

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

October 13, 2022

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

15. AMANDA MOORE V. JONATHAN SALAZAR-ALVAREZ

PFL20170433

Petitioner filed a Request for Order (RFO) on July 25, 2022 requesting the court modify child custody, parenting time, and child support orders. Petitioner also filed an Income and Expense Declaration concurrently with the RFO. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on August 24, 2022 and a review hearing on October 13, 2022. While Petitioner filed a Proof of Service on August 10, 2022, it does not appear Respondent was served with the FL-300, but rather an FL-260, FI-210, and FL-270. The court finds Respondent was not properly served with the RFO, referral to CCRC, or Income and Expense Declaration.

Parties submitted a stipulation on August 29, 2022, which resolves the child custody and parenting time issues. The court signed and adopted the stipulation as its order on August 29, 2022.

Respondent has not filed a Responsive Declaration or an Income and Expense Declaration.

The matter is dropped from calendar due to lack of proper service. All prior orders not in conflict with this order remain in full force and effect.

TENTATIVE RULING #15: THE COURT MATTER IS DROPPED FROM CALENDAR DUE TO LACK OF PROPER SERVICE. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT.

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

16. BAYLEIGH MARK V. NOAH BINGAMAN

22FL0514

On August 19, 2022, Respondent filed an ex parte application for emergency orders requesting the court set aside the Domestic Violence Restraining Order (DVRO) which names Respondent as a restrained party and Petitioner as a protected party. The court denied the ex parte request on August 23, 2022. Respondent filed a Request for Order (RFO) requesting the court modify the current child custody, parenting time, and child support orders, as well as vacate the current DVRO on August 23, 2022. Petitioner was served by mail on September 19, 2022. The court finds this service to be untimely per Code of Civil Procedure 1005, which requires a party to be served at least 16 court days prior to the hearing, with an additional five days if the service is mailed.

Petitioner has not filed a Responsive Declaration.

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

TENTATIVE RULING #16: THE MATTER IS DROPPED FROM CALENDAR DUE TO LACK OF PROPER SERVICE.

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

17. CAROL CARLISLE V. WILLIAM CARLISLE

PFL20150037

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.

On September 1, 2022, parties appeared for the arraignment. Respondent appeared without retained counsel. The court appointed the Public Defender as Respondent had previously been appointed counsel in prior contempt proceeding due to failing to retain counsel in a timely fashion. The court continued the arraignment to October 13, 2022, and ordered the clerk to provide notice to the Public Defender's Office.

Parties are ordered to appear for the continued arraignment hearing.

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

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

18. CURTIS CHRISTENSEN V. GINA CHRISTENSEN

PFL20170845

Petitioner filed a Request for Order (RFO) requesting a modification of the current child custody, parenting time, and child support orders on June 27, 2022. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on July 29, 2022 and a review hearing on September 15, 2022. Respondent was served by mail on July 15, 2022. The Department of Child Support Services was not provided notice of the RFO.

Petitioner states in the FL-300 that the orders being sought are for Respondent to have legal and physical custody. In the FL-311 Petitioner attached to the FL-300 there is no individual designated for legal and physical custody. Petitioner requests alternating weekends and a joint custody order for summer breaks. Petitioner requests modification of the exchange location. Petitioner's declaration exceeds the 10-page limit, and the court has not considered the declaration past page 10. Although Petitioner checked the box requesting modification of child support on the first page of the FL-300, he did not request any change in child support orders in the later portion of the FL-300.

Both parties attended CCRC on July 29, 2022 but were unable to reach any agreements. A report with recommendations was filed on September 1, 2022. The parties were mailed a copy of the report on September 6, 2022.

Respondent filed a Responsive Declaration on September 13, 2022. Petitioner was served by mail on September 13, 2022. Respondent objects to any changes in the current exchange location. Respondent asserts the exchanges have been taking place at Respondent's home since 2020 and there is no reason to modify the exchange location. Respondent also objects to joint legal custody as the parties have a history of being unable to cooperate and co-parent the minors. Respondent also objects to the recommendation for summer breaks. Respondent request the court maintain the current custody and parenting time orders.

Petitioner filed a Supplemental Declaration with 56 pages of attachments on October 3, 2022. Respondent was served by mail October 3, 2022. Petitioner reiterates his requests to modify the custody and parenting plan orders.

The court has read and considered the CCRC report as well as the filings as outlined above. The court finds the recommendations as contained in the CCRC report to be in the best interests of the minors and adopts the recommendations as its orders. The court denies Petitioner's request to modify child support, as the Department of Child Support Services is a party to the case and was not provided notice of the RFO. 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 THE RECOMMENDATIONS AS CONTAINED IN THE CCRC REPORT TO BE IN THE BEST INTERESTS OF THE MINORS AND ADOPTS THE RECOMMENDATIONS AS ITS ORDERS. THE COURT DENIES PETITIONER'S REQUEST TO MODIFY CHILD SUPPORT, AS THE DEPARTMENT OF CHILD SUPPORT SERVICES IS A PARTY TO THE CASE AND WAS NOT PROVIDED

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NOTICE OF THE RFO. 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.

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19. DCSS V. FORREST HEWETT (OTHER PARENT: KASSIE CURTIS)

22FL0313

On April 14, 2022, Respondent filed an Ex Parte Application and Declaration for Orders and Notice. The ex parte was granted in part and ordered Other Parent to have the minor drug tested prior to April 20th. The parties were to appear for a hearing and present the results of the test on May 4th. Respondent then filed his Request for Order (RFO) on April 15th.

By way of the ex parte and RFO, Respondent sought temporary sole legal and physical custody with professionally supervised visits to Other Parent, as well as orders for drug testing of Other Parent and the minor child.

On April 29, 2022, Other Parent filed her Responsive Declaration to Request for Order and a supporting Declaration of Britney Patterson. Both were served on April 28th. Other Parent opposed the RFO and asked the court to award joint legal and physical custody, with a 50/50 parenting schedule, and Section 271 sanctions in the amount of \$1,500. The parties appeared for hearing on May 4th and the issue was set for trial to be heard on July 19, 2022.

On May 4, 2022, Respondent filed copies of the minor's drug test results. On May 20, 2022, Other Parent filed a declaration regarding her test result and an accompanying article on how to read the results. On June 6, 2022, she filed additional test results of her own as well as a statement regarding the levels in her son's results and the fact that she has not received any of Respondent's test results. On June 28, 2022, Petitioner filed declarations of two witnesses attesting to her abilities as a mother.

On June 30, 2022, Other Parent filed and served her Statement of Issues and Contentions and Proposed Disposition. Therein she reiterated her request for joint legal and joint physical custody with equal parenting time as the parties had been practicing previously. She reiterated her request for Family Code Section 271 sanctions in the amount of \$1,500 and added to that, a request for attorney's fees in the amount of \$3,500.

After confirming trial at the Mandatory Settlement Conference, Respondent and his counsel appeared on the trial date and withdrew the pending RFO. Respondent's failure to meet and confer on the issue and determine that the RFO should be withdrawn prior to Other Party incurring the expense of preparation and appearance for trial is not in keeping with the policy of the law to promote settlement, cooperation and reduce the cost of litigation. Other Party's request for attorney's fees and sanctions in the amount of \$5,000 is granted. Respondent is to pay Other Party \$5,000 in monthly increments of \$500 due no later than the 15th of each month beginning on November 1, 2022 and continuing until the entirety of the sanctions are paid in full. A missed or late payment shall cause the entire amount to become immediately due and payable within 5 calendar days of the date the missed or late payment was due.

The parties attended Child Custody Recommending Counseling (CCRC) on August 3, 2022. At that time, they were able to reach several agreements which are codified in the CCRC report. The report was issued on August 4th and mailed to the parties on August 9th.

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On September 2, 2022, Other Parent's Reply Declaration to the CCRC Report was filed and served. According to Other Parent, while the parties did agree to joint legal custody and equal parenting time with a holiday plan, the additional provisions and holiday schedule provided by the CCRC counselor are inaccurate. Other Parent notes that the summary is incorrect, as the court vacated the testing orders and permitted her to use tincture during her parenting time. She claims that she explained to Respondent and the CCRC counselor that her use of THC is medicinal and she needs to be able to continue using tinctures during her parenting time. She expressly disagrees with the provision in the report prohibiting use of marijuana 24-hours before or during her parenting time. Finally, she notes an incorrect statement of the agreement between the parties with regard to Mother's Day and Father's Day.

On September 15, 2022, the matter was continued due to Respondent's counsel being ill. The court stayed the tentative ruling pending the next court date.

After reviewing the filings of the parties and the CCRC report, the court finds the agreements contained in the CCRC report to be in the best interest of the minor. The court adopts the agreements contained in the CCRC report as the orders of the court with the following modifications: (1) Alcohol or Substance Abuse provision 1 shall be amended to read – During her parenting time, Other Parent may use marijuana in the form of tinctures, oils, or edibles. Marijuana use in any other form that would cause marijuana smoke to become airborne, such as smoking or pipes, is prohibited. Additionally, both parties are to ensure that friends, family, and romantic partners do not expose the minor to marijuana smoke. Other Parent is to put in place reasonable precautions to ensure that the marijuana, regardless of its form, is not accessible to the minor; (2) Holiday Schedule provisions two and three shall be amended as follows – Other Parent shall have Mother's Day every year, with her parenting time to commence on the Saturday prior at 7:00 pm; Respondent shall have Father's Day every year with parenting time to end the day of Father's Day at 7:00 pm. All prior orders not in conflict with this order remain in full force and effect.

TENTATIVE RULING # 19: THE COURT ADOPTS THE AGREEMENTS CONTAINED IN THE AUGUST 4, 2022 CCRC REPORT AS THE ORDERS OF THE COURT WITH THE FOLLOWING MODIFICATIONS: (1) ALCOHOL OR SUBSTANCE ABUSE PROVISION 1 SHALL BE AMENDED TO READ – DURING HER PARENTING TIME, OTHER PARENT MAY USE MARIJUANA IN THE FORM OF TINCTURES, OILS, OR EDIBLES. MARIJUANA USE IN ANY OTHER FORM THAT WOULD CAUSE MARIJUANA SMOKE TO BECOME AIRBORNE, SUCH AS SMOKING OR PIPES, IS PROHIBITED. ADDITIONALLY, BOTH PARTIES ARE TO ENSURE THAT FRIENDS, FAMILY, AND ROMANTIC PARTNERS DO NOT EXPOSE THE MINOR TO MARIJUANA SMOKE. OTHER PARENT IS TO PUT IN PLACE REASONABLE PRECAUTIONS TO ENSURE THAT THE MARIJUANA, REGARDLESS OF ITS FORM, IS NOT ACCESSIBLE TO THE MINOR; (2) HOLIDAY SCHEDULE PROVISIONS TWO AND THREE SHALL BE AMENDED AS FOLLOWS – OTHER PARENT SHALL HAVE MOTHER'S DAY EVERY YEAR, WITH HER PARENTING TIME TO COMMENCE ON THE SATURDAY PRIOR AT 7:00 PM; RESPONDENT SHALL HAVE FATHER'S DAY EVERY YEAR WITH PARENTING TIME TO END THE DAY OF FATHER'S DAY AT 7:00 PM. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. OTHER PARTY'S REQUEST FOR SANCTIONS IN THE AMOUNT OF \$5,000 IS GRANTED. RESPONDENT IS TO PAY OTHER PARTY \$5,000 IN MONTHLY INCREMENTS OF \$500 DUE NO

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LATER THAN THE 15TH OF EACH MONTH BEGINNING NOVEMBER 1, 2022 AND CONTINUING UNTIL THE ENTIRETY OF THE SANCTIONS ARE PAID IN FULL. A MISSED OR LATE PAYMENT SHALL CAUSE THE ENTIRE AMOUNT TO BECOME IMMEDIATELY DUE AND PAYABLE WITHIN 5 CALENDAR DAYS OF THE DATE THE MISSED OR LATE PAYMENT WAS DUE. OTHER PARTY IS TO PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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20. JENNIFER BERG V. KEVIN BERG

22FL0500

On August 8, 2022, Respondent filed a Request for Order (RFO) requesting the court reconsider its August 4, 2022 orders. Petitioner was served by mail on September 7, 2022. Respondent request the court reconsider its order regarding the parties claiming the minor children for tax purposes for tax year 2022 forward. Respondent asserts the court erred in making this order as no party had requested this modification. Respondent requests the court vacate this order.

Petitioner filed a Responsive Declaration on September 30, 2022, requesting the court maintain the current orders. Respondent was served with the Responsive Declaration by mail on September 30, 2022.

The court has read and considered the above filings. The court denies Respondents request for reconsideration. Respondent had the opportunity to request oral argument to object to the court's tentative ruling of August 4, 2022, yet failed to do so. Further, Respondent has failed to state any new evidence or new law that was not available to him on August 4, 2022. Therefore, the court denies the motion for reconsideration.

All prior orders remain in full force and effect.

TENTATIVE RULING #20: THE COURT DENIES THE MOTION FOR RECONSIDERATION. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. RESPONDENT IS TO PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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21. KARLY GENTRY V. PAUL GENTRY

22FL0745

On August 9, 2022, Petitioner filed a Request for Order (RFO) requesting the court makes orders as to child custody, parenting time, child support, property control, and spousal support. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on August 31, 2022 and a review hearing on October 13, 2022. Petitioner concurrently filed an Income and Expense Declaration. Respondent was personally served the FL-100; FL-110; FL-260; FL-105; and FL-150. It does not appear from the Proof of Service Respondent was served with the RFO or referral to CCRC.

Respondent filed a Response to the Petition for Dissolution, however, has not filed a Responsive Declaration to the RFO.

Both parties attended CCRC on August 31, 2022. A CCRC report was filed on September 30, 2022. A copy was mailed to the parties on October 3, 2022. The report recommends, due to the temporary Domestic Violence Restraining Order (DVRO) and Respondent's current active duty status, the custody orders issued in the temporary DVRO remain in full force and effect.

On September 2, 2022, parties appeared for a hearing on the DVRO. Each party presented testimony and evidence. At the conclusion the court denied Petitioner's request for a permanent DVRO and the temporary DVRO expired as a matter of law.

The court finds Respondent has not been properly served with the RFO. Therefore, the court drops the matter from calendar. All prior orders remain in full force and effect.

TENTATIVE RULING #21: THE COURT FINDS RESPONDENT HAS NOT BEEN PROPERLY SERVED WITH THE RFO. THEREFORE, THE COURT DROPS THE MATTER FROM CALENDAR. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT.

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22. KASSIE CURTIS V. JUSTIN CURTIS

PFL20190523

On April 14, 2022, Respondent filed an Ex Parte Application and Declaration for Orders and Notice. The ex parte was granted in part and Petitioner was ordered to have the minor drug tested prior to April 20th, Petitioner and others in her home were ordered to abstain from consuming marijuana during parenting time and for the 24 hours prior. The parties were ordered to appear for a hearing and present the results of the drug test on May 4th. Respondent then filed his Request for Order (RFO) on April 15th.

By way of the RFO, Respondent sought temporary sole legal and physical custody with Petitioner to have professionally supervised visits only until such time as Petitioner's drug usage is addressed and her home is deemed safe for the minor to return to regular unsupervised visits. Additionally, Respondent requested orders for drug testing of Petitioner and the minor child within 24 hours of the order being signed. Respondent requests Petitioner be solely responsible for all costs of supervised visits and drug testing.

Petitioner filed her Responsive Declaration to Request for Order on April 25, 2022. It was served electronically on April 22, 2022. In her declaration, Petitioner opposed the RFO and asked the court to maintain the current custody and visitation orders. Petitioner is of the belief that the motion is retaliation for her recent request for guideline child support. As such, she requested Family Code section 271 sanctions in the amount of \$1,035 for attorney's fees and the costs of testing she incurred while defending against the ex parte and the present RFO.

As ordered, the parties appeared for hearing on May 4, 2022. Parties were ordered not to smoke marijuana or use marijuana oils around the children during parenting time. The court trailed the issue of sanctions after the evidentiary hearing set on case 22FL0313 which was set for July 19, 2022.

On July 1, 2022, Respondent filed and served his Statement of Issues and Contentions in both the present matter and the matter of 22FL0313.

Trial on 22FL0313, was vacated when the RFO in that matter was withdrawn.

On September 15, 2022, the matter was continued due to Respondent's counsel being ill. The court stayed the tentative ruling pending the next court date.

Petitioner filed a Supplemental Declaration on September 27, 2022. Respondent was served by mail on September 27, 2022. Petitioner is requesting additional sanctions pursuant to Family Code section 271 for Respondent requesting oral argument on September 15, 2022, to request the matter be continued. This resulted in Petitioner incurring additional attorney's fees. Petitioner asserts Respondent has caused unnecessary delays in this case. Petitioner asserts Respondent continues to refuse to provide his Income and Expense Declaration as required. Therefore, Petitioner is requesting the sanctions award be increased to \$5,000.

Given the concurrent filing of this RFO along with the one withdrawn on 22FL0313, Respondent seemingly filed the RFOs in response to Petitioner's request for child support which ultimately caused Petitioner to incur unnecessary litigation costs. Additionally, Petitioner's counsel's appearance for oral

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argument on September 15, 2022, which was in fact a request to continue, caused Petitioner to incur additional fees. Finally, upon review of the court file, Respondent has failed to file an Income and Expense declaration was required by local rule and California Rules of Court. Petitioner's request for sanctions is granted in the amount of \$2,500. Respondent is to pay Petitioner \$2,500 in monthly increments of \$500 due no later than the 15th of each month beginning on November 1, 2022 and continuing until the entirety of the sanctions are paid in full. A missed or late payment shall cause the entire amount to become immediately due and payable within 5 calendar days of the date the missed or late payment was due.

TENTATIVE RULING #22: PETITIONER'S REQUEST FOR SANCTIONS IS GRANTED IN THE AMOUNT OF \$2,500. RESPONDENT IS TO PAY PETITIONER \$2,500 IN MONTHLY INCREMENTS OF \$500 DUE NO LATER THAN THE 15TH OF EACH MONTH BEGINNING NOVEMBER 1, 2022 AND CONTINUING UNTIL THE ENTIRETY OF THE SANCTIONS ARE PAID IN FULL. A MISSED OR LATE PAYMENT SHALL CAUSE THE ENTIRE AMOUNT TO BECOME IMMEDIATELY DUE AND PAYABLE WITHIN 5 CALENDAR DAYS OF THE DATE THE MISSED OR LATE PAYMENT WAS DUE. PETITIONER IS TO PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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23. KIMBERLY DEVAUGHN V. MARK DEVAUGHN

PFL20180127

On November 12, 2021 Petitioner filed a Request for Order (RFO) requesting modification of the custody and visitation orders and attorney's fees and costs. Petitioner filed a Declaration in support of the RFO as well. The parties were referred to Child Custody Recommending Counseling (CCRC) on December 16, 2021 and the RFO was set on the Law and Motion calendar for January 27, 2022. On November 29, 2021 Petitioner filed a Proof of Service by Mail and email and an Address Verification showing service upon Respondent on November 16, 2021.

On November 17, 2021 Respondent filed an RFO requesting modification of the visitation orders and for an order shortening time. The OST was denied and the RFO was set for January 27, 2022. Respondent filed a Proof of Service showing service of the filings upon Petitioner, who also filed a response.

On December 16, 2021 Respondent filed a Responsive Declaration to the RFO with a number of attachments. On December 23, 2021 Respondent filed a Proof of Service by Mail showing service of the filing upon Petitioner on December 20, 2021.

The parties attended their CCRC session and a CCRC report was issued on January 14, 2021. Copies of the CCRC report were mailed to the parties on January 20, 2022.

On January 27, 2022, parties appeared for the hearing and the court made the following orders: Petitioner shall have temporary sole legal and physical custody of the minor and no visitation with the Respondent; the minor to continue in individual therapy; the court shall defer to the minor's therapist as to when telephone calls between the Respondent and minor would be appropriate, and that the therapist facilitate those calls; Respondent to be provided with therapeutic progress reports when deemed appropriate by the therapist; parties to submit a progress report to the court regarding the minor's progress in counseling and input from the minor's therapist about what type of contact, if any Respondent should have with the minor; parties to provide documentation from the District Attorney's Office regarding the status of any pending potential criminal charges; both parties were to prepare and file Income and Expense Declarations no later than 10 days prior to the next hearing; and the court reserved on both party's request for Family Code section 271 sanctions.

On February 16, 2022, Respondent filed a Declaration from attorney Jessica Davis regarding the potential criminal charges against Respondent. Petitioner was served on February 15, 2022 with Proof of Service filed on February 16, 2022. The Declaration includes a "Case Declined Report" attached as Exhibit A which states the District Attorney's Office declined to file due to a lack of sufficient evidence.

On March 3, 2022 Respondent filed an updated Income and Expense Declaration. Petitioner was served my mail on March 2, 2022, with Proof of Service filed on March 3, 2022.

On March 7, 2022, Petitioner filed a Supplemental Declaration which contains documentation from the Sacramento County District Attorney's Office regarding their intent not to pursue criminal charges against Respondent at this time, due to not being able to prove the case beyond a reasonable doubt, but that the victim was a credible witness. The office declined to prosecute due to the lack of

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corroborating evidence and the high burden of proof rather than a finding of innocence. Petitioner requests the court keep the current orders for custody and visitation in place. Petitioner further request the court order a full psychosexual evaluation of Respondent. Petitioner has not filed an updated Income and Expense Declaration.

On March 10, 2022 the court received a progress report from the minor's therapist. The minor has been engaging in therapy on a weekly basis since August of 2021. The therapist does not make any recommendations as to contact with the Respondent.

On March 17, 2022, the court adopted its tentative ruling with the following modifications, Petitioner was to sign any releases necessary for Minor's Counsel to speak with the minor's therapist. Respondent was authorized to have therapeutically supervised visitation once deemed appropriate by the minor's therapist. The minor's therapist could recommend three potential therapists for therapeutic visitation, or in the alternative, Minor's Counsel may select. The matter was set for a further review hearing on May 12, 2022. The court denied both parties' request for attorney fees.

On May 3, 2022, all parties agreed to continue the matter to July 14, 2022.

On June 24, 2022, the parties submitted a stipulation and order to continue the July 14, 2022 hearing to July 28, 2022.

Respondent filed a RFO and an updated Income and Expense Declaration on July 15, 2022. Petitioner was served by mail with the Income and Expense Declaration on July 14, 2022. Upon review of the court file, the does not appear to be a Proof of Service corresponding with the July 15, 2022, RFO. However, Petitioner has filed a Responsive Declaration to the requested orders, therefore, it appears Petitioner has actual notice. Respondent requests Petitioner participate in an Evidence Code section 730 evaluation to determine Petitioner's mental fitness and where she has any mental health issues that adversely affect her ability to parent the minor child safely, ability to co-parent with Respondent, and ability to foster and encourage a relationship/frequent and continuing contact between Respondent and the minor. Respondent requests Petitioner incur the cost of the evaluation.

Petitioner filed a Supplemental Declaration and updated Income and Expense Declaration on July 18, 2022. Respondent was served by mail and electronically on July 18, 2022. Petitioner requests the court maintain the current orders without modification. Petitioner also requests Respondent be responsible for 100% of the cost of Minor's Counsel.

On July 19, 2022, Respondent filed a Supplemental Declaration. Petitioner was served by mail on July 18, 2022. Respondent requests the court order joint legal custody. Respondent also requests the court order reunification counseling visitation begin between Respondent and the minor with Jamie Miller or in the alternative Stephanie Stilley. Respondent requests the cost of reunification visitation be paid for by Petitioner or equally shared. Respondent concurrently requests supervised visitation be ordered as well. Respondent requests Petitioner be responsible for the cost or the cost to be shared equally. Respondent requests a further review hearing be set to determine a step-up in parenting time.

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Minor's Counsel filed a Statement of Issues and Contentions and Request for Orders on July 20, 2022. Parties were served by mail on July 19, 2022. Minor's Counsel requests the court order parties to select a reunification therapist. Once a therapist has been selected, for the minor to begin sessions with the therapist, but the sessions not to include Respondent until the reunification therapist and minor's individual therapist concur conjoint sessions are appropriate. Minor's Counsel requests the court order waivers to be signed to allow the minor's individual therapist and reunification counselor to meet and confer on the minor's treatment and to speak with Minor's Counsel.

On July 25, 2022 Minor's Counsel filed an ex parte motion for emergency orders requesting the court continue the July 28, 2022 hearing. On July 26, 2022, the court granted the request to continue the hearing and made interim orders pending the next court date. Respondent was ordered to provide a third suggested reunification therapist to Petitioner on or before August 11, 2022. Petitioner shall select one of the three on or before August 18, 2022. The minor was ordered to engage with the reunification therapist at the soonest available appointment. Respondent shall not participate in conjoint sessions until the minor's individual and reunification therapist deem it appropriate. Any waivers necessary to allow the minor's individual and reunification therapists to speak with each other and with Minor's Counsel shall be signed.

The matter set for September 1, 2022, was continued to September 15, 2022. On September 8, 2022, Respondent filed a request to have the September 15, 2022 matter continued to October 13, 2022 at 1:30 pm.

On September 6, 2022, Petitioner filed a Supplemental Declaration. Respondent was served by mail on September 6, 2022. Petitioner requests the court deny Respondent's request for Petitioner to engage in an Evidence Code section 730 evaluation.

On October 3, 2022 Respondent filed a Supplemental Declaration. Petitioner and Minor's Counsel were served by mail on September 30, 2022. Respondent requests: joint legal custody; Stephanie Stilley be confirmed as the reunification counselor; Stephanie Stilley be the sole person to determine reunification counseling process; the cost of reunification be paid by Petitioner or shared equally by the parties; supervised visitation at Family Time with Petitioner to pay the costs of supervision, or the parties share the cost equally; Petitioner to undergo an Evidence Code section 730 evaluation; and set a review hearing to determine an increase in parenting time for Respondent.

Petitioner filed a Supplemental Declaration on October 3, 2022. Respondent and Minor's Counsel were served by mail on October 3, 2022. Petitioner objects to Respondent's requests. Petitioner requests the therapists determine when to begin reunification therapy. Petitioner objects to paying any of the costs associated with the therapeutic services. Petitioner objects to an Evidence Code section 730 evaluation, as there are no ground to warrant the court ordering such an evaluation.

Minor's Counsel has not provided an updated Statement of Issues and Contentions.

Parties are ordered to appear.

TENTATIVE RULING #23: PARTIES ARE ORDERED TO APPEAR.

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24. STEPHEN FABRIS V. JESSICA FAUCI

PFL20200741

Counsel for Petitioner filed a Motion to be Relieved on July 20, 2022. Petitioner was served by mail on July 20, 2022. The matter was originally set for a hearing on September 15, 2022. On September 15, 2022, the court found Counsel for Petitioner had properly served Petitioner, however, had failed to provide notice to Respondent. The court continued the matter to October 13, 2022, to allow notice to be perfected.

Counsel for Petitioner filed a Declaration of Notice of Hearing on September 15, 2022, stating a hearing had been set for October 13, 2022 for Counsel for Petitioner to be relieved. The Declaration was served by mail on the parties on September 15, 2022.

No responsive pleadings have been filed.

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

Proper service of the request has been demonstrated. Petitioner's Attorney has shown sufficient reasons why the motion should be granted and why the motion was brought under CCP section 284(2). The motion is granted, and the court will sign the submitted proposed order. Petitioner's Attorney is relieved upon filing of the proof of service for the order.

TENTATIVE RULING #24: MOTION GRANTED.

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25. VANESSA PREUSS V. KEVIN PREUSS

22FL0118

Petitioner filed a Request for Order (RFO) requesting a change in child support on August 12, 2022. Petitioner concurrently filed an Income and Expense Declaration. Respondent was served by mail on August 18, 2022. Petitioner is requesting guideline child support.

Respondent has not filed a Responsive Declaration or an Income and Expense Declaration.

Petitioner has subsequently filed a RFO requesting a change in child custody and parenting time. That matter is currently set for a hearing on December 15, 2022. The court finds it must resolve the custody issues in conjunction with the request for support. Therefore, in the interest of judicial economy, the court continues this matter to join with the request set on December 15, 2022. Further, both parties are ordered to file updated Income and Expense Declarations at least 10 days prior to the next hearing. Additionally, any Supplemental Declaration is due at least 10 days prior as well.

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 #25: THE COURT CONTINUES PETITIONER'S REQUEST TO MODIFY CHILD SUPPORT TO JOIN WITH THE RFO SET TO MODIFY CHILD CUSTODY AND PARENTING TIME ON DECEMBER 15, 2022. BOTH PARTIES ARE ORDERED TO FILE AND SERVE INCOME AND EXPENSE DECLARATIONS AT LEAST 10 DAYS PRIOR TO THE NEXT COURT DATE. SUPPLEMENTAL DECLARATIONS ARE DUE AT LEAST 10 DAYS PRIOR TO THE NEXT COURT DATE. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT.