

Petitioner filed an ex parte application for emergency orders on November 1, 2022. On November 2, 2022, the court denied the request. Petitioner filed a Request for Order (RFO) on November 2, 2022 requesting the court modify child custody and parenting orders, as well as requesting child and spousal support and a request Respondent pay the mortgage. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on December 5, 2022 and a review hearing on January 19, 2023. There is no Proof of Service showing Respondent was served with the RFO or referral to CCRC.

Petitioner filed a second ex parte request for emergency orders on November 8, 2022. The court denied the request on November 9, 2022, affirming all prior orders and admonishing Respondent that any violations of the restraining order can be a crime, a misdemeanor, punishable by up to one year in jail. The court confirmed the previously set CCRC appointment and review hearing. Petitioner filed an RFO on November 9, 2022, requesting modification of the child custody and parenting time. There is no Proof of Service showing Respondent was served with the RFO.

Neither party appeared for the CCRC appointment on December 5, 2022. The court notes this is the second time parties have failed to appear for their CCRC appointment. Parties previously failed to appear on July 14, 2022.

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

TENTATIVE RULING #13: 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.

Respondent filed a Request for Order (RFO) on October 21, 2022, requesting a change of venue from El Dorado County to Los Angeles County. Respondent asserts all parties as well as the minor reside in Los Angeles County. The court notes, Respondent also filed in Sections 2 and 3 of the FL-300 regarding orders for child custody and child support but did not include those requests on page 1 of the FL-300. Therefore, parties were not referred to Child Custody Recommending Counseling (CCRC). Respondent did not file an Income and Expense Declaration. Upon review of the court file, there is no Proof of Service showing Petitioner was properly served with the RFO. The court notes, this is a post-Judgment request for modification of venue. Family Code Section 215 requires personal service for post-Judgement modifications. If the requested modification is as to child custody, it may be served by mail with address verification. Respondent has provided no such verification of service.

Petitioner filed an ex parte request for emergency orders for a change of venue and child custody and parenting time orders on November 23, 2022. The court denied the request on November 28, 2022. The court affirmed all prior orders remain in full force and effect. Petitioner did not file an RFO following the denial of the ex parte request.

Petitioner filed a Responsive Declaration and Income and Expense Declaration on January 3, 2023. Respondent was served by mail on January 4, 2023. Petitioner does not address the request to change venue to Los Angeles County. Petitioner addresses custody issues in her declaration.

The court finds Respondent has not provide proof of proper service of the RFO on Petitioner. Petitioner requested a change of venue to Los Angeles County in her ex parte application. The court finds Petitioner properly served Respondent with the ex parte request for orders on November 23, 2022. The court finds both parties are requesting a change of venue to Los Angeles County. The court finds good cause to proceed with the request to change venue, despite any imperfections in notice.

Although no legal grounds provided, Respondent's motion appears to be made pursuant to Code of Civil Procedure ("CCP") Sections 397, subdivision (b) or 397.5. The court grants Respondent's request to change venue to Los Angeles County per CCP § 397.5 as there are currently no pending issues before this court and as neither party resides in El Dorado County. Therefore, the court finds the convenience of the parties and the interest of justice are served by transferring the matter to Los Angeles County. Further, Petitioner has made the same request.

The court declines to make any orders as to custody and parenting time, as those requests are not properly before the court. All prior orders as to custody and parenting time remain in full force and effect.

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

TENTATIVE RULING #14: THE COURT GRANTS THE PARTIES' JOINT REQUEST TO TRANSFER THE MATTER TO LOS ANGELES COUNTY. RESPONDENT IS ORDERED TO PAY THE FEES OR OBTAIN A FEE WAIVER TO EFFECTUATE THE TRANSFER TO LOS ANGELES COUNTY. THE COURT DECLINES TO MAKE ANY ORDERS AS TO CUSTODY AND PARENTING TIME, AS THOSE REQUESTS ARE NOT PROPERLY BEFORE THE COURT. ALL PRIOR ORDERS AS TO CUSTODY AND PARENTING TIME 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 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.

Petitioner filed a Request for Order (RFO) on October 27, 2022, requesting the court make spousal support orders. Petitioner concurrently filed an Income and Expense Declaration. Upon review of the file, there is no Proof of Service showing Respondent was properly served with the RFO.

Petitioner filed a Declaration on November 18, 2022, stating she agrees to withdraw her request for court ordered spousal support upon receipt of a lump sum of \$5,000 from Respondent. Petitioner also states she will not pursue spousal support at any future date.

A Proof of Service filed on November 7, 2022, states Respondent was served by mail with an Income and Expense Declaration, Notice of Hearing, and Responsive Declaration to Request for Order.

This is a post-Judgment request for modification, and therefore, Family Code section 215 applies. Respondent was not personally served with the RFO. The court finds Respondent was not properly served with the RFO. Therefore, the court drops the matter from calendar.

TENTATIVE RULING #15: THE COURT DROPS THE MATTER 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.

Other Parent filed an ex parte request for emergency orders on December 16, 2022, requesting the court order Respondent to return the minor to California and that Other Parent be granted sole legal and physical custody with Respondent to have reasonable parenting time. Other Parent stated in her Declaration Respondent had taken the minor to Arkansas, despite a court order stating the minor shall remain in the state of California. The court granted the ex parte request on December 19, 2022 and ordered the minor be returned to the state of California and authorized the District Attorney's office to retrieve the minor pursuant to Family Code Section 3131. The court ordered Respondent have professionally supervised parenting time in California. Petitioner filed a Request for Order (RFO) on December 19, 2022, requesting the same orders as set forth in the ex parte request for orders. The parties were referred to an emergency set Child Custody Recommending Counseling (CCRC) appointment for December 27, 2022 and a review hearing for January 19, 2023. Respondent was served by mail on December 21, 2022.

Neither party appeared for the CCRC appointment on December 27, 2022.

Other Parent filed a Declaration on December 28, 2022, regarding the missed CCRC appointment. Respondent was served by mail on January 4, 2023. Other Parent asserts she missed the CCRC appointment as she was unaware of the appointment until December 27, 2022, after the appointment occurred. Other Parent attempted to pick up the ex parte order after hearing on December 23, 2022 but was unable to do so because she did not have identification with her, and the matter is a confidential case. Other Parent was unable to return to court until December 27, 2022, due to the Christmas holiday.

The minor has not been returned to California.

The court orders parties to appear for the hearing.

TENTATIVE RULING #16: PARTIES ARE ORDERED TO APPEAR.

17. DAVID FOSTER V. SARAH FOSTER

22FL0599

Respondent filed a Request for Order (RFO) on October 21, 2022, requesting the court make spousal support orders, an award of attorney fees, as well as property control orders. Respondent concurrently filed an Income and Expense Declaration. Petitioner was served by mail on October 25, 2022.

Respondent requests the court order guideline temporary spousal support. Respondent requests exclusive use and control of the former marital residence located at 6087 Speckled Road in Pollock Pines, California. Respondent is also requesting exclusive use and control of a 2017 Ford F-150 and 1997 Ford F-350 diesel truck. Respondent requests the court order Petitioner to continue to make payments for the mortgage, a car payment, and two credit cards. Respondent requests the court award \$8,275 for Family Code section 2030 attorney fees, so that she may retain counsel.

Petitioner has not filed a Responsive Declaration.

Parties are ordered to appear.

TENTATIVE RULING #17: PARTIES ARE ORDERED TO APPEAR.

Other Parent filed a Request for Order on October 25, 2022 requesting modification of child custody and parenting time orders. There is no Proof of Service showing Respondent was served with the RFO.

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

TENTATIVE RULING #18: THE COURT DROPS THE MATTER 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.

Petitioner filed a Request for Order (RFO) on October 21, 2022 requesting the court make child custody orders. The parties were referred to Child Custody Recommending Counselling (CCRC) for an appointment on November 9, 2022 and a review hearing on January 19, 2023. Respondent was personally served on October 26, 2022. Petitioner is requesting joint legal and physical custody of the minor.

Only Petitioner appeared for the CCRC appointment on November 9, 2022. A single parent report was filed on November 9, 2022. Parties were mailed a copy of the report on November 10, 2022.

Petitioner filed an ex parte request for emergency orders on November 17, 2022, requesting weekend visitation, nightly phone calls, and a Christmas eve visit. The court denied the request on November 18, 2022.

Respondent filed an ex parte request for emergency orders on November 28, 2022, requesting the parties be rereferred to CCRC as he did not understand he needed to attend. On November 29, 2022, the court granted the request and rereferred the parties to CCRC for an appointment on December 5, 2022 and confirmed the January 19, 2023 review hearing. Respondent filed an RFO on November 29, 2022 requesting the court make orders as to custody and parenting time. The court set Respondent's RFO for a review hearing on January 19, 2023. Upon review of the court file, there is no Proof of Service Showing Petitioner was served with the ex parte order after hearing or Respondent's RFO.

Both parties attended CCRC on December 5, 2022, however, were unable to reach any agreements. A report with recommendations was filed on January 9, 2023. A copy of the report was mailed to the parties on January 10, 2023.

Respondent filed a Responsive Declaration on December 5, 2022. Upon review of the court file, there is no Proof of Service showing Petitioner was served with the Responsive Declaration and therefore, the court cannot consider it.

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

The court drops Respondent's November 29, 2022 filed RFO from calendar due to lack of proper service. Additionally, it is redundant to Petitioner's RFO.

The court adopts the recommendations from the January 9, 2023 filed CCRC report with the following modification. The court is not adopting the abstention order on page 11. The court does not have evidence before it of either party having a substance abuse issues. The court adopts the remainder of the recommendations. The parties shall have joint legal custody of the minor. The parties shall have joint physical custody of the minor, with Respondent to have primary physical custody. Petitioner shall have parenting time the 1st, 3rd, 4th and 5th

weekends each month as set forth in the report. The court adopts the transportation provisions as set forth. The court adopts the Travel provisions as set forth. The court adopts all the Additional Provisions as set forth, including the provision for the parties to use the talkingparents.com or similar application for all communication about the minor. The court adopts the Respect Guidelines. Neither party shall expose the minor to secondhand smoke. The parties shall enroll in and complete a co-parenting class and file with the court proof of completion.

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

TENTATIVE RULING #19: THE COURT ADOPTS THE RECOMMENDATIONS FROM THE JANUARY 9, 2023 FILED CCRC REPORT WITH THE FOLLOWING MODIFICATION. THE COURT IS NOT ADOPTING THE ABSTENTION ORDER ON PAGE 11. THE COURT DOES NOT HAVE EVIDENCE BEFORE IT OF EITHER PARTY HAVING A SUBSTANCE ABUSE ISSUES. THE COURT ADOPTS THE REMAINDER OF THE RECOMMENDATIONS. THE PARTIES SHALL HAVE JOINT LEGAL CUSTODY OF THE MINOR. THE PARTIES SHALL HAVE JOINT PHYSICAL CUSTODY OF THE MINOR, WITH RESPONDENT TO HAVE PRIMARY PHYSICAL CUSTODY. PETITIONER SHALL HAVE PARENTING TIME THE 1ST, 3RD, 4TH AND 5TH WEEKENDS EACH MONTH AS SET FORTH IN THE REPORT. THE COURT ADOPTS THE TRANSPORTATION PROVISIONS AS SET FORTH. THE COURT ADOPTS THE TRAVEL PROVISIONS AS SET FORTH. THE COURT ADOPTS ALL THE ADDITIONAL PROVISIONS AS SET FORTH, INCLUDING THE PROVISION FOR THE PARTIES TO USE THE TALKINGPARENTS.COM OR SIMILAR APPLICATION FOR ALL COMMUNICATION ABOUT THE MINOR. THE COURT ADOPTS THE RESPECT GUIDELINES. NEITHER PARTY SHALL EXPOSE THE MINOR TO SECONDHAND SMOKE. THE PARTIES SHALL ENROLL IN AND COMPLETE A CO-PARENTING CLASS AND FILE WITH THE COURT PROOF OF COMPLETION. 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.

Respondent filed a Request for Order (RFO) on October 26, 2022, requesting the court make custody and parenting time orders. Respondent included a 32-page attachment outlining his proposed parenting plan. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on November 21, 2022 and a review hearing on January 19, 2023. Upon review of the court file, there is no Proof of Service showing Petitioner was served.

Respondent filed a Declaration on October 26, 2022. There is no Proof of Service for this document, and therefore, the court has not considered it.

Respondent filed a Declaration on October 27, 2022. There is no Proof of Service of this document, and therefore, the court has not considered it.

The parties attended CCRC on November 21, 2022, and it appears the parties were unable to reach any agreements. A report with recommendations was filed on December 12, 2022. A copy of the report was mailed to the parties on December 21, 2022.

Petitioner filed a Responsive Declaration on January 16, 2023. Respondent was served by mail on January 5, 2023. Petitioner's Responsive Declaration states she objects to Respondent's requested orders and refers to an attached declaration for the orders she is proposing. Her declaration does not address any requests for custody or a parenting plan.

Respondent filed a Reply Declaration on January 12, 2023. It included 60 pages of attachments. The January 12, 2023 filed Proofs of Service show Petitioner and her counsel were mailed the Declaration on January 12, 2023. However, the Proof of Service is signed by Respondent, which is not permissible. Therefore, the court has not considered this document.

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

The court adopts the recommendations as set forth in the CCRC report, with the following modifications. The parties shall have joint legal and physical custody with a week on/week off parenting plan. The exchanges are to occur on Fridays after school. The court modifies the travel provisions. The parties must provide a minimum of 45 days advanced notice for any out of state or country travel. The notice must include a detailed itinerary, including destination, mode of transportation, departure and arrival times, flight information, as well as hotel or other accommodations, and contact information. The court adopts the holiday schedule. Each party shall have a two-week block of vacation with the minors during the summer break. Any travel during that time, shall comply with the out of state/country travel provisions as set forth above. The minors' passports are to be held by a neutral, agreed upon third party. If the parties cannot agree, James Gwinup, counsel for Petitioner, will hold the passports. The parties are to enroll in co-parenting counseling. The parties shall provide the court with the name of the co-parenting counselor no later than February 21, 2023. The court

adopts the provision for therapy for the minors as set forth in the report. The court adopts the Respect Guidelines as set forth. The parties shall use talkingparents.com or similar application for all communication about the minors' education, health, and general welfare. The Respondent's girlfriend, Ariel, is not to text or call any of the minors.

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 #20: THE COURT ADOPTS THE RECOMMENDATIONS AS SET FORTH IN THE CCRC REPORT, WITH THE FOLLOWING MODIFICATIONS. THE PARTIES SHALL HAVE JOINT LEGAL AND PHYSICAL CUSTODY WITH A WEEK ON/WEEK OFF PARENTING PLAN. THE EXCHANGES ARE TO OCCUR ON FRIDAYS AFTER SCHOOL. THE COURT MODIFIES THE TRAVEL PROVISIONS. THE PARTIES MUST PROVIDE A MINIMUM OF 45 DAYS ADVANCED NOTICE FOR ANY OUT OF STATE OR COUNTRY TRAVEL. THE NOTICE MUST INCLUDE A DETAILED ITINERARY, INCLUDING DESTINATION, MODE OF TRANSPORTATION, DEPARTURE AND ARRIVAL TIMES, FLIGHT INFORMATION, AS WELL AS HOTEL OR OTHER ACCOMMODATIONS, AND CONTACT INFORMATION. THE COURT ADOPTS THE HOLIDAY SCHEDULE. EACH PARTY SHALL HAVE A TWO-WEEK BLOCK OF VACATION WITH THE MINORS DURING THE SUMMER BREAK. ANY TRAVEL DURING THAT TIME, SHALL COMPLY WITH THE OUT OF STATE/COUNTRY TRAVEL PROVISIONS AS SET FORTH ABOVE. THE MINORS' PASSPORTS ARE TO BE HELD BY A NEUTRAL, AGREED UPON THIRD PARTY. IF THE PARTIES CANNOT AGREE, JAMES GWINUP, COUNSEL FOR PETITIONER, WILL HOLD THE PASSPORTS. THE PARTIES ARE TO ENROLL IN CO-PARENTING COUNSELING. THE PARTIES SHALL PROVIDE THE COURT WITH THE NAME OF THE CO-PARENTING COUNSELOR NO LATER THAN FEBRUARY 21, 2023. THE COURT ADOPTS THE PROVISION FOR THERAPY FOR THE MINORS AS SET FORTH IN THE REPORT. THE COURT ADOPTS THE RESPECT GUIDELINES AS SET FORTH. THE PARTIES SHALL USE TALKINGPARENTS.COM OR SIMILAR APPLICATION FOR ALL COMMUNICATION ABOUT THE MINORS' EDUCATION, HEALTH, AND GENERAL WELFARE. THE RESPONDENT'S GIRLFRIEND, ARIEL, IS NOT TO TEXT OR CALL ANY OF THE MINORS. 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.

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.

Petitioner filed a Request for Order (RFO) on October 26, 2022, requesting a change to child custody and parenting time orders. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on November 16, 2022 and a review hearing on January 19, 2023. Upon review of the court file, there is no Proof of Service showing respondent was served with the RFO or referral to CCRC.

Neither party appeared for the CCRC appointment on November 16, 2022.

The matter is dropped from the court's calendar due to lack of proper service.

TENTATIVE RULING #21: THE COURT DROPS THE MATTER 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.

Petitioner filed a Request for Order (RFO) on September 14, 2022, requesting the court change the child custody and parenting time orders, as well as for attorney's fees and cost. Parties were referred to CCRC for an appointment on October 4, 2022 with a review hearing on October 27, 2022. Minors' Counsel was served electronically on September 14, 2022. Petitioner attempted to serve Respondent by personal service but was unsuccessful. Respondent was served by mail on September 22, 2022.

Minors' Counsel filed a Statement of Issues and Contentions on October 3, 2022. Parties were served by mail and electronically on October 3, 2022. Minors' Counsel has met with her clients extensively, as well as with the parties, and the conjoint family therapist. Minors' Counsel states she does not have a position regarding custody of the minors. She hopes to obtain additional information from CCRC before making a request for orders to the court.

On October 27, 2022, parties appeared for the hearing on Petitioner's RFO. Minors' Counsel declared a conflict and requested to be relieved as Minors' Counsel. She advised the minors would need separate counsel. The court granted Minors' Counsel's request to be relieved and appointed new, separate counsel for the minors. The court continued the RFO to January 19, 2023, to allow the minors' new counsels to meet with them and prepare.

Petitioner filed a Declaration on January 6, 2023. There is no Proof of Service showing Minors' Counsels or Respondent were served with the Declaration, therefore, the court cannot consider it.

The court has not received Statements of Issues and Contentions from either Minors' Counsel.

Parties are ordered to appear for the hearing.

TENTATIVE RULING #22: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.

Respondent filed a Request for Order (RFO) on October 25, 2022, requesting modification of permanent spousal support. Upon review of the court file there is no Proof of Service showing Petitioner was served.

Nevertheless, Petitioner filed a Responsive Declaration on December 28, 2022. Respondent was served by mail on December 28, 2022. Petitioner requests the court deny the request to modify permanent spousal support, as this order was a part of a stipulated agreement and has a termination date of August 31, 2023. Further, Petitioner asserts Respondent has failed to state a material change in circumstances as is required to modify an order for permanent spousal support. Petitioner also states Respondent has failed to file an Income and Expense Declaration as required by California Rule of Court 5.92(b)(2)(A). Petitioner requests Family Code section 271 sanctions in the amount of \$2,500 for having to file a response to Respondent's motion.

The court denies Respondent's request to terminate spousal support. The parties' December 1, 2021 stipulation was adopted as the court's order. The order remains in full force and effect. Respondent has failed to comply with California Rule of Court 5.92(b)(2)(A) by failing to file an Income and Expense Declaration. Respondent has failed to state any material change in circumstances in his pleading which would warrant the court modifying the current order.

Family Code Section 271 states, "...the court may base an award of attorney's fees and costs on the extent to which the conduct of each party or attorney furthers or frustrates the policy of the law to promote settlement of litigation and, where possible, to reduce the cost of litigation by encouraging cooperation of the parties..." Fam. Code § 271(a). Further, the court may award sanctions if a party brings a meritless motion. The court finds Respondent failed to comply with the California Rules of Court in failing to file an Income and Expense Declaration. The court further finds the motion to have been meritless. The court grants Petitioner's request for Family Code Section 271 sanctions in the amount of \$500. Respondent may make two payments of \$250 to Petitioner's counsel, Aaron Dosh. The first payment is due February 1, 2023. The second payment is due March 1, 2023.

All prior orders remain in full force and effect. Respondent shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #23: THE COURT DENIES RESPONDENT'S REQUEST TO TERMINATE SPOUSAL SUPPORT. THE PARTIES' DECEMBER 1, 2021 STIPULATION WAS ADOPTED AS THE COURT'S ORDER. THE ORDER REMAINS IN FULL FORCE AND EFFECT. RESPONDENT HAS FAILED TO COMPLY WITH CALIFORNIA RULE OF COURT 5.92(B)(2)(A) BY FAILING TO FILE AN INCOME AND EXPENSE DECLARATION. RESPONDENT HAS FAILED TO STATE ANY MATERIAL CHANGE IN CIRCUMSTANCES IN HIS PLEADING WHICH WOULD WARRANT THE COURT MODIFYING THE CURRENT ORDER. THE COURT GRANTS PETITIONER'S REQUEST FOR FAMILY

CODE SECTION 271 SANCTIONS IN THE AMOUNT OF \$500. RESPONDENT MAY MAKE TWO PAYMENTS OF \$250 TO PETITIONER'S COUNSEL, AARON DOSH. THE FIRST PAYMENT IS DUE FEBRUARY 1, 2023. THE SECOND PAYMENT IS DUE MARCH 1, 2023. ALL PRIOR ORDERS 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 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.