

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 28, 2022

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

12. ASHLEY MARITZ V. ANDRE MARITZ

PFL20140564

On May 4, 2022, Respondent filed a Request for Order (RFO), requesting an order allowing him to use an unaccompanied minor service which would provide non-stop flights between Texas and California. Use of the service would allow the minor to travel alone. The parties were referred to Child Custody Recommending Counseling (CCRC) and the matter was set for hearing on July 28, 2022. There is no proof of service on file for the RFO or the CCRC referral. Neither party appeared at the scheduled CCRC appointment. The matter is dropped from the court's calendar due to lack of service.

TENTATIVE RULING #12: MATTER DROPPED FROM THE COURT'S CALENDAR DUE TO LACK OF SERVICE.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 28, 2022

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

13. DCSS V. ANTHONY R. KEENER (OTHER PARTY: NICOLE FUSON)

PFS20120124

On January 28, 2022, Other Party filed a Request for Order (RFO) requesting modification of the custody and visitation orders, as well as an order modifying child support. Other Party filed an Income and Expense Declaration on the same day. Both documents were served on February 22, 2022.

Respondent filed a Responsive Declaration on April 18, 2022. Other Party was served by mail on April 14, 2022. Respondent filed an Income and Expense Declaration on April 14, 2022 and served it by mail on April 11, 2022. Respondent consented to guideline child support. Respondent agreed to a prorated share of daycare costs, so long as proof is provided as to the cost. Respondent was agreeable to sharing the costs for medical, dental, orthodontia, and mental health services, but requested those costs be discussed prior to incurring them to ensure there is a medical need. Respondent objected to paying an additional clothing allowance as child support should be used for that. Respondent agreed to sharing expenses for agreed upon extracurricular activities.

On April 28, 2022, the parties appeared for hearing on the RFO. The court continued the issue of child support to June 9, 2022. The court reserved retroactive modification to the date of the filing of the RFO. The court made no changes to the then current child support orders. The tentative ruling was adopted pending a trial date on the remaining issues. Parties were ordered to file and serve updated Income and Expense Declarations.

Neither party filed updated Income and Expense Declarations prior to the June 9th hearing. The court continued the matter to July 28, 2022 and ordered both parties to file updated Income and Expense Declarations at least 10 days prior to the date of the hearing. The court admonished Other Party that if she fails to file an updated Income and Expense Declaration, her RFO may be dropped from calendar as she was the party requesting support modification. The court continued to reserve jurisdiction on retroactive modification to the date of filing the RFO.

On June 23, 2022, El Dorado County Department of Child Support Services (DCSS) filed a Notice Regarding Payment of Support, Substitution of Payee. The notice of substitution was served on the parties on June 22, 2022.

Respondent filed a Supplemental Declaration for Child Support Hearing on July 11, 2022. His declaration was served on Other Party on July 7, 2022 via U.S. Mail. In his declaration Respondent requested that the matter be placed on the DCSS calendar given their involvement.

The court finds that with the involvement of DCSS the matter of child support is to be brought before the child support commissioner on the DCSS calendar.

TENTATIVE RULING #13: THE MATTER IS CONTINUED TO AUGUST 22ND, 2022 AT 8:30 AM IN DEPARTMENT 5 BEFORE THE CHILD SUPPORT COMMISSIONER. RESPONDENT IS TO SERVE DCSS WITH THE RFO AND NOTICE OF THE NEW HEARING DATE.

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July 28, 2022

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

14. MARYALICE MAYERS V. JOHNATHON MAYERS

PFL20210268

On May 9, 2022, Respondent filed a Request for Order (RFO) requesting the court make child custody, parenting time, and child support orders. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on June 10, 2022 and a review hearing on July 28, 2022. Petitioner was served by mail on June 2, 2022 with Proof of Service filed on June 6, 2022. Respondent filed an Income and Expense Declaration on May 9, 2022. It was served concurrently with the RFO and referral to CCRC on June 2, 2022.

Respondent requests the court order joint legal and physical custody of the minors. Respondent also requests the court order the minors be returned to the independent home school program they were previously enrolled in. Respondent requests the court order no child support.

Both parties participated in the CCRC appointment on June 6, 2022 and were able to reach an agreement. A copy of the CCRC report was mailed to the parties on June 15, 2022.

Petitioner has not filed a Responsive Declaration.

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

The court finds the agreement of the parties as set forth in the CCRC report is in the minors' best interests. The court adopts the agreement of the parties. Petitioner shall have sole legal and physical custody of the minors. The minor D.M. may have phone contact with Respondent in her discretion. The minor H.M. shall have Facetime or telephone contact with Respondent on Tuesdays at 8:00 pm. The minor D.M. shall participate in individual therapy with a licensed clinician. The parties and minor's therapist shall discuss an appropriate time for Respondent to initiate phone contact with D.M. Respondent shall participate in individual therapy with a licensed clinician. Respondent shall attend at a frequency and duration as recommended by the therapist. Respondent shall complete a parenting class. The parties shall utilize the talkingparents.com application to relay information to each other about the minors' education, health, and general welfare.

Only Respondent filed an Income and Expense Declaration as required. Therefore, the court continues the request for child support to September 15th, 2022 at 1:30 PM in Department 5. Parties are ordered to file and serve Income and Expense Declarations at least 10 days prior to the next hearing. Failure to file and serve Income and Expense Declarations may result in the matter being dropped from the court's calendar.

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

TENTATIVE RULING #14: THE COURT FINDS THE AGREEMENT OF THE PARTIES TO BE IN THE MINORS' BEST INTERESTS. THE COURT ADOPTS THE PARTIES' AGREEMENT AS SET FORTH IN THE CCRC REPORT. THE COURT CONTINUES THE REQUEST FOR CHILD SUPPORT TO SEPTEMBER 15TH, 2022 AT 1:30 PM IN DEPARTMENT 5. PARTIES ARE ORDERED TO FILE AND SERVE INCOME AND EXPENSE DECLARATIONS AT LEAST 10 DAYS PRIOR TO THE NEXT HEARING. FAILURE TO FILE AND SERVE INCOME AND EXPENSE

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**DECLARATIONS MAY RESULT IN THE MATTER BEING DROPPED FROM THE COURT'S CALENDAR. ALL
PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT.
RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

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

15. MEGAN QUINONEZ V. STEPHEN QUINONEZ

PFL20190827

Petitioner filed a Request for Order (RFO) on April 27, 2022, requesting the court modify the current child custody orders. Respondent was served by mail on May 12, 2022. The court notes this is a post-judgement request to modify child custody and as such, a Declaration Regarding Address Verification is required. Upon review of the court file, there is no address verification. Therefore, the court cannot find Respondent was properly served.

The parties were referred to Child Custody Recommending Counseling for an appointment on June 6, 2022. Only Petitioner appeared. As such a single parent report was issued without any agreement or recommendations. A copy of the report was mailed to the parties on June 10, 2022.

On July 19, 2022, Petitioner filed a Supplemental Declaration. Respondent was served by mail on July 18, 2022. Petitioner asserts the minors are being left without adult supervision in the evening due to Respondent working in the Truckee area and the paternal grandmother working outside the home in the evening. Petitioner requests the court order the children be enrolled in Gold Oak Elementary school. Petitioner further requests the court order Respondent have parenting time with the minors on alternating weekends from Saturday morning until Sunday evening only on weekends when he is physically present in the home with the minors. Petitioner also requests the minors participate in individual counselling.

Respondent has not filed a Responsive Declaration.

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

TENTATIVE RULING #15: THE MATTER IS DROPPED FROM CALENDAR DUE TO LACK OF PROPER SERVICE.

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July 28, 2022

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

16. MEGAN BLAIR V. WILLIAM BLAIR

PFL20180031

On April 12, 2022, Petitioner filed an Ex Parte Application and Declaration for Orders requesting an end to the no contact order between the minor child and Justin Romero. That same day, Respondent filed a Responsive Declaration to the Request for Order opposing the request made in Petitioner's Ex Parte Application. The Ex Parte request was denied for failure to meet the criteria set forth by Cal. Rule of Court 5.151 and Family Code section 3064(a).

On April 13, 2022, Petitioner filed a Request for Order (RFO), again requesting the discontinuance of a no-contact order between the minor child and Justin Romero. The RFO references an attached letter from Sacramento CPS but no letter is attached.

The hearing on the RFO was originally set for June 16, 2022, but Petitioner requested a continuance. The request was granted, and the matter was continued to July 28, 2022. Petitioner was ordered to serve Respondent with the RFO and a copy of the FL-306.

There is no proof of service on file for the RFO or the FL-306 and Respondent has not filed a responsive declaration. The matter is dropped from the court's calendar due to lack of service.

TENTATIVE RULING #16: THE MATTER IS DROPPED FROM THE COURT'S CALENDAR FOR LACK OF SERVICE.

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

17. RICHARD MUELLER V. AMBER MUELLER

PFL20170889

On June 16, 2022, the court continued the arraignment on the January 14, 2022 filed Order to Show Cause and Affidavit for Contempt as the Public Defender's office had been appointment but not provided notice. The matter was set for further arraignment on June 23, 2022.

On June 23, 2022, the Public Defender appeared on behalf of Respondent, however, Respondent failed to appear. The Public Defender requested the matter be continued. The court continued the matter to July 28, 2022. The court issued a Bench Warrant for Respondent; however, it was stayed until the July 28, 2022 hearing.

Parties are ordered to appear for arraignment.

TENTATIVE RULING #17: PARTIES ARE ORDERED TO APPEAR FOR ARRAIGNMENT.

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

18. RYAN TROCKI V. RACHEL TROCKI

PFL20170109

On October 28, 2021, Respondent filed a Request for Order (RFO) requesting modification to the custody and visitation orders. A Child Custody Recommending Counseling (CCRC) session was scheduled for December 8, 2021, with a hearing on the RFO to be held on January 20, 2021. Petitioner was served via U.S. mail on November 12, 2021.

Only Petitioner participated in the December CCRC session. Because Respondent was the moving party and did not participate in CCRC the court issued a tentative ruling dropping the matter from calendar. Respondent requested oral argument. After oral arguments, the court ordered the following: (1) Minor is permitted to move back to California, if desired; (2) The matter is re-referred to CCRC on June 20, 2022; (3) Review of CCRC is scheduled to be heard on July 28, 2022.

On June 20, 2022, the court received notice from CCRC that neither party appeared at the scheduled CCRC appointment. Accordingly, the matter is dropped from the court's calendar.

TENTATIVE RULING #18: THE MATTER IS DROPPED FROM THE COURT'S CALENDAR.

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July 28, 2022

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

19. VANESSA PREUSS V. KEVIN PREUSS

21FL0118

On June 3, 2022, Petitioner filed a Request for Order (RFO), requesting guideline child support. Concurrently therewith, she filed her Income and Expense Declaration. There is no proof of service on file. The matter is dropped due to lack of service.

TENTATIVE RULING #19: MATTER DROPPED FROM THE COURT'S CALENDAR DUE TO LACK OF SERVICE.

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July 28, 2022

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

20. WILLIAM FORREST V. MAILE FORREST

PFL20170101

Petitioner filed an Order to Show Cause and Affidavit for Contempt on June 7, 2022 alleging two counts of contempt. Respondent was personally served on June 9, 2022, with Proof of Service filed on June 30, 2022.

Parties are ordered to appear for arraignment.

TENTATIVE RULING #20: PARTIES ARE ORDERED TO APPEAR FOR ARRAIGNMENT.