

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 21, 2022

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

15. ANGELA HURLEY V. IVAN RIVERA

PFL20200615

Respondent filed a Request for Order (RFO) on June 16, 2022 requesting a modification of the holiday schedule and drop-off location for custody exchanges. Petitioner and Minor's Counsel were served by mail on July 1, 2022. Respondent is requesting the court order joint legal custody as well as two weeks for summer vacation, one week in winter, as well as changing Christmas Day and Christmas Eve times, every other Easter vacation, and change the drop-off location to West Sacramento Police Department.

Minor's Counsel filed a Statement of Issues and Contentions and Request for Orders on August 11, 2022. It was served on the parties by mail on August 11, 2022. Minor's Counsel objects to any modification of legal custody. Despite multiple attempts to schedule a meeting with her client, Minor's Counsel was unable to do so. Minor's Counsel requests the court order Petitioner make the minor available to her attorney within the next two weeks and continue the matter for further review hearing. In 30 days

Petitioner filed a Responsive Declaration on August 15, 2022. Respondent and Minor's Counsel were served by mail on August 15, 2022. Petitioner opposes any modifications to the current custody orders and holiday schedule. Petitioner further requests Respondent's parenting time be supervised, as he has continuously made disparaging remarks about Petitioner and her husband to the minor. Petitioner asserts Respondent is requesting the changes as a means of harassing Petitioner. Petitioner also requests the court make a no travel order as she believes Respondent possibly intends to take the minor out of state without permission.

The court denies Respondent's request to modify the current legal custody orders. Respondent has provided no evidence or argument as to why the court should grant this request. The court cannot find this requested change is in the minor's best interest.

The court orders Petitioner to make the minor available to her attorney within the next two weeks. The court continues the review hearing to October 6th, 2022 at 1:30 PM in Department 5.

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 #15: THE COURT DENIES RESPONDENT'S REQUEST TO MODIFY THE CURRENT LEGAL CUSTODY ORDERS. RESPONDENT HAS PROVIDED NO EVIDENCE OR ARGUMENT AS TO WHY THE COURT SHOULD GRANT THIS REQUEST. THE COURT CANNOT FIND THIS REQUESTED CHANGE IS IN THE MINOR'S BEST INTEREST. THE COURT ORDERS PETITIONER TO MAKE THE MINOR AVAILABLE TO HER ATTORNEY WITHIN THE NEXT TWO WEEKS. THE COURT CONTINUES THE REVIEW HEARING TO OCTOBER 6TH, 2022 AT 1:30 PM IN

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

DEPARTMENT 5. 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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July 21, 2022

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

17. BROOKE SPARKS V. JOSHUA WHEELER

22FL0624

On July 19, 2022, Petitioner filed a request for a Domestic violence Restraining Order (DVRO). The DVRO was partially granted on July 20, 2022, the court found it did not have sufficient information to make custody and parenting plan orders. The court on its own motion referred the parties to Child Custody Recommending Counseling (CCRC) and set a review hearing.

On August 2, 2022, Respondent filed a Request for Order (RFO) along with an Order Shortening Time (OST) requesting the court make temporary emergency child custody and parenting time orders. The court granted the OST and set the RFO for a hearing on August 25, 2022. The CCRC appointment was affirmed for August 2, 2022.

Parties attended a hearing for the DVRO on August 12, 2022. The DVRO was set for a contested hearing on August 31, 2022.

Parties attended the CCRC appointment on August 2, 2022 but were unable to reach any agreements. A CCRC report with recommendations was filed on August 16, 2022. A copy was mailed to the parties on August 16, 2022. The court finds this to be less than 10 days prior to the hearing.

The court finds good cause to continue the review hearing to join with the currently set contested DVRO hearing on August 31, 2022 at 8:00 in Department 5.

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 #17: THE COURT FINDS GOOD CAUSE TO CONTINUE THE REVIEW HEARING TO JOIN WITH THE CURRENTLY SET CONTESTED DVRO HEARING ON AUGUST 31, 2022 AT 8:00 IN DEPARTMENT 5.

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

18. EHREN ELLENBURG V. KRISTIN ELLENBURG

PFL20150460

On July 19, 2022 Petitioner filed a Request for Order (RFO), requesting the court suspend Respondent's parenting time as well as change venue pending completion of an investigation by the El Dorado County Sheriff's Department. Petitioner filed an Order Shortening Time (OST) requesting the matter be heard on an expedited basis. On July 19, 2022, the court granted the OST and set a hearing for August 25, 2022 and directed Petitioner to serve Respondent on or before July 28, 2022.

Respondent was personally served with the RFO on August 4, 2022.

Petitioner submitted a Declaration on August 8, 2022 outlining the delay in serving Respondent. Upon review of the court file, there is no Proof of Service showing Respondent was served with this Declaration.

Respondent filed a Responsive Declaration as well as three additional Declarations on August 12, 2022. Petitioner was served electronically on August 12, 2022. Respondent objects to Petitioner's requested orders. Respondent request the court order the minor be returned to Respondent's custody in California where Respondent has located treatment for the minor's mental health. Respondent maintains Petitioner's allegations against her are false. Respondent also opposes the request to change venue to Wyoming.

The court denies Petitioner's request to change venue without prejudice.

The court finds good cause to refer the parties to Child Custody Recommending Counseling (CCRC). The court needs additional information about the pending investigation from the El Dorado County Sheriff's Department as well as any Child Protective Services investigation. Petitioner and the minor may participate via phone. The court continues the review hearing and reserves on Petitioner's requests. Pending the continued hearing date Respondent shall have supervised phone and/or video call contact with the minor a minimum of one time a week for 15 minutes.

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 #18: THE COURT FINDS GOOD CAUSE TO REFER THE PARTIES TO CCRC FOR AN APPOINTMENT ON SEPTEMBER 14TH, 2022 AT 1:00 PM WITH NORMAN LABAT. PETITIONER AND THE MINOR MAY PARTICIPATE VIA PHONE. THE COURT CONTINUES THE REVIEW HEARING TO OCTOBER 27TH, 2022 AT 1:30 PM AND RESERVES ON PETITIONER'S REQUESTS. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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

19. JESSICA TURNBULL V. JUSTIN TURNBULL

PFL20180517

Respondent filed a Request for Order (RFO) on May 31, 2022, requesting the court modify child support and allow third party visitation. Respondent also filed two additional Declarations. Upon review of the court file there is no Proof of Service showing Petitioner was served with the RFO or the Declarations.

Respondent filed a Declaration on August 5, 2022. Upon review of the court file, there is no Proof of Service showing the Declaration was served on Petitioner.

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

TENTATIVE RULING #19: THE MATTER IS DROPPED FROM CALENDAR DUE TO LACK OF PROPER SERVICE.

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July 21, 2022

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

20. KIMBERLY JOHNSON V. JEFFERY JOHNSON

PFL20210279

Petitioner filed a Request for Order (RFO) on June 10, 2022, requesting the court modify the child custody, parenting time, and support orders. Parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on July 8, 2022 and a review hearing on August 25, 2022. Upon review of the court file, neither Respondent nor the Department of Child Support Services (DCSS) were served with the RFO. There is a Proof of Service showing Respondent was served with the referral to CCRC by mail on June 15, 2022.

Only Petitioner appeared for the CCRC appointment on July 8, 2022. A single parent CCRC report was filed on July 8, 2022. A copy of the report was mailed to the parties on July 26, 2022.

The court finds neither Respondent nor DCSS were properly noticed of the RFO, therefore, the matter is dropped from calendar.

TENTATIVE RULING #20: THE MATTER IS DROPPED FROM CALENDAR DUE TO LACK OF PROPER SERVICE.

On February 14, 2022, Petitioner filed a Petition for Custody and Support. Thereafter, on February 16, 2022, Petitioner filed an ex parte request for orders requesting the court make child custody, parenting time, and property control orders. Respondent was not served with the ex parte request. On February 16, 2022, the ex parte request was denied, and the Request for Order (RFO) was set for a hearing and the regular law and motion calendar. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on March 23, 2022, and a review hearing on May 5, 2022.

Respondent was personally served with the Summons on the Petition, RFO and referral to CCRC on February 19, 2022.

Petitioner requests the court order guideline child support and property control of the property located at 4911 Sagebrush Rd and a 2019 Dodge Charger. Petitioner also requests the court order Respondent to pay the mortgage, Pacific Gas and Electric, car payment, and car insurance.

On February 25, 2022, Petitioner filed a Declaration. Respondent was served with the Declaration by mail on the same day. Therein, Petitioner asserts she is the full-time caretaker of the minor and homemaker. Petitioner also denied having any issues with alcohol. Petitioner requests child support in the amount of \$1,776.52.

Respondent filed a Declaration on March 16, 2022. Petitioner was served by mail on March 16, 2022. Respondent asserts he has been an active and close father. Respondent states Petitioner poorly manages the home and the home has safety hazards for the minor. Respondent included several attachments to the declaration.

The parties attended CCRC on March 23, 2022 and reached a full agreement. A copy of the CCRC report was mailed to the parties on April 6, 2022.

On March 25, 2022, Respondent filed a Response to the Petition for Custody, confirming he signed the Voluntary Declaration of Paternity. Respondent requests joint legal and physical custody with a 2-2-5-5 schedule. Respondent also requests the court order a holiday schedule that alternates holidays. Petitioner was served by mail on March 31, 2022.

On April 22, 2022 Respondent filed a Responsive Declaration and an Income and Expense Declaration. Petitioner was served electronically and by overnight delivery on April 21, 2022. Respondent requests the court order joint legal and physical custody with a 2-2-3-3 or 2-2-5-5 schedule. Respondent agrees to guideline child support. Respondent requests Petitioner vacate his separate property residence located at 4911 Sagebrush Rd.

On May 5, 2022, the court adopted the CCRC report and the rest of its tentative ruling, and continued the matter for further review pending the outcome of the Domestic Violence Restraining Order hearing. The matter was continued to July 14, 2022. Parties were ordered to file their income and expense declarations no later than 10 days prior to the next hearing. The court reserved jurisdiction as to child support to the date of the filing of the RFO.

On May 6, 2022, parties appeared for a hearing on Petitioner's request for a Domestic Violence Restraining Order (DVRO). The parties entered a stipulation on the Family Law case, case number 22FL0126. The Temporary DVRO remained in place pending the next hearing. Parties were referred to Child custody Recommending Counseling (CCRC) for an appointment on June 3, 2022 and a review hearing on July 14, 2022. The review hearing was also set to hear the issue of Petitioner's occupancy of the home on Sagebrush Road.

On May 31, 2022, the court issued an ex parte minute order resetting the CCRC appointment to June 7, 2022.

Parties attended CCRC on June 7, 2022. They were unable to reach any agreements. A report with recommendations was filed on June 28, 2022. A copy was mailed to the parties on June 30, 2022.

On June 7, 2022, Petitioner filed an Income and Expense Declaration in 22FL0127. There is no Proof of Service indicating Respondent was served with this declaration. Therefore, the court has not considered it.

On June 17, 2022, Respondent filed a Declaration with attachments. Petitioner was served by mail on June 21, 2022. Respondent attaches proof of completion of Parent Education, Co-Parenting, and Family Stabilization court on March 29, 2022; participation in the Forever Fathers dads support group from April 6, 2022 through May 18, 2022; Completion of a four hour domestic violence class on May 14, 2022; correspondence with the parties co-parenting counselor; and request to enroll in the KidsFirst Incredible years class.

In case 22FL0126, Petitioner filed a Declaration on July 7, 2022. There is no Proof of Service showing Respondent was served with this declaration. Therefore, the court has not considered it.

In Case 22FL0127, Petitioner filed a Declaration on July 7, 2022. There is no Proof of Service indicating Respondent was served with this declaration. Therefore, the court has not considered it.

On July 7, 2022, Petitioner filed an Income and Expense Declaration in 22FL0126. There is no Proof of Service indicating Respondent was served with this declaration. Therefore, the court has not considered it.

At the July 14, 2022, hearing the court made the following orders regarding custody, visitation and support: (1) The court adopts the step-up plan of the June 28th CCRC report with the following modifications. Step 1 to start on 7/18/22 - Father shall have the minor from Monday at 1 pm until Tuesday at 1 pm. Father shall have the minor from Saturday at 8 am to 7 pm. Step 1 to last for 3 weeks and then move to step 2. Step 2 to begin on 8/8 - Father to have visitation from Wednesday at 1 pm until Friday at 1 pm. (2) The court ordered the respect guidelines from the CCRC report; (3) Stipulations of the parties to remain in full force and effect; (3) CASA was appointed and a hearing for review of the CASA report was set for October

3, 2022; (4) The rest of the recommendations contained in the CCRC report were stayed pending a review hearing set for August 25, 2022; (5) Supplemental declarations and income and expense declarations were ordered to be filed 10 days prior to the hearing date.

After reviewing the court file, it appears neither party has filed a supplemental declaration or an Income and Expense Declaration. The parties are ordered to appear.

TENTATIVE RULING #22: PARTIES ARE ORDERED TO APPEAR