

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 16, 2023

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

**1. CANH LE V. MARLANE REILLY**

**22FL0631**

On January 5, 2023, the court adopted its tentative ruling, granting Respondent temporary sole physical custody with the parties mainlining joint legal custody. Petitioner was ordered to have professionally supervised parenting time in El Dorado County. The parties were ordered to use the talkingparents.com or similar application for all communication about the minor. The court continued Respondent's request for Family Code section 271 sanctions and ordered both parties to file updated Income and Expense Declarations at least 10 days prior to the review hearing date.

Petitioner was served by mail with a copy of the Findings and Orders After Hearing on January 24, 2023 at his address of record. Petitioner was served electronically on March 3, 2023.

Respondent filed a Supplemental Declaration and Income and Expense Declaration on March 3, 2023. Petitioner was served electronically on March 3, 2023. Respondent asserts Petitioner has failed to exercise any parenting time with the minor since the last hearing. Respondent is requesting the court grant her sole legal and physical custody of the minor. Respondent is also seeking \$5,500 in Family Code section 271 sanctions for Petitioner's excessive ex parte requests as well as for his refusal to exchange the minor.

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

The court maintains the order for joint legal custody. The parties are to continue utilize talkingparents.com for all communication about legal custody decisions about the minor. Respondent is to reach out to Petitioner through the talkingparents.com application about any decisions that need to be made. If Petitioner fails to respond within 72 hours, Respondent shall have final decision-making authority. The court sets a further review hearing in 120 days to review Petitioner's participating in joint legal custody decision making and parenting time with the minor. Petitioner's failure to participate in joint legal decision making may result in the court modifying the legal custody orders.

As the court previously noted, Respondent makes her request for sanctions pursuant to Family Code section 271 which states in pertinent part, "...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 between the parties and attorneys." The court notes Petitioner's repeated filings on the same issue as well as his refusal to abide by the parenting plan by withholding the minor from Respondent. It appears that Petitioner has not made attempts to amicably resolve these issues without the need for court intervention.

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This is clearly not in keeping with the court's policy to promote settlement and reduce the cost of litigation and it appears Petitioner was in violation of the court's orders. The court now has an updated Income and Expense Declaration from Respondent; however, Petitioner has failed to file one with the court thereby frustrating the court's ability to determine Petitioner's capacity to pay sanctions. In Respondent's Income and Expense Declaration, she estimates Petitioner's income to be approximately \$10,000 a month based on her personal knowledge, car sales, and PayPal deposits.

The court grants Respondent's request for Family Code section 271 sanctions for the reasons set forth above and for the failure to file an updated Income and Expense Declaration as previously ordered. The court grants sanctions in the amount of \$2,750 payable from Petitioner to counsel for Respondent. Petitioner may make monthly payments of \$137.50 per month effective April 1, 2023 and due on the 1<sup>st</sup> of each month until paid in full. If any payment is missed or late, the full amount is due with legal interest.

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 #1: THE COURT MAINTAINS THE ORDER FOR JOINT LEGAL CUSTODY. THE PARTIES ARE TO CONTINUE UTILIZE TALKINGPARENTS.COM FOR ALL COMMUNICATION ABOUT LEGAL CUSTODY DECISIONS ABOUT THE MINOR. RESPONDENT IS TO REACH OUT TO PETITIONER THROUGH THE TALKINGPARENTS.COM APPLICATION ABOUT ANY DECISIONS THAT NEED TO BE MADE. IF PETITIONER FAILS TO RESPOND WITHIN 72 HOURS, RESPONDENT SHALL HAVE FINAL DECISION-MAKING AUTHORITY. THE COURT SETS A FURTHER REVIEW HEARING FOR 7/13/23 AT 8:30 A.M. IN DEPARTEMENT 5 TO REVIEW PETITIONER'S PARTICIPATING IN JOINT LEGAL CUSTODY DECISION MAKING AND PARENTING TIME WITH THE MINOR. PETITIONER'S FAILURE TO PARTICIPATE IN JOINT LEGAL DECISION MAKING MAY RESULT IN THE COURT MODIFYING THE LEGAL CUSTODY ORDERS. THE COURT GRANTS RESPONDENT'S REQUEST FOR FAMILY CODE SECTION 271 SANCTIONS FOR THE REASONS SET FORTH ABOVE AND FOR THE FAILURE TO FILE AN UPDATED INCOME AND EXPENSE DECLARATION AS PREVIOUSLY ORDERED. THE COURT GRANTS SANCTIONS IN THE AMOUNT OF \$2,750 PAYABLE FROM PETITIONER TO COUNSEL FOR RESPONDENT. PETITIONER MAY MAKE MONTHLY PAYMENTS OF \$137.50 PER MONTH EFFECTIVE APRIL 1, 2023 AND DUE ON THE 1<sup>ST</sup> OF EACH MONTH UNTIL PAID IN FULL. IF ANY PAYMENT IS MISSED OR LATE THE FULL AMOUNT IS DUE WITH LEGAL INTEREST. 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**

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

**2. DCSS V. JOHN FINISH (OTHER PARENT: HEATHER STEPHENS)**

**PFS20190290**

Respondent filed a Request for Order (RFO) on October 19, 2022, wherein he requested the court modify child custody, parenting time, and child support. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on November 7, 2022 and a review hearing on January 12, 2023. Other Parent and DCSS were served by mail on October 20, 2022. Other Parent filed a Responsive Declaration on December 7, 2022 and then again on December 12, 2022. There does not appear to be a difference between the two Responsive Declarations.

Neither party appeared for the CCRC appointment on November 7<sup>th</sup>. The court re-referred the parties to CCRC for an appointment on January 19, 2023, and continued the hearing on the RFO to the present hearing date. The parties were admonished to appear at the CCRC appointment or sanctions may be imposed. The hearing on child support was likewise continued to March 27, 2023.

Respondent requests time with the minors in Alameda County when he is off work on the weekends, and he would like visits in El Dorado County when he has days off during the week. He asks that Petitioner provide ½ of the transportation for visits or, in the alternative, a portion of his child support payments be reserved to pay transportation costs for the visits. He asks that child support be adjusted to reflect the updated timeshare.

Petitioner opposes the request for changes in visitation however she does consent to guideline child support. Petitioner asks that the custody arrangement stay as it has always been, her and Respondent mutually planning when visits will occur. Petitioner feels the request for increased visitation is a result of a recent increase in child support.

The parties attended CCRC on January 19, 2023 and were able to reach a full agreement. CCRC prepared a report codifying the agreement which was mailed to the parties on January 23<sup>rd</sup>. Neither party filed a response to the CCRC report.

The court has reviewed the aforementioned filings and finds the agreements contained in the CCRC report to be in the best interests of the minors. Accordingly, the agreements stated in the January 19, 2023 CCRC report are adopted as the orders of the court.

**TENTATIVE RULING #2: THE COURT ADOPTS THE AGREEMENTS CONTAINED IN THE JANUARY 19, 2023 CCRC REPORT AS THE ORDERS OF THE COURT. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. 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**

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**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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**4. DAVID RAINALDI V. SAMANTHA BRAHAM**

**PFL20160044**

Petitioner filed a Request for Order (RFO) on January 20, 2023, requesting the court modify legal custody orders as well as child support orders. Petitioner concurrently filed an Income and Expense Declaration. Respondent was served by mail on January 27, 2023. The court notes the Department of Child Support Services (DCSS) is a party to the case and they were not served.

Petitioner asserts Respondent has not complied with setting up supervised visitation since the court's order of November 3, 2022. Petitioner further asserts that he has had very little contact with Respondent, making it impossible for him to consult with her regarding legal custody decisions. Petitioner is requesting sole legal custody so that he may have the ability to make decisions without the need to consult Respondent.

The court notes Respondent failed to participate in the prior Child Custody Recommending Counseling (CCRC) appointment. Respondent previously failed to file a Responsive declaration in the prior RFO. Respondent has failed to file a Responsive Declaration to the current RFO. Respondent has failed to exercise her parenting time with the minor. Except for a few phone calls, Respondent has had no contact with the minor. It appears to the court Respondent has handed over all parenting responsibilities to Petitioner.

The court maintains the order for joint legal custody. The parties are to utilize talkingparents.com or similar application for all communication about legal custody decisions about the minor. Petitioner is to reach out to Respondent through the talkingparents.com application about any decisions that need to be made. If Respondent fails to respond within 72 hours, Petitioner shall have final decision-making authority. The court sets a further review hearing in 120 days to review Respondent's participation in joint legal custody decision making and parenting time with the minor. Respondent's failure to participate in joint legal decision making may result in the court modifying the legal custody orders.

The court continues the request to modify child support to the child support calendar to be heard by the child support commissioner pursuant to Family Code section 4251. Petitioner is ordered to serve DCSS a copy of the RFO and Income and Expense Declaration forthwith.

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

**TENTATIVE RULING #4: THE COURT MAINTAINS THE ORDER FOR JOINT LEGAL CUSTODY. THE PARTIES ARE TO UTILIZE TALKINGPARENTS.COM OR SIMILAR APPLICATION FOR ALL COMMUNICATION ABOUT LEGAL CUSTODY DECISIONS ABOUT THE MINOR. PETITIONER IS TO REACH OUT TO RESPONDENT THROUGH THE TALKINGPARENTS.COM APPLICATION ABOUT**

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**ANY DECISIONS THAT NEED TO BE MADE. IF RESPONDENT FAILS TO RESPOND WITHIN 72 HOURS, PETITIONER SHALL HAVE FINAL DECISION-MAKING AUTHORITY. THE COURT SETS A FURTHER REVIEW HEARING ON JULY 13, 2023 AT 8:30 AM IN DEPARTMENT 5 TO REVIEW RESPONDENT'S PARTICIPATION IN JOINT LEGAL CUSTODY DECISION MAKING AND PARENTING TIME WITH THE MINOR. RESPONDENT'S FAILURE TO PARTICIPATE IN JOINT LEGAL DECISION MAKING MAY RESULT IN THE COURT MODIFYING THE LEGAL CUSTODY ORDERS. THE COURT CONTINUES THE REQUEST TO MODIFY CHILD SUPPORT TO THE CHILD SUPPORT CALENDAR TO BE HEARD BY THE CHILD SUPPORT COMMISSIONER PURSUANT TO FAMILY CODE SECTION 4251, ON 4/10/23 AT 8:30 AM IN DEPARTMENT 8. PETITIONER IS ORDERED TO SERVE DCSS A COPY OF THE RFO AND INCOME AND EXPENSE DECLARATION FORTHWITH. 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.**

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**5. ISAAC EDELMAN V. TARA EDELMAN**

**PFL20200668**

Petitioner filed a Request for Order (RFO) on December 22, 2022, requesting modification of child custody and parenting time. Parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on January 25, 2023 and a review hearing on March 16, 2023. Respondent was served by mail and electronically on January 4, 2023.

Petitioner is requesting the court grant him sole legal and physical custody of the minor. Petitioner asserts Respondent has relocated out of state. Petitioner also requests that he be allowed to change the minor's school. Petitioner asserts that the minor has been living with the paternal grandparents since the parties sold the former marital residence. Petitioner states he has stable housing in Folsom.

Both parties attended CCRC on January 25, 2023 and were able to reach an agreement as to legal custody only. A report was filed on January 25, 2023 and copies were mailed to the parties on January 30, 2023.

Respondent filed a Responsive Declaration on February 21, 2023. Petitioner was served on February 21, 2023. Respondent requests the parties have joint legal custody with Respondent to have special decision-making authority regarding the minor's IEP and vaccinations. It is unclear what Respondent's position as to physical custody is, however, based on the proposed holiday schedule, the court can interpret her request to be for sole physical custody.

The court has read and considered the filings as outlined above and finds the agreement and recommendations as set forth in the January 25, 2023 CCRC report to be in the best interest of the minor. The court adopts the agreement and recommendations as its order.

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 #5: THE COURT FINDS THE AGREEMENT AND RECOMMENDATIONS AS SET FORTH IN THE JANUARY 25, 2023 CCRC REPORT TO BE IN THE BEST INTEREST OF THE MINOR. THE COURT ADOPTS THE AGREEMENT AND RECOMMENDATIONS AS ITS ORDER. 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**



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**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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**6. JOSEPH BARRETT V. CASSANDRA DURANTE**

**PFL20120799**

On December 28, 2022, Minor's Counsel filed a Request for Order (RFO) and Statement of Issues and Contentions (SIC) requesting a referral for the parties to Child Custody Recommending Counseling (CCRC) and a review hearing to determine whether a modification of the current orders for contact between the minor and Respondent is in the minor's best interest. The parties were served the RFO and SIC by mail and electronically on December 27, 2022.

The court has read and considered Minor's Counsel's RFO and SIC and finds a referral to CCRC is in the minor's best interest. The parties are referred to CCRC for an appointment on 04/06/23 at 9:00 AM with Norman Labat and sets a further review hearing on 5/25/23 at 8:30 am in Department 5.

All prior orders remain in full force and effect. Minor's Counsel shall prepare and file the Findings and Orders After Hearing.

**TENTATIVE RULING #6: THE COURT FINDS A REFERRAL TO CCRC IS IN THE MINOR'S BEST INTEREST. THE PARTIES ARE REFERRED TO CCRC FOR AN APPOINTMENT ON 4/6/23 AT 9:00 AM WITH NORMAN LABAT AND SETS A FURTHER REVIEW HEARING ON 5/25/23 AT 8:30 AM IN DEPARTMENT 5. ALL PRIOR ORDERS 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 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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**7. JOSEPH CARLISLE V. GINA CARLISLE**

**PFL20170803**

See Tentative Ruling #17 on 1:30 PM Calendar

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**8. LAURA WOLCOTT V. OLIVER WOLCOTT**

**PFL20140730**

This matter was on calendar on January 5<sup>th</sup> for a review of the parenting plan. On October 6, 2022, the court ordered Petitioner to have in person visitation with the minor supervised by Ms. Kent. If Petitioner did not wish to have Ms. Kent supervise, visits were suspended until the minors' therapist recommended in person visitation with another supervisor. The minors were to have telephone/video call contact with Petitioner as initiated by the minors and supervised by Respondent. Respondent was authorized to terminate the call if the call became emotionally abusive or detrimental to the minors. The court set a further review hearing for January 5, 2023.

Minors' Counsel filed a Statement of Issues and Contentions on December 21, 2022, recommending the current visitation orders remain in place and that Respondent be granted sole legal custody or final decision making if joint custody remains in place. Respondent filed a Responsive Declaration on December 23, 2022 wherein Respondent agreed with the recommendations of Minors' Counsel.

Petitioner filed a Reply to Minors' Counsel's Statement of Issues and Contentions on December 28, 2022. Petitioner requested the matter be continued for 30-45 days as she had just reinitiated in person visits with the minors. Petitioner also requested there be a set schedule for telephone/video calls with the minors. Petitioner objected to any changes in the legal custody orders.

The court granted Petitioner's request to continue the hearing to the present hearing date. The court further granted Petitioner's request to set a schedule for telephone/video calls between the minors and Petitioner. The calls were ordered to take place Tuesday, Thursday, and Saturday at 7:00 pm at the initiation of the minors. The court ordered calls to be monitored by Respondent and authorized him to terminate the calls if he had a good faith belief Petitioner was being emotionally abusive or the call became detrimental to the minors. The order for joint legal custody remained in full force and effect. Parties were ordered to file Supplemental Declarations no later than 10 days prior to the next hearing date.

In keeping with the court's order Minor's Counsel filed a Statement of Issues and Contentions and Request for Orders on March 3, 2023. It was timely and properly served. Respondent filed and served a Responsive Declaration to Request for Order on March 6<sup>th</sup>. Petitioner filed and served Petitioner's Reply to Minor's Counsel's Statement of Issues and Contentions on March 9<sup>th</sup>.

According to Minor's Counsel, the minors do not like the new phone schedule. At times they are forced to leave extracurricular activities in order to adhere to the schedule. The calls have become an imposition instead of a positive opportunity to speak with Petitioner. The

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minors also wish to maintain the current visitation schedule as they do not feel comfortable without Ms. Kent present. Ms. Kent and Ms. James, the therapist for the minors, both agree that the visitation schedule should remain as is. Likewise, Respondent agrees with maintaining the current orders.

According to Respondent the visits have gone well with Ms. Kent being present to keep things on track and moving in a positive direction. Respondent also requests the court do away with the current phone schedule as it has become disruptive. He argues that the minors actually spoke with Petitioner more prior to the implementation of the phone schedule.

Petitioner disagrees with Respondent and Minor's Counsel. She states the visits have gone exceedingly well and she would like to begin working towards unsupervised visits because she does not know how much longer she will be able to afford Ms. Kent's fees. Further, she notes that the minor Z.W. is on a hybrid school schedule which allows her to study at home three days a week. During that time, she is left alone while Respondent is at work. Petitioner would like the minor Z.W. in her care on her homeschooling days. She also requests the following step-up plan: (1) Non-supervised visits for 2 hours, twice per week for 4 weeks; then (2) Every other Saturday from 12:00pm to Sunday at 12:00pm with 1 mid-week visit for 2 hours for 4 weeks; (3) Every other weekend beginning Friday after school to Sunday at 6:00pm for 4 weeks; and (4) 2-2-3 visitation schedule.

Regarding the phone schedule, Petitioner asks that they remain scheduled otherwise she does not believe the minors would initiate the calls. She asks that the schedule be modified to allow for the calls to occur Tuesday, and Saturday between 5:00pm-7:00pm.

When making orders regarding custody or visitation the court is to consider (1) the state's policy to ensure the child has frequent and continuing contact with both parents after a separation and (2) the health, welfare, and safety of the child. Cal. Fam. Code § 3020. Where these two factors are in conflict, the health, welfare, and safety of the child trumps the policy regarding parental contact. *Id.* at (c). This is a balancing act not easily determined. While the court is optimistic that the visits between Petitioner and the minors have been going well, there is a significant history otherwise. It is the court's job to ensure the minors are safe and healthy. While the visits appear to be going in the right direction, the court is of the opinion that the step-up plan proposed by Petitioner is premature. The court would like to give the current schedule additional time to ensure the relationship has progressed sufficiently to begin considering unsupervised visits. However, the court is removing the supervision requirement from the phone calls in an attempt to gain insight into Petitioner's ability to have healthy and positive interactions with the minors without supervision.

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Calls between the minors and Petitioner are to be held Tuesdays and Saturdays at any time between 5:00pm and 7:00pm. Calls are to be initiated by the minors at a time convenient to them and may be terminated by the minors at their discretion. Respondent is not to monitor the calls. The visitation schedule is to remain as-is. A review hearing is set for 6/15/23 at 8:30 AM in Department 5 to discuss the status of the visits and the potential for a step-up plan. The parties are to file Supplemental Declarations/Statement of Issues and Contentions no later than 10 days prior to the hearing date. The parties are to each propose a step-up plan. Minor's Counsel is instructed to discuss the status of the visits with the therapist for the minors and advise the court regarding the therapist's opinions or recommendations regarding unsupervised visitation. 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 #8: CALLS BETWEEN THE MINORS AND PETITIONER ARE TO BE HELD TUESDAYS AND SATURDAYS AT ANY TIME BETWEEN 5:00 P.M. AND 7:00 P.M. CALLS ARE TO BE INITIATED BY THE MINORS AT A TIME CONVENIENT TO THEM AND MAY BE TERMINATED BY THE MINORS AT THEIR DISCRETION. THE VISITATION SCHEDULE IS TO REMAIN AS-IS. A REVIEW HEARING IS SET FOR 6/15/23 AT 8:30 AM IN DEPARTMENT 5 TO DISCUSS THE STATUS OF THE VISITS AND THE POTENTIAL FOR A STEP-UP PLAN. THE PARTIES ARE TO FILE SUPPLEMENTAL DECLARATIONS/STATEMENT OF ISSUES AND CONTENTIONS NO LATER THAN 10 DAYS PRIOR TO THE HEARING DATE. THE PARTIES ARE EACH TO PROPOSE A STEP-UP PLAN. MINOR'S COUNSEL IS INSTRUCTED TO DISCUSS THE STATUS OF THE VISITS WITH THE THERAPIST FOR THE MINORS AND ADVISE THE COURT REGARDING THE THERAPIST'S OPINIONS OR RECOMMENDATIONS REGARDING UNSUPERVISED VISITATION. 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 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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**10. MICHA VAN CLEAVE V. TREVOR VAN CLEAVE**

**PFL20210623**

On December 22, 2022, the court continued the support requests and request for attorney's fees, as Respondent had not yet filed his Income and Expense Declaration. Further, the parties agreed upon a parenting schedule provided little direction regarding the estimated timeshare between the parties. Respondent was ordered to file an Income and Expense Declaration no later than 10 days prior to the hearing date. Both parties were ordered to file declarations regarding the appropriate timeshare to use in calculating child support. These declarations were to be filed with the court no later than 10 days prior to the hearing date.

Respondent has not filed an Income and Expense Declaration or a declaration regarding the timeshare.

Petitioner has not filed a Declaration regarding the timeshare. Further, the court finds Petitioner's October 4, 2022 filed Income and Expense Declaration is now out of date.

Given the court does not have the information it ordered be provided, the court continues the matter to 6/1/23 at 8:30 AM in Department 5. Parties are ordered to file Income and Expense Declarations and declarations regarding the custody timeshare. Failure to file Income and Expense Declaration and the Declaration regarding custody timeshare may result in the court dropping the matter 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 # 10: THE COURT CONTINUES THE MATTER TO 6/1/23 AT 8:30 AM IN DEPARTMENT 5. PARTIES ARE ORDERED TO FILE INCOME AND EXPENSE DECLARATIONS AND DECLARATIONS REGARDING THE CUSTODY TIMESHARE. FAILURE TO FILE INCOME AND EXPENSE DECLARATIONS AND DECLARATIONS REGARDING CUSTODY TIMESHARE MAY RESULT IN THE COURT DROPPING THE MATTER 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.**

**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

March 16, 2023

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

**11. WALTER BORING V. ALLISON BORING**

**PFL20160114**

In preparation for the December 8<sup>th</sup> hearing on the issue of child support, Petitioner filed a document entitled Update to the Court Re Child Support and Uninsured Medical Reimbursement. As part of his update to the court, Petitioner requested the court order, among other things, Petitioner to pay an arrears amount of \$5,282.26 as well as an order directing Respondent to reimburse him for Respondent's half of uninsured medical expenses for the minor which amounted to \$1,381.14. The December 8<sup>th</sup> hearing was held as scheduled and the court made orders regarding both the overpayment and the reimbursement of the uninsured medical costs. The parties were ordered to meet and confer regarding the reimbursement of the uninsured medical costs for the minors. Additionally, a repayment plan was set for the overpayment of child support and the parties were ordered to meet and confer regarding the amount overpaid from December 2022 forward based on the updated income withholding order. A review hearing was set for March 16, 2023, to address both issues.

Neither party has filed status updates with the court. Thus, it is presumed that the parties meet and confer efforts were successful and no disputes remain. 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 #11: 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 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.**