

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 12, 2023

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

**14. AMBER COOK V. DAVIS WEST**

**22FL0126**

On August 25, 2022, parties appeared for a review hearing. The court ordered Respondent's parenting time to increase to Monday at 5:30 p.m. to Wednesday at 5:30 p.m. with the exchanges to take place at the minor's daycare. Respondent was also to have parenting time on Saturday at 1:00 p.m. until Sunday at 1:00 p.m. with exchanges to take place at the El Dorado County Sheriff's Office. The court set a further review hearing for the parenting plan for October 27, 2022.

On July 14, 2022, the court appointed CASA to the case to observe the parties home and note any safety concerns. The court set a hearing on October 6, 2022 to review the CASA report. CASA filed a report on September 20, 2022. The parties were served electronically on September 20, 2022. The CASA report notes no safety concerns at either parties' home. The minor appears to be comfortable in each parties' respective home.

On October 6, 2022, the court adopted its tentative ruling finding the current orders remained in the minor's best interest. The court on its own motion found good cause to consolidate case number 22FL0127 with case number 22FL0126 and make 22FL0126 the lead case. The court confirmed October 27, 2022 at 1:30 for a review hearing on the parenting plan. The court ordered any supplemental declarations to be filed at least 10 days prior to the next hearing date.

Neither party has filed a Supplemental Declaration regarding the parenting plan. The court has reviewed the CASA report. The court finds the step-up plan remains in the best interest of the minor. The parents shall follow the 2-2-3 schedule. Week 1-Respondent shall have Monday from 5:30 pm to Wednesday at 5:30 pm. Petitioner shall have Wednesday at 5:30 pm until Friday at 5:30 pm. Respondent shall have Friday at 5:30 pm. until Monday at 5:30 pm. Week 2-Petitioner shall have Monday at 5:30 pm. to Wednesday at 5:30 pm. Respondent shall have Wednesday at 5:30 pm to Friday at 5:30 pm. Petitioner shall have Friday at 5:30 pm to Monday at 5:30 pm. The schedule will then go back to Week 1. All exchanges shall take place at the minor's day care, as they are all weekday exchanges. If the daycare is closed, the exchanges shall take place at the El Dorado County Sheriff's Office. The court adopts the Holidays schedule as set forth in the CCRC report. The court modifies the exchange location as set forth above. The court adopts the vacation provision, as well as the additional provisions, and respect guidelines as set forth in the CCRC report. To the extent the court had not previously adopted the counseling provision of the CCRC report recommendations, the court adopts those provisions as well.

Respondent filed a Request for Order (RFO) on October 4, 2022 in case number 22FL0127. As stated above, the cases have been consolidated, with 22FL0126 as the lead case.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 12, 2023

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

The matter was set for a hearing on October 27, 2022, to join with the previously set review hearing. The court notes, an Order Shortening Time would not be required for the hearing if personal service was made on Petitioner on or before October 5, 2022. The Proof of Service along with the attached declaration, state Petitioner was served at 11:50 P.M. on October 5, 2022, by leaving the moving papers on Petitioner's front door. The court does not find this to be timely personal service.

On October 27, 2022, the court adopted its tentative ruling finding the service to be untimely. However, because Petitioner was served, the court found good cause to continue the matter to allow adequate time for Petitioner to respond to the RFO. The court continued Respondent's October 4, 2022 filed RFO to January 12, 2023 at 1:30 pm in Department 5.

Petitioner filed an RFO on October 17, 2022. The matter was set for a hearing on October 27, 2022. The court found this to be a clerical error, as the matter was not filed with an Order Shortening Time, and this would not allow enough time for Petitioner to properly serve Respondent. Therefore, the court continued Petitioner's October 17, 2022 filed RFO to January 12, 2023 at 1:30 pm in Department 5. Parties were ordered to file and served updated Income and Expense Declarations at least 10 day prior to the next hearing.

Respondent's RFO

Respondent filed an RFO on October 4, 2022, requesting the court modify child custody and child support orders as well as make an order to allow Respondent to travel to Mexico with the minor and obtain a United States Passport for the minors, and orders for Petitioner to seek work and impute Petitioner with income. Respondent requests the court allow him to take the minor to his vacation home in Mexico for seven days. Respondent asserts the minor has previously traveled to Mexico to Respondent's vacation home with Petitioner. Respondent is requesting the court order guideline child support. Respondent is also requesting the parties alternate years for claiming the minor for tax purposes, with Petitioner to have tax year 2022 and Respondent to have tax year 2023. Respondent requests each party have a copy of the minor's passport. Respondent requests a seek work order and Petitioner be imputed with income at \$18 per hour for 40 hours per week.

Respondent filed an updated Income and Expense Declaration on December 8, 2022. Petitioner was served by mail on December 6, 2022.

Petitioner's RFO

Petitioner filed an RFO requesting the court modify child custody, requesting guideline child support, and a request for reimbursement for a traffic ticket Respondent incurred while driving Petitioner's vehicle. Petitioner also requests reimbursement for an airline ticket

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 12, 2023

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

purchased by Respondent with Petitioner's credit card. Petitioner has failed to state in her declaration the amounts she is requesting be reimbursed. Petitioner also requests she be allowed to retain the minor's passport. Petitioner requests that Respondent stop "harassing" her regarding the minor's passport and out of county travel.

Petitioner filed an Income and Expense Declaration on October 17, 2022. Respondent was served electronically on October 17, 2022.

Petitioner filed a Supplemental Declaration on December 30, 2022. Respondent was served by mail on December 30, 2022. Petitioner raises several concerns in her Declaration including co-parenting counseling; Respondent's lack of participation in anger management; parenting time; international travel; and injuries to the minor. Petitioner requests the court order Respondent not to discuss parenting or court issues in front of the minor, the court confirm the prior order for no international travel; and Respondent's parenting time be reduced until he has completed the previously ordered classes and maintains his parenting schedule as ordered.

Child Custody and Parenting Time

The court maintains the current orders for child custody and parenting time. While Petitioner asserts in her declaration that Respondent is not utilizing his parenting time, the only dates she provides as an example are December 16-19, 2022. While it is lamentable Respondent is not taking full advantage of his parenting time, the court does not have enough evidence before it to modify the current orders.

The court admonishes Respondent, that should he continue to not fully exercise his parenting time, the court may adjust the parenting plan to reflect the actual parenting time that is being exercised.

Child Support

The court needs additional information from Petitioner prior to modifying the child support orders. While Petitioner did file an Income and Expense Declaration on October 17, 2022, it is nearly out of date. Petitioner had just restarted her employment and was unclear how many hours a week she would be working. Additionally, the court needs to inquire of the Petitioner and Respondent how frequently the minor is in daycare.

International Travel and Minor's Passport

The court denies Respondent's request for an order to travel with the minor to Mexico for the dates requested in the RFO. First, because those dates have already passed. Second, the court has concerns about the minor traveling to Mexico. While Petitioner sets forth a litany

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 12, 2023

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

of concerns in her Supplemental Declaration, the court finds not all the listed concerns are valid. While all travel carries a degree of risk for catching a virus, the court cannot find that is good cause to deny the travel. The court is, however, concerned with Respondent's actions in this matter wherein he has demonstrated a lack of ability to co-parent with Petitioner. First, Respondent's unilateral changing of a medical appointment for the minor with no prior discussion with Petitioner. This appointment had been set for a period of six months. Respondent did not attempt to speak with Petitioner about changing the appointment, before changing it. Additionally, Respondent refused to provide Petitioner any reason for the change, other than a blanket statement that he was not available for the original appointment date and time. Additionally, the court is concerned about Respondent's behavior at the appointment, specifically discussing the court case in the presence of the minor. The court is also concerned with the parties' co-parenting counselor terminating co-parenting counseling due to the parties' inability to benefit from the service. Given these concerns, the court cannot find it would be in the best interest of the minor to travel to Mexico at this time. The court does not have reasonable assurances Respondent would comply with the court's directives regarding travel, as he has demonstrated an unwillingness to abide by current court orders.

Reimbursement

Petitioner has provided no evidence to support either of her claims for reimbursement. Additionally, Petitioner has provided no evidence to the court of the amount being requested for reimbursement. Petitioner states in the FL-300 the amount of the ticket is unknown, and the amount of airfare is to be determined. Petitioner has addressed neither claim in the Supplemental Declaration. Therefore, the court denies Petitioner's request for reimbursement of the traffic ticket and airfare.

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 #14: THE COURT ORDERS PARTIES TO APPEAR FOR THE REQUEST TO MODIFY CHILD SUPPORT AS THE COURT NEEDS ADDITIONAL INFORMATION AS SET FORTH ABOVE.**

**THE COURT MAINTAINS THE CURRENT CHILD CUSTODY AND PARENTING TIME ORDERS, AS THEY REMAIN IN THE BEST INTEREST OF THE MINOR. THE COURT DENIES RESPONDENT'S REQUEST FOR AN ORDER TO TRAVEL TO MEXICO WITH THE MINOR. THE COURT DENIES PETITIONER'S REQUEST FOR REIMBURSEMENT. 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. NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 12, 2023

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

**COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 12, 2023

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

**15. DCSS V. DANA WILKINS (OTHER PARENT: TRISHA WILKINS)**

**PFS20170237**

Respondent filed an ex parte request for emergency custody orders on December 28, 2022, requesting the court make orders as to custody and parenting time. On October 31, 2022, the court denied the request, ordering all prior orders to remain in full force and effect. Respondent filed a Request for Order on October 31, 2022. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on November 17, 2022 and set a review hearing on January 12, 2023. Other Parent was noticed by mail on November 21, 2022.

Respondent requests the court order joint legal custody with sole physical custody of the minors to him. Respondent requests Other Parent's parenting time be professionally supervised and when no longer supervised Other Parent be required to use Soberlink. Respondent asserts Other Parent has a substance abuse problem, namely she has been consuming excessive amounts of alcohol. Respondent asserts the home environment presents a danger to the minors. Respondent requests the court order Other Parent to participate in substance abuse treatment and provide proof of completion to Respondent and the court.

Other Parent filed a Responsive Declaration to the ex parte request on October 31, 2022, however, there is no Proof of Service showing Respondent was served with the Declaration, and therefore, the court has not considered it.

Despite the late notice of the CCRC appointment, both parties appeared for the appointment on November 17, 2022. A report was filed on December 30, 2022. Parties were mailed copies of the report on January 5, 2023. The parties were unable to reach any agreements, therefore, the report contains recommendations from the CCRC counselor.

The court has read and considered the filings as outlined above. The court finds the recommendations as set forth in the December 20, 2022 CCRC report are in the best interest of the minors. The court adopts the recommendations as its orders. All prior orders as to custody and parenting time remain in full force and effect. The parties shall use the talkingparents.com or similar application for all communication about the minors' education, health, and general welfare. The court adopts the respect guidelines. The court adopts the provisions for alcohol consumption. Neither party may consume alcohol, narcotics, or restricted dangerous drugs, except with a valid prescription, within 24 hours before or during their parenting time. The parties shall not permit any third parties to do so in the presence of the minors. Other Parent is to totally abstain from alcohol consumption. Other Parent shall submit to random EtG testing for the next 90 days, with Other Parent paying the costs of the test. Other Parent shall test at a frequency of three times per month. Other parent shall provide Respondent and the court with the test results. If all test results are negative, Other Parent shall no longer have to test, unless

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 12, 2023

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

Respondent has a reasonable suspicion Other Parent has been consuming alcohol. Respondent shall pay for the testing. If the test results are positive, Other Parent shall reimburse the cost of the test to Respondent. If Other Parent believes Respondent has consumed alcohol or other drugs without a valid prescription within less than 24 hours of his parenting time, Other Parent may request Respondent submit to drug testing. Other Parent shall pay the cost of testing. If the results are positive, Respondent shall reimburse Other Parent the costs of testing.

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 FINDS THE RECOMMENDATIONS AS SET FORTH IN THE DECEMBER 20, 2022 CCRC REPORT ARE IN THE BEST INTEREST OF THE MINORS. THE COURT ADOPTS THE RECOMMENDATIONS AS ITS ORDERS. ALL PRIOR ORDERS AS TO CUSTODY AND PARENTING TIME REMAIN IN FULL FORCE AND EFFECT. THE PARTIES SHALL USE THE TALKINGPARENTS.COM OR SIMILAR APPLICATION FOR ALL COMMUNICATION ABOUT THE MINORS EDUCATION, HEALTH, AND GENERAL WELFARE. THE COURT ADOPTS THE RESPECT GUIDELINES. THE COURT ADOPTS THE PROVISIONS FOR ALCOHOL CONSUMPTION. NEITHER PARTY MAY CONSUME ALCOHOL, NARCOTICS, OR RESTRICTED DANGEROUS DRUGS, EXCEPT WITH A VALID PRESCRIPTION, WITHIN 24 HOURS BEFORE OR DURING THEIR PARENTING TIME. THE PARTIES SHALL NOT PERMIT ANY THIRD PARTIES TO DO SO IN THE PRESENCE OF THE MINORS. OTHER PARENT IS TO TOTALLY ABSTAIN FROM ALCOHOL CONSUMPTION. OTHER PARENT SHALL SUBMIT TO RANDOM ETG TESTING FOR THE NEXT 90 DAYS, WITH OTHER PARENT PAYING THE COSTS OF THE TEST. OTHER PARENT SHALL TEST AT A FREQUENCY OF THREE TIMES PER MONTH. OTHER PARENT SHALL PROVIDE RESPONDENT AND THE COURT WITH THE TEST RESULTS. IF ALL TEST RESULTS ARE NEGATIVE, OTHER PARENT SHALL NO LONGER HAVE TO TEST, UNLESS RESPONDENT HAS A REASONABLE SUSPICION OTHER PARENT HAS BEEN CONSUMING ALCOHOL. RESPONDENT SHALL PAY FOR THE TESTING. IF THE TEST RESULTS ARE POSITIVE, OTHER PARENT SHALL REIMBURSE THE COST OF THE TEST TO RESPONDENT. IF OTHER PARENT BELIEVES RESPONDENT HAS CONSUMED ALCOHOL OR OTHER DRUGS WITHOUT A VALID PRESCRIPTION WITHIN LESS THAN 24 HOURS OF HIS PARENTING TIME, OTHER PARENT MAY REQUEST RESPONDENT SUBMIT TO DRUG TESTING. OTHER PARENT SHALL PAY THE COST OF TESTING. IF THE RESULTS ARE POSITIVE, RESPONDENT SHALL REIMBURSE OTHER PARENT THE COSTS OF TESTING. 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.**

**NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 12, 2023

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

**COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.**



LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 12, 2023

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

**16. DEREK BYRNE V. CHRISTINA BYRNE**

**22FL0036**

Respondent filed a Request for Order (RFO) on October 17, 2022 requesting the court make child custody, parenting time, and child support orders. Respondent concurrently filed an Income and Expense Declaration. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on November 17, 2022 and a review hearing on January 12, 2023. Upon review of the file, there is no Proof of Service showing Petitioner was served with the RFO or referral to CCRC.

Neither party appeared at CCRC.

The court drops the matter from calendar due to lack of proper service and the failure of parties to appear at CCRC.

**TENTATIVE RULING #: THE COURT DROPS THE MATTER FROM CALENDAR DUE TO LACK OF PROPER SERVICE AND THE FAILURE OF PARTIES TO APPEAR AT CCRC.**

**NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 12, 2023

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

**17. ESMERALDA CASTILLO V. ALONSO MARTINEZ**

**22FL0850**

On October 28, 2022, at a hearing on a request for a Domestic Violence Restraining Order, the court referred the parties to Child Custody Recommending Counseling (CCRC) for an appointment on November 17, 2022 and a review hearing on January 12, 2023.

Both parties attended the CCRC appointment on November 17, 2022. The parties were unable to reach any agreements. A report with recommendations was filed with the court on December 29, 2022. A copy of the report was mailed to the parties on January 5, 2023.

Neither party appeared for the hearing on the Domestic Violence Restraining Order request on December 16, 2022. As such, the previously issued temporary Restraining Order was terminated by operation of law.

The court has read and considered the December 29, 2022 CCRC report and finds the recommendations to be in the minor's best interest. The parties will share joint legal custody. Petitioner shall have sole physical custody. The court adopts the parenting plan as set forth. The court adopts the provisions for transportation. The court adopts the travel provisions. The court adopts the Additional Provisions as set forth. The court adopts the Respect Guidelines. The parties are ordered to enroll in and complete a co-parenting class. The parties are ordered to provide the court with a copy of the certificate of completion for the course. The court adopts the provisions regarding obtaining a passport for the minor.

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

**TENTATIVE RULING #17: THE COURT ADOPTS THE RECOMMENDATIONS OF THE DECEMBER 29, 2022 CCRC REPORT AS ITS ORDER. THE PARTIES WILL SHARE JOINT LEGAL CUSTODY. PETITIONER SHALL HAVE SOLE PHYSICAL CUSTODY. THE COURT ADOPTS THE PARENTING PLAN AS SET FORTH. THE COURT ADOPTS THE PROVISIONS FOR TRANSPORTATION. THE COURT ADOPTS THE TRAVEL PROVISIONS. THE COURT ADOPTS THE ADDITIONAL PROVISIONS AS SET FORTH. THE COURT ADOPTS THE RESPECT GUIDELINES. THE PARTIES ARE ORDERED TO ENROLL IN AND COMPLETE A CO-PARENTING CLASS. THE PARTIES ARE ORDERED TO PROVIDE THE COURT WITH A COPY OF THE CERTIFICATE OF COMPLETION FOR THE COURSE. THE COURT ADOPTS THE PROVISIONS REGARDING OBTAINING A PASSPORT FOR THE MINOR. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

**NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 12, 2023

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

**GROUND UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 12, 2023

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

**18. LAWRENCE WOOD V. JENNIFER WOOD**

**22FL0792**

Petitioner filed a Request for Order (RFO) on October 19, 2022 requesting the court make orders as to child custody and parenting time. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on November 9, 2022 and a review hearing on January 12, 2023. Respondent was served by mail on October 21, 2022.

Petitioner is requesting the court grant him sole legal and physical custody of the minor. Petitioner is also requesting the court order Respondent not interfere with the minor's in-person or telephone time with Petitioner. Petitioner requests the court order Respondent have parenting time on alternating weeks, with exchanges on Fridays.

Only Petitioner appeared for the CCRC appointment on November 9, 2022, and as such a single parent CCRC report was filed. A copy of the report was mailed to the parties on November 17, 2022.

Respondent filed a Responsive Declaration on December 22, 2022. Petitioner was served electronically on December 22, 2022. Respondent requests the court deny Petitioner's request and order Respondent have sole legal and physical custody of the minor and no visitation to Petitioner. Respondent has included a declaration setting forth her reasons for not allowing any contact between the minor and Petitioner.

Respondent filed a request for an Order Shortening Time on December 23, 2022, requesting she be allowed to file an RFO on a shortened time basis. The court granted the request to shorten time. Respondent filed a RFO on December 23, 2022 requesting the court make orders as to child custody, parenting time, child support and spousal support. The court directed Petitioner be served on or before December 27, 2022. The court allowed Petitioner until January 9, 2023 to file a Responsive Declaration. Respondent concurrently filed her Income and Expense Declaration with the RFO. Petitioner was served electronically on December 23, 2022.

Respondent is requesting sole legal and physical custody of the minor. Respondent requests the court order guideline child support. Respondent requests temporary guideline spousal support. Respondent included the same declaration as in her December 22, 2022 filed Responsive Declaration.

Petitioner has not filed a Responsive Declaration nor an Income and Expense Declaration.

The court orders parties to appear for the hearing.

**TENTATIVE RULING #18: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 12, 2023

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

**19. MELISSA HEINEMAN V. ANDREW HEINEMAN**

**22FL1017**

Petitioner filed a Request for Order (RFO) on October 24, 2022, requesting spousal support, property control, attorney's fees, as well as a move-out order for the property located at 3438 Birmingham Court El Dorado Hills, CA. Petitioner concurrently filed an Income and Expense Declaration. Respondent was personally served on November 3, 2022.

Petitioner requests the court order guideline temporary spousal support. Petitioner also requests exclusive use and control of the home on Birmingham Court with Respondent to maintain the mortgage. Petitioner requests the court order Respondent to surrender keys, garage door opener, and other devices to access the property, with an order for Respondent to move out. Petitioner asserts Respondent is controlling, angry, and verbally and emotionally abusive. Petitioner requests the court award her \$7,500 in attorney's fees. Petitioner has not filed the FL-319 or FL-158.

Petitioner filed an updated Income and Expense Declaration on January 4, 2023. Respondent was served electronically on January 3, 2023. Petitioner started new employment on December 5, 2022.

Respondent filed a Responsive Declaration or Income and Expense Declaration on January 5, 2023. Petitioner was served electronically on January 5, 2023. The court notes, Responsive Declarations are required to be filed at least 10 court days prior to the hearing. (Code of Civil Procedure 1005) Respondent was personally served on November 3, 2022, well in advance of the hearing.

Respondent agrees to guideline temporary spousal support and has included a proposed support calculation as Exhibit A. Respondent states in his declaration that Petitioner has filed a new Income and Expense Declaration, which shows she is currently working as a yard monitor at a school, and therefore is not disabled and can work. Respondent requests the court impute Petitioner with full-time minimum wage income. Respondent asserts he moved out of the marital residence in October of 2022 but has continued to deposit his income into the parties' joint account, and Petitioner has utilized those funds to pay the community expenses. Respondent requests the spousal support order, therefore, be effective February 1, 2023. Respondent agrees with Petitioner having exclusive use and control of the former marital residence; however, requests Petitioner be responsible for the mortgage payment. Respondent proposes that if Petitioner does not want to pay the mortgages, that Petitioner vacate the property, allow Respondent use and control, or the parties rent the home and split the proceeds, as the rental value exceeds the mortgage. Respondent objects the court ordering Family Code Section 2030 attorney fees, as he asserts with the payment of support, their incomes have been equalized.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 12, 2023

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

Based on Petitioner's January 5, 2023 filed Income and Expense Declaration, she has an average monthly income of \$1,458. Petitioner lists no deductions.

Respondent has an average monthly income of \$12,397 based on his January 5, 2023 filed Income and Expense Declaration. Respondent has monthly deductions of \$516 for his 401(k) contribution and \$713 for health insurance.

Utilizing the above figures and the Alameda formula, with the parties filing married jointly for taxes, the court finds guideline temporary spousal support to be \$2,884 per month. (See attached DissoMaster) The court orders Respondent to pay Petitioner \$2,884 per month as and for temporary spousal support. This order is effective February 1, 2023 and due on the 1<sup>st</sup> of each month until further court order or termination by operation of law.

The court declines to impute Petitioner with full time income at this time, as she has recently returned to the workforce and has found employment. Petitioner is advised however, that it is the public policy of the state of California she become self-supporting. The court is making the order effective February 1, 2023, as Respondent has continued to deposit his earning into the parties' joint account, which Petitioner has full access to, and has used the funds to pay all community expenses.

The court grants Petitioner's request for exclusive use and control of the former marital residence. Petitioner shall be responsible for the mortgage associated with the property. Petitioner and Respondent shall meet and confer to set up a time for Respondent to retrieve his personal property items.

The court denies Petitioner's request for Family Code section 2030 attorney fees. First, Petitioner has not completed the necessary forms. Second, the public policy of Family Code Section 2030 is to provide "at the outset of litigation, consistent with the financial circumstances of the parties, parity between spouses in their ability to obtain effective legal representation." In Re Marriage of Keech, 75 Cal. App. 4<sup>th</sup> 860, 866 (1999). This assures each party has access to legal representation to preserve each party's rights. It "is not the redistribution of money from the greater income party to the lesser income party," but rather "parity." Alan S. v Superior Court, 172 Cal. App. 4<sup>th</sup> 238,251(2009). The award must be just and reasonable; in taking into consideration what is just and reasonable, the court can take into consideration the need for the award to enable each party, to the extent practical, to have sufficient financial resources to present the party's case adequately. In addition to the parties' financial resources, the court may consider the parties' trial tactics. In Re Marriage of Falcone & Fyke, 203 Cal. App. 4<sup>th</sup> 964; 975 (2012). The court must consider the impact of the fee award on the payor taking into account any orders for support. Keech, *supra*, at 860. Here, while Petitioner does earn less than Respondent, after the award of support it does not appear that

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 12, 2023

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

the disparity is such that Petitioner is unable to afford counsel. Petitioner states in section 11(a) her Income and Expense Declaration she has assets of over \$11,000 available to her. The court finds this is sufficient for attorney fees. The court denies Petitioner's request for Family Code section 2030 attorney fees.

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

**TENTATIVE RULING #19: THE COURT ORDERS RESPONDENT TO PAY PETITIONER \$2,884 PER MONTH AS AND FOR TEMPORARY SPOUSAL SUPPORT. THIS ORDER IS EFFECTIVE FEBRUARY 1, 2023 AND DUE ON THE 1<sup>ST</sup> OF EACH MONTH UNTIL FURTHER COURT ORDER OR TERMINATION BY OPERATION OF LAW. THE COURT DECLINES TO IMPUTE PETITIONER WITH FULL TIME INCOME AT THIS TIME, AS SHE HAS RECENTLY RETURNED TO THE WORKFORCE AND HAS FOUND EMPLOYMENT. PETITIONER IS ADVISED HOWEVER, THAT IT IS THE PUBLIC POLICY OF THE STATE OF CALIFORNIA SHE BECOME SELF-SUPPORTING. THE COURT IS MAKING THE ORDER EFFECTIVE FEBRUARY 1, 2023, AS RESPONDENT HAS CONTINUED TO DEPOSIT HIS EARNING INTO THE PARTIES' JOINT ACCOUNT, WHICH PETITIONER HAS FULL ACCESS TO, AND HAS USED THE FUNDS TO PAY ALL COMMUNITY EXPENSES. THE COURT GRANTS PETITIONER'S REQUEST FOR EXCLUSIVE USE AND CONTROL OF THE FORMER MARITAL RESIDENCE. PETITIONER SHALL BE RESPONSIBLE FOR THE MORTGAGE ASSOCIATED WITH THE PROPERTY. PETITIONER AND RESPONDENT SHALL MEET AND CONFER TO SET UP A TIME FOR RESPONDENT TO RETRIEVE HIS PERSONAL PROPERTY ITEMS. THE COURT DENIES PETITIONER'S REQUEST FOR FAMILY CODE SECTION 2030 ATTORNEY FEES. PETITIONER IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

**NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 12, 2023

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

**20. RICKESH BANDHU V. RACHEAL BANDHU**

**22FL1033**

Petitioner filed an ex parte request for emergency custody orders on October 27, 2022. On October 28, 2022, the court denied the request as no notice had been provided to Respondent. Petitioner filed a Request for Order (RFO) requesting child custody and parenting time orders on October 28, 2022. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on November 14, 2022 and a review hearing on January 12, 2023. Upon review of the file, there is no Proof of Service showing Respondent was served with the RFO or referral to CCRC. There is a Proof of Unsuccessful Service, filed on December 21, 2022, showing four attempts to serve Respondent with the Petition and Summons, but not the RFO or referral to CCRC. Each attempt was unsuccessful.

Only Petitioner appeared for the CCRC appointment on November 14, 2022. As such, a single parent report with no agreements or recommendations was filed on November 15, 2022. A copy of the report was mailed to the parties on November 17, 2022.

The court drops the matter from calendar due to lack of proper service.

**TENTATIVE RULING #20: THE MATTER IS DROPPED FROM CALENDAR DUE TO LACK OF PROPER SERVICE.**

**NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.**



LAW & MOTION TENTATIVE RULINGS  
DEPARTMENT 5  
January 12, 2023  
8:30 a.m./1:30 p.m.

**21. SETH JONES V. ANASTACIA WATERHOUSE**

**22FL1023**

Petitioner filed an ex parte request for emergency orders on October 25, 2022, requesting temporary sole physical custody of the minor. The court denied the request on November 1, 2022 due to lack of notice to Respondent. On November 1, 2022, Petitioner filed a Request for Order (RFO) requesting the court make orders as to child custody and parenting time. The parties were referred to Child Custody Recommending Counseling for an appointment on November 18, 2022 and a review hearing on January 12, 2023. Respondent was personally served on November 4, 2022.

Petitioner is requesting the court grant him sole legal and physical custody of the minor. Petitioner asserts Respondent is not currently an appropriate caregiver for the minor due to her lack of housing, mental health, and substance abuse issues.

Only Petitioner appeared for the CCRC appointment on November 18, 2022. As such, a single parent report was filed on November 18, 2022 and mailed to the parties on the same day.

Respondent has not filed a Responsive Declaration.

The court has read and considered the filings as outlined above. The court grants Petitioner's requests for temporary sole legal and physical custody of the minor, as they are in the best interest of the minor. Respondent shall have professionally supervised visitation two times per week for two hours each. Respondent shall be responsible for the cost of visitation. The court sets a further review hearing to be held on April 13, 2023 at 130 pm to reassess the custody and parenting time orders.

**TENTATIVE RULING #21: THE COURT GRANTS PETITIONER'S REQUESTS FOR TEMPORARY SOLE LEGAL AND PHYSICAL CUSTODY OF THE MINOR, AS THEY ARE IN THE BEST INTEREST OF THE MINOR. RESPONDENT SHALL HAVE PROFESSIONALLY SUPERVISED VISITATION TWO TIMES PER WEEK FOR TWO HOURS EACH. RESPONDENT SHALL BE RESPONSIBLE FOR THE COST OF VISITATION. THE COURT SETS A FURTHER REVIEW HEARING TO BE HELD ON April 13, 2023 at 130 pm TO REASSESS THE CUSTODY AND PARENTING TIME ORDERS.**

**NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 12, 2023

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

**OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT.  
3.1308; LOCAL RULE 8.05.07.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 12, 2023

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

**22. TIFFANY CHAVERS V. RYAN COMBS**

**PFL20200592**

Petitioner filed an ex parte request for emergency orders seeking temporary sole physical custody of the minors on October 17, 2022. The court denied the request on October 25, 2022, due to lack of notice to Respondent. On October 28, 2022, Petitioner refiled the ex parte request once again seeking temporary sole physical custody of the minors. On October 31, 2022, the court granted the request for Petitioner to have temporary sole physical custody with Respondent to have professionally supervised parenting time twice a week for two hours each visit. The court referred the parties to Child Custody Recommending Counseling (CCRC) for an appointment on November 10, 2022 and a review hearing on January 12, 2023. Petitioner filed a Request for Order (RFO) making the same requests as set forth in the ex parte request on October 31, 2022. Respondent was personally served on November 1, 2022.

Petitioner requests the court grant her sole physical and legal custody of the minors. Petitioner states in her declaration she has a Domestic Violence Restraining Order with Respondent as the restrained party which expires in September 2025. Petitioner asserts Respondent was involved in a domestic violence altercation with his current partner, which resulted in law enforcement being called to the home and Respondent being arrested. During the arrest, law Enforcement used a taser to subdue Respondent. One of the minors was present and witnessed Respondent's arrest.

Both Parties appeared for the CCRC appointment on November 10, 2022. The parties were unable to reach any agreements. A report with recommendations was filed with the court on December 29, 2022. A copy of the report was mailed to the parties on January 5, 2023.

On January 5, 2023, the CCRC counselor filed an addendum to the report to correct an error on page 5. A copy of the addendum was mailed to the parties on January 5, 2023.

Respondent has not filed a Responsive Declaration.

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

The court adopts the recommendations of the CCRC report as amended on January 5, 2023. Petitioner shall have sole legal and physical custody of the minors. The court adopts the parenting plan recommendations as set forth in the December 29, 2022 report. The court adopts the provision for telephone contact and for contact between the parties. The court adopts the respect guidelines. The court adopts the provisions for counseling. Respondent shall participate in a 52-week Batterer's Intervention/Treatment Program for Domestic Violence. Respondent shall participate in general counseling to address the issues of Domestic

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 12, 2023

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

Violence, at a frequency and duration as recommended by the counselor. The minors shall be referred to a licensed mental health practitioner for an assessment for the need for counseling. If it is determined the minors necessitate counseling services they shall participate at a frequency and duration as recommended by the counselor.

All prior orders not in conflict with these orders remain in full force and effect. Petitioner shall prepare and file the Findings and Orders After Hearing.

**TENTATIVE RULING #22: THE COURT ADOPTS THE RECOMMENDATIONS OF THE DECEMBER 29, 2022 CCRC REPORT AS AMENED ON JANUARY 5, 2023. PETITIONER SHALL HAVE SOLE LEGAL AND PHYSICAL CUSTODY OF THE MINORS. THE COURT ADOPTS THE PARENTING PLAN RECOMMENDATIONS AS SET FORTH IN THE DECEMBER 29, 2022 REPORT. THE COURT ADOPTS THE PROVISION FOR TELEPHONE CONTACT AND FOR CONTACT BETWEEN THE PARTIES. THE COURT ADOPTS THE RESPECT GUIDELINES. THE COURT ADOPTS THE PROVISIONS FOR COUNSELING. RESPONDENT SHALL PARTICIPATE IN A 52-WEEK BATTERER'S INTERVENTION/TREATMENT PROGRAM FOR DOMESTIC VIOLENCE. RESPONDENT SHALL PARTICIPATE IN GENERAL COUNSELING TO ADDRESS THE ISSUES OF DOMESTIC VIOLENCE, AT A FREQUENCY AND DURATION AS RECOMMENDED BY THE COUNSELOR. THE MINORS SHALL BE REFERRED TO A LICENSED MENTAL HEALTH PRACTITIONER FOR AN ASSESSMENT FOR THE NEED FOR COUNSELING. IF IT IS DETERMINED THE MINORS NECESSITATE COUNSELING SERVICES THEY SHALL PARTICIPATE AT A FREQUENCY AND DURATION AS RECOMMENDED BY THE COUNSELOR. ALL PRIOR ORDERS NOT IN CONFLICT WITH THESE ORDERS REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

**NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 12, 2023

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

**23. JAMES VERANDES v. ALLISON VERANDES**

**PFL20170788**

On December 8, 2021, the parties submitted a Stipulation and Order RE: Child Custody and Visitation codifying their agreed upon visitation time between Petitioner and the minor children. In February of 2022, Petitioner's parenting time was expanded to include overnights every other weekend from Saturday at 9:00 am to Sunday at 7:00 pm, plus Wednesdays from after school until 7:00 pm. On March 28, 2022, Petitioner filed a Supplemental Declaration requesting joint physical custody with his parenting time to be Sunday at 12:00 pm to Monday at 7:00 pm. Tuesday and Wednesday after school until 7:00 pm and alternating weekends from Saturday at 9:00 am to Sunday at 12:00 pm. Respondent filed a reply, requesting that the current parenting schedule remain as is.

The matter came before the court for hearing on April 7, 2022, at which time the court ordered the following: (1) the parties to enroll and participate in a co-parenting class, proof of completion must be filed and served no later than May 31, 2022; (2) upon the completion of co-parenting class, the parties are to participate in co-parenting counseling with an agreed upon therapist, at the frequency and duration as directed by the therapist; and (3) the parties to return to Child Custody Recommending Counseling (CCRC).

The parties attended CCRC on May 4, 2022. A review hearing was scheduled for July 14th but continued by all parties to July 28th. As of that date the court made a number of rulings, one of which was to appoint Rebecca Esty-Burke as minors counsel. A review hearing was set for October 6th to review the progress of the parties in co-parenting counseling and to assess the parenting plan. Due to several continuances, the October review hearing is now set for the present date.

On December 21st Minor's Counsel filed her Statement of Issues and Contentions and Request for Orders. Minor's Counsel requests the following orders: (1) The children to stop seeing Sabrina Griswold as their therapist forthwith; (2) The children shall start seeing Carolyn Whiteman, Elaine Bredl, or Jennifer Alexander as their individual therapist; (3) Respondent to obtain counseling to understand the impact that her statements have on the relationship between the children and their father; (4) Petitioner shall continue with his individual therapist and shall work on modifying his parenting style to one that the children are more receptive to (i.e. no yelling at the children); (5) The parenting plan to change to a week-on week-off schedule with exchanges occurring on Fridays after school or at 3pm (if no school). If there is school but an early release day then the parent receiving the children on that day will start their parenting time early. All exchanges not at school shall take place at the parents' current exchange location; (6) The parties are to continue co-parenting counseling with Ken Johnstone; (7) The children are not to be used as messengers. If any of the exchanges occur not at school – the parties are not allowed to exit their respective vehicles during the exchange. The children

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 12, 2023

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

are not allowed to carry messages. Once the children leave one vehicle and go to the receiving parent's vehicle they are not to return to the dropping off parent's vehicle; (8) The non-custodial parent shall be allowed a 30-minute telephone call with the children every Tuesday and Thursday beginning at 7:00 pm. The children shall be allowed to contact the non-custodial parent whenever they choose; (9) The children are not allowed to choose whether or not they exercise their parenting times; (10) Neither parent to speak negatively about the other parent and/or their significant others; (11) A hearing to be set in 120 days to review how the children are adjusting, the parties work in co-parenting counseling and each party's progress in individual counseling.

Petitioner filed a supplemental declaration on December 23, expressing his agreement with Minor's Counsel and his assent to her requested orders. Petitioner notes that he has been requesting 50/50 parenting since March of 2021 and has shown consistently that he can and will comply with the court orders. In addition to the orders requested by Minor's Counsel, Petitioner requests each parent to have two weeks of vacation time with the children each year which can be taken in either two 1-week blocks, or one 2-week block, upon 30 days written notice to the other parent.

Parties appeared for the hearing on January 5, 2023. Counsel for Respondent requested a continuance due to not being served with Minors' Counsel's Statement of Issues and Contentions due to it being mailed to the wrong address. Minors' Counsel did not oppose a continuance. Petitioner, through counsel, opposed the continuance. The court granted a brief continuance to January 12, 2023 to allow Respondent and her counsel an opportunity to review the Statement of Issues and Contentions, and if necessary file a Reply. The court ordered any Reply brief due on or before January 10, 2023. The court also stated the matter would have priority on the 1:30 calendar.

Respondent filed a Reply to Minors' Counsel's Statement of Issues and Contentions on January 10, 2023. Parties were served by mail and electronically on January 10, 2022. Respondent objects to the week on/week off parenting plan. Respondent asserts Petitioner works from 4:30 am until 12:30 pm Tuesday through Saturday. Respondent asserts that because the minors will not be in Petitioner's care due to his work schedule, they should remain in her custody. Respondent requests Petitioner have a dinner visit one time per week and have parenting time three weekends a month. Respondent raises general concerns about Petitioner's significant other caring for the minors when Respondent is available to care for them. Respondent states she is concerned Petitioner has not provided her background information for his significant other. Respondent requests Petitioner be directed to provide that information forthwith. While Respondent, does not object to changing the minors' therapist, she asserts there are currently no providers available. Respondent reached out to all

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 12, 2023

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

the therapists recommended by Minors' Counsel and only on responded. Ms. Whiteman does not work with minors P.V.'s age but would be able to take on E.V. as a client. Respondent states she reached out to Petitioner for his agreement to enroll E.V. in counseling services with Ms. Whiteman, however, he stated he needed to speak with his attorney first. Respondent requests the minors remain with their current therapist pending locating a new therapist.

After reviewing the aforementioned filings, the court is in agreement with the recommendations of Minor's Counsel as they appear to be in the best interests of the minors. As such, the court hereby makes the following orders: (1) The children are to stop seeing Sabrina Griswold as their therapist forthwith, if they have not already done so; (2) The minor E.V. shall start seeing Carolyn Whiteman, as her individual therapist as soon as possible; the parties are to locate and enroll the minor P.V. with a licensed therapist forthwith; (3) Respondent is to begin individual counseling to understand the impact that her statements have on the relationship between the children and their father; (4) Petitioner shall continue with his individual therapist and shall work on modifying his parenting style to one that the children are more receptive to (i.e. no yelling at the children); (5) The parenting plan to change to a week-on week-off schedule with exchanges occurring on Fridays after school or at 3pm (if no school). If there is school but an early release day, then the parent receiving the children on that day will start their parenting time early. All exchanges not at school shall take place at the parents' current exchange location; (6) The parties are to continue co-parenting counseling with Ken Johnstone; (7) The children are not to be used as messengers. If any of the exchanges occur not at school – the parties are not allowed to exit their respective vehicles during the exchange. The children are not allowed to carry messages. Once the children leave one vehicle and go to the receiving parent's vehicle, they are not to return to the dropping off parent's vehicle; (8) The non-custodial parent shall be allowed a 30-minute telephone call with the children every Tuesday and Thursday beginning at 7:00 pm. The children shall be allowed to contact the non-custodial parent whenever they choose; (9) The children are not allowed to choose whether or not they exercise their parenting times; (10) Neither parent to speak negatively about the other parent and/or their significant others; (11) Each parent is allowed to have two weeks of vacation time with the children each year which can be taken in either two 1-week blocks, or one 2-week block, upon 30 days written notice to the other parent. At least 10 days prior to commencement of the vacation, the custodial parent is to provide the non-custodial parent with itinerary for the entirety of the vacation, including but not limited to, departure dates/times, flight numbers, hotel names and locations, and return flight numbers, dates and times; (12) A review hearing is set for May 11, 2023 at 1:30 pm to review how the children are adjusting, the parties work in co-parenting counseling and each party's progress in individual counseling.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 12, 2023

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

The court denies Respondent's request to order Petitioner to provide background information about his significant other. However, the court finds parties should be as transparent as possible with each other about the individuals the minors are exposed to on a regular and consistent basis.

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

**TENTATIVE RULING #23: THE COURT HEREBY MAKES THE FOLLOWING ORDERS: (1) THE CHILDREN ARE TO STOP SEEING SABRINA GRISWOLD AS THEIR THERAPIST FORTHWITH, IF THEY HAVE NOT ALREADY DONE SO; (2) The minor E.V. shall start seeing Carolyn Whiteman, as her individual therapist as soon as possible; the parties are to locate and enroll the minor P.V. with a licensed therapist forthwith; (3) RESPONDENT IS TO BEGIN INDIVIDUAL COUNSELING TO UNDERSTAND THE IMPACT THAT HER STATEMENTS HAVE ON THE RELATIONSHIP BETWEEN THE CHILDREN AND THEIR FATHER; (4) PETITIONER SHALL CONTINUE WITH HIS INDIVIDUAL THERAPIST AND SHALL WORK ON MODIFYING HIS PARENTING STYLE TO ONE THAT THE CHILDREN ARE MORE RECEPTIVE TO (I.E. NO YELLING AT THE CHILDREN); (5) THE PARENTING PLAN TO CHANGE TO A WEEK-ON WEEK-OFF SCHEDULE WITH EXCHANGES OCCURRING ON FRIDAYS AFTER SCHOOL OR AT 3PM (IF NO SCHOOL). IF THERE IS SCHOOL BUT AN EARLY RELEASE DAY, THEN THE PARENT RECEIVING THE CHILDREN ON THAT DAY WILL START THEIR PARENTING TIME EARLY. ALL EXCHANGES NOT AT SCHOOL SHALL TAKE PLACE AT THE PARENTS' CURRENT EXCHANGE LOCATION; (6) THE PARTIES ARE TO CONTINUE CO-PARENTING COUNSELING WITH KEN JOHNSTONE; (7) THE CHILDREN ARE NOT TO BE USED AS MESSENGERS. IF ANY OF THE EXCHANGES OCCUR NOT AT SCHOOL – THE PARTIES ARE NOT ALLOWED TO EXIT THEIR RESPECTIVE VEHICLES DURING THE EXCHANGE. THE CHILDREN ARE NOT ALLOWED TO CARRY MESSAGES. ONCE THE CHILDREN LEAVE ONE VEHICLE AND GO TO THE RECEIVING PARENT'S VEHICLE, THEY ARE NOT TO RETURN TO THE DROPPING OFF PARENT'S VEHICLE; (8) THE NON-CUSTODIAL PARENT SHALL BE ALLOWED A 30-MINUTE TELEPHONE CALL WITH THE CHILDREN EVERY TUESDAY AND THURSDAY BEGINNING AT 7:00 PM. THE CHILDREN SHALL BE ALLOWED TO CONTACT THE NON-CUSTODIAL PARENT WHENEVER THEY CHOOSE; (9) THE CHILDREN ARE NOT ALLOWED TO CHOOSE WHETHER OR NOT THEY EXERCISE THEIR PARENTING TIMES; (10) NEITHER PARENT TO SPEAK NEGATIVELY ABOUT THE OTHER PARENT AND/OR THEIR SIGNIFICANT OTHERS; (11) EACH PARENT IS ALLOWED TO HAVE TWO WEEKS OF VACATION TIME WITH THE CHILDREN EACH YEAR WHICH CAN BE TAKEN IN EITHER TWO 1-WEEK BLOCKS, OR ONE 2-WEEK BLOCK, UPON 30 DAYS WRITTEN NOTICE TO THE OTHER PARENT. AT LEAST TEN DAYS PRIOR TO THE COMMENCEMENT OF THE VACATION, THE CUSTODIAL PARENT IS TO PROVIDE THE NON-CUSTODIAL PARENT WITH ITINERARY FOR THE ENTIRETY OF THE VACATION, INCLUDING BUT NOT LIMITED TO, DEPARTURE DATES/TIMES, FLIGHT NUMBERS, HOTEL NAMES AND**



LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 12, 2023

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

**LOCATIONS, AND RETURN FLIGHT NUMBERS, DATES AND TIMES; (12) A REVIEW HEARING IS SET FOR May 11, 2023 at 1:30 pm TO REVIEW HOW THE CHILDREN ARE ADJUSTING, THE PARTIES WORK IN CO-PARENTING COUNSELING AND EACH PARTY'S PROGRESS IN INDIVIDUAL COUNSELING. The court denies Respondent's request to order Petitioner to provide background information about his significant other. However, the court finds parties should be as transparent as possible with each other about the individuals the minors are exposed to on a regular and consistent basis. All prior orders not in conflict with this ruling remain in full force and effect. Petitioner shall prepare and file the Findings and Orders After Hearing.**

**NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.**