

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 12
FEBRUARY 04, 2026
8:30 a.m.

1. ABRAHAM RODRIGUEZ V. CATHERINE RODRIGUEZ

24FL0090

This action was filed on January 30, 2024. To date, there is no proof of service of summons on the Respondent in the court's file. Code of Civil Procedure section 583.420 authorizes the court to dismiss an action for delay in prosecution where service is not made within two years after the action is commenced. (Code Civ. Proc., § 583.420, subd. (a)(1).)

The court attempted to serve Petitioner notice of this two-year dismissal hearing on August 7, 2025; however, as noted in the notice issued August 7, 2025, the court does not have a valid mailing address for the Petitioner; previous mailings to the address Petitioner provided were returned as undeliverable. It is the Petitioner's responsibility to provide the court with his current address.

Due to the lack of service of the summons, the court intends to dismiss the action without prejudice at the hearing.

TENTATIVE RULING #1: PURSUANT TO CODE OF CIVIL PROCEDURE SECTION 583.420, THE COURT DISMISSES THE ACTION.

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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2. EDGAR MORALES CRUZ V. ZOE EVANS

24FL0098

This action was filed on February 01, 2024. To date, there is no proof of service of summons on the Respondent in the court's file. Code of Civil Procedure section 583.420 authorizes the court to dismiss an action for delay in prosecution where service is not made within two years after the action is commenced. (Code Civ. Proc., § 583.420, subd. (a)(1).)

The court attempted to serve Petitioner notice of this two-year dismissal hearing on August 7, 2025; however, the notice was returned as undeliverable. It is the Petitioner's responsibility to provide the court with his current address.

Due to the lack of service of the summons, the court intends to dismiss the action without prejudice at the hearing.

TENTATIVE RULING #2: PURSUANT TO CODE OF CIVIL PROCEDURE SECTION 583.420, THE COURT DISMISSES THE ACTION.

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. JEFFREY STEVEN VANHEE V. ASHLEY NICHOLE VANHEE

25FL0526

This matter is before the court on the Request for Order (RFO) filed by the Respondent on November 26, 2025, requesting spousal support and child support, specifically, that the court start the process of liquidating assets to ensure Petitioner's compliance with the court's support orders, and requesting that the court hold Petitioner in contempt for failing to make support payments previously ordered by this court.

The same day Respondent filed her RFO, the court issued an Order to Show Cause and Affidavit for Contempt with a hearing date of January 14, 2026.

Proof of service filed December 04, 2025, shows the RFO and supporting documents were served upon Petitioner's counsel electronically that same day. The Proof of Service does not show that the court's Tentative Ruling notice was served on Petitioner's counsel.

There is a Proof of Service filed January 12, 2026 (and another Proof of Service that is virtually identical, filed January 14, 2026), showing personal service on the Petitioner of a "Request for Order" on January 08, 2026. It is not clear to the court, however, if that refers to the OSC Re: Contempt being served on the Petitioner.

Proof of Electronic Service filed January 13, 2026, shows Respondent electronically served the court's Notice of Tentative Ruling (the same proof of service shows service of Respondent's separate RFO and request for temporary emergency orders filed January 12, 2026; a hearing on those requests is currently set for February 11, 2026).

On January 13, 2026, the parties filed a stipulation to continue the January 14, 2026, hearing to February 04, 2026, due to injuries Petitioner's counsel sustained in a serious ski accident. The court granted the continuance.

On January 14, 2026, Respondent filed an updated Income and Expense Declaration (I&E).

To date, no responsive pleading has been filed by the Petitioner.

On January 29, 2026, Respondent's counsel submitted a declaration regarding service of the RFO and OSC Re: Contempt on Petitioner. Although there appears to be proper service, the court notes that the OSC served upon Petitioner ordered Petitioner to appear in court on January 14, 2026. However, due to the parties' stipulation, the January 14, 2026, hearing was continued without any appearance. Consequently, the court no longer has jurisdictional authority to require Petitioner's appearance on the OSC. Thus, the court must dismiss the OSC without prejudice.

The remaining dispute is a financial issue regarding Child Support. In the interest of judicial economy, the court, on its own motion, continues the hearing on the RFO filed November 26, 2025, to February 11, 2026, to be heard concurrently with Respondent's RFO filed January 12, 2026, which involves a request for attorney fees.

TENTATIVE RULING #3: THE OSC RE: CONTEMPT IS DISMISSED WITHOUT PREJUDICE. IN THE INTEREST OF JUDICIAL ECONOMY, THE HEARING ON

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RESPONDENT'S RFO FILED NOVEMBER 26, 2025, IS CONTINUED TO 8:30 A.M., WEDNESDAY, FEBRUARY 11, 2026, TO BE HEARD CONCURRENTLY WITH RESPONDENT'S RFO FILED JANUARY 12, 2026.

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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4. JENNIFER SAMIS V. COLIN MAXWELL BLAINE

25FL0623

This matter is on calendar for review following the December 24, 2025, hearing, at which time, the court issued the First Amended Restraining Order After Hearing (ROAH) against Respondent, protecting Petitioner and the parties' child (BB, age 1). The ROAH is set to expire on November 20, 2026. The court set the instant review hearing regarding visitation terms for Respondent. The court ordered the parties to file and serve any supplemental declarations at least 10 days prior to the hearing.

On December 31, 2025, Petitioner filed a Request to Change or End Restraining Order, requesting reduced visitation for Respondent, professional supervision during Respondent's visitation, and an order prohibiting Respondent from picking up the parties' child directly from daycare. Petitioner also requested attorney fees and costs.

On December 31, 2025, the court issued the Second Amended ROAH, which modified the First Amended ROAH as follows: Respondent's visitation, as well as child exchanges, shall be supervised by Ed Boyle, or another adult selected by Petitioner who is known to Respondent; and Respondent's visitation shall be on Mondays, Tuesdays, and Thursdays from 6:00 p.m. to 8:00 p.m. Proof of Personal Service filed January 16, 2026, shows the Second Amended ROAH was served upon Respondent on January 08, 2026.

On January 20, 2026, Respondent submitted a supplemental declaration regarding his requested visitation schedule, which was personally served upon Petitioner on January 21, 2026, according to the proof of service filed January 22, 2026.

On January 21, 2026, Petitioner submitted a supplemental declaration, which was served upon Respondent by mail on January 16, 2026, according to the proof of service filed January 26, 2026.

On January 22, 2026, Respondent filed a Response to Request to Change or End Restraining Order, as well as another supplemental declaration regarding supervised visitation reports. There is no proof of service in the court's file for these filings.

The court has read and considered the Petitioner's Request to Change or End Restraining Order, the Respondent's Supplemental Declaration filed January 21, 2026, and the Petitioner's Supplemental Declaration filed January 21, 2026. The court has not read the Response to Request to Change or End Restraining order because there is no Proof of Service showing it has been served on the Petitioner. The court has also re-read the Second Amended ROAH.

The Petitioner requests that the court order that the Respondent's visits and exchanges be supervised by a professional. The Petitioner asserts that exchanges have been difficult and that the supervisors have not been present at exchanges. Petitioner states that the lack of a supervisor at the exchange "presents an immediate risk to my son." Petitioner does not provide any further evidence to explain the risk. The Petitioner also includes as an exhibit to her Request a series of text message exchanges with supervisors in which she tells them that they are not approved by her and may no longer supervise. The supervisors' requests for an explanation are not answered. One text from a supervisor

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(Jess) asks “Is there anyone you approve so he can get his supervised visit with [BB]?” The answer from the Petitioner is: “I’m not discussing supervisor options. My Decision is final. Thank you.”

The Respondent requests that his visits be extended and provides two options. Option A includes overnight visits while Option B calls for 12-hour visits three days each week. While not expressly saying so, Respondent’s proposals appear to eliminate supervision as it does not express how supervision would occur overnight or for a 12-hour block.

The court notes that it has likely added to the difficulty as the listing of approved supervisors is inconsistent between the Form portion of the ROAH and the attached CCRC Report portion.

The court finds that it is not in the best interests of the parties’ son to increase the Respondent’s visitation or to cease having those visits (and exchanges for visits) supervised.

Similarly, the court finds that it is not in the best interests of the parties’ son to require the visits to be professionally supervised or to limit the number of people who may supervise, though noting that it is best if one person can be determined to be the primary person to supervise, while having a few backups.

Most importantly, the court expects that components of the Second Amended ROAH that have been ignored to date are to be followed. These include:

- 1) The exchanges for visits are to be supervised, including exchanges taking place at daycare.
- 2) The Respondent is not to be left alone with the child, including during bathroom breaks.
- 3) The Supervisor(s) are to provide a progress report after visits to the parties. This is to be in writing and Respondent is to provide a copy to the court. The court is not likely to expand Respondent’s visits or drop supervision until after a substantial number of reports all showing no significant issues during visits.
- 4) The parents have enrolled in and either completed or made substantial progress in the Therapy programs each is ordered to do.

Therefore, the court orders:

- 1) That the visitation schedule shall not be changed (Mondays, Tuesdays, and Thursdays from 5:00 p.m. to 8:00 p.m.).
- 2) Supervision may be provided by any of the following: Jessica Addelson, Ariana Capellini, Renick Hostetter, Kevin Higgins, Myles Hallen, Erin Kelly, or Ed Boyle.
- 3) Respondent shall designate one of the above persons as the primary supervisor.
- 4) Each supervisor shall execute a Declaration of Supervised Visitation and Exchange Services Provider (Judicial Council Form FL-324(NP)) and the same shall be served

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upon the other party and filed with the court prior to that person supervising any future visit.

- 5) A review of this matter is set for Wednesday, April 22, 2026, at 8:30 a.m. in Department 12 of the court, at which time the court will also address the issue of Holiday Scheduling. The court will issue a new Tentative Ruling by 2:00 p.m. the day prior to the review hearing.
- 6) The parties shall file and serve upon the other party a Supplemental Declaration by April 15, 2026.
- 7) All prior orders not modified by this order shall remain in full force and effect.
- 8) Petitioner is directed to prepare the Third Amended Restraining Order After Hearing for the court's signature.

TENTATIVE RULING #4: THE COURT MAKES THE FOLLOWING ORDERS:

- 1. THAT THE VISITATION SCHEDULE SHALL NOT BE CHANGED (MONDAYS, TUESDAYS, AND THURSDAYS FROM 5:00 P.M. TO 8:00 P.M.).**
- 2. SUPERVISION MAY BE PROVIDED BY ANY OF THE FOLLOWING: JESSICA ADDELSON, ARIANA CAPELLINI, RENICK HOSTETTER, KEVIN HIGGINS, MYLES HALLEN, ERIN KELLY, OR ED BOYLE.**
- 3. RESPONDENT SHALL DESIGNATE ONE OF THE ABOVE PERSONS AS THE PRIMARY SUPERVISOR.**
- 4. EACH SUPERVISOR SHALL EXECUTE A DECLARATION OF SUPERVISED VISITATION AND EXCHANGE SERVICES PROVIDER (JUDICIAL COUNCIL FORM FL-324(NP)) AND THE SAME SHALL BE SERVED UPON THE OTHER PARTY AND FILED WITH THE COURT PRIOR TO THAT PERSON SUPERVISING ANY FUTURE VISIT.**
- 5. A REVIEW OF THIS MATTER IS SET FOR WEDNESDAY, APRIL 22, 2026, AT 8:30 A.M. IN DEPARTMENT 12 OF THE COURT, AT WHICH TIME THE COURT WILL ALSO ADDRESS THE ISSUE OF HOLIDAY SCHEDULING. THE COURT WILL ISSUE A NEW TENTATIVE RULING BY 2:00 P.M. THE DAY PRIOR TO THE REVIEW HEARING.**
- 6. THE PARTIES SHALL FILE AND SERVE UPON THE OTHER PARTY A SUPPLEMENTAL DECLARATION BY APRIL 15, 2026.**
- 7. ALL PRIOR ORDERS NOT MODIFIED BY THIS ORDER SHALL REMAIN IN FULL FORCE AND EFFECT.**
- 8. PETITIONER IS DIRECTED TO PREPARE THE THIRD AMENDED RESTRAINING ORDER AFTER HEARING FOR THE COURT'S SIGNATURE.**

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR

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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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5. WILLIAM D. WENDELL V. ANNA M. WENDELL

SFL20160151

This case is before the court for hearing of the respondent's Request for Order (RFO) filed September 02, 2025, in which she requests modification of the visitation schedule of the parties' daughter (TW, age 16) and modification of the Child Support order. Respondent filed an Income and Expense Declaration (I&E) with her RFO, both of which were personally served upon the Petitioner on October 30, 2025. The court referred the parties to a CCRC session set for September 18, 2025; however, neither party appeared.

At the hearing on November 05, 2025, the court re-referred the parties to a CCRC session set for December 22, 2025, and continued the hearing to February 04, 2026. The court ordered Petitioner to file and serve his Responsive Declaration and Income and Expense Declaration (I&E) on or before December 05, 2025. To date, Petitioner has filed neither declaration.

However, the court is in receipt of a CCRC report dated December 22, 2025, and mailed to both parties on December 24, 2025, per the Clerk's Certificate of Mailing filed that same day. The CCRC Report indicates the parties agreed that Respondent shall have sole legal and physical custody of the child, and that visitation with Petitioner shall be left to the child's discretion. The court finds that the Agreements reached by the parties, as set forth in the CCRC Report, are in the child's best interest and so adopts them as orders of the court.

The court now turns to the issue of Child Support. Attached to Respondent's I&E are Respondent's paystubs from the following employers: (1) Barton Health; (2) Anchor Fitness; and (3) Edgewood Companies.

The paystub from Barton Health covers the period of July 27, 2025, through August 09, 2025. As of the pay period ending August 09, 2025, Respondent's year-to-date (YTD) gross income from Barton Health was \$43,764.53. Thus, Respondent's gross monthly income from Barton Health is \$6,003.00 ($\$43,764.53 / 7.29 \text{ months} = \$6,003.36$).

The paystub from Anchor Fitness covers the period of June 01, 2025, through June 30, 2025. As of the pay period ending June 30, 2025, Respondent's YTD gross income from Anchor Fitness was \$3,748.00. Thus, Respondent's gross monthly income from Anchor Fitness is \$625.00 ($\$3,748.00 / 6 \text{ months} = \624.66).

The paystub from Edgewood Companies covers the period of July 25, 2025, through August 07, 2025. Respondent's I&E states this is a seasonal job only from May 15, 2025, through October 01, 2025. As of the pay period ending August 07, 2025, Respondent's YTD gross income from Edgewood Companies was \$5,948.66. Thus, Respondent's gross monthly income from Edgewood Companies is \$ 817.00 ($\$5,948.66 / 2.73 \text{ months} = \$2,178.99$; $\$2,178.99 \times 4.5 \text{ months (for the total season)} = \text{gross annual income of } \$9,805.48$; $\$9,805.48 / 12 \text{ months} = \817.12 per month).

Respondent's I&E also states she teaches approximately two Pilates/Cycling classes per week for Pelodog. There is no paystub from Pelodog attached to Respondent's I&E; however, Respondent states she is paid an average of \$50.00 per class depending on

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the number of participants. Thus, Respondent's gross annual income from Pelodog is \$5,200.00 ($\50.00×2 classes per week $\times 52$ weeks = \$5,200.00) and her gross monthly income is \$433.00 ($\$5,200.00 / 12$ months = \$433.33).

Combined together, Respondent's gross monthly income from all four employers is \$7,878.00 ($\$6,003.00$ (Barton Health) + $\$625.00$ (Anchor Fitness) + $\$817.00$ (Edgewood Companies) + $\$433.00$ (Pelodog) = \$7,878.00).

Additionally, Respondent's paystub from Barton Health shows the following monthly deductions: (1) \$658.00 for 403(b) contributions (similar to a 401(k)) (the court calculates this amount by using the YTD total of 403(b) contributions of \$4,974.53 / 7.29 months = \$657.68); (2) \$148.00 for medical (YTD total of \$1,082.39 / 7.29 months = \$148.47); (3) \$1.00 for vision (YTD total of \$88.06 / 7.29 months = \$1.10); and (4) \$29.00 for dental (YTD total of \$215.05 / 7.29 months = \$29.49).

As previously noted, Petitioner has not filed a current I&E. The only evidence of Petitioner's income before the court is contained in the Respondent's I&E, which estimates Petitioner's gross monthly income to be \$10,000.00. The court will use this estimate for purposes of calculating Child Support.

As shown in the attached XSpouse calculation printout, Petitioner is ordered to pay Child Support to Respondent in the amount of \$1,537.00 beginning October 01, 2025, and the first of each month thereafter until further order of the court. The court orders Petitioner to pay \$1,429.41 Child Support for the month of September 2025 (93 percent of the monthly support amount).

TENTATIVE RULING #5: THE RFO IS GRANTED AS FOLLOWS: THE AGREEMENTS OF THE PARTIES IN THE CCRC REPORT DATED DECEMBER 22, 2025, SHALL BE THE ORDERS OF THE COURT. THE PETITIONER IS ORDERED TO PAY CHILD SUPPORT TO THE RESPONDENT IN THE AMOUNT OF \$1,537.00 BEGINNING OCTOBER 01, 2025 AND THE FIRST OF EACH MONTH THEREAFTER UNTIL FURTHER ORDER OF THE COURT. THE COURT ORDERS THE PETITIONER TO PAY THE RESPONDENT \$1,429.41 CHILD SUPPORT FOR THE MONTH OF SEPTEMBER 2025 (93 PERCENT OF THE MONTHLY SUPPORT AMOUNTS).

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.

Fixed Shares	Father	Mother	Monthly figures	Cash Flow	Guideline	Proposed
#of children	0	1	2026			
% time with NCP	0.00 %	0.00 %			13589	13591
Filing status	SINGLE	HH/MLA	GUIDELINE	Comb. net spendable		
# exemptions	1 *	2 *	Nets(adjusted)	Percent change	0%	0%
Wages+salary	10000	7878	Father	Father		
Self-employed income	0	0	Mother	7078	-1488	-1341
Other taxable income	0	0	Total	6512	5589	5736
TANF+CS received	0	0	Support	13589	0	147
Other nontaxable income	0	0	Addons	0	41%	42%
New spouse income	0	0	Guideln CS	1488	0%	11223%
401(k) employee contrib	0	658	Alameda SS	0	Total taxes	2922
Adjustments to income	0	0	Total	1488	Dep. exemption value	0
SS paid prev marriage	0	0	-		# withholding allowances	0
CS paid prev marriage	0	0			Net wage paycheck	6810
Health insurance	0	178			Mother	
Other medical expense	0	0			Payment cost/benefit	1488
Property tax expense	0	0			Net spendable income	8000
Ded interest expense	0	0	Proposed		Change from guideline	0
Charitable contributions	0	0	Tactic 9		% of combined spendable	59%
Misc tax deductions	0	0	CS	1537	% of saving over guideline	0%
Qual bus income ded	0	0	SS	40	Total taxes	1188
Required union dues	0	0	Total	1577	Dep. exemption value	0
Mandatory retirement	0	0			# withholding allowances	0
Hardship deduction	0 *	0 *	Saving	1	Net wage paycheck	5418
Other GDL deductions	0	0	Releases	1		5418
Child care expenses	0	0	<i>Released to Father</i>			

Father pays Guideline CS, Proposed CS, Proposed SS

FC 4055 checking: ON

Per Child Information

	Timeshare	cce(F)	cce(M)	Addons	Payor	Basic CS	Payor	Pres CS	Payor
All children	0 - 100	0	0	0	Father	1488	Father	1488	Father
	0 - 100	0	0	0	Father	1488	Father	1488	Father