

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

March 28, 2024

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

2. CASEY HECTOR V. DEVIN HECTOR

23FL0242

On January 16, 2024, this matter came before the court for hearing on Respondent's request for a Domestic Violence Restraining Order (DVRO). The DVRO was granted and the parties were referred to Child Custody Recommending Counseling (CCRC). A review hearing was set for the present date and the parties were instructed to file supplemental declarations, if any, at least 10 days prior to the date of the hearing. The court also noted that it was unable to rule on the pending request for attorney's fees and therefore both parties were instructed to file updated Income and Expense Declarations.

The parties attended CCRC on February 8, 2024. They reached agreements on some issues and CCRC made recommendations regarding the remaining issues. A report containing both was prepared by CCRC on February 15th.

On March 14, 2024, Respondent filed and served a Supplemental Declaration of Respondent in Opposition to CCRC Report, a Declaration of Attorney John R. Hughes in Support of Respondent's Request for Attorney Fees, and Respondent's Income and Expense Declaration.

Petitioner filed and served her Income and Expense Declaration on March 15th. The Supplemental Declaration of Petitioner was filed and served on March 20th.

Currently the parties share joint legal custody of the minor and Respondent has sole physical custody. Petitioner has professionally supervised visits with the child twice per week for two hours each, though in practice she has been having non-professionally supervised visits three times per week. CCRC seemingly found the presumption established by Family Code § 3044 to be rebutted and therefore a step-up plan for visitation with Petitioner was recommended.

Respondent opposes the recommended parenting plan. Instead, he asks that parenting time continue to be professionally supervised twice per week for two hours each. He further asks that the Notice of Child's Appointments section be amended to establish a 72-hour provision instead of 24 hours. He opposes the recommendation that the minor be placed in individual therapy. While he is not opposed to the Respect Guidelines, he does not agree to item 1 therein which requires free and unhampered contact between the minor and each parent. Finally, Respondent is requesting \$15,615 in attorney's fees as the prevailing party in the DVRO hearing. He has incurred only \$14,665 to date.

Petitioner asks the court to adopt the recommendations of the mediator.

Family Code § 3044 gives rise to a rebuttable presumption that an award of sole or joint physical or legal custody to an individual who has perpetrated domestic violence is not in the best interest of the child. *Id.* "This presumption may only be rebutted by a preponderance of

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the evidence.” *Id.* To overcome the presumption, the perpetrator bears the burden of proving (1) giving sole or joint legal or physical custody to the perpetrator is in the best interest of the child; and (2) a balancing of the factors listed in Section 3044(b)(2) supports the legislative findings in Section 3020. Fam. Code § 3044(b). Among the factors to be considered are the following: Completion alcohol or drug abuse counseling, completion of a batterer’s treatment program, completion of a parenting class, compliance with terms and conditions of probation, parole or a restraining order, if any, and whether or not further acts of domestic violence have occurred. *Id.*

While the court recognizes Petitioner’s ongoing participation in an anger management course, that alone is not sufficient to rebut the presumption established by Section 3044. The section directs the court to assess the completion of anger management classes not merely the participation. Additionally, Petitioner has not addressed any of the other factors to be considered under Section 3044. As such, the court is not inclined to adopt CCRC’s recommendations at this time.

The court has reviewed the agreements of the parties, however, and does find them to be in the best interests of the minor. The agreements as contained in the February 15, 2024 CCRC report are hereby adopted as the orders of the court. Additionally, Petitioner shall have *professionally supervised* visits with the minor twice per week for two hours per visit. The parties are to split the costs of supervised visits. In adopting the agreements of the parties, this means that both parents continue to share legal custody of the minor. As such, the parties shall notify one another of any changes to the child’s medical, dental, or therapy appointments (including, but not limited to, scheduling appointments, canceled appointments, rescheduling appointments, and missed appointments) within 24-hours of the change.

The minor shall commence individual therapy. Respondent shall choose three child therapists by the end of business day on April 12, 2024 and provide Petitioner with the name and contact information for each. Petitioner shall choose one of the three and notify Respondent of her choice no later than April 19, 2024. The parties shall have the minor complete her intake and assessment with the chosen therapist as soon as possible after the choice is made. Once the therapist has completed the assessment, the therapist may determine whether additional appointments are necessary. If the therapist deems further treatment is necessary, then the minor shall attend therapy at a frequency and duration as recommended by the therapist. The parties are ordered to abide by the therapist’s treatment recommendations. The parties are to split any therapy costs that are not covered by insurance.

A review hearing is set for 9/26/2024 at 8:30 am in Department 5 to assess whether Petitioner has rebutted the Section 3044 presumption and an increase in visitation is warranted. Petitioner is to provide the court with a certificate of completion for her anger management

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course. Both parties shall provide the court with documentation of their respective completions of co-parenting and parenting classes. Additionally, the parties are to ensure that notes from the supervised visitation provider are filed with the court. All filings, along with any supplemental declarations, shall be filed no later than 10 days prior to the next hearing date.

Regarding Respondent's request for attorney's fees, the request is made pursuant to Family Code § 6344 which is the mechanism by which a prevailing party on a DVRO request may recover their attorney's fees and costs. If the prevailing party was the party that filed for the DVRO then, "[a]fter notice and a hearing, a court, upon request *shall issue and order for the payment of attorney's fees and costs.*" Cal. Fam. Code § 6344 (a). However, "[b]efore a court awards attorney's fees and costs pursuant to this section, the court shall first determine pursuant to Section 270 that the party ordered to pay has, or is reasonably likely to have, the ability to pay." *Id.* at (c).

Here, Respondent is requesting \$15,615 in fees though as of the time of his attorney's declaration Respondent had incurred only \$14,665 of that amount. While Petitioner's monthly income is rather nominal it still exceeds her monthly expenses and therefore, the court does find that she has the ability to pay in installments. Respondent is awarded \$14,665 as and for attorney's fees. This amount may be paid in one lump sum or in monthly installments of \$325.31 paid on the 1st of each month commencing April 1st and continuing until paid in full (approximately 48 months). Payments shall be made directly to John. R. Hughes.

Respondent shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #2: THE AGREEMENTS CONTAINED IN THE FEBRUARY 15, 2024 CCRC REPORT ARE HEREBY ADOPTED AS THE ORDERS OF THE COURT. ADDITIONALLY, PETITIONER SHALL HAVE *PROFESSIONALLY SUPERVISED* VISITS WITH THE MINOR TWICE PER WEEK FOR TWO HOURS PER VISIT. THE PARTIES ARE TO SPLIT THE COSTS OF SUPERVISED VISITS. IN ADOPTING THE AGREEMENTS OF THE PARTIES, THIS MEANS THAT BOTH PARENTS CONTINUE TO SHARE LEGAL CUSTODY OF THE MINOR. AS SUCH, THE PARTIES SHALL NOTIFY ONE ANOTHER OF ANY CHANGES TO THE CHILD'S MEDICAL, DENTAL, OR THERAPY APPOINTMENTS (INCLUDING, BUT NOT LIMITED TO, SCHEDULING APPOINTMENTS, CANCELED APPOINTMENTS, RESCHEDULING APPOINTMENTS, AND MISSED APPOINTMENTS) WITHIN 24-HOURS OF THE CHANGE.

THE CHILD SHALL COMMENCE INDIVIDUAL THERAPY. RESPONDENT SHALL CHOOSE THREE CHILD THERAPISTS BY THE END OF BUSINESS DAY ON APRIL 12, 2024 AND PROVIDE PETITIONER WITH THE NAME AND CONTACT INFORMATION FOR EACH. PETITIONER SHALL CHOOSE ONE OF THE THREE AND NOTIFY RESPONDENT OF HER CHOICE NO LATER THAN APRIL 19, 2024. THE PARTIES SHALL HAVE THE MINOR COMPLETE HER INTAKE AND

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ASSESSMENT WITH THE CHOSEN THERAPIST AS SOON AS POSSIBLE AFTER THE CHOICE IS MADE. ONCE THE THERAPIST HAS COMPLETED HER ASSESSMENT, THE THERAPIST MAY DETERMINE WHETHER ADDITIONAL APPOINTMENTS ARE NECESSARY. IF THE THERAPIST DEEMS FURTHER TREATMENT IS NECESSARY THEN THE CHILD SHALL ATTEND THERAPY AT A FREQUENCY AND DURATION AS RECOMMENDED BY THE THERAPIST. THE PARTIES ARE ORDERED TO ABIDE BY THE THERAPIST'S TREATMENT RECOMMENDATIONS. THE PARTIES ARE TO SPLIT ANY THERAPY COSTS THAT ARE NOT COVERED BY INSURANCE.

A REVIEW HEARING IS SET FOR 9/26/2024 AT 8:30 AM IN DEPARTMENT 5 TO ASSESS WHETHER OR NOT PETITIONER HAS REBUTTED THE SECTION 3044 PRESUMPTION AND AN INCREASE IN VISITATION IS WARRANTED. PETITIONER IS TO PROVIDE THE COURT WITH A CERTIFICATE OF COMPLETION FOR HER ANGER MANAGEMENT COURSE. BOTH PARTIES SHALL PROVIDE THE COURT WITH DOCUMENTATION OF THEIR RESPECTIVE COMPLETIONS OF CO-PARENTING AND PARENTING CLASSES. ADDITIONALLY, THE PARTIES ARE TO ENSURE THAT NOTES FROM THE SUPERVISED VISITATION PROVIDER ARE FILED WITH THE COURT. ALL FILINGS, ALONG WITH ANY SUPPLEMENTAL DECLARATIONS, SHALL BE FILED NO LATER THAN 10 DAYS PRIOR TO THE NEXT HEARING DATE.

RESPONDENT IS AWARDED \$14,665 AS AND FOR ATTORNEY'S FEES. THIS AMOUNT MAY BE PAID IN ONE LUMP SUM OR IN MONTHLY INSTALLMENTS OF \$325.31 PAID ON THE 1ST OF EACH MONTH COMMENCING APRIL 1ST AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 48 MONTHS). PAYMENTS SHALL BE MADE DIRECTLY TO JOHN. R. HUGHES.

RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 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, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE 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. CHRISTOPHER MICHAEL STARR V. LEILANI ALIC STARR

21FL0124

This matter is before the court for hearing on a Request for Order (RFO) filed by Respondent as well as a short cause trial on the issue of property division. The trial has been stayed due to Respondent's pending bankruptcy. Neither party has updated the court with a status of the stay therefore, the short cause trial on the issue of property division is continued to 9/26/2024 at 8:30am in Department 5. The parties are ordered to file declarations updating the court as to the status of the bankruptcy no later than 10 days prior to the next hearing date.

Regarding the RFO, on January 11, 2024, Respondent filed an RFO seeking a modification of custody and visitation. The RFO and all other required documents were mail served on January 15th.

On February 6, 2024, Petitioner filed an MC-030 Declaration with an attached letter from the reunification therapist. There is no Proof of Service for this document, therefore, the court cannot consider it.

On February 6th Respondent filed and served a Declaration of Daryl J. Lander; Exhibits. On March 8th another Declaration of Daryl J. Lander; Exhibits, was filed and served.

The parties attended Child Custody Recommending Counseling (CCRC) on February 7, 2024. They were unable to reach any agreements. A report with recommendations was prepared on March 15, 2024. It was mailed to the parties on March 18th.

Petitioner filed and served his Responsive Declaration to Request for Order on March 21, 2024. This is a late filed document however, Petitioner maintains that the reason for the tardiness is the fact that he did not timely receive the CCRC report. The court has not received an objection to the consideration of the document and therefore, the court finds good cause to consider it.

Respondent brings her RFO requesting the following orders: (1) Order Petitioner to comply with the court orders; (2) Terminate supervised visitation and allow Respondent to have unsupervised visits with the minor children; (3) Order Petitioner to facilitate Respondent's court ordered phone calls with the minors; (4) Order Petitioner not to interject in phone calls between Respondent and the minors; (5) Designate who will facilitate the supervised visits; (6) Respondent to have a step-up plan in place which will eventually lead to unsupervised visits; and (7) All previous orders to remain in effect.

Petitioner states that Respondent asks that all prior orders remain in effect. He states that Respondent is the cause of the majority of the missed visits.

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The court has reviewed the filings of the parties as outlined above as well as the recommendations of the CCRC report. Given Respondent's inconsistent visits with the minors the court cannot find that increasing visits is in the best interests of the children. Therefore, all prior orders remain in full force and effect. The issue of custody and visitation is continued to join with the property division trial date. At that time the court will assess Respondent's adherence to the visitation schedule and determine whether increased visits are warranted. The parties are ordered to file any supplemental declarations no later than 10 days prior to the hearing date.

Petitioner shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #3: THE SHORT CAUSE TRIAL ON THE ISSUE OF PROPERTY DIVISION IS CONTINUED TO 9/26/2024 AT 8:30AM IN DEPARTMENT 5. THE PARTIES ARE ORDERED TO FILE DECLARATIONS UPDATING THE COURT AS TO THE STATUS OF THE BANKRUPTCY NO LATER THAN 10 DAYS PRIOR TO THE NEXT HEARING DATE. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. THE ISSUE OF CUSTODY AND VISITATION IS CONTINUED TO JOIN WITH THE PROPERTY DIVISION TRIAL DATE. AT THAT TIME THE COURT WILL ASSESS RESPONDENT'S ADHERENCE TO THE VISITATION SCHEDULE AND DETERMINE WHETHER OR NOT INCREASED VISITS ARE WARRANTED. THE PARTIES ARE ORDERED TO FILE ANY SUPPLEMENTAL DECLARATIONS NO LATER THAN 10 DAYS PRIOR TO THE HEARING DATE. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 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, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE 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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6. FELICITAS GUESS V. MICHAEL GUESS

PFL20120012

Respondent filed a Request for Order (RFO) on August 29, 2022. The RFO and supporting declarations were mail served on September 20, 2022. The RFO was originally set to be heard in December of 2022, but the parties stipulated to continue the hearing several times. Most recently, the parties stipulated to continue the hearing to join with the hearing on another RFO which was filed by Respondent on November 30, 2023.

The November 30th RFO was filed and served concurrently with a declaration entitled Update Declaration of Michael B. Guess. While both documents were filed on November 30th they were not served until February 28, 2024.

On December 4, 2023, Respondent filed a Declaration of Michael B. Guess Supporting Request That Properties Secured by Joint Debt be Sold. This document was electronically served on December 1st.

In response to the August 2022 RFO, Petitioner filed a Responsive Declaration to Request for Order on November 22, 2023. In response to the November 2023 RFO, Petitioner filed and served a Declaration of Felicitas Solzer (F.K.A. Felicitas Guess), a Memorandum of Points and Authorities, an Income and Expense Declaration, and a Declaration of Marc L. Hughes. All documents were collectively filed and served on March 14th.

On March 21, 2024, Respondent filed a Reply Declaration of Michael B. Guess Supporting Request That Properties Secured by Joint Debt Be Sold; Points and Authorities.

Respondent filed his first RFO requesting the following orders: (1) spousal support per the stipulation of the parties dated February 5, 2014, (2) property control over the "crystal bowls" and a "Tag Heurer watch," (3) attorney's fees and costs in the amount of \$10,000, (4) an accounting and a writ of execution for unpaid equalizer and interest of \$74,897.60, (5) entry of judgment on reserved issues, (6) reimbursement of \$109,906 for Petitioner's half of the IRS debt, and (7) Petitioner to file her Final Declarations of Disclosure within 30 days.

In Respondent's second RFO he requests any joint debts be eliminated by payment, refinance, or sale of property which is securing the debt. He requests Petitioner be ordered to pay her half of the retainer fee for Keith Bales in the amount of \$3,750. He asks that the payment be made by December 15, 2023, or Respondent's Response be stricken. He is requesting trial be set on the issues of the amounts owed to him and on the liquidation of the properties securing joint debts. Finally, he is requesting an additional \$10,000 in attorney's fees and costs.

Petitioner asks the court to continue the hearing date to allow the parties to meet and confer or for a long cause evidentiary hearing to be set on all issues. Petitioner also notes that

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Respondent has not served her with a current Income and Expense Declaration and the most recent one she has is dated July 6, 2022. She notes that in December of 2020 she requested attorney's fees as sanctions; the court reserved on the request, but it was never adjudicated. She is also requesting attorney's fees and costs in an amount to be determined after the CPA analysis is complete.

The parties are ordered to appear to select trial and mandatory settlement conference dates.

TENTATIVE RULING #6: THE PARTIES ARE ORDERED TO APPEAR TO SELECT TRIAL AND MANDATORY SETTLEMENT CONFERENCE DATES.

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7. JEFFREY JONES V. LACEY MARR-JONES

PFL20200249

Petitioner filed an Order to Show Cause and Affidavit for Contempt (OSC) on January 5, 2024. There is a Proof of Service filed on December 29, 2023 showing that an FL-410 and an FL-411 were both mail served on December 29th, however it is unclear if this Proof of Service is for the OSC set for the present date. Regardless, service of contempt papers must be done by personal service to the accused. Albrecht v. Sup. Ct., 132 Cal. App. 3d 612, 618-619 (1982); *See also* Cal. Civ. Pro. §§ 1015 & 1016. Mail service is not sufficient therefore this matter is dropped from calendar due to lack of proper service.

TENTATIVE RULING #7: THIS MATTER IS DROPPED FROM CALENDAR DUE TO LACK OF PROPER SERVICE.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 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, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE 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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8. JOSEPH CARLISLE V. GINA CARLISLE

PFL20170803

On December 7, 2023, the court adopted its tentative ruling, sustaining Petitioner's demurrer, without leave to amend as to counts 1-8, 33, and 35-47 based on the statute of limitations. The demurrer was denied as to count 34. The demurrer was sustained with leave to amend as to counts 59-60 and 64-69. Respondent was authorized to file an amended pleading as to these counts no later than December 21, 2023. The December 7th matter was continued to the present date.

Respondent filed an Amended Order to Show Cause and Affidavit for Contempt (OSC) on December 22, 2023. It was assigned a hearing date of March 14, 2024, at which time it was dropped from calendar due to lack of proper service.

This matter is dropped from calendar as the amended pleading was assigned its own hearing date and it was dropped for lack of proper service. There are no issues pending before the court.

TENTATIVE RULING #8: THIS MATTER IS DROPPED FROM CALENDAR AS THERE ARE NO ISSUES PENDING BEFORE THE COURT.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 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, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE 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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10. LAURALIE CORDOVA V. HECTOR DAVID CORDOVA

PFL20180848

On January 3, 2023, Respondent filed a post-judgment request for modification of spousal support and an Income and Expense Declaration. Both documents, were personally served on Petitioner in accordance with Family Code § 215.

Petitioner filed a Responsive Declaration to Request for Order, an Income and Expense Declaration, and a Declaration of Dominic Porrino, Attorney for Petitioner, Regarding Petitioner's Request for Attorney's Fees and Costs on March 13, 2024. All documents were electronically served the same day as filing.

Given that this is a post-judgment request for modification of support, the court needs to take evidence on the Family Code § 4320 factors. The parties are ordered to appear to select dates for an evidentiary hearing.

TENTATIVE RULING #10: THE PARTIES ARE ORDERED TO APPEAR TO SELECT DATES FOR AN EVIDENTIARY HEARING.

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11. ROBERT WILLIAM DRAPER V. REBEKAH GAYLENE DRAPER

23FL1109

On January 19, 2024, Respondent filed an ex parte request for custody and visitation orders. The request was denied on an ex parte basis and Respondent then filed her Request for Order (RFO) to be set on the regularly scheduled law and motion calendar. There is a Proof of Service filed on January 18th showing electronic service of the FL 300 along with an FL 303, FL 305 and a Declaration of Rebekah Draper with Exhibits.

On March 15, 2024, Petitioner filed a Responsive Declaration to Request for Order. In his declaration, Petitioner asks the court to deny the RFO on the basis that there was no declaration in support of the RFO served therewith.

There is some concern that the RFO was served prior to filing and therefore, it is unclear if Petitioner was served with the RFO after the hearing date was assigned and if he received the notice of tentative ruling procedures. However, given that both parties appeared at Child Custody Recommending Counseling (CCRC) and the Proof of Service in the court's file does indicate that Petitioner was served with the ex parte declaration, the court finds good cause to reach the matter on its merits.

Minor Counsel's Statement of Issues and Contentions and Request for Orders was filed on March 18, 2024

Respondent brings her RFO requesting the following: (1) Termination of the therapeutic services of Bethany Hendricks; (2) An order directing the parties to meet and confer to pick a mutually agreeable therapist for the children; and (3) Sole legal and physical custody of the children.

Petitioner asks the court to deny Respondent's request for sole legal and sole physical custody as there is a Domestic Violence Restraining Order (DVRO) in place which protects both him and the children. He also asks for an order denying Respondent's request to increase supervised visitation time and denying her request to terminate the children's therapy. He further requests Respondent be ordered to participate in individual therapy, participate in a 52-week batterer intervention course, and undergo a substance abuse evaluation with Colleen Moore DeVere at Respondent's sole cost. Finally, he requests Respondent and the children be ordered to participate in reunification counseling.

Minor's Counsel is requesting the following orders: (1) The minor children to continue individual counseling and begin participating in therapy on their own instead of together; (2) Children and Respondent to attend reunification therapy with either Jessica Wolff, Tim Rood, or Jennifer Alexander; (3) Reunification counseling to begin when the reunification counselor with input from the children's therapist believes that the children are ready. The children may

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commence reunification therapy separately if one is ready to do so prior to the other being ready; (4) Respondent to participate in a batterer's intervention program; (5) Petitioner to continue in individual therapy; (6) Petitioner to attend a parenting class, preferably one with focus on parenting children who have been victims of domestic violence; (7) Neither party to discuss ongoing proceedings with the children and they shall ensure that third parties refrain from doing so as well; and (8) a review hearing in four months to address the status of counseling and reunification therapy.

The parties attended CCRC on February 7, 2024. Though the parties were unable to reach any agreements, a report with recommendations was prepared on March 15th. It was sent to the parties on March 18th.

After reviewing the filings of the parties as outlined above the court finds the provisions of Family Code Section 3044 to be applicable to the matter at hand. Fam. Code § 3044(a). Section 3044 gives rise to a rebuttable presumption that an award of sole or joint physical or legal custody to an individual who has perpetrated domestic violence is not in the best interest of the child. *Id.* "This presumption may only be rebutted by a preponderance of the evidence." *Id.* To overcome the presumption, the perpetrator bears the burden of proving (1) giving sole or joint legal or physical custody to the perpetrator is in the best interest of the child; and (2) a balancing of the factors listed in Section 3044(b)(2) supports the legislative findings in Section 3020. Fam. Code § 3044(b). Among the factors to be considered are the following: Completion alcohol or drug abuse counseling, completion of a batterer's treatment program, completion of a parenting class, compliance with terms and conditions of probation, parole or a restraining order, if any, and whether or not further acts of domestic violence have occurred. *Id.*

Given that there is a Domestic Violence Temporary Restraining Order (DVTRO) in place which protects the children as well as Petitioner, the court does not find that increasing Respondent's visitation would be in the best interests of the children at this time. Therefore, the following orders are made pending the hearing on the DVTRO.

The children shall continue in individual therapy with their current therapist at a frequency and duration as determined by the therapist. When deemed therapeutically indicated by their therapist, the children are to each begin attending sessions on their own. Respondent and the children shall participate in reunification counseling with either Jessica Wolff, Tim Rood, or Jennifer Alexander. Reunification counseling shall begin when the reunification counselor, with input from the children's therapist, believes that the children are ready. The children may start reunification therapy separately if therapeutically indicated.

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Respondent is ordered to participate in a 52-week batterer's intervention program and provide Petitioner and the court with documentation of completion thereof. Petitioner shall commence individual therapy forthwith.

Petitioner is to complete a parenting class, preferably one that focuses on parenting children who have been victims of domestic violence. He is to provide Respondent and the court with documentation of his completion thereof.

Neither party shall discuss the ongoing proceedings with the children and they are ordered to ensure that third parties do not do so either. Neither party shall make disparaging remarks about the other to the children or within the presence of the children, and they shall ensure that third parties refrain from doing so as well.

All prior orders not in conflict with this order, including those regarding legal custody and visitation, shall remain in full force and effect. The court sets a review hearing to join with the pending DVRO hearing which is currently set for September 17, 2024.

Petitioner shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #11: THE CHILDREN SHALL CONTINUE IN INDIVIDUAL THERAPY WITH THEIR CURRENT THERAPIST AT A FREQUENCY AND DURATION AS DETERMINED BY THE THERAPIST. WHEN DEEMED THERAPEUTICALLY INDICATED BY THEIR THERAPIST, THE CHILDREN ARE TO EACH BEGIN ATTENDING SESSIONS ON THEIR OWN. RESPONDENT AND THE CHILDREN SHALL PARTICIPATE IN REUNIFICATION COUNSELING WITH EITHER JESSICA WOLFF, TIM ROOD, OR JENNIFER ALEXANDER. REUNIFICATION COUNSELING SHALL BEGIN WHEN THE REUNIFICATION COUNSELOR, WITH INPUT FROM THE CHILDREN'S THERAPIST, BELIEVES THAT THE CHILDREN ARE READY. THE CHILDREN MAY START REUNIFICATION THERAPY SEPARATELY IF THERAPEUTICALLY INDICATED.

RESPONDENT IS ORDERED TO PARTICIPATE IN A 52-WEEK BATTERER'S INTERVENTION PROGRAM AND PROVIDE PETITIONER AND THE COURT WITH DOCUMENTATION OF COMPLETION THEREOF. PETITIONER SHALL COMMENCE INDIVIDUAL THERAPY FORTHWITH.

PETITIONER IS TO COMPLETE A PARENTING CLASS, PREFERABLY ONE THAT FOCUSES ON PARENTING CHILDREN WHO HAVE BEEN VICTIMS OF DOMESTIC VIOLENCE. HE IS TO PROVIDE RESPONDENT AND THE COURT WITH DOCUMENTATION OF HIS COMPLETION THEREOF.

NEITHER PARTY SHALL DISCUSS THE ONGOING PROCEEDINGS WITH THE CHILDREN AND THEY ARE ORDERED TO ENSURE THAT THIRD PARTIES DO NOT DO SO EITHER. NEITHER PARTY SHALL MAKE DISPARAGING REMARKS ABOUT THE OTHER TO THE CHILDREN OR

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WITHIN THE PRESENCE OF THE CHILDREN, AND THEY SHALL ENSURE THAT THIRD PARTIES REFRAIN FROM DOING SO AS WELL.

ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER, INCLUDING THOSE REGARDING LEGAL CUSTODY AND VISITATION, SHALL REMAIN IN FULL FORCE AND EFFECT. THE COURT SETS A REVIEW HEARING TO JOIN WITH THE PENDING DVRO HEARING WHICH IS CURRENTLY SET FOR SEPTEMBER 17, 2024.

PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 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, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE 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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12. ANTHONY MILLER V. AMANDA MARTIN

22FL0739

Petitioner filed a Request for Order (RFO) on January 10, 2024, requesting changes to the current parenting time orders, as well as corrections and additions to the current agreement. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on February 2, 2024 and a review hearing on March 28, 2024. Respondent was served by mail on January 24, 2024.

Only Petitioner appeared for the CCRC appointment on February 2, 2024. As such a single parent report was filed with the court on February 5, 2024 and mailed to the parties the same day.

Respondent has not filed a Responsive Declaration.

Petitioner filed an Order to Show Cause and Affidavit for Contempt (OSC) on January 30, 2024. The OSC raises one count of contempt. Proof of Service shows Petitioner was personally served on March 4, 2024.

The parties are ordered to appear for the hearing on the RFO. The parties are ordered to appear for arraignment on the OSC.

TENTATIVE RULING #12: THE PARTIES ARE ORDERED TO APPEAR FOR THE HEARING ON THE RFO. THE PARTIES ARE ORDERED TO APPEAR FOR ARRAIGNMENT ON THE OSC.

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13. DCSS V. CASEY HENLE (OTHER PARENT: GUADALUPE ENRIGUEZ)

PFS20120182

Other Parent filed an ex parte application for emergency custody orders on January 16, 2024. The court denied the request for emergency custody orders and referred the parties to Child Custody Recommending Counseling (CCRC) for an appointment on February 8, 2024, and a review hearing on March 28, 2024. Other Parent file a Request for Order (RFO) on January 17, 2024, making the same requests as set forth in the ex parte application.

Other Parent filed a Proof of Service on January 24, 2024, showing Respondent was personally served on January 23, 2024, with "ex parte and DCSS child support ppw". A second Proof of Service filed on January 24, 2024, shows "Child Support doc pos-020" was personally served at DCSS on January 17, 2024. Neither Proof of Service shows the necessary documents were served on the respective parties.

Only Other Parent appeared at the CCRC. As such, a single parent report was filed with the court on February 8, 2024, and mailed to the parties the same day.

The court cannot find proper service was provided to DCSS or Respondent. As such, the matter is dropped from the court's calendar.

TENTATIVE RULING #13: THE COURT DROPS THE MATTER FROM ITS CALENDAR DUE TO THE LACK OF PROPER SERVICE.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 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, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE 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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14. DEONTE UPCHURCH V. KIMBERLY UPCHURCH

22FL0399

Petitioner filed an Order to Show Cause and Affidavit for Contempt (OSC) on November 8, 2023, alleging Respondent has violated the parenting time orders on four occasions. Respondent was personally served on December 7, 2023.

On January 18, 2024, parties appeared for the arraignment hearing. The court appointed the Public Defender's Office to represent Respondent and continued the matter.

Parties are ordered to appear for arraignment.

TENTATIVE RULING #14: PARTIES ARE ORDERED TO APPEAR FOR ARRAIGNMENT.

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15. GEORGIA WANLAND V. DONALD WANLAND

PFL20190812

Petitioner filed an Order to Show Cause and Affidavit for Contempt (OSC) on January 12, 2024, alleging Respondent has violated the temporary guideline spousal support order on 37 occasions for failure to pay. Respondent was personally served on January 23, 2024.

Parties are ordered to appear for arraignment.

TENTATIVE RULING #15: PARTIES ARE ORDERED TO APPEAR FOR ARRAIGNMENT.

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16. JORDAN HARDT V. AARON WORTHEN

23FL0850

Petitioner filed a Request for Order (RFO) on January 18, 2024, requesting child custody, parenting plan, child support, and name change orders. Parties were not rereferred to Child Custody Recommending Counseling (CCRC) as there had been a referral within the last six months. Petitioner concurrently filed an Income and Expense Declaration.

Proof of Service shows substitute personal service on Respondent's brother of the summons. Petitioner failed to complete the additional steps required for substituted service. Therefore, this court does not have jurisdiction to proceed in this matter. Further, upon review of the court file, there is no Proof of Service showing Respondent was served with the RFO and other necessary documents. Therefore, the court drops the matter from calendar.

TENTATIVE RULING #16: FOR THE REASONS SET FORTH ABOVE, THE COURT DROPS THIS MATTER FROM CALENDAR.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 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, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE 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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17. JOSEPH LOPEZ V. BRIAR BEATTIE

24FL0050

Petitioner filed a Petition to Establish a Parental Relationship (EPR) on January 19, 2024. Petitioner concurrently filed a Request for Order (RFO) requesting the court make orders as to child custody, parenting time, and child support. Petitioner did not file an Income and Expense Declaration. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on February 7, 2024, and a review hearing on March 28, 2024.

Respondent was personally served on January 23, 2024.

In both the EPR and RFO, Petitioner is requesting genetic testing to establish whether Petitioner is the parent of the minor. However, Petitioner executed a Voluntary Declaration of Paternity at the minor's birth and Petitioner is named at the parent on the minor's birth certificate. Petitioner has set forth no grounds on which the Declaration of Paternity should be set aside or ground upon which the court could order genetic testing. Therefore, the court denies this request. The court finds Petitioner to be the parent of Lawrence Lopez.

Petitioner also requests a psychological evaluation of Respondent, full legal custody to Petitioner, joint physical custody, a substance abuse testing order, co-parenting counseling, and mediation services. Petitioner has provided no justification for the request for a psychological evaluation or substance abuse testing.

Both parties appeared for the CCRC appointment on February 7, 2024. The parties were able to reach several agreements. A report containing the parties' agreements as well as additional recommendations was filed with the court on March 4, 2024. Copies were mailed to the parties the same day. The court notes, Respondent's copy was returned as undeliverable.

The court takes judicial notice of case number 24FL0016. On March 19, 2024, in case number 24FL0016, the court has granted a three-year Domestic Violence Restraining Order (DVRO) with Respondent and the minor as protected parties. The court also made child custody and parenting plan orders as a part of the DVRO, granting Respondent in this matter sole legal and physical custody of the minor as well as professionally supervised parenting time to Petitioner.

Respondent has not filed a Responsive Declaration.

The court has read and considered the filings as set forth above. The court makes the following findings and orders. The court denies Petitioner's request for sole legal and joint physical custody of the minor. The court finds the provisions of family code section 3044 apply, as a court has made a finding the Petitioner has perpetrated domestic violence against Respondent. Therefore, the presumption that awarding Petitioner sole or joint custody would not be in the minor's best interest applies. Petitioner has not presented any evidence to show

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he has rebutted the presumption. The court maintains the current orders granting Respondent sole legal and physical custody of the minor with Petitioner to have professionally supervised parenting time. The court adopts the agreement of the parties as set forth in the March 4, 2024 CCRC report, as they are in the best interest of the minor. The court is not adopting the recommendation as to legal custody for the reasons set forth above. The court is adopting the provision for physical custody. The court not adopting the parenting plan provisions. The court is maintaining the current parenting plan orders. The court is not adopting the exchange location provision. The court is only adopting subsection #1 of the transportation provisions. The court is not adopting the alcohol or other substance provisions. There has been no evidence presented to the court which would warrant an abstention order for either party. The court adopts the provisions for Petitioner to participate in a Batterer's Intervention Program, for Respondent to participate in a Domestic Violence Victim Advocacy Program, the provisions for individual therapy, storage of dangerous weapons, and the Respect Guidelines. The court denies Petitioner's request for Respondent to undergo a psychological evaluation. There has been no evidence presented as to why that would be a necessary order. The court denies Petitioner's request for substance abuse testing. Petitioner has set forth no grounds upon which the court could make that order.

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 #17: THE COURT DENIES PETITIONER'S REQUEST FOR GENETIC TESTING. THE COURT FINDS PETITIONER TO BE THE PARENT OF THE MINOR LAWRENCE LOPEZ. THE COURT DENIES PETITIONER'S REQUEST FOR SOLE LEGAL AND JOINT PHYSICAL CUSTODY OF THE MINOR. THE COURT FINDS THE PROVISIONS OF FAMILY CODE SECTION 3044 APPLY, AS A COURT HAS MADE A FINDING THE PETITIONER HAS PERPETRATED DOMESTIC VIOLENCE AGAINST RESPONDENT. THEREFORE, THE PRESUMPTION THAT AWARDED PETITIONER SOLE OR JOINT CUSTODY WOULD NOT BE IN THE MINOR'S BEST INTEREST APPLIES. PETITIONER HAS NOT PRESENTED ANY EVIDENCE TO SHOW HE HAS REBUTTED THE PRESUMPTION. THE COURT MAINTAINS THE CURRENT ORDERS GRANTING RESPONDENT SOLE LEGAL AND PHYSICAL CUSTODY OF THE MINOR WITH PETITIONER TO HAVE PROFESSIONALLY SUPERVISED PARENTING TIME. THE COURT ADOPTS THE AGREEMENT OF THE PARTIES AS SET FORTH IN THE MARCH 4, 2024 CCRC REPORT, AS THEY ARE IN THE BEST INTEREST OF THE MINOR. THE COURT IS NOT ADOPTING THE RECOMMENDATION AS TO LEGAL CUSTODY FOR THE REASONS SET FORTH ABOVE. THE COURT IS ADOPTING THE PROVISION FOR PHYSICAL CUSTODY. THE COURT NOT ADOPTING THE PARENTING PLAN PROVISIONS. THE COURT IS MAINTAINING THE CURRENT PARENTING PLAN ORDERS. THE COURT IS NOT ADOPTING THE EXCHANGE LOCATION PROVISION. THE COURT IS ONLY ADOPTING SUBSECTION #1 OF THE TRANSPORTATION PROVISIONS. THE COURT IS NOT ADOPTING THE ALCOHOL OR OTHER

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SUBSTANCE PROVISIONS. THERE HAS BEEN NO EVIDENCE PRESENTED TO THE COURT WHICH WOULD WARRANT AN ABSTENTION ORDER FOR EITHER PARTY. THE COURT ADOPTS THE PROVISIONS FOR PETITIONER TO PARTICIPATE IN A BATTERER'S INTERVENTION PROGRAM, FOR RESPONDENT TO PARTICIPATE IN A DOMESTIC VIOLENCE VICTIM ADVOCACY PROGRAM, THE PROVISIONS FOR INDIVIDUAL THERAPY, STORAGE OF DANGEROUS WEAPONS, AND THE RESPECT GUIDELINES. THE COURT DENIES PETITIONER'S REQUEST FOR RESPONDENT TO UNDERGO A PSYCHOLOGICAL EVALUATION. THERE HAS BEEN NO EVIDENCE PRESENTED AS TO WHY THAT WOULD BE A NECESSARY ORDER. THE COURT DENIES PETITIONER'S REQUEST FOR SUBSTANCE ABUSE TESTING. PETITIONER HAS SET FORTH NO GROUNDS UPON WHICH THE COURT COULD MAKE THAT ORDER. 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.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 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, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE 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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18. KATHLEEN CARDINALI V. DAVID CARDINALI

PFL20080541

Petitioner filed a Request for Order on January 2, 2024, requesting the court make orders as to spousal support, attorney's fees, as well as split the tax returns since the date of separation. Petitioner concurrently filed an Income and Expense Declaration. Proof of Service shows Respondent was served by mail on January 16, 2024.

Petitioner is requesting spousal support in the amount of \$3,000. The court notes the parties have been separated since August 8, 2008. Petitioner further requests the court order Respondent to pay \$10,000 in attorney's fees. Last Petitioner is requesting Respondent pay one half of the tax returns since the date of separation.

Respondent filed a Responsive Declaration on February 14, 2024, along with an Income and Expense Declaration. Petitioner was served by mail on February 13, 2024. Respondent objects to the requested orders and requests the court enforce the settlement from 2008.

AS the court noted above, the parties separated in 2008. There was a stipulation which purported to resolve all issues in 2014. However, a judgment was never entered. The court finds this matter needs to reach a final Judgment. Therefore, the court orders the parties to appear to select mandatory settlement and trial dates.

TENTATIVE RULING #18: PARTIES ARE ORDERED TO APPEAR TO SELECT MANDATORY SETTLEMENT AND TRIAL DATES.

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19. NIKOLA PAECH V. CAROLINE GIROUX

PFL20210276

Respondent filed a Request for Order (RFO) on December 4, 2023, requesting the court modify orders including that Petitioner be ordered to provide information on his court ordered therapy, appoint Donnelle Anderson to provide access to the minors for parenting time, including that the minors spend a minimum of eight hours a week with Respondent outside therapeutic sessions, Petitioner to pay the costs for Donnelle Anderson, more frequent family therapy sessions, and more frequent review hearings. Petitioner and Minors' Counsel were served by mail on December 6, 2023.

The matter was on calendar on February 22, 2024 and parties were ordered to appear. The court continued the matter due Minors' Counsel's unavailability due to being in a Juvenile Dependency matter in another county.

Both Petitioner and Respondent filed Supplemental Declarations on March 18, 2024. All parties were properly served.

The court has read and considered the filings as set forth above. The court finds it needs additional input from Minors' Counsel. Therefore, parties are ordered to appear for the hearing.

TENTATIVE RULING #19: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.

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20. SARAH CALLAHAN V. IAN HALL

PFL20120486

Petitioner filed a Request for Order (RFO) on January 9, 2024, requesting reimbursement for the minor's extracurricular activities as well as the ability to claim the minor for tax purposes. Respondent was personally served on January 11, 2024.

Upon review of the court file, the court notes the Department of Child Support Services (DCSS) is a party to this matter and the RFO requests enforcement of child support orders for reimbursement. The court notes there is no Proof of Service showing DCSS was properly served with the RFO.

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

TENTATIVE RULING #20: THE MATTER IS DROPPED FROM THE COURT'S CALENDAR DUE TO THE LACK OF PROPER SERVICE ON DCSS.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 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, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE 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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21. WILLIAM ROSE V. MICHELLE ROSE

22FL0047

On October 6, 2023, the court continued the Temporary Domestic Violence Restraining Order and referred the parties to Child Custody Recommending Counseling (CCRC) for an appointment on December 6, 2023, and a review hearing on January 18, 2024.

Both parties attended CCRC on December 6, 2023, and were unable to reach any agreements. A report which recommends maintaining the current orders was filed with the court on January 8, 2024. Copies were mailed to the parties on the same day. The report also recommends a rereferral to CCRC upon resolution of the restraining order matter on April 5, 2024.

On January 18, 2024, the court continued the matter to join with Respondent's Request for Order (RFO) set for March 28, 2024.

Respondent filed a RFO on January 22, 2024, requesting the court grant a move away order for the children to relocate with Respondent to Tennessee. Upon review of the court file, there is no Proof of Service showing Petitioner was served with the RFO. Therefore, the court drops Respondent's January 22, 2024 filed RFO from calendar.

As to the CCRC review hearing, the court continues the matter to join the with hearing on the Temporary Domestic Violence Restraining Order currently set for April 5, 2024, at 8:30 in Department 5. Pending the review hearing, all current orders remain in full force and effect.

Respondent shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #21: THE COURT DROPS RESPONDENT'S JANUARY 22, 2024 FILED RFO FROM CALENDAR DUE TO LACK OF PROPER SERVICE. THE COURT CONTINUES THE CCRC REVIEW HEARING TO JOIN THE WITH HEARING ON THE TEMPORARY DOMESTIC VIOLENCE RESTRAINING ORDER CURRENTLY SET FOR APRIL 5, 2024 AT 8:30 IN DEPARTMENT 5. PENDING THE REVIEW HEARING, ALL CURRENT ORDERS REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 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, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE 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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22. ZANE DAVIS V. NICHOLE JORDAN DAVIS

PFL20190077

On January 25, 2024, the court adopted its tentative ruling as to the review hearing on the issues of child custody and parenting time. The court ordered Petitioner to continue to drug test on a random weekly basis and to provide the drug test results to Respondent directly. The court set a further review hearing for March 28, 2024 and directed the parties to file and serve Supplemental Declarations not later than 10 days prior to the hearing.

Petitioner filed a Supplemental Declaration on March 12, 2024. Respondent was served electronically on March 12, 2024. Petitioner asserts he has been testing in compliance with the court's order and all tests have been negative. Petitioner states the tests have been made available to Respondent. Petitioner completed his AOD services on February 22, 2024. Petitioner has been participating in individual therapy since October of 2023. Petitioner has attended and participated in the batterer's intervention program. Petitioner was also able to secure new employment and housing. Petitioner asserts Respondent has withheld the minor from the court ordered visitation. Petitioner requests the court modify the current orders to eliminate the substance abuse testing required. Petitioner state he is willing to submit to hair follicle or nail testing on a two-month basis. Petitioner is also requesting the ability to meet and confer with the minor's therapist. Finally, Petitioner is requesting non-professional supervision of visits.

Respondent filed a Supplemental Declaration on March 15, 2024. Petitioner was served electronically on March 15, 2024. Respondent asserts Petitioner has failed to comply with the court order for AOD therapy and assessment. Respondent also requests the visits remain professionally supervised and occur weekly at a local restaurant. Respondent states she is unaware of any third party who would be willing to provide supervision. Respondent requests all current orders remain in full force and effect and that the court set another review hearing in 120 days.

The court has read and considered the filings as outlined above and makes the following findings and orders. The court finds Petitioner has complied with the AOD requirements and has completed 92 days of outpatient treatment. Petitioner would not have been enrolled in an outpatient program without the completion of an AOD assessment. However, what is unclear to the court is what further, if any, recommendations the AOD assessment contained. Petitioner is ordered to provide the court and Respondent with a copy of the AOD assessment. Petitioner shall continue to follow any recommendations of the AOD assessment. The court further finds that Petitioner has testing negative for all substances for a period of six months. Therefore, the court is vacating its order for weekly random testing. Petitioner is to continue to participate in individual counseling as well as the batterer's intervention program. The court is authorizing Petitioner to speak with the minor's counselor. The court is also authorizing conjoint therapy

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between the minor and Petitioner if recommended by the minor's therapist. The court is also authorizing non-professional supervision. Petitioner is to propose the names of three individuals who can provide non-professional supervision to Respondent, on or before April 11, 2024. Respondent will then have until April 18, 2024 to select one of the individuals. Respondent shall not unreasonably deny third parties. The individual selected must complete and file the FL-324 NP form no later than April 25, 2024. Once the completed form has been filed with the court, non-professional supervision may take place. Visits are to be a minimum of one time per week for two hours each. The visits shall take place in public at a local restaurant. The court is maintaining the current frequency and duration of visits due to the concerns raised in Respondent's Supplemental Declaration.

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 #22: THE COURT FINDS PETITIONER HAS COMPLIED WITH THE AOD REQUIREMENTS AND HAS COMPLETED 92 DAYS OF OUTPATIENT TREATMENT. PETITIONER WOULD NOT HAVE BEEN ENROLLED IN AN OUTPATIENT PROGRAM WITHOUT THE COMPLETION OF AN AOD ASSESSMENT. HOWEVER, WHAT IS UNCLEAR TO THE COURT IS WHAT FURTHER, IF ANY, RECOMMENDATIONS THE AOD ASSESSMENT CONTAINED. PETITIONER IS ORDERED TO PROVIDE THE COURT AND RESPONDENT WITH A COPY OF THE AOD ASSESSMENT. PETITIONER SHALL CONTINUE TO FOLLOW ANY RECOMMENDATIONS OF THE AOD ASSESSMENT. THE COURT FURTHER FINDS THAT PETITIONER HAS TESTING NEGATIVE FOR ALL SUBSTANCES FOR A PERIOD OF SIX MONTHS. THEREFORE, THE COURT IS VACATING ITS ORDER FOR WEEKLY RANDOM TESTING. PETITIONER IS TO CONTINUE TO PARTICIPATE IN INDIVIDUAL COUNSELING AS WELL AS THE BATTERER'S INTERVENTION PROGRAM. THE COURT IS AUTHORIZING PETITIONER TO SPEAK WITH THE MINOR'S COUNSELOR. THE COURT IS ALSO AUTHORIZING CONJOINT THERAPY BETWEEN THE MINOR AND PETITIONER IF RECOMMENDED BY THE MINOR'S THERAPIST. THE COURT IS ALSO AUTHORIZING NON-PROFESSIONAL SUPERVISION. PETITIONER IS TO PROPOSE THE NAMES OF THREE INDIVIDUALS WHO CAN PROVIDE NON-PROFESSIONAL SUPERVISION TO RESPONDENT, ON OR BEFORE APRIL 11, 2024. RESPONDENT WILL THEN HAVE UNTIL APRIL 18, 2024 TO SELECT ONE OF THE INDIVIDUALS. RESPONDENT SHALL NOT UNREASONABLY DENY THIRD PARTIES. THE INDIVIDUAL SELECTED MUST COMPLETE AND FILE THE FL-324 NP FORM NO LATER THAN APRIL 25, 2024. ONCE THE COMPLETED FORM HAS BEEN FILED WITH THE COURT, NON-PROFESSIONAL SUPERVISION MAY TAKE PLACE. VISITS ARE TO BE A MINIMUM OF ONE TIME PER WEEK FOR TWO HOURS EACH. THE VISITS SHALL TAKE PLACE IN PUBLIC AT A LOCAL RESTAURANT. THE COURT IS MAINTAINING THE CURRENT FREQUENCY AND DURATION OF VISITS DUE TO THE CONCERNS RAISED IN RESPONDENT'S SUPPLEMENTAL DECLARATION. ALL

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PRIOR ORDERS NO IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 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, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE 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.