappearance CCRC report was filed.

As there is no Proof of Service and no parties appeared for CCRC the court denies the RFO without prejudice.

TENTATIVE RULING #12: THE REQUEST FOR ORDER IS DENIED WITHOUT PREJUDICE.

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June 9, 2022

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

13. COUNTY OF YUBA V. JOSHUA KEY (OTHER PARENT: LORRAINE CURRIER) PFS20190118

On March 25, 2022, Other Parent filed a Request for Order (RFO) requesting the court make child custody and parenting time orders. Parties were referred to Child Custody Recommending Counseling (CCRC) for and appointment on May 4, 2022 and a review hearing on June 16, 2022. Respondent was personally served on May 19, 2022.

Respondent has not filed a Responsive Declaration.

The court has not received a report from the CCRC counselor.

Parties are ordered to appear.

TENTATIVE RULING #13: PARTIES ARE ORDERED TO APPEAR.

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14. DCSS V. GAVIN WATTS (OTHER PARENT: BRITTANY FOX)

PFS20140290

On March 8, 2022, Respondent filed a Request for Order (RFO) requesting the court modify child custody, parenting time, and child support orders. Parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on April 28, 2022 and a review hearing on June 16, 2022. DCSS and Other Parent were served by mail on March 8, 2022.

Respondent is requesting the court modify the current custody order from joint legal custody to sole physical custody. Respondent asserts Other Parent has been difficult to reach on joint legal custody issues, and has made obtaining services for the minor difficult. Respondent is also requesting Other Parent have supervised visitation one time per week for one hour with a step-up plan. Respondent is requesting the court order guideline child support.

On March 17, 2022, DCSS filed a Responsive Declaration, consenting to guideline support and requesting the child support issue be continued pursuant to Family code section 4251 be until after the resolution of the parenting time RFO and set on the DCSS calendar before the child support commissioner. Respondent and Other Parent were served with the Responsive Declaration by mail on March 16, 2022.

Other Parent has not filed a Responsive Declaration.

Both parties attended the CCRC appointment on April 28, 2022 and were able to reach a full agreement. A CCRC report was filed on April 28, 2022 and copies were mailed to the parties on the same day. 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 court adopts the parties' agreement as the court's order. The parties will continue to share joint legal custody, however, respondent will have temporary final decision making authority. Respondent will continue to have sole physical custody. The court adopts the step-up parenting plan as outlined in the report. The court adopts the additional provisions as set forth in the CCRC report. Other Parent shall randomly drug test 4-6 times per month for 60 days. Upon completion of 60 days of clean tests, the frequency will reduce to 2-3 times per month, on a random basis. Prior to any overnight visitation, Other Parent shall submit to a hair follicle test. If the test is positive, there shall be no overnight visitation. Respondent shall locate a testing site near Other Parent's residence. Respondent shall pay for all negative drug tests. Other Parent shall pay for all positive drug tests. Any missed or dilute tests will be considered positive. The parties shall continue to use the talkingparents.com application to communicate about the minor. Parties shall not use the minor as a messenger between them.

The court continues the child support issue to be heard by the child support commissioner on July 25th, 2022 at 8:30 AM.

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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 #14: THE COURT ADOPTS THE AGREEMENT, AS CONTAINED IN THE CCRC REPORT AND AS OUTLINED ABOVE OF THE PARTIES AS THE COURT'S ORDER. THE COURT CONTINUES THE CHILD SUPPORT ISSUE TO BE HEARD BY THE CHILD SUPPORT COMMISSIONER ON JULY 25TH, 2022 AT 8:30 AM. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILED THE FINDINGS AND ORDERS AFTER HEARING.

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15. DCSS V. JAMES RHOADES (OTHER PARENT: BRIANNA SNYDER)

PFS20200140

On March 16, 2022, Other Parent filed a Request for Order (RFO) requesting the court modify parenting time and child support orders. The parties were referred to Child custody Recommending Counseling 9CCRC) for an appointment on April 27, 2022 and a review hearing on June 16, 2022. Upon review of the court file, there is no Proof of Service showing Other Parent served DCSS or Respondent with the RFO.

However, there is a Proof of Service, filed on April 19, 2022, showing DCSS served Respondent and Other Parent with the March 16, 2022 filed RFO by mail on April 18, 2022.

DCSS filed a Responsive Declaration on April 21, 2022, requesting that pursuant to Family Code section 4251, the child support matter be continued until after the resolution of the parenting time RFO and set on the DCSS calendar before the child support commissioner. Respondent and Other Parent were served with the Responsive Declaration by mail on April 21, 2022.

On April 27, 2022, only Other Parent appeared at the CCRC appointment. As such a single parent report was filed with no agreements or recommendations. A copy of the report was mailed to the parties on May 18, 2022.

The court finds Respondent was not properly served with the referral to CCRC. It does appear however, Respondent was properly served with the RFO, through DCSS. Therefore, the court orders parties to appear. DCSS is excused from the June 16, 2022 hearing. A future date for the modification of child support will be set at the hearing and notice will be provided.

TENTATIVE RULING #15: PARTIES ARE ORDERED TO APPEAR.

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17. JACOB PRATT V. BRANDI PRATT

22FL0423

On May 12, 2022, Petitioner filed an ex parte request for emergency custody orders. Petitioner requested the court grant him temporary sole physical custody of the minors. On May 13, 2022, the court denied the ex parte request, as Respondent had not been properly served. On May 13, 2022, Petitioner filed a Request for Order (RFO) requesting the court make custody and parenting time orders. Parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on May 24, 2022 and a review hearing was set for June 16, 2022. Upon review of the court file, there is no Proof of Service showing Respondent was served with the RFO or the referral to CCRC.

On May 24, 2022, neither party appeared at the CCRC appointment. A Nonappearance CCRC report was filed.

As there is no Proof of Service and no parties appeared for CCRC the court denies the RFO without prejudice.

TENTATIVE RULING #17: THE REQUEST FOR ORDER IS DENIED WITHOUT PREJUDICE.

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June 9, 2022
8:30 a.m./1:30 p.m.

18. JESUS NEGRON FLORES V. ALEXANDRIA WASHBURN

PFL20200647

On May 6, 2022 Respondent filed a Request for an Order Shortening Time (OST) and Request for Order (RFO). Respondent asserted the matter needed to be heard on an expedited basis as the RFO involved a request to modify parenting time orders for the summer. On May 5, 2022, the court granted the OST and set the RFO for June 16, 2022 at 1:30 pm. Parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on May 17, 2022. Petitioner was to be served on or before May 13, 2022. Petitioner was served electronically on counsel on May 9, 2022.

The court finds this is a post judgment modification of custody orders. As such, the motion to modify child support is a post-judgment request to modify and the service must comply with Family Code section 215, to include an address verification. As Petitioner has not filed a Responsive Declaration, the court cannot find he was properly served. The request to modify parenting time is denied without prejudice.

TENTATIVE RULING #18: THE REQUEST TO MODIFY PARENTING TIME IS DENIED WITHOUT PREJUDICE.

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June 9, 2022
8:30 a.m./1:30 p.m.

20. MICHAEL RADAN V. VICTORIA DOUGLAS

PFL20210052

On March 18, 2022, Respondent filed a Request for Order (RFO) requesting a modification of child custody and parenting time orders. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on April 28, 2022 and a review hearing on June 16, 2022. Petitioner was served by mail on March 23, 2022.

Respondent is requesting sole legal and physical custody. Respondent asserts Respondent has not been exercising his custody and parenting time to its full extent. Respondent further states there are concerns about the living environment of Petitioner, namely substance use in the home and the relationship between Petitioner and the paternal grandfather.

On April 28, 2022, both parties appeared for the CCRC appointment and were unable to reach any agreements. A report with recommendations was filed on June 7, 2022. A copy was mailed to the parties on June 8, 2022.

On May 31, 2022, Petitioner filed a Responsive Declaration, requesting the court keep the current custody and parenting time orders in place and that the minor remain in the state of California. Upon review of the court file, there is no proof of service showing the Responsive Declaration was served on Respondent. Therefore, the court has not considered it.

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

The court adopts the recommendations as contained in the CCRC report. The parties shall continue to have joint legal and physical custody of the minor. Petitioner shall have parenting time from 12:00 pm of his first regular day off. Father shall have the child in his care the subsequent two days and return the minor at 12:00 pm on the 3rd day, for a total of three consecutive days off.

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 #20: THE COURT ADOPTS THE RECOMMENDATIONS AS CONTAINED IN THE CCRC REPORT. THE PARTIES SHALL CONTINUE TO HAVE JOINT LEGAL AND PHYSICAL CUSTODY OF THE MINOR. PETITIONER SHALL HAVE PARENTING TIME FROM 12:00 PM OF HIS FIRST REGULAR DAY OFF. FATHER SHALL HAVE THE CHILD IN HIS CARE THE SUBSEQUENT TWO DAYS AND RETURN THE MINOR AT 12:00 PM ON THE 3RD DAY, FOR A TOTAL OF THREE CONSECUTIVE DAYS OFF. 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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21. RICHARD MUELLER V. AMBER MUELLER

PFL20170889

On May 12, 2022, the court continued the arraignment on the January 14, 2022 filed Order to Show Cause and Affidavit for contempt as the Public Defender's office had been appointment but not provided notice. The matter was set for further arraignment on June 16, 2022.

Parties are ordered to appear for arraignment.

TENTATIVE RULING #21: PARTIES ARE ORDERED TO APPEAR FOR ARRAIGNMENT.

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22. SUSAN MOSKALETS V. VICTOR MOSKALETS

PFL20210479

On April 18, 2022, Petitioner file an application for Order Shortening Time (OST) and a Request for Order (RFO), requesting Respondent pay one half the Pacific Gas and Electric (PG&E) bill. On April 18, 2022, the court denied the OST and set the RFO on the law and motion calendar. Upon review of the court file, there is no Proof of Service showing the RFO was served on Respondent. As such, the matter is dropped from the court's calendar.

TENTATIVE RULING #22: THE MATTER IS DROPPED FROM THE COURT'S CALENDAR.