

On July 28, 2022, Petitioner filed a Request for Order (RFO) requesting Family Code section 271 sanctions as well as that the prior sanctions payments be made electronically. Respondent was served by mail on August 5, 2022 and again on August 9, 2022.

Petitioner asserts Respondent filed an appeal from the judgement entered against him in the contempt proceedings on January 7, 2022. Petitioner further asserts it is well established that judgments of contempt are not appealable, yet Respondent filed an appeal, thereby necessitating Petitioner to retain counsel to file a motion for dismissal. Petitioner requests the court award her Family Code section 271 sanctions as Respondent filed a meritless appeal, as well as his failure to serve her with proper notice of the appeal, thereby frustrating settlement of this matter and unreasonably increasing litigation costs. Petitioner incurred \$2,074.39 in attorney's fees to address the appeal. Petitioner requests the court order Respondent pay double the attorney's fees to discourage his continued conduct that frustrates settlement and increases litigation costs.

Respondent has not filed a Responsive Declaration.

Regarding Petitioner's request for sanctions under Family Code 271, the court finds that the Respondent's filing appeal from the contempt proceedings has unnecessarily increased the cost of the litigation and frustrated the policy of the law to promote settlement. Under Family Code 271, the court orders Respondent to pay Petitioner \$4,000 in attorney's fees as a sanction. This amount shall be added to the total balance of sanctions and costs ordered to be paid by Respondent.

Respondent was previously ordered to pay Petitioner \$71,358.59 in Family Code section 271 sanctions, with monthly installments of \$3,000. Petitioner requests the court order the payments be made by Electronic Funds Transfer (EFT) as Petitioner asserts the checks being mailed to her have been tampered with. Petitioner asserts the court confirmed the checks were stained. Petitioner requests the payments pursuant to the December 2, 2021 and February 17, 2022 order be made by EFT.

The court did inspect the checks during trial, however, could not determine whether they had been tampered with. It did appear the checks had been exposed to a liquid substance and the ink of the check had bled, causing discoloration. Regardless, the court finds the request for payments to be made via EFT to be reasonable. Respondent shall continue to pay Petitioner \$3,000 per month as and for Family Code section 271 sanctions as previously ordered on December 2, 2021 and February 17, 2022 via EFT to the bank account designated by Petitioner in court on July 13, 2022.

On August 4, 2022, the parties appeared for an arraignment on an Order to Show Cause and Affidavit for Contempt filed by Petitioner on April 8, 2022, as well as, Petitioner's RFO for violation of terms of conditional release. Respondent had not yet retained counsel. The court continued the matter to September 1, 2022 to allow Respondent to retain counsel.

Parties are ordered to appear for the continued arraignment hearing.

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 #14: THE COURT GRANTS PETITIONER'S REQUEST FOR FAMILY CODE SECTION 271 SANCTIONS IN THE AMOUNT OF \$4,000. THIS AMOUNT SHALL BE ADDED TO THE TOTAL BALANCE OF SANCTIONS AND COSTS ORDERED TO BE PAID BY RESPONDENT. THE COURT GRANTS PETITIONER'S REQUEST THAT THE MONTHLY PAYMENTS BE MADE BY ELECTRONIC FUNDS TRANSFER OR OTHER ELECTRONIC MEANS. PARTIES ARE ORDERED TO APPEAR FOR THE CONTINUED ARRAIGNMENT HEARING.

On July 14, 2022, Petitioner filed a Request for Order (RFO) requesting a court order compelling Respondent to produce Waste Connection 401(K) statements to facilitate the preparation of QDROs. The RFO was served via U.S. Mail on July 18, 2022. Respondent has not filed a responsive declaration opposing the RFO.

“From the date of separation to the date of the distribution of the community or quasi-community asset or liability in question, each party is subject to the standards provided in [Family Code] Section 721...including, but not limited to...the accurate and complete disclosure of all assets and liabilities in which the party has or may have an interest or obligation and all current earnings, accumulations, and expenses, including an immediate, full, and accurate update or augmentation to the extent there have been material changes.” Cal. Fam. Code §2102(a)(1); *See also* Cal. Fam. Code § 721 and §2100(c).

The 401(K) statements are undeniably relevant and necessary for the preparation of the QDROs. The parties have retained Moon, Schwartz & Madden to prepare the QDROs and despite the requests made by Moon, Schwartz & Madden, and Petitioner, Respondent has failed to disclose the subject documents. Accordingly, Respondent is ordered to produce Waste Connection 401(K) statements from the date of separation to the present, no later than September 12, 2022. The documents are to be sent to Moon, Schwartz & Madden with copies sent to Petitioner.

TENTATIVE RULING #15: RESPONDENT IS ORDERED TO PRODUCE WASTE CONNECTION 401(K) STATEMENTS FROM THE DATE OF SEPARATION TO THE PRESENT, NO LATER THAN SEPTEMBER 12, 2022. THE DOCUMENTS ARE TO BE SENT TO MOON, SCHWARTZ & MADDEN WITH COPIES SENT TO PETITIONER. PETITIONER IS TO PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

16. COUNTY OF YUBA V. JOSHUA KEYC (OTHER PARENT: LORRAINE CURRIER) PFS20190118

On March 25, 2022, Other Parent filed a Request for Order (RFO) requesting the court make child custody and parenting time orders. Parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on May 4, 2022 and a review hearing on June 16, 2022. Respondent was personally served on May 19, 2022.

Respondent has not filed a Responsive Declaration.

On June 16, 2022, the parties appeared for the hearing on Other Parent's RFO. The parties were rereferred to CCRC for an appointment on July 13, 2022 and a further review hearing on September 1, 2022.

On July 13, 2022, neither party appeared for the CCRC appointment. A Non-Appearance report was filed on July 13, 2022.

The court denies Other's Parent's requested orders. All prior orders remain in full force and effect. Other Parent shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #16: THE COURT DENIES OTHER'S PARENT'S REQUESTED ORDERS. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. OTHER PARENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

On March 16, 2022, Other Parent filed a Request for Order (RFO) requesting the court modify parenting time and child support orders. The parties were referred to Child custody Recommending Counseling (CCRC) for an appointment on April 27, 2022 and a review hearing on June 16, 2022. Upon review of the court file, there is no Proof of Service showing Other Parent served DCSS or Respondent with the RFO.

However, there is a Proof of Service, filed on April 19, 2022, showing DCSS served Respondent and Other Parent with the March 16, 2022 filed RFO by mail on April 18, 2022.

DCSS filed a Responsive Declaration on April 21, 2022, requesting that pursuant to Family Code section 4251, the child support matter be continued until after the resolution of the parenting time RFO and set on the DCSS calendar before the child support commissioner. Respondent and Other Parent were served with the Responsive Declaration by mail on April 21, 2022.

On April 27, 2022, only Other Parent appeared at the CCRC appointment. As such a single parent report was filed with no agreements or recommendations. A copy of the report was mailed to the parties on May 18, 2022.

Both parties appeared for the hearing on June 16, 2022 and reached a stipulation. The parties agreed to be re-referred to CCRC on July 14, 2022 and to set a further review hearing on September 1, 2022. Pending the review hearing Other Parent's visitation schedule shall remain the same. Other Parent's sister was authorized as a supervisor. Other Parent was also allowed additional visits supervised by Respondent.

Only Other Parent appeared for the July 14, 2022 CCRC appointment. As such, the CCRC report does not contain any agreements or recommendations. A copy of the report was mailed to the parties on July 26, 2022. The court notes this is the third CCRC appointment in this matter.

Other Parent has failed to state any new or different information as to why the current orders should be changed. The court finds the current orders for custody and parenting time remain in the minor's best interest. The court continued Other's Parent's request to modify child support to the child support calendar at DCSS's request.

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

TENTATIVE RULING #17: THE CURRENT ORDERS FOR CUSTODY AND PARENTING TIME REMAIN IN THE MINOR'S BEST INTEREST. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. THE COURT SET THE MATTER FOR CHILD SUPPORT MODIFICATION ON 10/24/2022 at 8:30 AM in Department 5. OTHER PARENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

Petitioner filed an Ex Parte emergency request for orders on August 12, 2022. Respondent filed a Responsive Declaration on August 12, 2022. Petitioner was served electronically the same day. The court granted the request as an Order Shortening Time on August 14, 2022. Petitioner was directed to serve Respondent with the Request for Order (RFO) on or before August 16, 2022. The court directed Respondent to file a Responsive Declaration on or before August 29, 2022.

Petitioner filed a Proof of Service on August 22, 2022, showing Respondent was served by mail on August 19, 2022, three days after the date set by the court.

Petitioner requests the court grant him exclusive use and control of the property located at 5542 Vista Del Huerto Drive in Garden Valley. Petitioner also requests the court grant him Family Code Section 271 fees in the amount of \$10,000 for Respondent's obstruction of the home and failure to abide by previous court orders. Petitioner asserts Respondent continues to fail to cooperate in the sale of the home, including refusal to allow professional photographers in the home, the home is unkempt, Respondent has not permitted anyone to enter the home, including to two potential buyers, and Respondent has failed to remain in timely contact with the real estate agent.

Respondent, in the August 12, 2022 filed Responsive declaration requests the court deny Petitioner's motion. Respondent acknowledges her failure to sign the listing agreement, as well as, her failure to allow potential buys see the home despite being provided 24 hours' notice. Respondent states she is in the process of packing the home and hopes to be moved out by the time the home enters escrow. Respondent believes there were potential buyers coming to view the home on August 13, 2022.

The court needs additional information from the parties. Therefore, the parties are ordered to appear.

TENTATIVE RULING #18: THE PARTIES ARE ORDERED TO APPEAR.

On June 13, 2022, Respondent filed a Request for Order (RFO) and his Income and Expense Declaration. The parties were referred to Child Custody Recommending Counseling (CCRC) and a hearing on the RFO was scheduled for September 1, 2022. Copies of the RFO, the Income and Expense Declaration and additional required documentation, were served personally on June 15, 2022.

By way of his RFO, Respondent seeks child custody and visitation orders, along with an order reducing monthly child support to \$0. Respondent would like the minor to reside with him during the school year due to the minor's behavioral problems and failing grades. Respondent would like to receive the minor no less than 5 days prior to the school year, and the minor will return to Petitioner no less than 5 days after the school year, with the receiving parent to pay airfare. Additionally, Respondent asks that the parties share joint legal custody. He would like both parties to have decision making authority over the general well-being of the child and access to records regarding the child. Further, he asks that both parties consent to any activity or travel that interrupts the school year or any court ordered visitation.

On July 15, 2022, the parties filed a Stipulation and Order for Custody and/or Visitation of Children. Therein it was determined that the minor would travel from California to Florida with Respondent on July 14, 2022. The minor would then be returned to petitioner on August 3, 2022. The stipulation did not address any of the remaining issues brought up in the RFO.

Petitioner filed her Responsive Declaration to Request for Order and her Income and Expense Declaration on August 11, 2022 both of which were served via U.S. Mail on August 16, 2022. In her declaration, Petitioner requests she be awarded sole physical and sole legal custody of the minor, with visitations to Respondent during summer breaks and school breaks. Petitioner requests that Respondent be solely responsible for all transportation costs. She would like guideline child support in accordance with her requested visitation and custody schedule.

The parties attended CCRC on July 11, 2022, and a report was issued on August 18, 2022. The CCRC report was mailed to the parties on August 23, 2022. According to CCRC, the parties were able to reach agreements on the issues of legal custody and parenting time. The court has not received filings by either party contesting the CCRC report.

After a review of the aforementioned filings as well as the CCRC report, the court finds the agreements contained in the CCRC report to be in the best interest of the minor. The court hereby adopts the agreements listed in the CCRC report as the order of the court.

Regarding parenting time, the CCRC report lists the following agreements: (1) The child will reside primarily with Petitioner; (2) The child will have visitation with Respondent in Florida during summer break beginning the 10th day after the school year ends until 10 days before the next school year commences; (3) Parties will arrange additional parenting times during winter break and spring break as finances allow; (4) Parties shall share the costs associated with travel. The court is in need of additional information regarding the duration of summer break and the duration of winter and spring breaks that the minor will be visiting Respondent in order to accurately calculate the timeshare used for child support. The parties are ordered to appear on the issue of child support.

TENTATIVE RULING #19: THE COURT ADOPTS THE AGREEMENTS LISTED IN THE CCRC REPORT AS THE ORDER OF THE COURT. THE PARTIES ARE ORDERED TO APPEAR ON THE ISSUE OF CHILD SUPPORT.

20. R. B. V. A. M.

22FL0553

Petitioner filed a Petition to Establish a Parental Relationship on June 17, 2022. Petitioner concurrently filed a Request for Order (RFO) requesting the court make child custody and parenting time orders. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on July 15, 2022 and a review hearing on September 1, 2022. Upon review of the court file there is no Proof of Service of either the Petition to Establish a Paternal Relationship or the RFO and referral to CCRC.

On July 15, 2022, neither party appeared for the CCRC appointment. A Non-Appearance report was filed on July 15, 2022.

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

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

21. VICTORIA COMALANDER V. WILLIAM COMALANDER

PFL20150048

Petitioner filed an ex parte application for emergency orders on June 23, 2022. Petitioner requested Respondent be ordered to sign the application for the minors' passports or in the alternative the clerk of the court serve as elisor and sign in his stead. Petitioner also requested the court order Family Code section 271 sanctions. On June 24, 2022, the court granted Petitioner's requested orders, however, reserved on the request for Family Code section 271 sanctions.

On June 24, 2022, Petitioner filed a Request for Order (RFO) requesting the court order Respondent pay \$1,500 as and for Family Code section 271 sanctions. Upon review of the court file, there is no Proof of Service showing the RFO was served on Respondent. Therefore, the court drops the matter from calendar.

TENTATIVE RULING #21: THE MATTER IS DROPPED FROM THE COURT'S CALENDAR DUE TO LACK OF PROPER SERVICE.

22. 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 #22: PARTIES ARE ORDERED TO APPEAR FOR ARRAIGNMENT.

On January 10, 2022, parties appeared for a hearing for the December 9, 2021 filed Request for Order (RFO). The court found guideline support to be \$0 based on the calculation from DCSS. The court reserved the right to retroactive modification to the date of the filing of the RFO. Respondent was ordered to provide and maintain health insurance coverage for the minor. The parties were ordered to split the costs of all uncovered medical and dental costs equally, as well as the cost of work-related daycare. The court continued the hearing on child support to April 25, 2022 and ordered parties to file and serve updated Income and Expense Declarations at least 10 days prior to the next hearing.

On March 15, 2022, DCSS filed a Request to Reschedule the hearing from April 25, 2022 to May 23, 2022. The request was granted.

On May 10, 2022, Petitioner filed an updated Income and Expense Declaration. Respondent was served by mail on May 10, 2022. DCSS was served electronically on May 10, 2022.

On May 17, 2022, Respondent filed a RFO requesting modification of the child custody and parenting time orders. Parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on June 17, 2022 and a review hearing on August 4, 2022. Upon review of the file, there is no Proof of Service indicating Respondent was served with the RFO or referral to CCRC.

On May 23, 2022, the Child Support Commissioner recused himself from the case and the matter was reassigned to the Honorable Judge Bowers. The hearing was rescheduled for August 4, 2022.

On May 20, 2022, Petitioner filed a Memorandum of Points and Authorities in support of imputing income to Respondent. Respondent was served by mail on May 19, 2022. DCSS was served electronically on May 19, 2022. Petitioner asserts Respondent owes over \$24,000 in arrears for child support and is willfully avoiding employment as a W-2 employee to avoid child support payments. Petitioner requests the court impute income to Respondent as well as order Respondent to seek full-time work.

On June 17, 2022, neither party appeared at the CCRC appointment.

Neither party has filed an update Income and Expense Declaration for the August 4, 2022 hearing.

Parties appeared for the August 4, 2022 hearing. The court continued the matter as Respondent had not received proper notice of the hearing. Parties were ordered to file updated Income and Expense Declarations at least 10 days prior to the next hearing date.

Petitioner filed a Supplemental Memorandum of Points and Authorities and Income and Expense Declaration on August 22, 2022. DCSS and Respondent were served with the Income and Expense Declaration by mail on August 18, 2022. DCSS was served with the Income and Expense Declaration electronically on August 18, 2022. Upon review of the court file, there is no Proof of Service showing Respondent and DCSS were served with the Supplemental Memorandum of Points and Authorities. Therefore, the court has not considered it.

Respondent has not filed an updated Income and Expense Declaration.

The parties are ordered to appear.

TENTATIVE RULING #23: PARTIES ARE ORDERED TO APPEAR.