

LAW & MOTION TENTATIVE RULINGS  
DEPARTMENT 12  
MAY 06, 2026  
8:30 a.m.

**1. CARLOS FRANCISCO MORALES V. KEELY JORENE MORALES 25FL1243**

This matter is before the court for hearing of the Request for Order (RFO) filed by the Petitioner on March 06, 2026, to set child custody and visitation for the parties' child, FM (age 13).<sup>1</sup> The filing of the RFO prompted the court to refer the parties to a CCRC session set for March 27, 2026. There is no proof of service of the RFO in the court's file. However, the Respondent appeared for the CCRC session as scheduled and filed a Responsive Declaration. Therefore, the court finds that Respondent has waived any defect in notice.

The court is in receipt of a CCRC report dated April 14, 2026, a copy of which was mailed to both parties on April 15, 2026, per the Clerk's Certificate of Mailing filed that same day. In addition to interviewing the parties, the CCRC report shows that the CCRC counsellor interviewed FM.

On April 22, 2026, Respondent filed a Responsive Declaration, followed by an Amended Responsive Declaration. According to two separate proofs of service filed that same day, both pleadings were electronically served upon Petitioner April 22, 2026.

On April 24, 2026, Respondent filed a Supplemental Declaration and Objections to CCRC Report, a copy of which was electronically served upon Petitioner that same day according to the proof of service, also filed April 24, 2026.

The court finds the agreements of the parties, as well as the recommendations of the CCRC counsellor – as modified below – contained within the CCRC report to be in the best interests of FM and so adopts them as the orders of the court.

The court makes the following modifications to the recommendations in the CCRC report:

1. Parenting Plan: The CCRC report recommends that Petitioner have parenting time on the first, second, and fourth weekends of the month from Friday at 5:30 p.m. to Sunday at 5:30 p.m. Respondent objects to this recommendation. The court will order Petitioner shall have parenting time on alternating weekends from Friday at 5:30 p.m. to Sunday at 5:30 p.m. During the summer, if desired by FM, Petitioner's alternating weekend schedule may begin on Thursdays at 5:30 p.m. or otherwise be expanded with the consent of FM, as there will be no disruption to FM's school schedule.
2. Exchange Location: The CCRC report recommends that exchanges of FM shall occur at the Kyburz Garage & Mini-Mart. However, the court orders that

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<sup>1</sup> The court notes that the caption of the RFO checks the box for requesting temporary emergency orders. However, Petitioner did not submit the required Judicial Council form FL-305. Thus, the court does not consider the request. The court further notes that Paragraph 7 of the RFO requests "Other" orders; however, the caption of the RFO did not check the box for "Other" Orders. Additionally, each of the requested "other" orders is a matter to be addressed at trial in the underlying petition for dissolution.

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exchanges shall occur at the 76 Gas Station located at 13200 US-50 in Kyburz, California.

3. Right of First Option of Childcare: The CCRC report recommends a right of first option of childcare in the event that either parent requires childcare for six hours or more while the child is in his or her custody. However, the court finds this arrangement to be impractical given the distance between the parties' residences. Therefore, the court will modify this recommendation to apply if either the parent with custody requires childcare overnight or for any period (day or night) of 12 hours or more.

**TENTATIVE RULING #1: THE RFO IS GRANTED IN PART. THE COURT FINDS THE AGREEMENTS AND RECOMMENDATIONS, AS MODIFIED IN THIS TENTATIVE RULING HEREIN, OF THE CCRC REPORT DATED APRIL 14, 2026, TO BE IN THE BEST INTERESTS OF THE PARTIES' CHILD, FM (AGE 13), AND SO ADOPTS THEM AS THE ORDERS OF THE COURT.**

**THE RESPONDENT IS DIRECTED TO PREPARE AND SUBMIT A PROPOSED FINDINGS AND ORDERS AFTER HEARING (FOAH) FOR THE COURT'S SIGNATURE AFTER HAVING SENT IT TO THE PETITIONER FOR REVIEW AND APPROVAL.**

**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.4<sup>TH</sup> 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. CHRISTINA YORKEY V. AARON LAUFER**

**24FL1299 / 25FL0631**

This matter is before the court for hearing of the Request for Order (RFO) filed by the Petitioner on March 20, 2026, in Case Number 24FL1299<sup>2</sup> to set child support for the parties' two children.<sup>3</sup> Petitioner submitted a current Income and Expense Declaration (I&E) concurrently with the RFO. Proof of service filed April 03, 2026, shows the RFO and supporting documents, as well as the court's Notice of Tentative Ruling, were personally served upon the Respondent on April 02, 2026.

On April 09, 2026, Petitioner filed an amended I&E, a copy of which was served upon Respondent on April 06, 2026, via mail, according to the proof of service filed April 09, 2026.

On April 24, 2026, Respondent filed a Responsive Declaration and current I&E, both of which were personally served upon Petitioner that same day according to the proof of service, also filed April 24, 2026. The court notes that this is untimely service by one court day; however, the court exercises its discretion to consider Respondent's untimely filings. (Cal. Rules of Ct., R. 5.94, subd. (c).)

For the purposes of determining child support, Respondent's custody timeshare is zero because he has limited supervised visits only.

Petitioner's amended I&E filed April 09, 2026, indicates she started a new job as secretary to the principal for Lake Tahoe Unified School District on January 26, 2026. For the purposes of determining child support, the court does not consider Petitioner's income related to her previous job as a substitute teacher because that is not current information. Petitioner states that in her current position, she is paid once per month, 11 times per year. Attached to Petitioner's amended I&E are two paystubs from her current employer: (1) the first paystub was issued February 27, 2026, with an "end date" of February 28, 2026, and shows a gross payment of \$3,640.04; and (2) the second paystub was issued March 27, 2026, with an "end date" of March 31, 2026, and shows a gross payment of \$4,253.00. The gross year-to-date total on the March 2026 paystub is \$15,591.23, which would appear to indicate that Petitioner's January 2026 gross income was \$7,698.19. However, that does not appear to be the correct January 2026 gross income for Petitioner's current position, which she started on January 26, 2026, and claims to earn \$24.54 per hour while working roughly 40 hours per week. Therefore, the court calculates Petitioner's gross monthly income as follows: as previously stated, Petitioner declared under penalty of perjury that she earns \$24.54 per hour and works roughly 40 hours per week. Thus, Petitioner earns \$981.60 per week. There are 4.3 weeks in a month and Petitioner gets paid

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<sup>2</sup> The court notes there is a separate dissolution case pending between the parties in Case Number 25FL0631. The court will address case management of the two separate cases further below in the tentative ruling.

<sup>3</sup> The court notes there is no evidence that the Department of Child Support Services (DCSS) is involved in this case.

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11 months out of the year. Thus, her gross annual income is \$46,429.68 ( $\$981.60$  per week x 4.3 weeks per month x 11 months = \$46,429.68). Her gross monthly income is \$3,869.00, rounded down to the closest dollar amount ( $\$46,429.68 / 12$  months = \$3,869.14).

Additionally, Petitioner has the following monthly deductions: (1) \$49.00 for union dues; (2) \$138.00 for medical insurance; and (3) \$315.00 for PERS retirement (the court averages the two different amounts reflected in the February and March 2026 paychecks).

The Respondent's I&E indicates he works as a painter and claims his gross monthly income is \$4,400.00. However, Respondent submitted no documentation (i.e., paystubs, tax returns, etc.) supporting this claim. Petitioner stated under penalty of perjury that he works 40 hours per week and gets paid \$40.00 per hour. The court will use this information to calculate his gross monthly income as \$6,933.00, rounded down to the closest dollar amount ( $\$40.00$  per hour x 40 hours per week x 52 weeks in a year = \$83,200.00 gross annual income;  $\$83,200.00 / 12$  months = \$6,933.33).

As shown in the attached XSpouse calculation printout, Respondent is ordered to pay Child Support to the Petitioner in the amount of \$2,097.00 beginning April 01, 2026, and the first of each month thereafter until further order of the court. The court orders the Respondent to pay \$733.95 Child Support for the month of March 2026 (35 percent of the monthly support amount). This results in a Child Support arrears balance of \$4,927.95, including March through May 2026, inclusive. The court orders Respondent to pay Petitioner \$985.59 per month as and for arrears beginning June 01, 2026. Further arrears payments are due on the 1st of each month until paid in full (approximately five months). If there is any missed or late payment, the full amount is due and owing.

Lastly, the court addresses the issue of the separate dissolution case. For case management purposes, there is no viable reason that there be two separate case files for these matters, which involve the same parties. Therefore, the court, on its own motion, consolidates the two cases. Although later filed, the court will designate 25FL0631 as the lead case. All future filings shall be filed under the lead case number.

**TENTATIVE RULING #2: THE RFO IS GRANTED IN PART. RESPONDENT IS ORDERED TO PAY CHILD SUPPORT TO THE PETITIONER IN THE AMOUNT OF \$2,097.00 BEGINNING APRIL 01, 2026, AND THE FIRST OF EACH MONTH THEREAFTER UNTIL FURTHER ORDER OF THE COURT. THE COURT ORDERS THE RESPONDENT TO PAY \$733.95 CHILD SUPPORT FOR THE MONTH OF MARCH 2026 (35 PERCENT OF THE MONTHLY SUPPORT AMOUNT). THIS RESULTS IN A CHILD SUPPORT ARREARS BALANCE OF \$4,927.95, INCLUDING MARCH THROUGH MAY 2026, INCLUSIVE. THE COURT ORDERS RESPONDENT TO PAY PETITIONER \$985.59 PER MONTH AS AND FOR ARREARS BEGINNING JUNE 01, 2026. FURTHER ARREARS PAYMENTS ARE DUE ON THE 1ST OF EACH MONTH UNTIL PAID IN FULL (APPROXIMATELY FIVE MONTHS). IF THERE IS ANY MISSED OR LATE PAYMENT, THE FULL AMOUNT IS DUE AND OWING. (CONTINUED ON NEXT PAGE.)**

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**THE COURT, ON ITS OWN MOTION, CONSOLIDATES CASE NUMBERS 24FL1299 AND 25FL0631, AND DESIGNATES 25FL0631 AS THE LEAD CASE. ALL FUTURE FILINGS SHALL BE FILED UNDER THE LEAD CASE NUMBER.**

**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.4<sup>TH</sup> 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	2	2026			
% time with NCP	0.00 %	0.00 %			8689	8762
Filing status	MFS->	HH/MLA	<b>GUIDELINE</b>	Comb. net spendable		
# exemptions	1 *	3 *	<b>Nets(adjusted)</b>	Percent change	0%	1%
Wages+salary	6933	3869	Father	<b>Father</b>		
Self-employed income	0	0	Mother	5243	-2097	-1828
Other taxable income	0	0	Total	3446	3146	3415
TANF+CS received	0	0		8689	0	269
Other nontaxable income	0	0	<b>Support</b>			
New spouse income	0	0	Addons	0	36%	39%
401(k) employee contrib	0	0	Guideln CS	2097	0%	371%
Adjustments to income	0	0	Alameda SS	0		
SS paid prev marriage	0	0	Total	2097	1690	1241
CS paid prev marriage	0	0		-	0	0
Health insurance	0	138	<b>Settings changed</b>		0	0
Other medical expense	0	0			0	0
Property tax expense	0	0			5031	5031
Ded interest expense	0	0				
Charitable contributions	0	0	<b>Proposed</b>		2097	1901
Misc tax deductions	0	0	<b>Tactic 9</b>		5543	5347
Qual bus income ded	0	0	CS	2277	0	-197
Required union dues	0	49	SS	0	64%	61%
Mandatory retirement	0	315	Total	2277	0%	-271%
Hardship deduction	0 *	0 *	Saving	72	-79	297
Other GDL deductions	0	0	Releases	2	0	0
Child care expenses	0	0	<b>Released to Father</b>		0	0

Father pays Guideline CS, Proposed CS

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	2097	Father	2097	Father
	0 - 100	0	0	0	Father	787	Father	787	Father
	0 - 100	0	0	0	Father	1311	Father	1311	Father