

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

August 18, 2022

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

**1. APRIL LOCKHART V. DAVID MERCADO**

**PFL20200534**

On May 26, 2022, Respondent filed a Request for Order (RFO) requesting modification of the joint legal custody orders. Petitioner was served by mail on May 31, 2022. However, there is no Proof of Service indicating Minor's Counsel was served with the RFO. Respondent requests the court grant him final decision-making authority if the parties are unable to reach an agreement on joint legal custody issues.

On May 23, 2022, Petitioner filed an RFO requesting modification of parenting time as well as attorney's fees. Parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on June 28, 2022 and a review hearing on August 18, 2022. Upon review of the file, there is no Proof of Service showing service of the RFO on either Respondent or Minor's Counsel.

Parties appeared for a hearing on Respondent's Order to Show Cause and Affidavit for Contempt and RFO for Family Code section 271 sanctions on July 21, 2022. The court continued the request for sanctions to August 18, 2022. The court also continued the arraignment on the contempt allegations to August 18, 2022.

On August 4, 2022, the court adopted its tentative ruling continuing the review hearing on Respondent's RFO to August 18, 2022. The court ordered both parties to ensure the other party as well as Minor's Counsel were properly served with the motions. Both parties were also ordered to file updated Income and Expense Declarations if they had not already done so.

Both parties appeared at CCRC on June 28, 2022 and reached a full agreement. A copy of the report was filed on June 28, 2022 and mailed to the parties on July 5, 2022. The parties agree to keep all prior orders in full force and effect. The parties agree to share physical custody with a week on week off schedule with the exchanges taking place Friday after school. Non-school days will be the same time as the end of the school day. The parties agreed to a phone contact schedule for the non-custodial parent to have a phone or video call every Tuesday at 6:00 pm. The parties agreed to enroll in co-parenting counseling through Affordable Counseling and to each pay half. The parties agreed that the minor will participate in therapy on an as needed basis through his therapist at Kaiser. The parties agreed the minor will remain at Jackson Elementary School.

Respondent filed an Income and Expense Declaration on August 4, 2022 and again on August 9, 2022. Petitioner and Minor's Counsel were served on August 4, 2022. Respondent filed a Responsive Declaration on August 4, 2022 and August 9, 2022, the Declarations appear to be identical. Petitioner and Minor's Counsel were served on August 4, 2022. Respondent also filed a Proof of Service on August 4, 2022, indicating Minor's Counsel was served with the RFO filed on May 26, 2022 on August 4, 2022.

Respondent requests the court deny Petitioner's requests including modifying the current parenting time order, the request to keep the minor at Hope counseling, the request for all extracurricular activities be mutually agreed upon, any limitation on where Respondent resides, and the request for attorney fees. Respondent requests the court order Petitioner to pay Family Code section 271 sanctions for filing the RFO without any material change in circumstances.

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

The court denies Petitioner's RFO filed on May 23, 2022, as it was not properly served on Minor's Counsel. The court adopts the agreements of the parties as set forth in the CCRC report and outlined above. The court denies Respondent's request for final decision-making authority. If parties are unable to reach an agreement after good faith negotiations utilizing their co-parenting counselor, Minor's Counsel shall be the final decision maker. The court denies Respondent's request for Family Code section 271 sanctions as requested in his responsive declaration.

The court continues the hearing for the arraignment on the OSC re: Contempt, as the Public Defender's Office was appointed, but has not received notification of the appointment. The court continues to reserve on Respondent's request for Family Code section 271 sanctions as requested in the May 23, 2022 RFO.

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 DENIES PETITIONER'S RFO FILED ON MAY 23, 2022, AS IT WAS NOT PROPERLY SERVED ON MINOR'S COUNSEL. THE COURT ADOPTS THE AGREEMENTS OF THE PARTIES AS SET FORTH IN THE CCRC REPORT AND OUTLINED ABOVE. THE COURT DENIES RESPONDENT'S REQUEST FOR FINAL DECISION-MAKING AUTHORITY. IF PARTIES ARE UNABLE TO REACH AN AGREEMENT AFTER GOOD FAITH NEGOTIATIONS UTILIZING THEIR CO-PARENTING COUNSELOR, MINOR'S COUNSEL SHALL BE THE FINAL DECISION MAKER. THE COURT DENIES RESPONDENT'S REQUEST FOR FAMILY CODE SECTION 271 SANCTIONS AS REQUESTED IN HIS RESPONSIVE DECLARATION. THE COURT CONTINUES THE HEARING FOR THE ARRAIGNMENT ON THE OSC RE: CONTEMPT TO SEPTEMBER 22<sup>ND</sup>, 2022 AT 8:30 AM IN DEPARTMENT 5, AS THE PUBLIC DEFENDER'S OFFICE WAS APPOINTED, BUT HAS NOT RECEIVED NOTIFICATION OF THE APPOINTMENT. THE CLERK'S OFFICE IS DIRECTED TO SEND NOTIFICATION OF THE APPOINTMENT TO THE PUBLIC DEFENDER'S OFFICE FORTHWITH. THE COURT CONTINUES TO RESERVE ON RESPONDENT'S REQUEST FOR FAMILY CODE SECTION 271 SANCTIONS AS REQUESTED IN THE MAY 23, 2022 RFO. 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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**2. DEDRA SCHMEECKLE-COX V. JASON D. COX**

**PFL20180475**

This matter is before the court for a review hearing of the child custody/visitation schedule as well as further proceedings on the Order to Show Cause (OSC) filed on May 13, 2022.

Parenting Plan

Petitioner filed a Request for Order (RFO) on March 8, 2022, requesting modification of custody and parenting time orders. Parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on April 27, 2022 and a review hearing on June 16, 2022. On March 14, 2022, Petitioner filed a Proof of Service along with Address Verifications showing Respondent was served with the RFO and referral to CCRC. Minor's Counsel was served by mail on March 8, 2022.

After attending CCRC on April 27, 2022, the parties came before the court on June 16, 2022 for hearing on the issues raised in Petitioner's RFO. At that time the court adopted the recommendations as contained in the CCRC report with the following modifications: The parties were to continue to have joint legal and physical custody. The parties were ordered to utilize a 2-2-3 parenting plan that was to commence after the Minor and Respondent participated in a number of shorter visits to ease the transition to the 2-2-3 schedule. The minor was ordered to continue in therapy with Ms. Harris at a frequency and duration as directed by Ms. Harris. The parties were directed to cooperate with Ms. Harris and follow her treatment directives. A review hearing was set for August 18, 2022 and the parties were ordered to file any supplemental declarations at least 10 days prior to the hearing date.

Respondent filed a supplemental declaration on June 27, 2022. The Proof of Service filed on June 27, 2022, was signed by Respondent in violation of Civil Procedure section 1013(a)(1). Petitioner objected to the court's consideration of the declaration on July 28, 2022, based on its improper service. Petitioner's objection is granted. The court has not read or considered this document.

Minor's Counsel filed and served Minor Counsel's Statement of Issues and Contentions and Request for Orders on August 8, 2022. Minor's Counsel indicates that the current parenting schedule has worked out well and she believes all parties are in agreement with this. Accordingly, Minor's Counsel requests the court implement a week on/week off parenting plan. Additionally, she requests that the parties be ordered to continue working with Ms. Harris and notes that Ms. Harris is amenable to conducting co-parenting counseling.

Having considered the foregoing, the court finds that a week on/week off schedule would be in the best interest of the minor. The court orders as follows: (1) The parties are to share physical custody of the minor with a week on/week off schedule; (2) The minor is to continue individual therapy with Ms. Harris, at a frequency and duration as determined by Ms. Harris; (3) Respondent and Minor are to continue joint therapy with Ms. Harris, at a frequency and duration as determined by Ms. Harris; (4) Petitioner and Respondent are ordered to begin co-parenting counseling with a licensed clinician. All prior orders not in conflict with this order are to remain in full force and effect.

Order to Show Cause

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On May 13, 2022, Respondent filed an Order to Show Cause (OSC) and Affidavit for Contempt alleging Petitioner had violated the September 11, 2019 custody and parenting time order by refusing Respondent contact and parenting time with the minor. Respondent also asserted that Petitioner has refused to allow him to attend doctor's appointments for the minor in violation of the legal custody orders. Petitioner was personally served on June 5, 2022.

The parties appeared for arraignment on June 30, 2022. Petitioner entered a plea of not guilty. She was appointed a public defender and the matter was set for further proceedings on August 18, 2022. Petitioner was ordered to file an Income and Expense Declaration 10 days prior to the hearing date. The court has not received an Income and Expense Declaration as ordered.

Respondent filed a supplemental declaration on June 27, 2022. The Proof of Service filed on June 27, 2022, was signed by Respondent in violation of Civil Procedure section 1013(a)(1). Petitioner objected to the court's consideration of the declaration on July 28, 2022, based on its improper service. Petitioner's objection is granted. The court has not read or considered this document.

The parties are ordered to appear for the arraignment.

**TENATIVE RULING #2: REGARDING CHILD CUSTODY AND VISITATION, THE COURT ORDERS AS FOLLOWS: (1) THE PARTIES ARE TO SHARE PHYSICAL CUSTODY OF THE MINOR WITH A WEEK ON/WEEK OFF SCHEDULE; (2) THE MINOR IS TO CONTINUE INDIVIDUAL THERAPY WITH MS. HARRIS, AT A FREQUENCY AND DURATION AS DETERMINED BY MS. HARRIS; (3) RESPONDENT AND MINOR ARE TO CONTINUE JOINT THERAPY WITH MS. HARRIS, AT A FREQUENCY AND DURATION AS DETERMINED BY MS. HARRIS; (4) PETITIONER AND RESPONDENT ARE ORDERED TO BEGIN CO-PARENTING COUNSELING WITH A LICENSED CLINICIAN. ALL OTHER ORDERS NOT IN CONFLICT WITH THIS ORDER ARE TO REMAIN IN FULL FORCE AND EFFECT. THE PARTIES ARE ORDERED TO APPEAR FOR FURTHER PROCEEDINGS ON THE OSC.**

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**3. E.M. v. K.G.**

**22FL0389**

On April 28, 2022, Petitioner filed a Petition to Establish a Paternal Relationship. Respondent was personally served on May 8, 2022. Petitioner simultaneously requests to be found to be the presumed father of the minor and genetic testing to determine if he is the minor's father. The Petitioner has attached the declaration of paternity, which was signed under penalty of perjury by Petitioner, stating he is the biological father of the minor. The Declaration of Paternity was signed on March 17, 2018.

Respondent filed a Response to the Petition to Establish a Paternal Relationship on May 27, 2022. Upon review of the court file, there is no Proof of Service indicating Petitioner was served with the Response. Therefore, the court cannot review this document.

Respondent filed a Request for Order (RFO) on May 27, 2022, requesting the court make orders as to custody, parenting time, child support, and attorney's fees. Respondent concurrently filed an Income and Expense Declaration. Parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on June 30, 2022 and a review hearing on August 18, 2022. Upon review of the court file, there is no Proof of Service showing Petitioner was served with the RFO and referral to CCRC.

Nevertheless, both parties appeared for the CCRC appointment on June 30, 2022. The report states the parties were able to reach some agreements, including joint legal custody, a 2-2-5-5 parenting plan, the right of first option for childcare, co-parenting counseling, and to have the minor assessed for individual therapy. The report also contains recommendations as to phone contact between the minor and non-custodial parent during the five-day portion of the parenting plan. A copy of the report was mailed to the parties on July 26, 2022.

On August 1, 2022, Petitioner filed a Responsive Declaration, which addresses the issues raised in Respondent's RFO, therefore, the court finds Petitioner has actual notice of the RFO. Petitioner filed an Income and Expense Declaration the same day. Respondent was served by mail on July 29, 2022. Petitioner requests the court order joint physical and legal custody and have a joint parenting plan; Petitioner states his preference to remain with the 2-2-3 schedule. Petitioner opposes Respondent's request to relocate with the minor to the Los Angeles area. Petitioner agrees to co-parenting counseling and has compiled a list of counselors that accept Petitioner's insurance and are located between the parties' current residences. Petitioner agrees to guideline child support. Petitioner requests Respondent be imputed with income at \$30,000 per year or in the alternative full time minimum wage income. Petitioner objects to Respondent's request for attorney's fees. Petitioner asserts Respondent has failed to disclose substantial assets she has available to her to pay attorney's fees.

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

Paternity

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The court finds Petitioner to be the presumed father of the minor, in that there is a valid Declaration of Paternity and pursuant to Family Code section 7611(d) Petitioner has taken the child into his home and holds the child out as his own. Petitioner is ordered to file the judgement of paternity.

Child Custody

The court has read and considered the CCRC report and finds it is unclear if parties in fact reached an agreement. Additionally, Respondent is requesting the ability to relocate to Los Angeles County with the minor; such a request would necessitate an evidentiary hearing. Therefore, the court orders parties to appear.

Child Support

Based on Respondent's Income and Expense Declaration, she earns \$17 per hour and works 25 hours per week. The court finds her monthly average gross income to be \$1,842. The court declines to impute additional income to Respondent at this time, as she is currently attending school and has the minor in her care half of the week. Respondent has no stated deductions.

Based on Petitioner's Income and Expense Declaration he has an average monthly income of \$10,111 per month. Petitioner pays \$650 per month for health insurance.

Based on the parties current parenting plan of joint physical custody, with an equal timeshare, and using the numbers as set forth above, the court finds guideline child support to be \$741 per month payable from Petitioner to Respondent. The court orders Petitioner to pay Respondent \$741 per month as and for child support effective June 1, 2022, payable on the 1<sup>st</sup> of each month until further court order or termination by operation of law.

The court finds this results in an arrears balance of \$2,223. The court orders Petitioner to pay Respondent \$370.50 per month as and for arrears effective September 15, 2022 and due the 15<sup>th</sup> of each month until paid in full (approximately 6 months). Any missed payment will result in the total balance becoming due with any legal interest.

The court reserves jurisdiction to retroactively modify child support to June 1, 2022.

Attorney's Fees

The public policy of Family Code section 2030, and by analogy Family Code section 7605, is to provide "at the outset of litigation, consistent with the financial circumstances of the parties, parity between spouses in their ability to obtain effective legal representation." (IRMO Keech (1999) 75 Cal. App. 4th 860, 866; *Kevin Q. vs. Lauren W.* (2011) 195 Cal. App. 4th 633) This assures each party has access to legal representation to preserve each party's rights. It "is not the redistribution of money from the greater income party to the lesser income party," but rather "parity". (*Alan S. v Superior Court* (2009) 172 Cal. App. 4th 238,251.) The award must be just and reasonable; in taking into consideration what is just and reasonable, the court can take into consideration the need for the award to enable each party, to the extent practical, to have sufficient financial resources to present the party's case adequately. In addition to the parties' financial resources, the court may consider the parties' trial

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tactics. (IRMO Falcone & Fyke (2012) 203 Cal. App. 4th 964; 975). The court must consider the impact of the fee award on the payor taking into account any orders for support. (IRMO Keech, supra, at 860).

The court finds there is a disparity in income between the parties. The court further finds Petitioner has listed substantial assets in section 11 of his FL-150. Petitioner has been able to pay his attorney's fees out of savings, while Respondent has incurred loans to pay for her counsel. The court finds Petitioner has greater access to justice, given his resources. Therefore, the court grants Respondent's request for attorney fees in the amount of \$3,400. The court orders Petitioner to pay \$3,400 to Respondent's counsel on or before September 15, 2022.

Respondent shall prepare and file the Findings and Orders After Hearing as to the RFO.

**TENTATIVE RULING #3: THE COURT FINDS PETITIONER TO BE THE PRESUMED FATHER OF THE MINOR. PETITIONER SHALL PREPARE AND FILE THE JUDGMENT OF PATERNITY. PARTIES ARE ORDERED TO APPEAR ON THE ISSUES OF CHILD CUSTODY AND PARENTING TIMES. THE COURT ORDERS CHILD SUPPORT AS SET FORTH ABOVE. THE COURT GRANTS RESPONDENT'S REQUEST FOR ATTORNEY'S FEES AS SET FORTH ABOVE. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING AS TO THE RFO.**

ATTORNEY (NAME AND ADDRESS): <b>EDC Court California</b>	TELEPHONE NO:	Superior Court Of The State of California, County of
ATTORNEY FOR: <sup>1</sup>		COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
<b>DISSOMASTER REPORT</b> 2022, Monthly		CASE NUMBER: <b>22FLO389</b>

Input Data	Pet.	Resp.	Guideline (2022)	Cash Flow Analysis	Pet.	Resp.
Number of children	0	1	<b>Nets (adjusted)</b>	<b>Guideline</b>		
% time with Second Parent	50%	0%	Pet.	6,685 Payment (cost)/benefit	(741)	741
Filing status	HH/MLA	Single	Resp.	2,074 Net spendable income	5,945	2,814
# Federal exemptions	1*	2*	Total	8,759 % combined spendable	67.9%	32.1%
Wages + salary	0	1,842	<b>Support</b>	Total taxes	2,776	(232)
401(k) employee contrib	0	0	CS Payor	Pet. # WHA	0	4
Self-employment income	9,879	0	Presumed	741 Net wage paycheck/mo	0	1,668
Other taxable income	232	0	Basic CS	741 Comb. net spendable	8,759	
Short-term cap. gains	0	0	Add-ons	0 <b>Proposed</b>		
Long-term cap. gains	0	0	Presumed Per Kid	Payment (cost)/benefit	(799)	799
Other gains (and losses)	0	0	Child 1	741 Net spendable income	6,089	2,704
Ordinary dividends	232	0	Spousal support	blocked NSI change from gdl	144	(110)
Tax. interest received	0	0	Total	741 % combined spendable	69.2%	30.8%
Social Security received	0	0	<b>Proposed, tactic 9</b>	% of saving over gdl	427.4%	-327.4%
Unemployment compensation	0	0	CS Payor	Pet. Total taxes	2,574	(64)
Operating losses	0	0	Presumed	799 # WHA	0	2
Ca. operating loss adj.	0	0	Basic CS	799 Net wage paycheck/mo	0	1,600
Roy, partnerships, S corp, trusts	0	0	Add-ons	0 Comb. net spendable	8,793	
Rental income	0	0	Presumed Per Kid	Percent change	0.4%	
Misc ordinary tax. inc.	0	0	Child 1	799 <b>Default Case Settings</b>		
Other nontaxable income	0	0	Spousal support	blocked		
New-spouse income	0	0	Total	799		
Adj. to income (ATI)	0	0	Savings	34		
SS paid other marriage	0	0	Total releases to Pet.	1		
Ptr Support Pd. other P'ships	0	0				
CS paid other relationship	0	0				
Health ins(Pd by party)	650	0				
Qual. Bus. Inc. Ded.	0	0				
Itemized deductions	0	0				
Other medical expenses	0	0				
Property tax expenses	0	0				
Ded. interest expense	0	0				
Charitable contribution	0	0				
Miscellaneous itemized	0	0				
Required union dues	0	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				





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**5. JAIME LYNN LUPER V. RICHARD JAMES LIMING**

**PFL20180266**

On January 25, 2022, Respondent filed an ex parte request for order, requesting the court order an immediate referral to Child Custody Recommending Counselling (CCRC), that Petitioner comply with the prior orders for Respondent to have parenting time every other weekend, and visitation with the parties' minor daughter to be in a therapeutic setting if necessary but for parenting time with the parties' minor son to commence immediately. The court denied Respondent's ex parte request on January 26, 2022, as it did not constitute an emergency.

On January 26, 2022, Respondent filed a request for Order (RFO) requesting the court make orders as to parenting time. Parties were referred to CCRC with an appointment on February 28, 2022 and a review hearing set on April 14, 2022. Neither party appeared at the CCRC appointment scheduled on February 28, 2022. Therefore, on April 14, 2022, the court dropped the matter from the court's calendar. The previous orders regarding custody and visitation remained in full force and effect with no modifications.

On April 21, 2022, Respondent filed an RFO requesting an immediate referral to CCRC. Petitioner was served by mail on April 27, 2022. Respondent asserts neither he nor his attorney received the prior referral to CCRC. Respondent states he has only been able to see the minors when Petitioner decides, and she is not following the current court order for parenting time.

On June 2, 2022, Respondent filed a Supplemental Declaration. Petitioner was served by mail; however, the Proof of Service does not indicate what date the Supplemental Declaration was mailed. Respondent asserts Petitioner has continued to prevent him from seeing the minors and has prevented the minors from communicating with Respondent by taking the minor daughter's phone from her. Respondent states Petitioner had the parties' minor daughter file a false police report, which resulted in an Emergency Protective Order being issued preventing Respondent from having contact with the minors. Respondent requests the court re-refer the parties to mediation. Respondent requests he be granted primary parenting time and the noncustodial parent have phone contact during the other party's parenting time.

Petitioner did not file a Responsive Declaration.

On June 16, 2022, the court granted Respondent's request and referred the parties to CCRC for an appointment on July 7, 2022, with a review hearing set for August 18, 2022. On July 8<sup>th</sup> the court noted a scheduling error and rescheduled the CCRC appointment for July 12, 2022. The date of the review hearing remained the same.

On June 16, 2022, Respondent filed a Declaration of Paralegal Amie Marrujo, recounting a hostile interaction she had with Petitioner and noting that Petitioner refused to provide her mailing address to be served with papers.

On June 20, 2022, Respondent filed an Order to Show Cause and Affidavit for Contempt (OSC). The OSC is set to be heard on August 25, 2022. In it, Respondent recounts numerous alleged violations of Petitioner.

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The CCRC appointment was held on July 12<sup>th</sup>. Only Respondent appeared. Petitioner informed the court clerk that she had no intention of appearing. During CCRC Respondent noted multiple instances in which Petitioner has violated the standing court orders. Due to the actions of Petitioner, Respondent now seeks sole physical and sole legal custody of the minors. CCRC found this to be a reasonable request. CCRC deferred to the court as she was unable to make recommendations with the appearance of only one party.

The parties are ordered to appear.

**TENTATIVE RULING #5: THE PARTIES ARE ORDERED TO APPEAR.**

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**7. JOHN HARMON V. ANGELA HARMON**

**22 FL0481**

Child Custody and Child Support

On May 27, 2022, Petitioner filed a Request for Order (RFO) requesting joint legal custody with Petitioner to have unilateral decision-making authority regarding education and sole physical custody, and for Respondent to have reasonable visitation. Petitioner requests guideline child support based on the foregoing. Petitioner requested a referral of the matter to mediation. The RFO was served on Respondent on June 5, 2022 via personal service.

On June 21, 2022, Respondent filed her Responsive Declaration to Request for Order. There is no proof of service on file indicating that this document was served. Accordingly, the court has not read or considered this document.

On August 2, 2022, Respondent filed an additional declaration with supporting documentation. There is a proof of service showing that this declaration and its supporting documents were served via U.S. mail on August 2<sup>nd</sup>. Among the documents included in Respondent's filing are tax returns which contain sensitive information. Noting the confidential nature of the information contained on the tax returns the court orders the tax returns attached to Respondent's August 2, 2022 declaration to be placed under seal.

The parties attended Child Custody Recommending Counseling (CCRC) on June 30, 2022 and were unable to reach any agreements. However, the CCRC counselor issued a report containing recommendations for a parenting plan. Copies of the CCRC report were mailed to all parties on August 10<sup>th</sup>.

The court notes that the parties have had only limited time to receive and review the CCRC report prior to the hearing date. To ensure that the parties have had ample time to review and respond to the CCRC report, if necessary, the matter is continued to September 15<sup>th</sup>, 2022 at 8:30 AM in Department 5.

Attorney's Fees

On June 21, 2022, Respondent filed an RFO requesting attorney's fees in the amount of \$5,000. Respondent bases her request on her inability to pay for her own attorney and on the fact that Petitioner has hired an attorney. Concurrent with the filing of the RFO, Respondent filed her Income and Expense Declaration. The RFO, the Income and Expense Declaration, and all other necessary documents were served on June 21, 2022, via U.S. mail.

Petitioner filed his Responsive Declaration to Request for Order on August 4, 2022. It was served via U.S. mail the same day. Petitioner is requesting that the request for attorney's fees be denied as he currently has no income and cannot afford to pay the fees for Respondent.

Family Code § 2030(2) states in pertinent part, "...the court shall make findings on whether an award of attorney's fees and costs under this section is appropriate, whether there is a disparity in access to funds to retain counsel, and whether one party is able to pay for legal representation of both

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parties. If the findings demonstrate a disparity in access and ability to pay, the court shall make an order awarding attorney's fees and costs." The court has reviewed the income and expense declarations of both parties and finds no basis on which to award attorney's fees. Respondent makes the request for fees but in fact, her income appears to be higher than Petitioner's. Petitioner has relied on the assistance of family to pay for his expenses. The court sees no reason to believe that he would have the ability to pay both his fees and Respondent's. Respondent's request for attorney's fees is denied.

**TENTATIVE RULING #7: THE ISSUE OF CHILD CUSTODY AND CHILD SUPPORT IS CONTINUED TO SEPTEMBER 15<sup>TH</sup>, 2022 AT 8:30 AM IN DEPARTMENT 5. THE TAX RETURNS ATTACHED TO RESPONDENT'S AUGUST 2, 2022 DECLARATION SHALL BE PLACED UNDER SEAL. RESPONDENT'S REQUEST FOR ATTORNEY'S FEES IS DENIED.**

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**8. JONATHON BISKNER V. KRISTEN BISKNER**

**21FL0132**

Respondent filed a Request for Order (RFO) on June 6, 2022, requesting attorney's fees in the amount of \$5,000 as well as guideline spousal support. Concurrently therewith, Respondent filed her Income and Expense Declaration. The declaration, the RFO and all other required documents were served via U.S. mail on June 10, 2022.

Petitioner has not filed a response to the RFO, nor has he filed an Income and Expense Declaration. Respondent has provided the court with an estimate of Petitioner's gross monthly income, which she bases on the 2021 tax return, but she does not provide copies of the tax return. Further, Respondent indicates her monthly income is from unemployment, but the court has not been provided any wage statements to support her assertions.

The court is in need of additional information to properly rule on the RFO. The matter is continued to September 15<sup>th</sup>, 2022 at 8:30 AM in Department 5. Petitioner is ordered to file an Income and Expense Declaration with supporting documentation no later than 10 days prior to the hearing date. Respondent is ordered to re-file her Income and Expense Declaration and include supporting documentation no later than 10 days prior to the hearing. The parties are to ensure that confidential information, including social security numbers, are redacted from all supporting documents.

**TENTATIVE RULING #8: THE MATTER IS CONTINUED TO SEPTEMBER 15<sup>TH</sup>, 2022 AT 8:30 AM IN DEPARTMENT 5. PETITIONER IS ORDERED TO FILE AN INCOME AND EXPENSE DECLARATION WITH SUPPORTING DOCUMENTATION NO LATER THAN 10 DAYS PRIOR TO THE HEARING DATE. RESPONDENT IS ORDERED TO RE-FILE HER INCOME AND EXPENSE DECLARATION AND INCLUDE SUPPORTING DOCUMENTATION NO LATER THAN 10 DAYS PRIOR TO THE HEARING. THE PARTIES ARE TO ENSURE THAT CONFIDENTIAL INFORMATION, INCLUDING SOCIAL SECURITY NUMBERS, ARE REDACTED FROM ALL SUPPORTING DOCUMENTS.**

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**9. KIMBERLEE MCKINSEY V. MONTANA LINCOLN MCKINSEY**

**22FL0153**

On February 18, 2022, Petitioner filed a Request for Domestic Violence Restraining Order. Thereafter, on February 24, 2022, Petitioner filed a Petition for Dissolution. Prior to the hearing on the, the parties reached a number of agreements regarding the dissolution proceedings which were submitted to the court on May 17, 2022. The agreements were adopted as the orders of the court and the parties were referred to Child Custody Recommending Counseling (CCRC).

The parties attended CCRC on June 17, 2022 and were able to reach several agreements as stated in the CCRC report issued that same day. The CCRC report was mailed to the parties on June 24<sup>th</sup>. The court has not received any objections or responses to the CCRC report.

Having reviewed the CCRC report, the court finds the agreements contained therein to be in the best interest of the minors. The court hereby adopts the agreements contained in the June 17, 2022 CCRC report as the orders of the court.

**TENTATIVE RULING #9: THE COURT ADOPTS THE AGREEMENTS CONTAINED IN THE JUNE 17, 2022 CCRC REPORT AS THE ORDERS OF THE COURT.**

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August 18, 2022

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

**10. LAURIE BYBEE V. AARON BYBEE**

**PFL20190366**

On May 2, 2022, Petitioner filed an ex parte request for emergency temporary sole physical and legal custody of the minors, supervised visitation for Respondent, appointment of Minors' Counsel and/or CASA, and an order to attend Child Custody Recommending Counseling (CCRC). Respondent filed a Responsive Declaration to the ex parte request for orders the same day. On May 3, 2022, the court granted the ex parte request in part, appointing Minors' Counsel and ordering the parties to attend CCRC. The court denied the request for sole physical and legal custody to Petitioner and supervised visitation to Respondent. The court ordered that all prior orders remained in full force and effect.

On May 3, 2022, Petitioner filed and served a Request for Order (RFO) requesting the orders set forth above. Parties were referred to CCRC for an appointment on May 10, 2022, and a review hearing on June 2, 2022.

On May 9, 2022, Minors' Counsel requested the June 2, 2022, hearing be continued to June 23, 2022, to allow adequate time to meet with the minors and review the file. The court granted the request.

On May 10, 2022, parties attended the CCRC appointment and reached a full agreement. A CCRC report was filed on May 10, 2022, and mailed to the parties on May 11, 2022.

On June 21, 2022, parties submitted a Stipulation and Order to continue the June 23, 2022 hearing to July 7, 2022. The court signed the stipulation that same day.

The parties appeared for hearing on July 7, 2022. Minor's Counsel requested a continuance to allow her additional time to review the matter and prepare a report. The court granted the request and once again continued the hearing. The matter was set for August 18<sup>th</sup>.

On July 22, 2022 Minor's Counsel filed and served Minor Counsel's Statement of Issues and Contentions and Request for Orders. The court has not received any filings in response to the statement of Minor's Counsel or the orders she requests therein.

According to Minor's Counsel, the children are happy with both parents and enjoy spending time with both parents. The minors have indicated that they would like the current parenting schedule to remain the same. Minor's Counsel found no facts to substantiate Petitioner's allegations of Respondent's abuse of the minors. While the minors are generally happy, Minor's Counsel is of the opinion that the children feel they are being put in the middle of the dispute which can be psychologically detrimental to them. Specifically, Minor's Counsel requests the following orders: (a) All current custody orders remain in effect; (b) The parties shall each have two weeks of vacation time per year – this is not to be taken in addition to their normal parenting time. The entire length of the vacation shall not exceed two weeks; (c) The holiday schedule attached to Minor's Counsel's statement to be adopted by the court; (d) Respondent to hold the passports of each child; (e) The parties shall cooperate in renewing the passports of the children; (f) Neither parent shall ask the children about what happens at the other parent's home; and (g) The parties shall attend co-parenting counseling with Tim Rood.

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The court notes that according to the CCRC report, the parties agreed that all previous orders are to remain in full force and effect. CCRC spoke with the Child Welfare Social Worker and confirmed that the abuse allegations were found to be unsubstantiated.

Having reviewed the foregoing, the court hereby orders as follows:

(1) Each party may take a vacation with the children up to two weeks per year. The entirety of the vacation shall not exceed two weeks. The party taking the minors on vacation must notify the other party in writing of the vacation plans no less than 30 days prior to the commencement of the vacation, and provide the other party with a basic itinerary that includes dates of leaving and returning, destinations, flight information, and telephone number for emergency purposes. Neither party may travel out of state or out of the country without the other party's prior written approval or court order.

(2) The court currently declines to make any orders regarding which parent is to have physical possession of the passports of the minors. However, both parents are ordered to cooperate with one another when renewing the children's' passports as needed.

(3) The parties are to abide by the holiday schedule attached hereto.

(4) The parties shall participate in co-parenting counseling with Tim Rood at a frequency and duration of which is at the discretion of Mr. Rood.

(5) Each party shall respect the other party's right to privacy during his or her parenting time and not ask about what happens in the opposing party's home unless there is a good faith concern for the child's safety and well-being.

(6) All prior orders not in conflict with this order are to remain in full force and effect.

**TENTATIVE RULING #10: THE COURT ORDERS AS FOLLOWS: (1) EACH PARTY MAY TAKE A VACATION WITH THE CHILDREN UP TO TWO WEEKS PER YEAR. THE ENTIRETY OF THE VACATION SHALL NOT EXCEED TWO WEEKS. THE PARTY TAKING THE MINORS ON VACATION MUST NOTIFY THE OTHER PARTY IN WRITING OF THE VACATION PLANS NO LESS THAN 30 DAYS PRIOR TO THE COMMENCEMENT OF THE VACATION, AND PROVIDE THE OTHER PARTY WITH A BASIC ITINERARY THAT INCLUDES DATES OF LEAVING AND RETURNING, DESTINATIONS, FLIGHT INFORMATION, AND TELEPHONE NUMBER FOR EMERGENCY PURPOSES. NEITHER PARTY MAY TRAVEL OUT OF STATE OR OUT OF THE COUNTRY WITHOUT THE OTHER PARTY'S PRIOR WRITTEN APPROVAL OR COURT ORDER. (2) THE COURT CURRENTLY DECLINES TO MAKE ANY ORDERS REGARDING WHICH PARENT IS TO HAVE PHYSICAL POSSESSION OF THE PASSPORTS OF THE MINORS. HOWEVER, BOTH PARENTS ARE ORDERED TO COOPERATE WITH ONE ANOTHER WHEN RENEWING THE CHILDRENS' PASSPORTS AS NEEDED. (3) THE PARTIES ARE TO ABIDE BY THE HOLIDAY SCHEDULE ATTACHED HERETO. (4) THE PARTIES SHALL PARTICIPATE IN CO-PARENTING COUNSELING WITH TIM ROOD AT A FREQUENCY AND DURATION OF WHICH IS AT THE DISCRETION OF MR. ROOD. (5) EACH PARTY SHALL RESPECT THE OTHER PARTY'S RIGHT TO PRIVACY DURING HIS OR HER PARENTING TIME AND NOT ASK ABOUT WHAT HAPPENS IN THE OPPOSING PARTY'S HOME UNLESS THERE IS A GOOD FAITH CONCERN FOR THE CHILD'S SAFETY**



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**AND WELL-BEING. (6) ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER ARE TO REMAIN IN FULL FORCE AND EFFECT.**

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER: PFL 20190366
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**CHILDREN'S HOLIDAY SCHEDULE ATTACHMENT**

- TO  Petition  Response  Request for Order  Responsive Declaration to Request for Order  
 Stipulation and Order for Custody and/or Visitation of Children  Findings and Order After Hearing or Judgment  
 Visitation Order—Juvenile  Other (specify): MC Report

1. **Holiday parenting.** The following table shows the holiday parenting schedules. Write "Petitioner," "Respondent," "Other Parent," or "Other Party" to specify each parent's (or party's) years—odd or even numbered years or both ("every year")—and under "Times," specify the starting and ending days and times.  
**Note: Unless specifically ordered, a child's holiday schedule order has priority over the regular parenting time.**

Holidays	Times (from when to when) <i>(Unless noted below, all single-day holidays start at 8 a.m. and end at 8 p.m.)</i>	Every Year <i>Petitioner/ Respondent/ Other Parent/Party</i>	Even Numbered Years <i>Petitioner/ Respondent/ Other Parent/Party</i>	Odd Numbered Years <i>Petitioner/ Respondent/ Other Parent/Party</i>
December 31 (New Year's Eve)	8am to 8 am 1/1		Mother	Father
January 1 (New Year's Day)	8am to 8 am 1/2		Mother	Father
Martin Luther King's Birthday (weekend)				
February 12 (Lincoln's Birthday)				
President's Day (Weekend)				
President's Week Recess, first half				
President's Week Recess, second half				
Spring Break, first half				
Spring Break, second half				
Mother's Day	8am Sunday to 8am Monday	Mother		
Memorial Day (weekend)				
Father's Day	8am Sunday to 8am Monday	Father		
July 4th				
Summer Break				
Labor Day (weekend)				
Columbus Day (weekend)				
Halloween				
November 11 (Veterans Day)				
Thanksgiving Day	8am to 8 am Friday		Mother	Father
Thanksgiving weekend				
December/January School Break				
Child's birthday (date): 12/17			Mother	Father
Child's birthday (date): 4/10			Father	Mother
Child's birthday (date):				
Mother's birthday (date): 8/17		Mother		
Father's birthday (date): 6/10		Father		
Other Parent/Party's birthday (date):				
Breaks for year-round schools				

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER: <div style="font-size: 1.2em; font-family: cursive;">PFL 20190 366</div>
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**1. Holiday parenting (continued)**

	Times (from when to when) <i>(Unless noted below, all single-day holidays start at _____ a.m. and end at _____ p.m.)</i>	Every Year <i>Petitioner/ Respondent/ Other Parent/Party</i>	Even Numbered Years <i>Petitioner/ Respondent/ Other Parent/Party</i>	Odd Numbered Years <i>Petitioner/ Respondent/ Other Parent/Party</i>
<b>Other Holidays</b>				
Christmas Eve	10 am 12/24 to 10 am 12/25		Father	Mother
Christmas Day	10am 12/25 to 10am 12/26		Mother	Father
Easter	8am to 8 am Monday		Father	Mother

Any three-day weekend not specified in item 1 will be spent with the parent or party who would normally have that weekend.

Other (specify):

**2. Vacations**

The  Petitioner  Respondent  Other Parent/Party:

- a. May take vacation with the children of up to (specify number):  days  weeks the following number of times per year (specify):
- b. Must notify the other parent or party in writing of vacation plans a minimum of (specify number): \_\_\_\_\_ days in advance and provide the other parent or party with a basic itinerary that includes dates of leaving and returning, destinations, flight information, and telephone numbers for emergency purposes.
  - (1)  The other parent or party has (number): \_\_\_\_\_ days to respond if there is a problem with the vacation schedule.
  - (2)  If the parties cannot agree on the vacation plans (check all that apply):
    - (A)  They must confer to try to resolve any disagreement before filing for a court hearing.
    - (B)  In even-numbered years, the parties will follow the suggestions of  Petitioner  Respondent  Other Parent/Party for resolving the disagreement.
    - (C)  In odd-numbered years, the parties will follow the suggestions of  Petitioner  Respondent  Other Parent/Party for resolving the disagreement.
    - (D)  Other (specify):
- c.  This vacation may be outside the state of California.
- d.  Any vacation outside  California  the United States requires prior written consent of the other parent or a court order.
- e.  Other (specify):

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

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

**PFL20160114**

On May 25, 2022, Respondent filed a Request for Order (RFO) requesting orders for child custody and visitation as well as a change in child support and other enumerated requests which are discussed in further detail below. Respondent served the RFO along with her Income and Expense Declaration and all other required documents on May 25<sup>th</sup> via U.S. mail.

By way of her RFO, Respondent requests the following orders: (1) Respondent's visitation with the minor be increased via a step-up plan as described in the proposed custody and visitation plan attached to the RFO; (2) Custody exchanges in Virginia take place at the Dairy Queen in Appomattox or other neutral locations; (3) that the minor attend Respondent's wedding on June 1 and 2 of 2022; (4) that the minor's stepmother, Dana, not be present at custody exchanges, visitations, or appointments where Respondent is also present with the minor; (5) that only Petitioner communicate with Respondent via talkingparents.com; (6) That the parties shall ensure that extended family, relatives, friends, significant others, or step-children do not make disparaging remarks about the other parent in the child's presence or within earshot, including texts, social media posts, photos, gestures, or any other content or communication to which the minor is exposed either directly or indirectly; (7) That Petitioner be ordered to take the minor to all scheduled mental healthcare appointments, follow mental healthcare provider's recommendations regarding the scheduling of appointments, and immediately reschedule any missed appointments; (8) That Petitioner will not send the minor on vacation alone without the written agreement of Respondent and that the minor will not be sent or taken to visit with Respondent's brother, Ian; (9) That the minor be ordered to be vaccinated for COVID-19; (10) That the minor be interviewed by the CCRC mediator in person; (11) that the Petitioner provide copies of all of the minor's school pictures to Respondent; (12) That the phone Respondent purchased for the minor be returned to Respondent and that Respondent be permitted to cancel the phone line associated with it; and (13) Guideline child support be modified.

The parties attended Child Custody Recommending Counseling (CCRC) on July 7, 2022. CCRC issued a report on July 13, 2022 and it was mailed to the parties on July 26<sup>th</sup>. According to CCRC the parties reached several agreements at mediation including maintaining joint legal custody and implementing a step-up plan to provide for increasing visitation between Respondent and the minor. The parties also agreed to exchanges being held at the Dairy Queen in Appomattox, VA and that Dana will not be present at exchanges. They agreed to a no negative comments provision, to respect the minor's wishes to be vaccinated against COVID-19, and they agreed to the return of the minor's phone.

On July 19<sup>th</sup> Petitioner filed his Responsive Declaration to Request for Order. There is no Proof of Service indicating that this document has been properly served. Minor's Counsel refers to Petitioner's response in her Statement of Issues and Contentions, so it is presumed that she has actual knowledge of it, however, there is nothing in Respondent's Supplemental Declaration to indicate that she has been served or has actual knowledge of Petitioner's response. Accordingly, the court has not read or considered this document.

On August 1, 2022, Minor's Counsel filed and served Minor Counsel Statement of Issues and Contentions and Request for Orders. Minor's Counsel indicates that the minor has been informed of the

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step-up plan contained in the CCRC report and agreed to by the parties. The minor is ok with the plan as it gives her and her therapist the ability to determine when and if it is appropriate to take the next step in the visitation schedule. The minor is entering her junior year in high school and would like to ensure that she can focus on school and her own mental health before being forced to participate in visitation or continued reunification therapy. The minor would like to ensure that she has some say in the visitation schedule and she feels that the step-up plan, as stated in the CCRC report, accomplishes that. Minor's Counsel notes that the only issue with the CCRC report is it is silent as to when the step-up plan is to begin. Minor's Counsel requests that the CCRC report be adopted in full as long as the first step in the step-up plan does not commence until the minor and her therapist agree to it.

Respondent filed a Supplemental Declaration of Respondent Allison Boring on August 10<sup>th</sup>. It was served electronically the same day. Respondent notes her agreement to the CCRC report but also feels that the court should address when the step-up plan is to commence. She would like the plan to commence immediately and is concerned if the minor is in charge of when the plan is to commence, she will never agree to it given the fact that she feels Petitioner and his wife are making derogatory and untrue statements to the minor in an attempt to subvert the relationship between the minor and Respondent.

On August 11, 2022, Petitioner filed another Responsive Declaration to Request for Order. Again, the court does not have a Proof of Service for this document and cannot consider it.

To begin with, the court is very concerned with several derogatory comments being made amongst the parties and their immediate family members. The court admonishes Petitioner of his actions and reiterates that the February 10, 2021 stipulation, which became the order of the court, mandates all parties are not to engage in inappropriate communications, "this includes name calling and derogatory comments." Further, Petitioner's unilateral decision-making for the health and welfare of the minor, including his unilateral termination of the minor's long-term therapist, is in violation of the legal custody that Petitioner and Respondent hold jointly. Petitioner is to abide by all of the court's prior rulings.

With regard to visitation, given the circumstances the court does not feel that the minor should have final say on the commencement and progression of the step-up plan. The fact that the minor declined visitation with Respondent solely based on statements by Petitioner that Respondent did not want her at the wedding, this is in spite of the fact that Respondent had clearly requested it as part of her motion to the court, calls into question the likelihood that the minor would ever agree to commence the step-up plan when she is quite clearly not being provided the entirety of the information or the correct information.

Additionally, Respondent notes that Petitioner recently terminated the minor's long-term therapist without discussing it with Respondent or Minor's Counsel. It is unclear if this occurred before or after the CCRC appointment. If this occurred subsequent to the CCRC appointment then it is unclear to the court how the step-up plan, which is dependent on the minor's therapist, is to be implemented.

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Finally, Respondent has made a request to have guideline support recalculated based on the changed circumstances of her employment. Petitioner has not filed a current Income and Expense Declaration to address this issue.

The parties are ordered to appear.

**TENTATIVE RULING #11: THE PARTIES ARE ORDERED TO APPEAR.**

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August 18, 2022

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

**12. JONETTE MONTBLEAU V. RICHARD MONTBLEU**

**PFL20180797**

On February 14, 2022 Petitioner filed a Request for Order (RFO) requesting the court order child support, spousal support, Respondent to provide declarations of disclosure, submit to a vocational evaluation, and attorney fees. Petitioner filed her Income and Expense Declaration concurrently with the RFO. Respondent was served by mail on February 14, 2022.

On April 7, 2022, the parties appeared for the hearing. The court modified the tentative ruling in part and adopted the remainder. The court made child support orders, and reserved jurisdiction to modify retroactively to April 1, 2021. The court stayed the issues of arrears. The court ordered Respondent to participate in a vocational evaluation. The court also reserved jurisdiction to modify spousal support to April 1, 2021. Parties were ordered to file updated Income and Expense Declarations and any Supplemental Declarations at least 10 days prior to the next court date, June 23, 2022.

On June 23, 2022, parties submitted a Stipulation and Order to continue the hearing to obtain the vocational evaluation. The court signed the order on June 24, 2022.

Petitioner filed an updated Income and Expense Declaration on June 10, 2022. Respondent was served electronically on June 13, 2022.

Respondent filed an updated Income and Expense Declaration on July 5, 2022. Petitioner was served electronically on June 13, 2022.

Petitioner filed a Supplemental Declaration on July 15, 2022. Respondent was served both by mail and electronically on July 15, 2022. The court notes the Supplemental Declaration was filed less than 10 days prior to the hearing. Petitioner requests the court impute income to Respondent. Petitioner requests the court modify child support payable by Respondent to Petitioner including arrears to March 26, 2021, based on imputed income. Petitioner requests the court modify spousal support payable by Respondent to Petitioner to March 1, 2022, based on imputation of income. Petitioner requests the court order Family Code section 2030 attorney fees, in the amount of \$5,500.

On August 11, 2022, Petitioner filed a Supplemental Declaration with the Vocational Evaluation attached. Petitioner also filed a Declaration from Patrick Sullivan regarding the Vocational Evaluation. Both Declarations were served on Respondent electronically on August 11, 2022. The Supplemental Declaration was also served by mail on August 12, 2022. Petitioner request the court impute income to Respondent at \$200,000 per year. Petitioner also requests the court award Family Code section 2030 attorney fees in the amount of \$7,500. Petitioner requests reimbursement of \$1,000 for the Vocational Evaluation.

Respondent filed a Rely Declaration on August 15, 2022. Petitioner was served electronically on August 15, 2022. Respondent objects to the court considering the Vocational Evaluation as it is hearsay and requests the court set the matter for trial on the issues of Respondent's income, Petitioner's income, inputs into the DissoMaster, timeshare of the minors, retroactivity of child and spousal support, and arrears. Respondent does not address Petitioner's request for Family Code section 2030 attorney fees or the request for reimbursement.

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The public policy of Family Code section 2030 is to provide “at the outset of litigation, consistent with the financial circumstances of the parties, parity between spouses in their ability to obtain effective legal representation.” (*IRMO Keech* (1999) 75 Cal. App. 4th 860, 866) This assures each party has access to legal representation to preserve each party’s rights. It “is not the redistribution of money from the greater income party to the lesser income party,” but rather “parity”. (*Alan S. v Superior Court* (2009) 172 Cal. App. 4th 238,251.) The award must be just and reasonable; in taking into consideration what is just and reasonable, the court can take into consideration the need for the award to enable each party, to the extent practical, to have sufficient financial resources to present the party’s case adequately. In addition to the parties’ financial resources, the court may consider the parties’ trial tactics. (*IRMO Falcone & Fyke* (2012) 203 Cal. App. 4th 964; 975). The court must consider the impact of the fee award on the payor taking into account any orders for support. (*IRMO Keech*, supra, at 860).

Based on the parties most recent Income and Expense Declaration, there is a disparity of income between the parties, with Petitioner earning more than Respondent. However, there is a more significant disparity in assets listed in item 11 on the FL-150. The court finds Respondent has greater access to justice, given his resources. Therefore, the court grants Petitioner’s request for Family Code section 2030 attorney’s fees in the amount of \$4,000. Respondent is ordered to pay Petitioner’s counsel \$4,000 on or before September 15, 2022.

The court reserves on Petitioner’s request for reimbursement for the cost of the Vocational Evaluation to the time of trial.

Parties are ordered to appear to select a Mandatory Settlement Conference Date and Trial date.

All prior orders remain in full force and effect.

**TENTATIVE RULING #12: THE COURT GRANTS PETITIONER’S REQUEST FOR FAMILY CODE SECTION 2030 ATTORNEY’S FEES IN THE AMOUNT OF \$4,000. RESPONDENT IS ORDERED TO PAY PETITIONER’S COUNSEL \$4,000 ON OR BEFORE SEPTEMBER 15, 2022. THE COURT RESERVES ON PETITIONER’S REQUEST FOR REIMBURSEMENT FOR THE COST OF THE VOCATIONAL EVALUATION TO THE TIME OF TRIAL. PARTIES ARE ORDERED TO APPEAR TO SELECT A MANDATORY SETTLEMENT CONFERENCE DATE AND TRIAL DATE. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT.**