

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

February 16, 2022

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

**13. KELLI JEANCOQ V. RAYMOND LONERGAN**

**PFL20190708**

Respondent filed a Request for Order (RFO) on September 29, 2022, requesting the court modify child custody and parenting time orders as well as child support. Respondent did not file an Income and Expense Declaration despite requesting modification of support. Parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on October 27, 2022 and a review hearing on December 15, 2022. Petitioner was served by mail on October 14.

In his declaration Respondent raised jurisdictional issues, which are not timely. California has had jurisdiction of this matter since 2019. Respondent is requesting in person visitation with the minor. It is unclear what legal or physical custody orders Respondent is requesting. It is also unclear what, if any, orders are being requested as to child support.

Petitioner filed a Responsive Declaration on October 24, 2022. Upon review of the court file, there is no Proof of Service showing this document was served on Respondent. As such, the court cannot consider this document.

Only Petitioner appeared at the CCRC appointment on October 27, 2022. Therefore, a single parent report was filed with no agreements or recommendations. A copy of the report was mailed to the parties on November 10, 2022.

Respondent filed a Declaration on November 29, 2022. There is no Proof of Service showing Petitioner was served, and therefore, the court cannot consider this document.

On December 15, 2022, parties appeared for the hearing. The court rereferred the parties to CCRC and set a further review hearing.

Only Respondent appeared at CCRC. Petitioner called the Clerk's office to notify CCRC that she was unable to attend due to the minors being ill. A single parent CCRC report was filed with the court on January 13, 2023. A copy was mailed to the parties on January 17, 2023.

Petitioner filed a Simplified Income and Expense Declaration on February 7, 2023. Respondent was served by mail on January 28, 2023.

Due to the illness of the minors, the court refers the parties to CCRC for an appointment on 3/16/2023 at 9:00 AM with Rebecca Nelson and a further review hearing on 5/4/2023 at 1:30 PM in department 5. Both parties are admonished that failure to appear for CCRC may result in the court imposing sanctions on the party that failed to appear. The court continues to reserve jurisdiction on the request to modify child support to the date of the filing of the RFO. Parties are to file updated Income and Expense Declarations at least 10 days prior to the next hearing.

LAW & MOTION TENTATIVE RULINGS

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February 16, 2022

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

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

**TENTATIVE RULING #13: DUE TO THE ILLNESS OF THE MINORS, THE COURT REFERS THE PARTIES TO CCRC FOR AN APPOINTMENT ON 3/16/2023 AT 9:00 AM WITH REBECCA NELSON AND A FURTHER REVIEW HEARING ON 5/4/2023 AT 1:30 PM IN DEPARTMENT 5. BOTH PARTIES ARE ADMONISHED THAT FAILURE TO APPEAR FOR CCRC MAY RESULT IN THE COURT IMPOSING SANCTIONS ON THE PARTY THAT FAILED TO APPEAR. THE COURT CONTINUES TO RESERVE JURISDICTION ON THE REQUEST TO MODIFY CHILD SUPPORT TO THE DATE OF THE FILING OF THE RFO. PARTIES ARE TO FILE UPDATED INCOME AND EXPENSE DECLARATIONS AT LEAST 10 DAYS PRIOR TO THE NEXT HEARING. 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.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

February 16, 2022

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

**14. AIMEE ELSE V. DANIEL ELSE**

**PFL20190360**

Petitioner filed a Request for Order (RFO) on November 29, 2022, requesting modification of visitation order. Petitioner concurrently filed a Declaration. Respondent was served by mail on December 5, 2022.

Respondent filed an RFO on December 5, 2022 requesting modification of child custody and parenting time. There is no Proof of Service showing Petitioner was served with the RFO. Therefore, the court drops Respondent's RFO from calendar.

The court addressed all issues as to custody and parenting time at the hearing on December 10, 2022. Therefore, the court finds the matter to be moot.

All prior orders remain in full force and effect.

**TENTATIVE RULING #14: THE COURT FINDS PETITIONER'S RFO TO BE MOOT AS ALL ISSUES WERE RESOLVED AT THE DECEMBER 10, 2022 HEARING. THE COURT DROPS RESPONDENT'S RFO FROM CALENDAR AS IT WAS NOT PROPERLY SERVED. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT.**

**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

February 16, 2022

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

**15. ANGELA HURLEY V. IVAN RIVERA**

**PFL20200615**

The matter is on calendar for a review of the current exchange location. Petitioner filed a Request for Order (RFO) on January 20, 2023 after the court denied her ex parte request for modification of visitation orders. There is no Proof of Service showing Minor's Counsel or Respondent were served with the RFO, therefore, Petitioner's January 20, 2023 RFO is dropped from calendar.

Minor's Counsel filed a Statement of Issues and Contentions on February 2, 2023. It was served by mail on the parties on February 2, 2023.

Petitioner filed a Declaration as well as a Declaration from Jarrell Hurly II on February 2, 2023. There is a Proof of Service showing service of "Declaration" on Respondent and Minor's Counsel by mail on February 2, 2023. It is unclear to the court which Declaration was served or if both Declarations were served. The court has read and considered only Petitioner's Declaration.

The court has read and considered the filings as outlined above. The court finds the recommendations as contained in Minor's Counsel's Statement of Issues and Contentions to be in the Minor's best interest. The parties are to exchange the minor at the Folsom Police Department per their schedule. The court reminds Respondent he must obey all traffic and driving laws when transporting the minor.

All prior orders not in conflict with this order remain in full force and effect. Minor's Counsel shall prepare and file the Findings and Orders After Hearing.

**TENTATIVE RULING #15: THE COURT FINDS THE RECOMMENDATIONS AS CONTAINED IN MINOR'S COUNSEL'S STATEMENT OF ISSUES AND CONTENTIONS TO BE IN THE MINOR'S BEST INTEREST. THE PARTIES ARE TO EXCHANGE THE MINOR AT THE FOLSOM POLICE DEPARTMENT PER THEIR SCHEDULE. THE COURT REMINDS RESPONDENT HE MUST OBEY ALL TRAFFIC AND DRIVING LAWS WHEN TRANSPORTING THE MINOR. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. MINOR'S COUNSEL 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**

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DEPARTMENT 5

February 16, 2022

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

**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

February 16, 2022

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

**16. COUNTY OF CALAVERAS V. KYLE HERN (OTHER PARENT: MARINA CONRIQUEZ)  
PFS20190061**

Other Parent filed a Request for Order (RFO) on November 28, 2022, requesting the court modify the current child custody orders. Respondent was served by mail with address verification on December 17, 2022. It does not appear the Department of Child Support Services (DCSS) was served.

It appears the clerk's office did not refer the parties to Child Custody Recommending Counseling (CCRC). The court orders the parties referred to CCRC for an appointment on 3/16/2023 at 9:00 AM with Norman Labat and a further review hearing on 5/4/2023 at 1:30 PM in department 5. Other Parent is directed to serve DCSS with the RFO forthwith.

All prior orders not in conflict with this order remain in full force and effect. Other Parent is directed to prepare and file the Findings and Orders After Hearing.

**TENTATIVE RULING #16: THE COURT ORDERS THE PARTIES REFERRED TO CCRC FOR AN APPOINTMENT ON 3/16/2023 AT 9:00 WITH NORMAN LABAT AND A FURTHER REVIEW HEARING ON 5/4/2023 AT 1:30 PM IN DEPARTMENT 5. OTHER PARENT IS DIRECTED TO SERVE DCSS WITH THE RFO FORTHWITH. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. OTHER PARENT IS DIRECTED 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

February 16, 2022

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

**17. DUSTIN CROSTHWAITE V. CRYSTAL CROSTHWAITE**

**PFL20190902**

Respondent filed a Request for Order (RFO) requesting the court modify the parenting plan and child support on November 29, 2022. Respondent concurrently filed an Income and Expense Declaration. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on December 29, 2022 and a review hearing on February 29, 2023. Petitioner was served by mail on December 1, 2022.

Petitioner filed a Responsive Declaration and Income and Expense Declaration on December 21, 2022, objecting to Respondent's request as well as making reciprocal requests. Respondent was served by mail on December 23, 2022.

The parties attended CCRC on December 29, 2022. They were able to reach some agreements regarding custody arrangements. A report with recommendations was filed on February 1, 2023. Copies were mailed to the parties on February 2, 2023.

The court has read and considered the CCRC report and finds the recommendations to be in the minors' best interests. The court adopts the recommendations as set forth in the CCRC report.

It appears the issue of child support is regarding which parent is to claim the children for tax purposes. Respondent would like to claim the children while Petitioner asks that the tax benefit be split evenly. In the event the court allows Respondent to claim the children then Petitioner would like his child support increased. It appears under the current custody arrangement the parties share a 50/50 custody split. Given the equal timeshare of the two children, the parties may each claim one child on their taxes beginning with the 2022 tax year and all subsequent tax years thereafter.

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

**TENTATIVE RULING #17: THE COURT ADOPTS THE RECOMMENDATIONS OF THE FEBRUARY 1, 2023 CCRC REPORT AS THE ORDERS OF THE COURT. EACH PARTY MAY CLAIM ONE CHILD ON HIS OR HER TAXES FOR THE 2022 TAX YEAR AND ALL SUBSEQUENT TAX YEARS THEREAFTER. RESPONDENT 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 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**

LAW & MOTION TENTATIVE RULINGS

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February 16, 2022

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

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ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.**



LAW & MOTION TENTATIVE RULINGS

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February 16, 2022

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

**18. DCSS V. BENGERMAN MARRUJO (OTHER PARENT: JAMIE CANT)**

**22FL0438**

Respondent filed a Request for Order (RFO) on December 1, 2022, requesting the court change child custody and parenting time orders. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on December 30, 2022 and a review hearing on February 16, 2023. Other Parent was personally served on December 9, 2022.

Neither party appeared for CCRC on December 30, 2022.

The court drops Respondent's request to modify child custody and parenting time from the calendar as he was the moving party and failed to appear at CCRC.

All prior orders remain in full force and effect.

**TENTATIVE RULING #18: THE MATTER IS DROPPED FROM CALENDAR DUE TO RESPONDENT'S FAILURE TO APPEAR AT CCRC. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT.**

**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.**

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February 16, 2022

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

**19. KATHLEEN WALSHAW V. SCOTT WALSHAW**

**PFL20200226**

On August 18, 2022, the court granted Petitioner's request to relocate with the minors to Texas. Per the parties' stipulation, the court ordered Respondent to have contact with the minors twice a week via video conference on Tuesdays and Sundays at 5:00 pm Pacific Time. The calls could be up to 30 minutes in duration. The court set a further review hearing for February 16, 2023 and directed parties to file any Supplemental Declarations at least 10 days prior to the hearing.

Petitioner filed a Supplemental Declaration on February 7, 2023. Respondent was served by mail on February 7, 2023. The court finds Petitioner's declaration to be late filed and as such, the court cannot consider it.

Respondent has not filed a Supplemental Declaration

All prior orders remain in full force and effect. Respondent shall have twice weekly video calls with the minors on Tuesday and Sunday at 5:00 pm Pacific Time. The calls can last up to 30 minutes. If the minors are struggling with the calls, they may be ended sooner than the 30 minutes.

The court sets a further review hearing in six months to determine the progress in contact between the minors and Respondent as well as for an update as to Respondent's incarceration status. Parties are to file any Supplemental Declarations at least 10 days prior to the hearing. Failure to file a Supplemental Declaration may result in the matter being dropped from calendar.

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 #19: ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL HAVE TWICE WEEKLY VIDEO CALLS WITH THE MINORS ON TUESDAY AND SUNDAY AT 5:00 PM PACIFIC TIME. THE CALLS CAN LAST UP TO 30 MINUTES. IF THE MINORS ARE STRUGGLING WITH THE CALLS, THEY MAY BE ENDED SOONER THAN THE 30 MINUTES. THE COURT SETS A FURTHER REVIEW HEARING FOR AUGUST 17, 2023. SUPPLEMENTAL DECLARATIONS ARE DUE AT LEAST 10 DAYS PRIOR TO THE NEXT HEARING DATE. FAILURE TO FILE A SUPPLEMENTAL DECLARATION WILL RESULT IN THE MATTER BEING DROPPED FROM CALENDAR. 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**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

February 16, 2022

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

**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  
February 16, 2022  
8:30 a.m./1:30 p.m.

**20. KATRINA BAKER V. JEFFERY BAKER**

**22FL0440**

On December 8, 2022, the court adopted its Tentative Ruling, temporarily suspending the child and spousal support orders, effective June 1, 2022. The court held the prior orders, including the order for arrears in abeyance. The court noted Petitioner had not filed an updated Income and Expense Declaration since May 24, 2022. The court admonished Respondent that it is the public policy of the state of California that parents provide for their children. The court's expectation is that Respondent seek and obtain employment forthwith. The court continued the hearing on the request for child and spousal support to February 16, 2022 at 1:30 PM in Department 5. Both parties were ordered to file and serve updated income and Expense Declarations at least 10 days prior to the next hearing. The court continued to reserve jurisdiction to modify child and spousal support to the date of the filing of the RFO, May 17, 2022.

Petitioner filed a Responsive Declaration and Income and Expense Declaration on February 9, 2023. There is no Proof of Service showing Respondent was served with this document, therefore, the court has not considered it. Additionally, the court finds the Responsive Declaration and Income and Expense Declaration were filed late, and therefore, the court would not consider either due to being untimely.

Respondent filed a Declaration on February 9, 2023. There is no Proof of Service showing Petitioner was served with the Declaration and therefore, the court has not considered it. Further the court finds it to have been filed less than 10 days prior to the hearing, and therefore the court will not consider it as untimely.

Respondent has failed to file an updated Income and Expense Declaration as ordered by the court on December 8, 2022.

The parties are ordered to appear.

**TENTATIVE RULING #20: THE PARTIES ARE ORDERED TO APPEAR.**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

February 16, 2022

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

**21. SARAH COOPER V. JESSE COOPER**

**PFL20200753**

Respondent filed a Request for Order on December 2, 2022, requesting to modify child custody, parenting time, and permanent spousal support. Petitioner was served by mail with address verification on December 12, 2022. The court finds this was appropriate service as to the requests to modify child custody and parenting time.

Parties reached full agreement and submitted a stipulation as to child custody and parenting time. The court signed the stipulation on January 5, 2023. The court finds these issue to be moot.

The court finds service by mail of the request to modify permanent spousal support does not comply with Family Code section 215 for the modification of permanent spousal support, which would require personal service.

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

**TENTATIVE RULING #21: 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.**

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February 16, 2022

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

**22. STACY PURDY V. RYAN PURDY**

**PFL20150937**

On December 1, 2022, the court granted Respondent's request to modify custody and visitation. The court set a further review hearing for February 16, 2023. The court ordered Supplemental Declarations to be filed at least 10 days prior to the hearing.

Respondent filed a Supplemental Declaration on February 1, 2023. Petitioner was served electronically the same day.

The court notes Petitioner filed a Request for Order (RFO) on December 29, 2022, requesting the court set aside orders made on September 15, 2022 and December 1, 2022, as well as transfer the matter to Carson City, Nevada. The RFO is currently schedule for a hearing on March 9, 2023.

For judicial economy, the court continues the review hearing to join with the RFO current set for March 9, 2023. All prior orders remain in full force and effect. The court admonishes Petitioner that failure to abide by court orders may result in a change in custody, parenting time, and/or contempt.

**TENTATIVE RULING #22: FOR JUDICIAL ECONOMY, THE COURT CONTINUES THE REVIEW HEARING TO JOIN WITH THE RFO CURRENT SET FOR MARCH 9, 2023. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. THE COURT ADMONISHES PETITIONER THAT FAILURE TO ABIDE BY COURT ORDERS MAY RESULT IN A CHANGE IN CUSTODY, PARENTING TIME, AND/OR CONTEMPT.**

**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

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February 16, 2022

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

**23. VANESSA PRUESS V. KEVIN PRUESS**

**21FL0118**

On December 15, 2022, the court adopted its tentative ruling, adopting the recommendations as set forth in the Child Custody Recommending Counseling (CCRC) report. The court continued the issue of child support, reserving jurisdiction to the date of the filing of the RFO and ordered parties to file updated Income and Expense Declarations.

Petitioner filed an Income and Expense Declaration on January 12, 2023. Respondent was served by mail on January 11, 2023. Respondent filed an Income and Expense Declaration on February 6, 2023. Petitioner was served by mail on February 1, 2023.

Based on the parties updated Income and Expense Declarations and a timeshare of 20% for Respondent, the court finds guideline child support to be \$1,156 per month. (See DissoMaster) The court ordered Respondent to pay Petitioner \$1,156 per month as and for child support effective September 1, 2022 and payable on the first of each month until further order of the court or termination by operation of law.

The court finds this order results in an arrears balance of \$5,780 for September through February inclusive. The court further finds the previous order for child support was \$400 per month, which was a deviation from guideline support by agreement of the parties. The court finds Respondent is entitled to a credit of \$2,000 for the support paid at \$400 per month from September through February inclusive. The total arrears owing is \$3,780. The court orders Respondent to pay Petitioner \$210 per month as and for arrears effective March 15, 2023, and payable on the 15<sup>th</sup> of each month until paid in full (approximately 18 months).

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 #23: THE COURT FINDS GUIDELINE CHILD SUPPORT TO BE \$1,156 PER MONTH. (SEE DISSOMASTER) THE COURT ORDERED RESPONDENT TO PAY PETITIONER \$1,156 PER MONTH AS AND FOR CHILD SUPPORT EFFECTIVE SEPTEMBER 1, 2022 AND PAYABLE ON THE FIRST OF EACH MONTH UNTIL FURTHER ORDER OF THE COURT OR TERMINATION BY OPERATION OF LAW. THE COURT FINDS THIS ORDER RESULTS IN AN ARREARS BALANCE OF \$5,780 FOR SEPTEMBER THROUGH FEBRUARY INCLUSIVE. THE COURT FURTHER FINDS THE PREVIOUS ORDER FOR CHILD SUPPORT WAS \$400 PER MONTH, WHICH WAS A DEVIATION FROM GUIDELINE SUPPORT BY AGREEMENT OF THE PARTIES. THE COURT FINDS RESPONDENT IS ENTITLED TO A CREDIT OF \$2,000 FOR THE SUPPORT PAID AT \$400 PER MONTH FROM SEPTEMBER THROUGH FEBRUARY INCLUSIVE. THE TOTAL ARREARS OWING IS \$3,780. THE COURT ORDER RESPONDENT TO PAY PETITIONER \$210 PER MONTH AS AND FOR ARREARS EFFECTIVE MARCH 15, 2023, AND PAYABLE ON THE 15<sup>TH</sup> OF EACH MONTH UNTIL PAID IN FULL (APPROXIMATELY 18 MONTHS). ALL PRIOR ORDERS NOT IN CONFLICT WITH**

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DEPARTMENT 5

February 16, 2022

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

**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.**



ATTORNEY (NAME AND ADDRESS): <b>EDC Court</b>  <b>California</b>  ATTORNEY FOR: <b>Father</b>	TELEPHONE NO:  Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
DISSOMASTER REPORT 2023, Monthly	CASE NUMBER:

Input Data	Father	Mother	Guideline (2023)	Cash Flow Analysis	Father	Mother
Number of children	0	4	<b>Nets (adjusted)</b>	<b>Guideline</b>		
% time with Second Parent	20%	0%	Father	2,779	Payment (cost)/benefit	(1,156) 1,156
Filing status	HH/MLA	HH/MLA	Mother	2,742	Net spendable income	1,624 3,898
# Federal exemptions	1*	5*	Total	5,521	% combined spendable	29.4% 70.6%
Wages + salary	3,577	2,100	<b>Support</b>		Total taxes	464 (642)
401(k) employee contrib	0	0	CS Payor	Father	# WHA	4 5
Self-employment income	0	0	Presumed	1,156	Net wage paycheck/mo	3,119 1,913
Other taxable income	0	0	Basic CS	1,156	Comb. net spendable	5,522
Short-term cap. gains	0	0	Add-ons	0	<b>Proposed</b>	
Long-term cap. gains	0	0	Presumed Per Kid		Payment (cost)/benefit	(1,495) 1,495
Other gains (and losses)	0	0	Child 1	151	Net spendable income	1,793 4,079
Ordinary dividends	0	0	Child 2	191	NSI change from gdl	169 181
Tax. interest received	0	0	Child 3	286	% combined spendable	30.5% 69.5%
Social Security received	0	0	Child 4	528	% of saving over gdl	48.5% 51.5%
Unemployment compensation	0	0	El Dorado	0	Total taxes	(45) (484)
Operating losses	0	0	Total	1,156	# WHA	8 5
Ca. operating loss adj.	0	0	<b>Proposed, tactic 9</b>		Net wage paycheck/mo	3,268 1,913
Roy, partnerships, S corp, trusts	0	0	CS Payor	Father	Comb. net spendable	5,872
Rental income	0	0	Presumed	1,459	Percent change	6.3%
Misc ordinary tax. inc.	0	0	Basic CS	1,459	<b>Default Case Settings</b>	
Other nontaxable income	0	0	Add-ons	0		
New-spouse income	0	0	Presumed Per Kid			
Adj. to income (ATI)	0	0	Child 1	270		
SS paid other marriage	0	0	Child 2	295		
Ptr Support Pd. other P'ships	0	0	Child 3	365		
CS paid other relationship	0	0	Child 4	528		
Health ins (Pre-tax)	286	0	SS Payor	Father		
Qual. Bus. Inc. Ded.	0	0	El Dorado	36		
Itemized deductions	0	100	Total	1,495		
Other medical expenses	0	0	Savings	350		
Property tax expenses	0	100	Total releases to Father	3		
Ded. interest expense	0	0				
Charitable contribution	0	0				
Miscellaneous itemized	0	0				
Required union dues	47	0				
Cr. for Pd. Sick and Fam. L.	0	0				
Mandatory retirement	0	0				
Hardship deduction	0*	0*				
Other gdl. deductions	0	0				
AMT info (IRS Form 6251)	0	0				
Child support add-ons	0	0				
TANF, SSI and CS received	0	0				

