

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
July 24, 2025
8:30 a.m./1:30 p.m.

1. DAVID LADD ANDERSON V. LAURA BRATT ANDERSON

23FL0694

On April 25, 2025, Petitioner filed a Request for Order (RFO) seeking to bifurcate the issue of the date of separation. The RFO was served on April 29th along with all other required documents.

On July 9th, Petitioner filed and served an Updating Declaration of Attorney Re: Responsive Declaration Timeline and Meet and Confer Efforts.

Respondent filed a Responsive Declaration to Request for Order and a Memorandum of Points and Authorities on July 14th. While these documents are late filed, the court notes the stipulation of the parties to extend the deadline to file the opposing papers. That said, there is no Proof of Service for either of these documents therefore, the court cannot consider them.

“The court may separately try one or more issues before the trial of the other issues if resolution of the bifurcated issue is likely to simplify the determination of the other issues.” Cal. Rules of Ct. Rule 5.390(c). Here, the court finds good cause to bifurcate the issue of date of separation as it will simplify the rest of the proceedings moving forward. Accordingly, the request to bifurcate the date of separation is granted. The parties are ordered to appear to select trial and Mandatory Settlement Conference dates on this issue.

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

TENTATIVE RULING #1: THE REQUEST TO BIFURCATE THE DATE OF SEPARATION IS GRANTED. THE PARTIES ARE ORDERED TO APPEAR TO SELECT TRIAL AND MANDATORY SETTLEMENT CONFERENCE DATES ON THIS ISSUE. 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 PHONE CALL 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 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. ERICA CANTWELL V. TIMOTHY CANTWELL

24FL1191

On April 28, 2025, Petitioner filed a Request for Order (RFO) seeking custody and visitation orders, support orders, attorney's fees, and other financial orders. She filed her Income and Expense Declaration concurrently therewith. All required documents were served on May 2, 2025.

Respondent filed his Responsive Declaration to Request for Order and a supporting declaration on May 30th. They were electronically served on May 5th. Respondent filed and served a Supplemental Declaration on June 30th. He filed and served his Income and Expense Declaration, and a declaration entitled Respondent's Paycheck Stub on July 1st.

Petitioner is requesting joint legal and physical custody of the parties' minor children with a 50/50 timeshare. She proposes a visitation schedule which is attached to her RFO and asks that the children be homeschooled. She is requesting spousal and child support and an order for \$10,000 in attorney fees pursuant to Family Code § 2030. She also asks for an order allowing the parties to split or alternate claiming the children on their taxes. She states that the marital home was previously sold, and Respondent had indicated he would split the proceeds with her, but he has yet to do so. She requests an order for the parties to split the net proceeds.

Respondent agrees to homeschool the children and to alternate claiming the children on their taxes. He asks that the parties each be ordered to pay their own attorney's fees. He is agreeable to joint legal custody but asks for primary physical custody and proposes Petitioner have parenting time every other Saturday through Wednesday. He agrees to guideline child/spousal support pursuant to his proposed Xspouse report. Respondent argues that the home was his separate property and there may be a need for a *Moor/Marsden* calculation.

The parties attended Child Custody Recommending Counseling (CCRC) on March 2, 2025. They were unable to reach any agreements therefore a report with recommendations was prepared on July 11th. It was mailed to the parties on July 14th. The court has reviewed the recommendations and does find them to be in the best interests of the minors. They are therefore, hereby adopted as the orders of the court. Additionally, the children are to continue being homeschooled pursuant to the agreement of the parties. The parties are to alternate claiming the children on their taxes. Respondent shall claim the children for the 2025 tax year and all odd numbered tax years thereafter. Petitioner shall claim the children on her taxes for all even numbered years.

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The court is reserving jurisdiction over the proceeds from the sale of the home until the time of trial as there appears to be a dispute as to the characterization of that property. In the interim, with regard to the proceeds from the sale, Respondent is reminded of the ATROS and his fiduciary duty towards Petitioner; and the penalties that come with any violation thereof.

The parties are ordered to appear on the issues of support and attorney fees as it is unclear to the court if Respondent is receiving payment of \$2,500 a month as a housing allowance or if this amount is not a monetary payment to him but a credit for his living in the home rent free.

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

TENTATIVE RULING #2: THE RECOMMENDATIONS CONTAINED IN THE JULY 11, 2025 CCRC REPORT ARE HEREBY ADOPTED AS THE ORDERS OF THE COURT. ADDITIONALLY, THE CHILDREN ARE TO CONTINUE BEING HOMESCHOOLED PURSUANT TO THE AGREEMENT OF THE PARTIES. THE PARTIES ARE TO ALTERNATE CLAIMING THE CHILDREN ON THEIR TAXES. RESPONDENT SHALL CLAIM THE CHILDREN FOR THE 2025 TAX YEAR AND ALL ODD NUMBERED TAX YEARS THEREAFTER. PETITIONER SHALL CLAIM THE CHILDREN ON HER TAXES FOR ALL EVEN NUMBERED YEARS.

THE COURT IS RESERVING JURISDICTION OVER THE PROCEEDS FROM THE SALE OF THE HOME UNTIL THE TIME OF TRIAL AS THERE APPEARS TO BE A DISPUTE AS TO THE CHARACTERIZATION OF THAT PROPERTY. IN THE INTERIM, WITH REGARD TO THE PROCEEDS FROM THE SALE, RESPONDENT IS REMINDED OF THE ATROS AND HIS FIDUCIARY DUTY TOWARDS PETITIONER; AND THE PENALTIES THAT COME WITH ANY VIOLATION THEREOF.

THE PARTIES ARE ORDERED TO APPEAR ON THE ISSUES OF SUPPORT AND ATTORNEY FEES AS IT IS UNCLEAR TO THE COURT IF RESPONDENT IS RECEIVING PAYMENT OF \$2,500 A MONTH AS A HOUSING ALLOWANCE OR IF THIS AMOUNT IS NOT A MONETARY PAYMENT TO HIM BUT A CREDIT FOR HIS LIVING IN THE HOME RENT FREE.

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

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BY PHONE CALL 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 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. JACOB CLARK V. NICHOLE ROEMER-CLARK

24FL0798

On December 31, 2024, Petitioner filed a Request for Order (RFO) seeking support orders and attorney's fees. He filed his Income and Expense Declaration concurrently therewith. All required documents were served on January 2, 2025. Respondent filed her Responsive Declaration to Request for Order and her Income and Expense Declaration on January 31, 2025.

The matter came before the court for hearing on the RFO on March 27, 2025 at which time the court ruled on the attorney's fees issue but continued the issues of child and spousal support to July 3, 2025 to allow for additional discovery to take place between the parties.

The parties appeared before the court for hearing on July 3rd. A continuance was requested by Respondent which was granted. The hearing was continued to the present date.

Respondent filed and served two documents titled Supplemental Declaration of Nicole Roemer-Clark and an Income and Expense Declaration on July 14th.

On July 17th Petitioner filed and served a Reply Declaration and Objection to Respondent's Supplemental Declaration and Request to Strike Pleading.

Petitioner is seeking guideline child support and spousal support payable by Respondent to Petitioner. He also requests the court order the parties to split uninsured medical care costs and childcare costs incurred while either party is at work or in school. He proposes to follow the reimbursement procedures outlined in Form FL-192. He objects to consideration of Respondent's Supplemental Declaration as it was electronically served, and Respondent failed to extend the time for service by two days.

Petitioner's objection is overruled. While in keeping with the strict letter of the law, Petitioner is correct that Respondent failed to add the requisite two days for electronic service, however the court finds good cause to proceed with the matter on its merits because Petitioner did put together a comprehensive Reply addressing each of the arguments in Respondent's declaration. The court does not find that two additional days would have had any material effect on Petitioner's reply. As such, the court is considering Respondent's Responsive Declaration and her Income and Expense Declaration.

Respondent asks the court to deny the requests for support and attorney's fees. Alternatively, she asks that Petitioner be imputed with income of \$10,000 per month. She

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asks that arrears be denied, and she is requesting sanctions in the amount of \$5,000 pursuant to Family Code § 271.

After reviewing the filings of the parties, the court is concerned that Petitioner is not being forthright with his income and the assistance of his parents with household expenses. As such, the court is imputing Petitioner with full-time minimum wage income for the time being. Additionally, the court is reserving on arrears as the court is hesitant to award arrears without more reliable information as to Petitioner's actual income. Utilizing the aforementioned income, the court orders as follows.

The court finds that spousal support per the Alameda formula is \$796 per month and child support is \$724 per month. See attached XSpouse report. The court adopts the attached XSpouse report and orders Respondent to pay Petitioner \$1,520 per month as and for child support and temporary spousal support, payable on the 1st of the month until further order of the court or legal termination. The court is reserving jurisdiction over the issue of arrears back to the date of filing the RFO.

In addition to the foregoing monthly support payments, the parties are ordered to equally share in any uninsured medical care costs for the children and childcare costs when such costs are incurred as a result of employment or necessary education for employment. The parties are ordered to follow the procedures set forth in the attached FL-192.

The issue of attorney fees was ruled upon on March 27th, therefore, that issue is not before the court in the present hearing.

The court is reserving jurisdiction over Respondent's request for Section 271 sanctions. Petitioner is admonished that failure to disclose all, and accurate, income sources may result in monetary sanctions being awarded.

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

TENTATIVE RULING #3: THE COURT FINDS THAT SPOUSAL SUPPORT PER THE ALAMEDA FORMULA IS \$796 PER MONTH AND CHILD SUPPORT IS \$724 PER MONTH. SEE ATTACHED XSPOUSE REPORT. THE COURT ADOPTS THE ATTACHED XSPOUSE REPORT AND ORDERS RESPONDENT TO PAY PETITIONER \$1,520 PER MONTH AS AND FOR CHILD SUPPORT AND TEMPORARY SPOUSAL SUPPORT, PAYABLE ON THE 1ST OF THE MONTH UNTIL FURTHER ORDER OF THE COURT OR LEGAL TERMINATION. THE

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COURT IS RESERVING JURISDICTION OVER THE ISSUE OF ARREARS BACK TO THE DATE OF FILING THE RFO.

IN ADDITION TO THE FOREGOING MONTHLY SUPPORT PAYMENTS, THE PARTIES ARE ORDERED TO EQUALLY SHARE IN ANY UNINSURED MEDICAL CARE COSTS FOR THE CHILDREN AND CHILDCARE COSTS WHEN SUCH COSTS ARE INCURRED AS A RESULT OF EMPLOYMENT OR NECESSARY EDUCATION FOR EMPLOYMENT. THE PARTIES ARE ORDERED TO FOLLOW THE PROCEDURES SET FORTH IN THE ATTACHED FL-192.

THE ISSUE OF ATTORNEY FEES WAS RULED UPON ON MARCH 27TH, THEREFORE THAT ISSUE IS NOT BEFORE THE COURT IN THE PRESENT HEARING.

THE COURT IS RESERVING JURISDICTION OVER RESPONDENT'S REQUEST FOR SECTION 271 SANCTIONS. PETITIONER IS ADMONISHED THAT FAILURE TO DISCLOSE ALL, AND ACCURATE, INCOME SOURCES MAY RESULT IN MONETARY SANCTIONS BEING AWARDED.

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

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Fixed Shares	Father	Mother	Monthly figures		Cash Flow		
#of children	0	1	2025			Guideline	Proposed
% time with NCP	49.99 %	0.00 %	GUIDELINE		Comb. net spendable	10023	10023
Filing status	SINGLE	HH/MLA	Nets(adjusted)		Percent change	0%	0%
# exemptions	1 *	2 *			Father		
Wages+salary	2860	9583	Father	3030	Payment cost/benefit	1490	1490
Self-employed income	0	0	Mother	6992	Net spendable income	4550	4550
Other taxable income	754	0	Total	10023	Change from guideline	0	0
TANF+CS received	0	0	Support		% of combined spendable	45%	45%
Other nontaxable income	0	0	Addons	0	% of saving over guideline	0%	0%
New spouse income	0	0	Guideln CS	724	Total taxes	584	584
401(k) employee contrib	0	0	Alameda SS	796	Dep. exemption value	0	0
Adjustments to income	0	0	Total	1520	# withholding allowances	0w	0w
SS paid prev marriage	0	0	-		Net wage paycheck	2299	2299
CS paid prev marriage	0	0			Mother		
Health insurance	0	563			Payment cost/benefit	-1450	-1450
Other medical expense	0	0			Net spendable income	5472	5472
Property tax expense	0	159			Change from guideline	0	0
Ded interest expense	0	621	Proposed		% of combined spendable	55%	55%
Contribution deduction	0	0	Tactic 9		% of saving over guideline	0%	0%
Misc tax deductions	0	0	CS	724	Total taxes	2028	2028
Qual bus income ded	0	0	SS	796	Dep. exemption value	0	0
Required union dues	0	0	Total	1520	# withholding allowances	0	0
Mandatory retirement	0	0			Net wage paycheck	7062	7062
Hardship deduction	0 *	0 *	Saving	0			
Other GDL deductions	0	0	Releases	0			
Child care expenses	0	0					

Mother pays Guideline CS, Guideline SS, 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	49 - 51	0	0	0	Father	724	Mother	724	Mother
	49 - 51	0	0	0	Father	724	Mother	724	Mother

NOTICE OF RIGHTS AND RESPONSIBILITIES REGARDING CHILD SUPPORT

Childcare and Health Care Costs and Reimbursement Procedures

Your child support order may include a provision for payment of childcare or uninsured health care costs. Childcare costs may be included as part of the monthly child support payment or reimbursable as a percentage of the costs. If the childcare costs are included as part of the monthly child support payment, you must pay that amount each month until the court changes (modifies) the child support order. If you need to change your child support order because there has been a change in the cost of childcare, see page 2.

If you have a child support order that includes a provision for the reimbursement of a percentage of childcare costs or a portion of the child's or children's health care costs and those costs are not paid by insurance, the **law says**:

1. **Notice.** You must give the other parent an itemized statement of the charges that have been billed for any childcare costs or health care costs not paid by insurance. You must give this statement to the other parent within a reasonable time, but no more than 90 days after those costs were given to you.
2. **Proof of full payment.** If you have already paid all of the childcare costs or uninsured health care costs, you must (1) give the other parent proof that you paid them and (2) ask for reimbursement for the other parent's court-ordered share of those costs.
3. **Proof of partial payment.** If you have paid only your share of the childcare costs or uninsured health care costs, you must (1) give the other parent proof that you paid your share, (2) ask that the other parent pay his or her share of the costs directly to the childcare or health care provider, and (3) give the other parent the information necessary for that parent to be able to pay the bill.
4. **Payment by notified parent.** If you receive notice from a parent that a childcare or uninsured health care cost has been incurred, you must pay your share of that cost within the time the court orders; or if the court has not specified a period of time, you must make payment (1) within 30 days from the time you were given notice of the amount due, (2) according to any payment schedule set by the health care provider, (3) according to a schedule agreed to in writing by you and the other parent, or (4) according to a schedule adopted by the court.
5. **Going to court.** Sometimes parents get into disagreements about childcare and health care costs. If you and the other parent cannot resolve the situation after talking about it, you can request that the court make a decision.
- a. **Disputed requests for payment.** If you dispute a request for payment made by the other parent, you may file a request for the court to resolve the dispute, but only if you pay the requested amount before filing your request.
- b. **Nonpayment.** If you claim that the other parent has failed to pay you back for a payment, or they have failed to make a payment to the provider after proper notice, you may file a request for the court to resolve the dispute.
- c. **Paid charges.** The court will presume that if uninsured health care costs or childcare costs for employment or necessary training for job skills have been paid, those costs were reasonable. If you want to dispute paid charges, you will have to show the court that the costs were unreasonable.
- d. **Attorney's fees.** If the court decides one parent has been unreasonable, it can order that parent to pay the other parent's attorney's fees and costs.
- e. **Court forms.** Use forms [FL-300](#) and [FL-490](#) to get a court date. See form [FL-300-INFO](#) for information about completing, filing, and serving your court papers.
6. **Court-ordered insurance coverage.** If a parent provides health care insurance as ordered by the court, that insurance must be used at all times to the extent that it is available for health care costs.
 - a. **Burden to prove.** The parent claiming that the coverage is inadequate to meet the child's needs has the burden of proving that to the court.
 - b. **Cost of additional coverage.** If a parent purchases health care insurance in addition to that ordered by the court, that parent must pay all the costs of the additional coverage. In addition, if a parent uses alternative coverage that costs more than the coverage provided by court order, that parent must pay the difference.
7. **Preferred health providers.** If the court-ordered coverage designates a preferred health care provider, that provider must be used at all times consistent with the terms of the health insurance policy. When any parent uses a health care provider other than the preferred provider, any health care costs that would have been paid by the preferred health provider if that provider had been used must be the sole responsibility of the parent incurring those costs.
8. **Need help?** Contact the [family law facilitator](#) in your county or call your county's bar association and ask for an experienced family lawyer.

Information Sheet on Changing a Child Support Order

General Info

The court has made a child support order in your case. This order will remain the same unless one of the parents requests that the support be changed (modified). An order for child support can be modified by filing a request to change child support and serving the other parent. If both parents agree on a new child support amount, they can complete, sign, and file with the court a *Stipulation to Establish or Modify Child Support and Order* (form [FL-350](#)). (**Note:** If the local child support agency is involved in your case, it must be served with any request to change child support and approve any agreement.)

Online Self-Help Guide

For more information about how child support works, visit: <https://selfhelp.courts.ca.gov/child-support>.

When a Child Support Order May Be Changed

The court considers several things when ordering the payment of child support.

- First, the number of children is considered, along with the percentage of time each parent has physical custody of the children.
- Next, the net disposable incomes of both parents are determined (which is how much money is left each month after taxes and certain other items like health insurance, union dues, or other child support ordered and paid are subtracted from a parent's paycheck). The court can also look at a parent's earning ability.
- The court considers both parents' tax filing status and may consider hardships, such as the cost of raising the parent's child from another relationship who lives with the parent.

A parent can request to change an existing order for child support when circumstances change significantly. For example if the net disposable income of one of the parents changes, parenting time changes, or a new child is born.

Examples

- You have been ordered to pay \$500 per month in child support. You lose your job. You will continue to owe \$500 per month, plus 10 percent interest on any unpaid support, unless you file a motion to modify your child support to a lower amount and the court orders a reduction.
- You are currently receiving \$300 per month in child support from the other parent, whose net income has just increased substantially. You will continue to receive \$300 per month unless you file a motion to modify your child support to a higher amount and the court orders an increase.
- You are paying child support based on having physical custody of your children 30 percent of the time. After several months it turns out that you actually have physical custody of the children 50 percent of the time. You may file a motion to modify child support to a lower amount.

How to Change a Child Support Order

To change a child support order, you must file papers with the court. *Remember:* You must follow the order you have now.

What forms do I need?

If you are asking to change a child support order, you must fill out one of these forms:

- Form [FL-300](#), *Request for Order* **or**
- Form [FL-390](#), *Notice of Motion and Motion for Simplified Modification of Order for Child, Spousal, or Family Support*

You must also fill out one of these forms, and attach proof of income for the past two months (like your paycheck stubs):

- Form [FL-150](#), *Income and Expense Declaration* **or**
- Form [FL-155](#), *Financial Statement (Simplified)*

What if I am not sure which forms to fill out?

Contact the family law facilitator in your county. You can find them here: www.courts.ca.gov/selfhelp-facilitators.htm.

After you fill out the forms, file them with the court clerk and ask for a hearing date. Write the hearing date on the form.

The clerk may ask you to pay a filing fee. If you cannot afford the fee, fill out these forms, too:

- Form [FW-001](#), *Request to Waive Court Fees* **and**
- Form [FW-003](#), *Order on Court Fee Waiver (Superior Court)*

You must serve the other parent. If the local child support agency is involved, serve it too.

- This means someone 18 or over—not you—must deliver copies of your filed court forms to the other parent, at least **16 court days** before the hearing. Add **5 calendar days** if delivered by mail within California (see Code of Civil Procedure section 1005 for other situations).
- **Court days** are weekdays when the court is open for business (Monday through Friday except court holidays). **Calendar days** include all days of the month, including weekends and holidays. To find court holidays, go to: www.courts.ca.gov/holidays.htm.

Blank copies of both of these forms must also be served:

- Form [FL-320](#), *Responsive Declaration to Request for Order*
- Form [FL-150](#), *Income and Expense Declaration*

Then the server fills out and signs a *Proof of Service*. Take this form, plus one copy, to the clerk and file it at least one week before your hearing.

Go to your hearing and ask the judge to change the support. Bring your tax returns from the last two years and your proof of income for the past two months (like your paycheck stubs). The judge will look at your information, listen to both parents, and make an order. After the hearing, fill out:

- Form [FL-340](#), *Findings and Order After Hearing* **and**
- Form [FL-342](#), *Child Support Information and Order Attachment*

Need help?

Contact the [family law facilitator](#) in your county or call your county's bar association and ask for an experienced family lawyer.

Information About Child Support for Incarcerated or Confined Parents

1. Child support. As of September 27, 2022, child support automatically stops if the parent who has to pay is confined against their will for more than 90 days in a row in jail, prison, juvenile detention, a mental health facility, or other institution.

Exception. Child support does not automatically stop if the parent who has to pay has money available to pay child support.

2. Past confinement. Child support also automatically stops during past confinement if it was ordered from October 8, 2015, through December 31, 2019, or January 1, 2021, through September 26, 2022, and the parent who has to pay was confined for more than 90 days in a row during the same time frame.

Exceptions for past confinement. Child support does not automatically stop if the parent who has to pay was in jail or prison for failing to pay child support or for domestic violence against the other parent or the child, or if they had money available to pay support.

3. Timing. The date child support automatically restarts will depend on the parent's release date. If you need to change your child support order, see page 2.

a. If released before January 1, 2024, child support automatically restarts the first day of the first full month after the parent is released.

b. If released after January 1, 2024, child support will automatically restart the first day of the 10th month after the parent is released.

Employment before the 10-month period ends: If the parent who has to pay support starts working before the date child support is set to automatically restart, the person who is owed support or the local child support agency can request the court restart the child support order early. The court may order a different amount of child support if appropriate.

4. More info. For more information about child support and incarcerated parents, see Family Code section 4007.5 or go to <https://selfhelp.courts.ca.gov/child-support/incarcerated-parent>.

You can also contact the family law facilitator in your county and can find them here: www.courts.ca.gov/selfhelp-facilitators.htm.

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4. CLETUS COTTON V. ELIZABETH MARIA COTTON

24FL0920

On April 22, 2025, Petitioner filed a Request for Order (RFO) seeking a variety of orders as stated therein. He filed his Income and Expense Declaration concurrently therewith. All required documents were served on April 24th.

The parties attended Child Custody Recommending Counseling (CCRC) on May 22nd, however given the current Criminal Protective Order (CPO) the CCRC session could not be held.

Respondent has not filed a Responsive Declaration to Request for Order.

Petitioner is seeking sole legal and sole physical custody of the children. He would like any visitation between Respondent and the minors to be professionally supervised. He requests child support and spousal support from Respondent and sole use and control of the family residence located on Oakridge Road in Placerville.

Petitioner's request for sole legal and sole physical custody is granted. Given that the CPO contains a no-contact order between Respondent and the minors, the court is not granting any visitation at this time. Additionally, Respondent is ordered to complete a 52-week batterer's intervention program.

Regarding Petitioner's request for exclusive use and control of the marital residence, it appears this issue is moot as the parties have stipulated to sell the home. As such, the court declines to rule on this issue.

Likewise, according to the stipulation of the parties they have reached agreements for child and spousal support and they are working on executing a Marital Settlement Agreement (MSA). Accordingly, the court is continuing the issues of child and spousal support until 9/25/2025 at 8:30 AM in department 5 to allow the parties time to complete and submit their MSA. If the parties do not file their executed MSA prior to the next hearing, the parties are ordered to file and serve supplemental declarations and updated Income and Expense Declarations no later than 10 days prior to the next hearing date.

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

TENTATIVE RULING #4: PETITIONER'S REQUEST FOR SOLE LEGAL AND SOLE PHYSICAL CUSTODY IS GRANTED. GIVEN THAT THE CPO CONTAINS A NO-CONTACT ORDER BETWEEN RESPONDENT AND THE MINORS, THE COURT IS NOT GRANTING ANY VISITATION AT THIS TIME. ADDITIONALLY, RESPONDENT IS ORDERED TO COMPLETE A

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52-WEEK BATTERER'S INTERVENTION PROGRAM. THE COURT DECLINES TO RULE ON THE PROPERTY CONTROL REQUEST AS THE PARTIES HAVE STIPULATED TO SELL THE MARITAL RESIDENCE.

THE COURT IS CONTINUING THE ISSUES OF CHILD AND SPOUSAL SUPPORT UNTIL 9/25/2025 AT 8:30 AM IN DEPARTMENT 5 TO ALLOW THE PARTIES TIME TO COMPLETE AND SUBMIT THEIR MSA. IF THE PARTIES DO NOT FILE THEIR EXECUTED MSA PRIOR TO THE NEXT HEARING, THE PARTIES ARE ORDERED TO FILE AND SERVE SUPPLEMENTAL DECLARATIONS AND UPDATED INCOME AND EXPENSE DECLARATIONS NO LATER THAN 10 DAYS PRIOR TO THE NEXT 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 PHONE CALL 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 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. MELISSA FLANIGAN V. SHAUN FLANIGAN

23FL0255

On April 30, 2025, Respondent filed a Request for Order (RFO) seeking a re-referral to Child Custody Recommending Counseling (CCRC). The request was filed, and granted, on an ex parte basis. The parties were referred to CCRC and a review hearing was set for the present date.

A Supplemental Declaration of Respondent was filed and served on July 10, 2025.

Petitioner filed and served a Responsive Declaration to Request for Order and an Objection to Respondent's Supplemental Declaration on July 11th.

The parties attended CCRC on May 6, 2025. They were unable to reach agreements therefore a report with recommendations was prepared on July 11th. It was mailed to the parties on July 14th.

Respondent's Reply Declaration to Petitioner's Responsive Declaration was filed on July 16th. It was served on the 15th.

Respondent's initial RFO only sought a re-referral to CCRC, however in his Supplemental Declaration Respondent makes several additional requests. Petitioner objects to the declaration as late filed pursuant to Civil Procedure Section 1005 which mandates all moving and supporting papers to be served and filed at least 16 court days before the hearing. The objection is sustained. All moving and supporting papers were due to be filed and served no later than July 1st. As such, the Supplemental Declaration cannot be considered.

Petitioner is agreeable to joint legal custody; however, she opposes joint physical custody. She proposes a visitation and holiday schedule. She also asks that Respondent be ordered to attend reunification counseling with the minor. Finally, she is asking the court to allow the minor to attend Rolling Hills Middle School for the 2025/2026 school year and beyond.

Respondent is asking the court for joint physical custody and asks that the court adopt the CCRC report. He further opposes the request for the minor to attend Rolling Hills Middle School.

After reviewing the filings as outlined above, the court finds the recommendations contained in the CCRC report to be in the best interests of the minor. Regarding therapy for the minor and co-parenting counseling, the parties are to equally split all such costs. The

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request for reunification therapy between the minor and Respondent is denied as the court does not find it to be necessary at this time.

Regarding school choice, the minor is to attend Rolling Hills Middle School for the 2025/2026 school year and beyond.

Finally, both parties are admonished to adhere to all court orders. This includes the visitation schedule, legal custody, and the respect guidelines. Failure to do so may result in monetary sanctions, contempt orders, or a change in custody.

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

TENTATIVE RULING #5: PETITIONER'S OBJECTION TO RESPONDENT'S SUPPLEMENTAL DECLARATION IS SUSTAINED. THE JULY 10TH SUPPLEMENTAL DECLARATION HAS NOT BEEN CONSIDERED. AFTER REVIEWING THE FILINGS AS OUTLINED ABOVE, THE COURT FINDS THE RECOMMENDATIONS CONTAINED IN THE CCRC REPORT TO BE IN THE BEST INTERESTS OF THE MINOR. REGARDING THERAPY FOR THE MINOR AND CO-PARENTING COUNSELING, THE PARTIES ARE TO EQUALLY SPLIT ALL SUCH COSTS. THE REQUEST FOR REUNIFICATION THERAPY BETWEEN THE MINOR AND RESPONDENT IS DENIED AS THE COURT DOES NOT FIND IT TO BE NECESSARY AT THIS TIME.

REGARDING SCHOOL CHOICE, THE MINOR IS TO ATTEND ROLLING HILLS MIDDLE SCHOOL FOR THE 2025/2026 SCHOOL YEAR AND BEYOND.

FINALLY, BOTH PARTIES ARE ADMONISHED TO ADHERE TO ALL COURT ORDERS. THIS INCLUDES THE VISITATION SCHEDULE, LEGAL CUSTODY, AND THE RESPECT GUIDELINES. FAILURE TO DO SO MAY RESULT IN MONETARY SANCTIONS, CONTEMPT ORDERS, OR A CHANGE IN CUSTODY.

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 PHONE CALL 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 PHONE CALL OR IN PERSON BY 4:00 P.M. ON

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**THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE
8.05.07.**

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7. LINDSAY MOFFETT V. PETER MOFFETT

24FL1070

On March 28, 2025, Petitioner filed a Request for Order (RFO) seeking child support, spousal support, attorney's fees and additional orders. She filed her Income and Expense Declaration concurrently therewith. All documents were served on March 28th. The RFO was set for hearing on the present date.

On May 15, 2025, the parties appeared before the court for hearing on Petitioner's request to take the minors on a cruise. At the time of the hearing the parties stipulated to be referred to Child Custody Recommending Counseling (CCRC) to address all issues of custody and visitation. A review hearing was set for the present date.

On June 26, 2025, Respondent filed an RFO seeking custody and visitation orders. Hearing on the RFO was set to join with the already scheduled review hearing.

The parties attended CCRC on June 6th. While they were able to reach some agreements, they could not agree on all issues therefore a report with the agreements and recommendations was prepared and mailed to the parties on July 15th.

Petitioner filed and served a Responsive Declaration to Request for Order on July 16th.

Respondent filed and served a Responsive Declaration to Request for Order on July 16th along with an Income and Expense Declaration.

Respondent is requesting joint legal and joint physical custody of the minor children. He requests a rotating schedule where he has the children starting after school (or 11am if no school) commencing on his day off and continuing until he returns to work four days later. He also requests alternating holidays. He is agreeable to guideline child and spousal support but asks that Petitioner be ordered to undergo a vocational evaluation with Patrick Sullivan at Respondent's expense. He asks the court to deny or reserve on Petitioner's request for attorney's fees, and he asks the court to address his proposed language for the May 15th FOAH.

Petitioner asks to be the primary custodial parent for the children. She requests an order precluding Respondent from consuming alcohol 24 hours prior to, and during, his parenting time. She provides a proposed parenting schedule for each of the children. She is not opposed to joint legal custody of Lincoln and Raygen so long as she has final decision-making authority if Respondent does not reply within 24 hours. She asks for sole legal custody of Stella. She is also requesting Respondent be compelled to maintain health

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insurance for herself and the minors and the parties to each pay a pro rata percentage of uncovered medical, dental, and healthcare expenses for the children. She is requesting \$7,500 in need-based attorney fees.

After reviewing the filings as outlined above, the court finds the agreements and recommendations contained in the CCRC report to be in the best interests of the children. They are hereby adopted as the orders of the court with one modification. The section titled Alcohol or Substance Abuse shall be amended to read – “Father may not consume alcoholic beverages for 24 hours prior to his visits and during his visits, he may not permit any third party to consume alcoholic beverages in the presence of the children.”

Respondent’s request for a vocational evaluation is granted. Petitioner is to undergo a vocational evaluation with Patrick Sullivan. Respondent shall pay the cost of the evaluation. A review hearing is set for 11/20/2025 at 8:30 AM in department 5 to address the results of the evaluation and assess whether a modification to support is necessary.

In the interim the court is adopting the Xspouse report and bonus table attached as Exhibit A to Petitioner’s March 28th RFO. Respondent is ordered to pay Petitioner \$3,610 per month for child support and \$887 per month for spousal support. This amount shall be due on the 1st of the month commencing on August 1, 2025 and continuing thereafter until termination by operation of law or further order of the court. This order is effective as of April 1, 2025 however the court is reserving over the issue of arrears until after receipt of the vocational evaluation report.

The court finds that Respondent earns monthly bonus income. Respondent is ordered to make true-up payments pursuant to the bonus table. True up payments are due to be paid within 14 days of Respondent’s receipt of such bonus income. Respondent is to provide Petitioner with copies of his paystubs to substantiate such payments. Respondent may redact sensitive information, if any, from his paystubs prior to providing them to Petitioner.

In addition to the foregoing monthly support payments, the parties are ordered to split any uninsured healthcare costs for the children and childcare costs when such costs are incurred as a result of employment or necessary education for employment. The parties are ordered to split such costs 34% (to be paid by Petitioner) and 66% (to be paid by Respondent) and to follow the procedures as set forth in the attached FL-192.

Respondent is ordered to maintain health insurance for Petitioner and the children.

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Regarding the request for attorney's fees, the request is granted. The public policy of Family Code section 2030 is to provide "at the outset of litigation, consistent with the financial circumstances of the parties, parity between spouses in their ability to obtain effective legal representation." In *Re Marriage of Keech*, 75 Cal. App. 4th 860, 866 (1999). This ensures each party has access to legal representation to preserve each party's rights. It "is not the redistribution of money from the greater income party to the lesser income party," but rather "parity." *Alan S. v. Sup. Ct.*, 172 Cal. App. 4th 238, 251 (2009). In the face of a request for attorney's fees and costs, the court is to make findings on "whether there is a disparity in access to funds to retain counsel, and whether one party is able to pay for legal representation of both parties." Fam. Code § 2030(a)(2).

Here, the court does find there to be a significant disparity in income. Furthermore, the court finds that Respondent has the ability to pay the cost of his attorney and that of Petitioner. As such, Respondent is ordered to pay Petitioner's attorney \$7,500 as and for attorney's fees and costs. This amount may be paid in one lump sum or in monthly increments of \$625 due on the 15th of each month commencing on August 15th and continuing thereafter until paid in full (approximately 12 months). If any payment is missed or late the entire amount shall become immediately due and payable.

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

TENTATIVE RULING #7: AFTER REVIEWING THE FILINGS AS OUTLINED ABOVE, THE COURT FINDS THE AGREEMENTS AND RECOMMENDATIONS CONTAINED IN THE CCRC REPORT TO BE IN THE BEST INTERESTS OF THE CHILDREN. THEY ARE HEREBY ADOPTED AS THE ORDERS OF THE COURT WITH ONE MODIFICATION. THE SECTION TITLED ALCOHOL OR SUBSTANCE ABUSE SHALL BE AMENDED TO READ – "FATHER MAY NOT CONSUME ALCOHOLIC BEVERAGES FOR 24 HOURS PRIOR TO HIS VISITS AND DURING HIS VISITS, HE MAY NOT PERMIT ANY THIRD PARTY TO CONSUME ALCOHOLIC BEVERAGES IN THE PRESENCE OF THE CHILDREN."

RESPONDENT'S REQUEST FOR A VOCATIONAL EVALUATION IS GRANTED. PETITIONER IS TO UNDERGO A VOCATIONAL EVALUATION WITH PATRICK SULLIVAN. RESPONDENT SHALL PAY THE COST OF THE EVALUATION. A REVIEW HEARING IS SET FOR 11/20/2025 AT 8:30 AM IN DEPARTMENT 5 TO ADDRESS THE RESULTS OF THE EVALUATION AND ASSESS WHETHER A MODIFICATION TO SUPPORT IS NECESSARY.

IN THE INTERIM THE COURT IS ADOPTING THE XSPOUSE REPORT AND BONUS TABLE ATTACHED AS EXHIBIT A TO PETITIONER'S MARCH 28TH RFO. RESPONDENT IS

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ORDERED TO PAY PETITIONER \$3,610 PER MONTH FOR CHILD SUPPORT AND \$887 PER MONTH FOR SPOUSAL SUPPORT. THIS AMOUNT SHALL BE DUE ON THE 1ST OF THE MONTH COMMENCING ON AUGUST 1, 2025 AND CONTINUING THEREAFTER UNTIL TERMINATION BY OPERATION OF LAW OR FURTHER ORDER OF THE COURT. THIS ORDER IS EFFECTIVE AS OF APRIL 1, 2025 HOWEVER THE COURT IS RESERVING OVER THE ISSUE OF ARREARS UNTIL AFTER RECEIPT OF THE VOCATIONAL EVALUATION REPORT.

THE COURT FINDS THAT RESPONDENT EARNS MONTHLY BONUS INCOME. RESPONDENT IS ORDERED TO MAKE TRUE-UP PAYMENTS PURSUANT TO THE BONUS TABLE. TRUE UP PAYMENTS ARE DUE TO BE PAID WITHIN 14 DAYS OF RESPONDENT'S RECEIPT OF SUCH BONUS INCOME. RESPONDENT IS TO PROVIDE PETITIONER WITH COPIES OF HIS PAYSTUBS TO SUBSTANTIATE SUCH PAYMENTS. RESPONDENT MAY REDACT SENSITIVE INFORMATION, IF ANY, FROM HIS PAYSTUBS PRIOR TO PROVIDING THEM TO PETITIONER.

IN ADDITION TO THE FOREGOING MONTHLY SUPPORT PAYMENTS, THE PARTIES ARE ORDERED TO SPLIT ANY UNINSURED HEALTHCARE COSTS FOR THE CHILDREN AND CHILDCARE COSTS WHEN SUCH COSTS ARE INCURRED AS A RESULT OF EMPLOYMENT OR NECESSARY EDUCATION FOR EMPLOYMENT. THE PARTIES ARE ORDERED TO SPLIT SUCH COSTS 34% (TO BE PAID BY PETITIONER) AND 66% (TO BE PAID BY RESPONDENT) AND TO FOLLOW THE PROCEDURES AS SET FORTH IN THE ATTACHED FL-192.

RESPONDENT IS ORDERED TO MAINTAIN HEALTH INSURANCE FOR PETITIONER AND THE CHILDREN.

PETITIONER'S REQUEST FOR ATTORNEY'S FEES IS GRANTED. RESPONDENT IS ORDERED TO PAY PETITIONER'S ATTORNEY \$7,500 AS AND FOR ATTORNEY'S FEES AND COSTS. THIS AMOUNT MAY BE PAID IN ONE LUMP SUM OR IN MONTHLY INCREMENTS OF \$625 DUE ON THE 15TH OF EACH MONTH COMMENCING ON AUGUST 15TH AND CONTINUING THEREAFTER UNTIL PAID IN FULL (APPROXIMATELY 12 MONTHS). IF ANY PAYMENT IS MISSED OR LATE THE ENTIRE AMOUNT SHALL BECOME IMMEDIATELY DUE AND PAYABLE.

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

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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) 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 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.

NOTICE OF RIGHTS AND RESPONSIBILITIES REGARDING CHILD SUPPORT

Childcare and Health Care Costs and Reimbursement Procedures

Your child support order may include a provision for payment of childcare or uninsured health care costs. Childcare costs may be included as part of the monthly child support payment or reimbursable as a percentage of the costs. If the childcare costs are included as part of the monthly child support payment, you must pay that amount each month until the court changes (modifies) the child support order. If you need to change your child support order because there has been a change in the cost of childcare, see page 2.

If you have a child support order that includes a provision for the reimbursement of a percentage of childcare costs or a portion of the child's or children's health care costs and those costs are not paid by insurance, the **law says**:

1. **Notice.** You must give the other parent an itemized statement of the charges that have been billed for any childcare costs or health care costs not paid by insurance. You must give this statement to the other parent within a reasonable time, but no more than 90 days after those costs were given to you.
2. **Proof of full payment.** If you have already paid all of the childcare costs or uninsured health care costs, you must (1) give the other parent proof that you paid them and (2) ask for reimbursement for the other parent's court-ordered share of those costs.
3. **Proof of partial payment.** If you have paid only your share of the childcare costs or uninsured health care costs, you must (1) give the other parent proof that you paid your share, (2) ask that the other parent pay his or her share of the costs directly to the childcare or health care provider, and (3) give the other parent the information necessary for that parent to be able to pay the bill.
4. **Payment by notified parent.** If you receive notice from a parent that a childcare or uninsured health care cost has been incurred, you must pay your share of that cost within the time the court orders; or if the court has not specified a period of time, you must make payment (1) within 30 days from the time you were given notice of the amount due, (2) according to any payment schedule set by the health care provider, (3) according to a schedule agreed to in writing by you and the other parent, or (4) according to a schedule adopted by the court.
5. **Going to court.** Sometimes parents get into disagreements about childcare and health care costs. If you and the other parent cannot resolve the situation after talking about it, you can request that the court make a decision.
- a. **Disputed requests for payment.** If you dispute a request for payment made by the other parent, you may file a request for the court to resolve the dispute, but only if you pay the requested amount before filing your request.
- b. **Nonpayment.** If you claim that the other parent has failed to pay you back for a payment, or they have failed to make a payment to the provider after proper notice, you may file a request for the court to resolve the dispute.
- c. **Paid charges.** The court will presume that if uninsured health care costs or childcare costs for employment or necessary training for job skills have been paid, those costs were reasonable. If you want to dispute paid charges, you will have to show the court that the costs were unreasonable.
- d. **Attorney's fees.** If the court decides one parent has been unreasonable, it can order that parent to pay the other parent's attorney's fees and costs.
- e. **Court forms.** Use forms [FL-300](#) and [FL-490](#) to get a court date. See form [FL-300-INFO](#) for information about completing, filing, and serving your court papers.
6. **Court-ordered insurance coverage.** If a parent provides health care insurance as ordered by the court, that insurance must be used at all times to the extent that it is available for health care costs.
 - a. **Burden to prove.** The parent claiming that the coverage is inadequate to meet the child's needs has the burden of proving that to the court.
 - b. **Cost of additional coverage.** If a parent purchases health care insurance in addition to that ordered by the court, that parent must pay all the costs of the additional coverage. In addition, if a parent uses alternative coverage that costs more than the coverage provided by court order, that parent must pay the difference.
7. **Preferred health providers.** If the court-ordered coverage designates a preferred health care provider, that provider must be used at all times consistent with the terms of the health insurance policy. When any parent uses a health care provider other than the preferred provider, any health care costs that would have been paid by the preferred health provider if that provider had been used must be the sole responsibility of the parent incurring those costs.
8. **Need help?** Contact the [family law facilitator](#) in your county or call your county's bar association and ask for an experienced family lawyer.

Information Sheet on Changing a Child Support Order

General Info

The court has made a child support order in your case. This order will remain the same unless one of the parents requests that the support be changed (modified). An order for child support can be modified by filing a request to change child support and serving the other parent. If both parents agree on a new child support amount, they can complete, sign, and file with the court a *Stipulation to Establish or Modify Child Support and Order* (form [FL-350](#)). (**Note:** If the local child support agency is involved in your case, it must be served with any request to change child support and approve any agreement.)

Online Self-Help Guide

For more information about how child support works, visit: <https://selfhelp.courts.ca.gov/child-support>.

When a Child Support Order May Be Changed

The court considers several things when ordering the payment of child support.

- First, the number of children is considered, along with the percentage of time each parent has physical custody of the children.
- Next, the net disposable incomes of both parents are determined (which is how much money is left each month after taxes and certain other items like health insurance, union dues, or other child support ordered and paid are subtracted from a parent's paycheck). The court can also look at a parent's earning ability.
- The court considers both parents' tax filing status and may consider hardships, such as the cost of raising the parent's child from another relationship who lives with the parent.

A parent can request to change an existing order for child support when circumstances change significantly. For example if the net disposable income of one of the parents changes, parenting time changes, or a new child is born.

Examples

- You have been ordered to pay \$500 per month in child support. You lose your job. You will continue to owe \$500 per month, **plus** 10 percent interest on any unpaid support, unless you file a motion to modify your child support to a lower amount and the court orders a reduction.
- You are currently receiving \$300 per month in child support from the other parent, whose net income has just increased substantially. You will continue to receive \$300 per month unless you file a motion to modify your child support to a higher amount and the court orders an increase.
- You are paying child support based on having physical custody of your children 30 percent of the time. After several months it turns out that you actually have physical custody of the children 50 percent of the time. You may file a motion to modify child support to a lower amount.

How to Change a Child Support Order

To change a child support order, you must file papers with the court. *Remember:* You must follow the order you have now.

What forms do I need?

If you are asking to change a child support order, you must fill out one of these forms:

- Form [FL-300](#), *Request for Order* **or**
- Form [FL-390](#), *Notice of Motion and Motion for Simplified Modification of Order for Child, Spousal, or Family Support*

You must also fill out one of these forms, and attach proof of income for the past two months (like your paycheck stubs):

- Form [FL-150](#), *Income and Expense Declaration* **or**
- Form [FL-155](#), *Financial Statement (Simplified)*

What if I am not sure which forms to fill out?

Contact the family law facilitator in your county. You can find them here: www.courts.ca.gov/selfhelp-facilitators.htm.

After you fill out the forms, file them with the court clerk and ask for a hearing date. Write the hearing date on the form. The clerk may ask you to pay a filing fee. If you cannot afford the fee, fill out these forms, too:

- Form [FW-001](#), *Request to Waive Court Fees* **and**
- Form [FW-003](#), *Order on Court Fee Waiver (Superior Court)*

You must serve the other parent. If the local child support agency is involved, serve it too.

- This means someone 18 or over—not you—must deliver copies of your filed court forms to the other parent, at least **16 court days** before the hearing. Add **5 calendar days** if delivered by mail within California (see Code of Civil Procedure section 1005 for other situations).
- **Court days** are weekdays when the court is open for business (Monday through Friday except court holidays). **Calendar days** include all days of the month, including weekends and holidays. To find court holidays, go to: www.courts.ca.gov/holidays.htm.

Blank copies of both of these forms must also be served:

- Form [FL-320](#), *Responsive Declaration to Request for Order*
- Form [FL-150](#), *Income and Expense Declaration*

Then the server fills out and signs a *Proof of Service*. Take this form, **plus** one copy, to the clerk and file it at least one week before your hearing.

Go to your hearing and ask the judge to change the support.

Bring your tax returns from the last two years and your proof of income for the past two months (like your paycheck stubs). The judge will look at your information, listen to both parents, and make an order. After the hearing, fill out:

- Form [FL-340](#), *Findings and Order After Hearing* **and**
- Form [FL-342](#), *Child Support Information and Order Attachment*

Need help?

Contact the [family law facilitator](#) in your county or call your county's bar association and ask for an experienced family lawyer.

Information About Child Support for Incarcerated or Confined Parents

1. Child support. As of September 27, 2022, child support automatically stops if the parent who has to pay is confined against their will for more than 90 days in a row in jail, prison, juvenile detention, a mental health facility, or other institution.

Exception. Child support does not automatically stop if the parent who has to pay has money available to pay child support.

2. Past confinement. Child support also automatically stops during past confinement if it was ordered from October 8, 2015, through December 31, 2019, or January 1, 2021, through September 26, 2022, and the parent who has to pay was confined for more than 90 days in a row during the same time frame.

Exceptions for past confinement. Child support does not automatically stop if the parent who has to pay was in jail or prison for failing to pay child support or for domestic violence against the other parent or the child, or if they had money available to pay support.

3. Timing. The date child support automatically restarts will depend on the parent's release date. If you need to change your child support order, see page 2.

a. If released before January 1, 2024, child support automatically restarts the first day of the first full month after the parent is released.

b. If released after January 1, 2024, child support will automatically restart the first day of the 10th month after the parent is released.

Employment before the 10-month period ends: If the parent who has to pay support starts working before the date child support is set to automatically restart, the person who is owed support or the local child support agency can request the court restart the child support order early. The court may order a different amount of child support if appropriate.

4. More info. For more information about child support and incarcerated parents, see Family Code section 4007.5 or go to <https://selfhelp.courts.ca.gov/child-support/incarcerated-parent>. You can also contact the family law facilitator in your county and can find them here: www.courts.ca.gov/selfhelp-facilitators.htm.

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8. DONNA REGENNITTER V. ROBERT REGENNITTER

24FL0818

On April 10, 2025, Respondent filed a Request for Order (RFO) seeking to set aside his default. He filed a Memorandum of Points and Authorities in support thereof. The RFO, the Memorandum of Points and Authorities and all other required documents were served the same day as filing.

Petitioner filed and served a Responsive Declaration to Request for Order on July 10, 2025.

Respondent filed a Declaration of James L. Gwinup, CFLS on July 17th objecting to the Responsive Declaration as it was late filed. Respondent's objection is sustained. The court finds the Responsive Declaration to be late filed pursuant to Civil Procedure section 1005(b) which states all opposition papers are to be filed at least nine court days before the hearing date. This is to be increased by five calendar days if the opposition papers are served by mail. *Id.* Pursuant to Section 1005, July 6th would have been the last day to mail serve the Responsive Declaration. Because that day is a Sunday the last day would have been July 7th. Regardless, the document was late served, and the court cannot consider it.

Respondent seeks to set aside his default, arguing that his failure to file a Response was due to his own mistaken belief that his Response in the DVRO action acted as a response to the Petition for Dissolution. "The court may, upon any terms as may be just, relieve a party or his or her legal representative from a judgment, dismissal, order, or other proceeding taken against him or her through his or her mistake, inadvertence, surprise, or excusable neglect." Cal. Civ. Pro. § 473(b). To obtain relief under Section 473(b), the moving party must do so within a reasonable time and must provide a copy of the pleading proposed to be filed. *Id.* Generally, a pro per is held to the same standard as a practicing attorney. *Goodson v. Bogerts, Inc.*, 252 Cal. App. 2d 32, 40 (1967). Nevertheless, while the court is not to give deference to a party simply because that party was acting in pro per, the court is to resolve any doubts as to a showing of mistake, inadvertence, surprise, or excusable neglect in favor of the moving party. *Elston v. City of Turlock*, 38 Cal. 3d 227, 233 (1985) (overruled on other grounds). This is especially so when there has been no showing of substantial prejudice to the opposing party should the motion be granted. *Id.* at 235.

Here, there has been no showing that setting aside the default would result in any prejudice to Petitioner. With that in mind, and given that the policy of the State of California is to favor judgment on the merits, the request to set aside the default is granted. Respondent shall file and serve his Response to the Petition no later than August 7, 2025.

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

TENTATIVE RULING #8: THE REQUEST TO SET ASIDE THE DEFAULT IS GRANTED. RESPONDENT SHALL FILE AND SERVE HIS RESPONSE TO THE PETITION NO LATER THAN AUGUST 7, 2025. 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 PHONE CALL 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 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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9. ROBERT THORNTON V. MELISSA MEANOR

PFL20140803

Minor's Counsel filed a Request for Order (RFO) on February 14, 2025, seeking a modification of the current parenting plan orders. The parties were not referred to Child Custody Recommending Counseling (CCRC) at the time of filing. As such, when this matter came before the court for hearing on May 1st, the parties were referred to CCRC and a review hearing was set for the present date.

Respondent filed a Responsive Declaration on April 16, 2025. Proof of Service shows Petitioner and Minor's Counsel were electronically served on April 16, 2025.

Minor's Counsel filed a Statement of Issues and Contentions, which the court deems to be a Supplemental Declaration, on April 21, 2025. Parties were mail served the same day.

Petitioner filed a Responsive Declaration on April 21, 2025. There is no Proof of Service for this document. Therefore, it cannot be considered.

The parties attended CCRC on June 2nd. A report with recommendations was prepared and mailed to the parties on July 11, 2025 (though there appears to be an error on the report indicating it is from 2024).

Petitioner filed a Responsive Declaration to Request for Order on July 17th, however there is no Proof of Service and it is late filed, therefore the court cannot consider it.

After reviewing the filings as outlined above, the court finds the recommendations contained in the July 11th CCRC report to be in the best interests of the minor, therefore they are hereby adopted as the orders of the court.

Minor's Counsel shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #9: AFTER REVIEWING THE FILINGS AS OUTLINED ABOVE, THE COURT FINDS THE RECOMMENDATIONS CONTAINED IN THE JULY 11TH CCRC REPORT TO BE IN THE BEST INTERESTS OF THE MINOR, THEREFORE THEY ARE HEREBY ADOPTED AS THE ORDERS OF THE COURT.

MINOR'S COUNSEL 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

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BY PHONE CALL 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 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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10. JACK YOUNGBLOOD V. COLLEEN YOUNGBLOOD

23FL0236

On May 21, 2025, Petitioner filed a Request for Order (RFO) seeking to enforce the parties' written agreement. He filed an Income and Expense Declaration concurrently therewith. All required documents were served on May 22nd.

Respondent filed and served her Responsive Declaration to Request for Order on July 9th.

Petitioner's Reply Declaration was filed and served on July 17th.

Petitioner filed his RFO seeking to enforce the parties' written stipulation dated February 5, 2025. Specifically he seeks the following: (1) Order Respondent to allow access to the marital residence by the real estate agent to prepare and show the home; (2) Order Respondent to execute all documents necessary for the marketing and sale of the home; (3) Order Respondent to vacate the premises; (4) Order Respondent to pay Petitioner his portion of the CalPERS retirement payments with interest; (5) Order Respondent to reimburse Petitioner for her portion of the cost of the QDRO from her portion of the proceeds of the sale of the home; (6) Order Respondent to cooperate in transferring ownership of the Ford Explorer to her name alone, alternatively, he asks that Respondent be ordered to turn the vehicle over to Petitioner; and (7) Sanctions pursuant to Family Code § 271 in the amount of \$25,000.

Respondent requests an order directing Petitioner to provide her with access to the Chase Bank mortgage so she can assume the loan. She also requests an order delaying the sale of the residence for at least four months. She asks the court to deny all other remedies sought by Petitioner.

First and foremost, regarding the Ford Explorer, Respondent is ordered to turn the vehicle over to Petitioner no later than July 31, 2025. Petitioner is ordered to sell the vehicle forthwith. Petitioner may use Respondent's proceeds from the sale of the vehicle to reimburse himself for her half of the QDRO preparation payment and for the outstanding CalPERS amount he is owed. The remainder of Respondent's half of the proceeds, if any, shall be released to her after the QDRO and CalPERS payments have been withheld.

The parties are ordered to place the marital residence up for sale with a real estate agent or broker no later than August 14, 2025. The parties are ordered to take no action which would delay, hinder, or otherwise prevent the sale, including actions which would prevent cleaning, repairs, and maintenance or showing of the home in furtherance of its

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sale. The parties are ordered to cooperate with the real estate professional to make the home available for showings and to communicate with the real estate professional as needed. The parties are ordered to accept any reasonable offer for the purchase of the home if one is received. The parties are to sign all documents related to the sale of the home in a timely manner. Should Respondent fail to do so, the court is authorizing the clerk of the court to act as elisor and sign on behalf of Respondent. Net proceeds of the sale are to be placed in the Attorney Trust Account of Petitioner's attorney until written agreement of the parties or court order authorizing the distribution and release of the proceeds.

The request for an order compelling Respondent to vacate the home is denied and the court is reserving jurisdiction over Petitioner's request for Section 271 sanctions. However, Respondent is admonished to comply with the courts orders as enumerated above. Failure to do so may result in monetary sanctions and/or orders for contempt of court.

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

TENTATIVE RULING #10: REGARDING THE FORD EXPLORER, RESPONDENT IS ORDERED TO TURN THE VEHICLE OVER TO PETITIONER NO LATER THAN JULY 31, 2025. PETITIONER IS ORDERED TO SELL THE VEHICLE FORTHWITH. PETITIONER MAY USE RESPONDENT'S PROCEEDS FROM THE SALE OF THE VEHICLE TO REIMBURSE HIMSELF FOR HER HALF OF THE QDRO PREPARATION PAYMENT AND FOR THE OUTSTANDING CALPERS AMOUNT HE IS OWED. THE REMAINDER OF RESPONDENT'S HALF OF THE PROCEEDS, IF ANY, SHALL BE RELEASED TO HER AFTER THE QDRO AND CALPERS PAYMENTS HAVE BEEN WITHHELD.

THE PARTIES ARE ORDERED TO PLACE THE MARITAL RESIDENCE UP FOR SALE WITH A REAL ESTATE AGENT OR BROKER NO LATER THAN AUGUST 14, 2025. THE PARTIES ARE ORDERED TO TAKE NO ACTION WHICH WOULD DELAY, HINDER, OR OTHERWISE PREVENT THE SALE, INCLUDING ACTIONS WHICH WOULD PREVENT CLEANING, REPAIRS, AND MAINTENANCE OR SHOWING OF THE HOME IN FURTHERANCE OF ITS SALE. THE PARTIES ARE ORDERED TO COOPERATE WITH THE REAL ESTATE PROFESSIONAL TO MAKE THE HOME AVAILABLE FOR SHOWINGS AND TO COMMUNICATE WITH THE REAL ESTATE PROFESSIONAL AS NEEDED. THE PARTIES ARE ORDERED TO ACCEPT ANY REASONABLE OFFER FOR THE PURCHASE OF THE HOME IF ONE IS RECEIVED. THE PARTIES ARE TO SIGN ALL DOCUMENTS RELATED TO THE SALE OF THE HOME IN A TIMELY MANNER. SHOULD RESPONDENT FAIL TO DO SO, THE COURT IS AUTHORIZING THE CLERK OF THE COURT TO ACT AS ELISOR AND SIGN ON

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BEHALF OF RESPONDENT. NET PROCEEDS OF THE SALE ARE TO BE PLACED IN THE ATTORNEY TRUST ACCOUNT OF PETITIONER'S ATTORNEY UNTIL WRITTEN AGREEMENT OF THE PARTIES OR COURT ORDER AUTHORIZING THE DISTRIBUTION AND RELEASE OF THE PROCEEDS.

THE REQUEST FOR AN ORDER COMPELLING RESPONDENT TO VACATE THE HOME IS DENIED AND THE COURT IS RESERVING JURISDICTION OVER PETITIONER'S REQUEST FOR SECTION 271 SANCTIONS. HOWEVER, RESPONDENT IS ADMONISHED TO COMPLY WITH THE COURTS ORDERS AS ENUMERATED ABOVE. FAILURE TO DO SO MAY RESULT IN MONETARY SANCTIONS AND/OR ORDERS FOR CONTEMPT OF COURT.

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 PHONE CALL 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 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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11. LEONARD ALDERETTE V. MEGAN ALDERETTE

PFL20170261

Petitioner filed an ex parte application for emergency custody orders on April 22, 2025. On April 23, 2025, the court granted the ex parte request granting Petitioner temporary sole legal and physical custody of the minors with Respondent to have professionally supervised parenting time once a week for two hours. The court referred the parties to Child Custody Recommending Counseling (CCRC) for an appointment on May 28, 2025, and a review hearing on July 24th. Petitioner filed a Request for Order (RFO) on April 23rd making the same requests as set forth in the ex parte application. Proof of Service shows Respondent was mail served on April 24th. The court notes this service does not comply with Family Code section 215, as there has been no address verification filed.

Both parties and the minors participated in the CCRC appointment. The parties were able to reach several agreements. A report with the parties' agreements as well as further recommendations was filed with the court on June 27, 2025. Copies were mailed to the parties on June 30th.

Respondent has not filed a Responsive Declaration.

The court has read and considered the filings as outlined above. The court finds good cause to proceed, as Respondent appeared at the CCRC appointment and full participated. The court finds the parties' agreements and the recommendations as set forth in the June 27th CCRC report to be in the best interests of the minors. The court adopts the agreements and recommendations as its order.

All prior orders not in conflict with these orders remain in full force and effect. Petitioner shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #11: THE COURT FINDS GOOD CAUSE TO PROCEED, AS RESPONDENT APPEARED AT THE CCRC APPOINTMENT AND FULL PARTICIPATED. THE COURT FINDS THE PARTIES' AGREEMENTS AND THE RECOMMENDATIONS AS SET FORTH IN THE JUNE 27TH CCRC REPORT TO BE IN THE BEST INTERESTS OF THE MINORS. THE COURT ADOPTS THE AGREEMENTS AND RECOMMENDATIONS AS ITS ORDER. ALL PRIOR ORDERS NOT IN CONFLICT WITH THESE ORDERS 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

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BY PHONE CALL 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 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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12. ALEX CHAVEZ V. EDITH GONZALEZ

25FL0405

Petitioner filed an ex parte application for emergency custody orders on May 2, 2025. On May 5, 2025, the court denied the request and referred the parties to Child Custody Recommending Counseling (CCRC) for an appointment on June 6, 2025, and a review hearing on July 24th. Petitioner filed a Request for Order (RFO) on May 5th making the same requests as set forth in the ex parte application. Respondent was personally served on June 4, 2025.

Both parties appeared for the CCRC appointment and were able to reach many agreements. A report with the parties' agreements as well as additional recommendations was filed with the court on July 1, 2025. Copies were mailed to the parties on July 2nd.

Respondent has not filed a Responsive Declaration.

The court has read and considered the filings as outlined above. The court finds the parties' agreements as well as the recommendations as set forth in the July 1st CCRC report are in the best interest of the minor. The court adopts the agreements and recommendations as its orders.

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

TENTATIVE RULING #12: THE COURT FINDS THE PARTIES' AGREEMENTS AS WELL AS THE RECOMMENDATIONS AS SET FORTH IN THE JULY 1ST CCRC REPORT ARE IN THE BEST INTEREST OF THE MINOR. THE COURT ADOPTS THE AGREEMENTS AND RECOMMENDATIONS AS ITS ORDERS. 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 PHONE CALL 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 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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14. JOHN FONSECA V. RHIANNON FONSECA

25FL0220

Petitioner filed a Request for Order (RFO) on May 13, 2025, requesting the court allow the Petition for Dissolution to be amended. Further, Petitioner requests the matter be set for trial for all purposes. Proof of Service shows Respondent was personally served on June 21, 2025.

Respondent has not filed a Responsive Declaration.

The court has read and considered Petitioner's motion. The request to file an Amended Petition is granted. There does appear to have been several typographical errors in the original Petition. The court notes Petitioner asserts there is a Domestic Violence Restraining Order, Case Number 25FL0041 out of Placer County. That is incorrect. The Domestic Violence Restraining Order in 25FL0041 is in El Dorado County. Petitioner is to file the Amended Petition by no later than August 7, 2025.

As to the request to set the matter for trial, the court finds that request to be premature. While Petitioner has served his Preliminary Declarations of Disclosure, there is no Proof of Service showing Respondent has done so. It does not appear this matter is in a position to proceed to trial at this time. Additionally, a RFO is not necessary to have a trial setting conference. Pursuant to El Dorado Superior Court Local Rule 8.20.0: "Local Form F-18 Request for Trial Setting Conference shall be filed with the court along with a proof of service to the opposing counsel/party before any contested case may be set for trial or evidentiary hearing. The Court, on its own motion, or at the request of a party during a law and motion proceeding, may set a contested case for trial or evidentiary hearing." Additionally, Petitioner has been granted leave to amend the Petition in this action, which requires Respondent to be served and allows Respondent the ability to file an Amended Response. The request for trial setting is denied.

All prior orders not in conflict with this order remain in full force and effect. Petitioner shall prepare the Findings and Orders After Hearing.

TENTATIVE RULING #14: THE COURT GRANTS PETITIONER'S REQUEST TO FILE AN AMENDED PETITION FOR DISSOLUTION TO CORRECT THE TYPOGRAPHICAL ERRORS. PETITIONER IS TO FILE THE AMENDED PETITION BY NO LATER THAN AUGUST 7, 2025. PETITIONER'S REQUEST FOR TRIAL SETTING IS DENIED. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE THE FINDINGS AND ORDERS AFTER HEARING.

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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) 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 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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15. JAMES HERNANDEZ V. CHRISTINA SULLIVAN

24FL0301

Petitioner filed a Request for Order (RFO) on May 13, 2025, requesting sibling visits as well as visitation supervised by grandparents. The parties were not referred to Child Custody Recommending Counseling (CCRC) as they had attended within the prior six months. Proof of Service shows Respondent and her counsel were mail served on May 13, 2025.

Respondent has not filed a Responsive Declaration to Request for Order, therefore, the court deems the failure to do so as an admission that Petitioner's moving papers have merit. See El Dorado County, Local Rule 7.10.02(C).

The court grants Petitioner's request to allow the half-sibling to be present during the supervised parenting time. The court authorizes non-professional supervision. The parties shall mutually agree to a non-professional supervisor in writing. Neither party shall unreasonably deny a proposed supervisor. The non-professional supervisor shall file the FL-324 NP with the court prior to providing supervision.

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 #15: THE COURT GRANTS PETITIONER'S REQUEST TO ALLOW THE HALF-SIBLING TO BE PRESENT DURING THE SUPERVISED PARENTING TIME. THE COURT AUTHORIZES NON-PROFESSIONAL SUPERVISION. THE PARTIES SHALL MUTUALLY AGREE TO A NON-PROFESSIONAL SUPERVISOR IN WRITING. NEITHER PARTY SHALL UNREASONABLY DENY A PROPOSED SUPERVISOR, THIS MEANS THE PARTY MUST HAVE REASONABLE, ARTICULABLE GROUNDS FOR WHY THAT INDIVIDUAL CANNOT PROVIDE SUPERVISION. THE NON-PROFESSIONAL SUPERVISOR SHALL FILE THE FL-324 NP WITH THE COURT PRIOR TO PROVIDING SUPERVISION. 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 PHONE CALL 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

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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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16. JODIE JONES V. MICHAEL REITER

22FL0851

Petitioner filed a Request for Order (RFO) on February 27, 2025, seeking a modification of child custody orders. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on March 27, 2025 and a review hearing on May 22, 2025. Upon review of the court file, there is no Proof of Service showing Respondent was properly served.

Only Petitioner appeared for the CCRC appointment. As such, a single parent report was filed with the court on March 27, 2025. Copies were mailed to the parties on the same day.

Petitioner appeared for the hearing on May 22nd, and requested the matter be continued to allow additional time to serve Respondent. The court granted the request to continue the hearing to July 24, 2025.

Petitioner filed a Notice of Acknowledgement and Receipt on July 8, 2025, showing Respondent received the Petition for Custody and Support as well as the RFO. Respondent signed the acknowledgment on June 13, 2025.

Respondent has not filed a Responsive Declaration.

The court order parties to appear for the hearing.

TENTATIVE RULING #16: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.

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17. DCSS V. DANIEL KIMZEY (OTHER PARENT: EMILY WILLOUGHBY) PFS20110018

Other Parent filed a Request for Order (RFO) on April 22, 2025, seeking modification of child custody orders. The parties were referred to Child Custody recommending Counseling (CCRC) for an appointment on May 29, 2025, and a review hearing on July 24th. Proof of Service shows Respondent was personally served on April 30th. There is no Proof of Service showing Petitioner was served.

On May 29th the parties were unable to participate in CCRC due to Respondent not being transported from jail timely.

On June 2, 2025, the parties submitted a stipulation and order to the court for signature. The court signed the order on June 12th, adopting the parties' stipulation as its order. The stipulation did not contain a provision to vacate the July 24th hearing, and as such, the court is issuing this tentative ruling.

The court maintains the current orders in full force and effect. The matter is dropped from calendar as moot, as the parties' stipulation has resolved all issues raised in the RFO.

TENTATIVE RULING #17: THE COURT MAINTAINS THE CURRENT ORDERS IN FULL FORCE AND EFFECT. THE MATTER IS DROPPED FROM CALENDAR AS MOOT, AS THE PARTIES' STIPULATION HAS RESOLVED ALL ISSUES RAISED IN THE RFO.

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) 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 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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18. KELSEY MCPARLAND V. PATRICK MCPARLAND

24FL0881

Respondent filed a Request for Order (RFO) concurrently with an Order Shortening Time (OST) on June 27, 2025. The court granted the OST and set the matter for a hearing on July 24, 2025. Petitioner was electronically served on June 30, 2025. Respondent seeks exclusive use and control of the South Lake Tahoe residence as well as exclusive management authority over the parties Airbnb business. Respondent is seeking an allocation of expenses for the South Lake Tahoe Property. Respondent also seeks a restraint on the parties' speech to third parties regarding the dissolution. Respondent seeks an order for the sale of the San Francisco property, including orders regarding the distribution of the proceeds of the sale of the property. Respondent seeks orders regarding the care and custody of the parties' dog "Moose". Last Respondent seeks fees and sanctions.

Petitioner filed a Responsive Declaration on July 11, 2025. Petitioner seeks exclusive use and control of the South Lake Tahoe Property as well as management of the Airbnb business and orders as to the allocation of income and expenses for the property. Petitioner does not consent to the sale of the San Francisco property. Petitioner seeks sole possession of "Moose" with Respondent to pay all fees associated with the dog's care or in the alternative, the parties to share care and custody of "Moose" and the share the costs equally. Last, Petitioner requests the court deny the request for fees and sanctions.

The court has read and considered the filings as outlined above. The court finds it requires testimony on Respondent's requests with the exception of the requested orders as to "Moose". The court notes parties currently have a Mandatory Settlement Conference (MSC) as well as trial dates pending. For judicial economy, the court sets these matters to be heard on the current pending dates. The parties are directed to comply with the El Dorado County Local Rules when preparing the case for trial. The court confirms the MSC set to be heard September 8, 2025, at 8:30 in Department 5 as well as the trial date of October 7, 2025, at 8:30 AM in Department 5. The court also confirms the trial readiness conference for October 3, 2025, at 2:30 PM utilizing the Department 6 Zoom link.

As to "Moose", the court is ordering the parties to share care and custody of "Moose" on an equal basis. The court orders the right of first refusal for any absence of 24 hours or more. The parties are to share in all costs for "Moose" equally including the costs of boarding/pet sitting which are necessary for work or to facilitate rental of the Airbnb.

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The court reserves jurisdiction on the request for fees and sanctions until the time of trial. All prior orders not in conflict with this order remain in full force and effect. Respondent shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #18: THE COURT FINDS IT REQUIRES TESTIMONY ON RESPONDENT'S REQUESTS WITH THE EXCEPTION OF THE REQUESTED ORDERS AS TO "MOOSE". THE COURT NOTES PARTIES CURRENTLY HAVE A MANDATORY SETTLEMENT CONFERENCE (MSC) AS WELL AS TRIAL DATES PENDING. FOR JUDICIAL ECONOMY, THE COURT SETS THESE MATTERS TO BE HEARD ON THE CURRENT PENDING DATES. THE PARTIES ARE DIRECTED TO COMPLY WITH THE EL DORADO COUNTY LOCAL RULES WHEN PREPARING THE CASE FOR TRIAL. THE COURT CONFIRMS THE MSC SET TO BE HEARD SEPTEMBER 8, 2025, AT 8:30 IN DEPARTMENT 5 AS WELL AS THE TRIAL DATE OF OCTOBER 7, 2025, AT 8:30 AM IN DEPARTMENT 5. THE COURT ALSO CONFIRMS THE TRIAL READINESS CONFERENCE FOR OCTOBER 3, 2025, AT 2:30 PM UTILIZING THE DEPARTMENT 6 ZOOM LINK.

AS TO "MOOSE", THE COURT IS ORDERING THE PARTIES TO SHARE CARE AND CUSTODY OF "MOOSE" ON AN EQUAL BASIS. THE COURT ORDERS THE RIGHT OF FIRST REFUSAL FOR ANY ABSENCE OF 24 HOURS OR MORE. THE PARTIES ARE TO SHARE IN ALL COSTS FOR "MOOSE" EQUALLY INCLUDING THE COSTS OF BOARDING/PET SITTING WHICH ARE NECESSARY FOR WORK OR TO FACILITATE RENTAL OF THE AIRBNB.

THE COURT RESERVES JURISDICTION ON THE REQUEST FOR FEES AND SANCTIONS UNTIL THE TIME OF TRIAL. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER 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 PHONE CALL 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 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

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
July 24, 2025
8:30 a.m./1:30 p.m.

19. NICOLE MORTON V. DYLAN MORTON

25FL0366

Petitioner filed an ex parte application for emergency custody orders on April 21, 2025. On April 23, 2025, the court denied the request and referred the parties to Child Custody Recommending Counseling (CCRC) for an appointment on May 30, 2025 and a review hearing on July 24th. Petitioner filed a Request for Order (RFO) on April 23rd making the same requests as set forth in the ex parte application. Proof of Service shows Respondent was personally served on May 25, 2025.

Only Petitioner appeared for the May 30th CCRC appointment. As such, a single parent report with no agreements or recommendations was filed with the court on May 30, 2025. Copies were mailed to the parties on June 2, 2025.

Respondent has not filed a Responsive Declaration.

Parties are ordered to appear for the hearing.

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

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
July 24, 2025
8:30 a.m./1:30 p.m.

20. ACE RAMME V. AMELIA WEST

25FL0383

Petitioner filed a Request for Order (RFO) on April 25, 2025, seeking child custody and parenting plan orders. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on May 30, 2025 and a review hearing on July 24th. Proof of Service shows Respondent was personally served with all the required documents on May 17, 2025.

Only Petitioner appeared at the CCRC appointment. As such, a single parent report with no agreements or recommendations was filed with the court on May 30, 2025. Copies were mailed to the parties on June 2nd.

Respondent has not filed a Responsive Declaration.

Parties are ordered to appear for the hearing.

TENTATIVE RULING #20: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
July 24, 2025
8:30 a.m./1:30 p.m.

21. BRYAN LAWSON V. CHEYENNE WRIGHT

25FL0436

Petitioner filed a Petition to Establish a Parental Relationship on May 12, 2025. Petitioner concurrently filed a Request for Order seeing child custody and parenting plan orders as well as a move away request. Upon review of the court file, there is no Proof of Service showing the Petition or RFO have been properly served.

The court drops the matter from calendar due to the lack of proper service. Further, the Family Law action is currently stayed due to pending actions other departments, including Probate.

TENTATIVE RULING #21: THE MATTER IS DROPPED FROM 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 PHONE CALL 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 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.