

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 12
AUGUST 06, 2025
8:30 a.m.

1. APRIL HERRERA V. DANIEL HERRERA

25FL0477

This matter is before the court for hearing on the Petitioner's Request for Order (RFO) filed May 23, 2025, in which she requests modification of Custody and Visitation, Child Support, Spousal Support, and Property Control. The RFO was filed on the same date as the Petition for Dissolution of the parties' marriage. No Income and Expense Declaration was filed by the Petitioner with the RFO or since its filing.

The RFO was personally served on the Respondent on May 29, 2025, as shown on the Proof of Service of Summons filed that same date.

Because the RFO raises Custody and Visitation as an issue, the parties were referred to CCRC with an appointment set for June 26, 2025.

Respondent filed a Responsive Declaration and an Income and Expense Declaration on July 10, 2025. There is no Proof of Service of either document to show service on the Petitioner.

Respondent's Responsive Declaration notes that he is currently an inmate at the South Lake Tahoe site of the El Dorado County Jail. Respondent asks for Custody of the parties' children LH (age 17), BH (age 14), and JH (age 12) and for Child Support and Spousal Support to be paid to him. It appears that the Respondent is agreeable with the Petitioner's request to be given temporary exclusive possession and control of the residence at 1529 Ormsby Dr., so long as she is responsible for the mortgage payment. Respondent also requests an award of Attorney's Fees to enable him to hire an attorney.

The court received a "one-parent" report from the CCRC counsellor on June 26 which notes that only Petitioner appeared for the session and that the Respondent is in the South Lake Tahoe Jail.

Due to the failure of Petitioner to file an Income and Expense Declaration, the court cannot make Child Support or Spousal Support orders. Nor can the court make custody orders absent successful mediation.

TENTATIVE RULING #1: THE PARTIES ARE ORDERED TO APPEAR.

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2. JANICE ALSISTO LOPEZ V. JOSHUA KANT-WOOD

SFL20160128

This matter is before the court on the Respondent's Request for Order (RFO) filed May 28, 2025, to modify child custody and visitation, as well as child support. Respondent submitted a current Income and Expense Declaration (I&E), as required. That same day, the court referred the parties to a CCRC session set for June 27, 2025. Proof of service shows Petitioner was served by mail on May 29, 2025.

On June 20, 2025, the Department of Child Support Services (DCSS), which is providing child support enforcement services in this case, filed its responsive declaration and served the same upon the parties by mail.

On June 25, 2025, the Petitioner filed a responsive declaration and a current I&E. Proofs of service filed the same date show these documents were mailed to the Respondent and DCSS on June 25, 2025.

The court has read and considered the above-listed documents.

Both parties attended the CCRC session on June 27, 2025 (the Respondent appeared telephonically upon request). A CCRC report was submitted on June 27, 2025, and sets forth several agreements reached by the parties. A copy of the CCRC report was sent to each party on June 30, 2025, according to the Certificate of Mailing filed that date.

The court has read and considered the CCRC report and finds that the parties' agreements are in the children's best interests and so adopts them as the orders of the court.

The issue of child support is set to be heard on August 18, 2025, when DCSS will be present.

TENTATIVE RULING #2: THE COURT ADOPTS THE AGREEMENTS SET FORTH IN THE CCRC REPORT DATED JUNE 27, 2025, AS THE ORDERS OF THIS COURT. THE HEARING RE: CHILD SUPPORT SET FOR 8:30 A.M., MONDAY, AUGUST 18, 2025, IN DEPARTMENT 12 IS CONFIRMED.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY PHONE CALL TO THE COURT AT (530) 573-3042 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL.RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY PHONE CALL OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL.RULE CT. 3.1308; LOCAL RULE 8.05.07.

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3. MATTHEW VANHORN V. KYLIE VANHORN

SFL20180216

This matter is before the court on the Respondent's Request for Order (RFO) filed March 17, 2025, requesting orders for modification of Custody and Visitation orders for the parties' daughter EV (age 14). The hearing of the RFO was initially set on May 28, 2025. The parties appeared on that date and were re-referred to CCRC as neither party had attended the session that had been set (April 10, 2025).

At the May 28 hearing, the parties were re-referred to CCRC with the new session set for June 27, 2025. The hearing was continued to this date and the Petitioner was ordered to file and serve a Responsive Declaration no later than June 20, 2025. The parties were also invited to file and serve supplemental Declarations.

The Petitioner filed a Responsive Declaration on June 06, 2025, and a copy was mailed to the Respondent on that date according to the Proof of Service by Mail filed on June 06, 2025, as well.

The Report of the CCRC counsellor was submitted on July 25, 2025, and copies were sent to the parties that date per the Clerk's Certificate of Mailing also filed on July 25, 2025.

The court has read and considered the above referenced documents. Neither party filed a Supplemental Declaration.

The CCRC report outlines the extended absence of the Respondent from EV's life and the reasons for that absence. It further sets forth the efforts of the Respondent to address her underlying issues with substance abuse and her desires to reunify with EV now that she believes she is clean and sober and prepared to play a positive role in her life.

The report also sets forth the justified trepidation of the Petitioner who has been a single parent for many years and who has protected EV and guided her successfully.

The report, most helpfully, contains an interview with EV, and with EV's therapist. EV is adamant that she does not want contact with the Respondent until the Respondent has proven over a longer period that she is truly changed.

EV's therapist is rightfully concerned of the negative impact to EV of allowing visits that EV does not want, noting that EV ". . . doesn't want contact with Mother because she feels 'abandoned and abused' by Mother."

The court has an obligation to act in the child's best interests and finds that, at this point, it is not in EV's best interests to allow the Respondent to have contact with EV.

The parties reached several agreements which are recorded in the CCRC report and are in EV's best interest and are therefore adopted by the court as orders.

The CCRC report also provides recommendations on issues upon which the parties could not agree. The court finds that the recommendations are also in EV's best interests and therefore adopts them as orders of the court.

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The court supplements the Agreements and Recommendations of the CCRC report as follows:

- 1) Petitioner is ordered to send to Respondent a report on EV's progress in school, extracurricular activities, etc. and to include copies of report cards, certificates, etc. With the approval of EV and her therapist, photographs of EV may also be included. Reports are to be sent every other month, starting the end of September 2025.
- 2) The court sets a review hearing on the status of this case on January 14, 2026, at 8:30 am in Dept. 12.
- 3) The parties are ordered to file and serve Supplemental Declarations to update the court no later than January 05, 2026.

TENTATIVE RULING #3: THE COURT ADOPTS THE AGREEMENTS AND RECOMMENDATIONS SET FORTH IN THE CCRC REPORT DATED JULY 25, 2025, AS BEING IN THE PARTIES' DAUGHTER'S BEST INTERESTS. THE COURT ORDERS THE ABOVE LISTED ADDITIONAL TERMS TO THE TERMS OF THE CCRC REPORT. THE PETITIONER IS ORDERED TO PREPARE AND SUBMIT TO THE COURT, AFTER SENDING IT TO THE RESPONDENT FOR APPROVAL, A FINDINGS AND ORDER AFTER HEARING (FOAH) CONSISTENT WITH THIS RULING. THE PETITIONER MAY SEEK THE ASSISTANCE OF THE FAMILY LAW FACILITATION IN PREPARING THE FOAH.

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