

LAW & MOTION TENTATIVE RULINGS  
DEPARTMENT 5  
July 3, 2025  
8:30 a.m./1:30 p.m.

**1. OMAR ATEBAR V. MINA ATEBAR**

**PFL20140638**

On April 3, 2025, Petitioner filed a Request for Order (RFO) seeking to modify custody and visitation orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on May 5, 2025. There is no Proof of Service evidencing service of either the RFO or the CCRC referral and neither party appeared at the CCRC appointment. There is a Proof of Personal Service filed on June 26<sup>th</sup>, which indicates that a “Responsive Declaration to Order to Show Cause or Notice of Motion” was served on Respondent along with several other documents, however, there is no mention of either the RFO or the CCRC referral being served.

Despite the defect in service, Respondent filed and served a Responsive Declaration to Request for Order on June 20, 2025.

This matter is dropped from calendar due to Petitioner’s failure to serve the CCRC referral and his failure to appear at CCRC which was set as a result of his motion.

**TENTATIVE RULING #1: THIS MATTER IS DROPPED FROM CALENDAR DUE TO PETITIONER’S FAILURE TO SERVE THE CCRC REFERRAL AND HIS FAILURE TO APPEAR AT CCRC WHICH WAS SET AS A RESULT OF HIS MOTION.**

**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. 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 mail 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 the present date to allow for additional discovery to take place between the parties.

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.

Respondent asks the court to impute Petitioner with recurring gifts of at least \$2,289 per month and wages of at least \$8,000 per month. She further asks the court to order Petitioner to fully disclose his income, savings, assets, and financial assistance from his parents.

Petitioner filed his Supplemental Declaration and his Income and Expense Declaration on June 23, 2025.

Respondent has not filed an updated Income and Expense Declaration therefore the court is left to use Petitioner's estimate of Respondent's monthly income in calculating support.

Utilizing the same figures as outlined in the attached XSpouse report, the court finds that spousal support per the Alameda formula is \$1,346 per month and child support is \$1,132 per month. See attached XSpouse report. The court adopts the attached XSpouse report and orders Respondent to pay Petitioner \$2,478 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. This order is effective as of January 1, 2025.

The court finds the above order results in arrears in the amount of \$17,346 through and including July 1, 2025. The court orders Respondent pay Petitioner \$722.75 on the 15th of each month commencing on July 15, 2025 and continuing until paid in full

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(approximately 24 months). If any payment is late or missed the remaining balance shall become immediately due and payable with legal interest.

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 as set forth in the attached FL-192.

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

**TENTATIVE RULING #2: UTILIZING THE SAME FIGURES AS OUTLINED IN THE ATTACHED XSPOUSE REPORT, THE COURT FINDS THAT SPOUSAL SUPPORT PER THE ALAMEDA FORMULA IS \$1,346 PER MONTH AND CHILD SUPPORT IS \$1,132 PER MONTH. SEE ATTACHED XSPOUSE REPORT. THE COURT ADOPTS THE ATTACHED XSPOUSE REPORT AND ORDERS RESPONDENT TO PAY PETITIONER \$2,478 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. THIS ORDER IS EFFECTIVE AS OF JANUARY 1, 2025.**

**THE COURT FINDS THE ABOVE ORDER RESULTS IN ARREARS IN THE AMOUNT OF \$17,346 THROUGH AND INCLUDING JULY 1, 2025. THE COURT ORDERS RESPONDENT PAY PETITIONER \$722.75 ON THE 15TH OF EACH MONTH COMMENCING ON JULY 15, 2025 AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 24 MONTHS). IF ANY PAYMENT IS LATE OR MISSED THE REMAINING BALANCE SHALL BECOME IMMEDIATELY DUE AND PAYABLE WITH LEGAL INTEREST.**

**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 AS SET FORTH IN THE ATTACHED FL-192. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

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**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.**

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	7669	7669
Filing status	MFS->	<-MFS	Nets(adjusted)		Percent change	0%	0%
# exemptions	1 *	2 *	Support		Father		
Wages+salary	0	9166	Father	752	Payment cost/benefit	2475	2475
Self-employed income	0	0	Mother	6918	Net spendable income	3229	3229
Other taxable income	754	0	Total	7669	Change from guideline	0	0
TANF+CS received	0	0	Support		% of combined spendable	42%	42%
Other nontaxble income	0	0	Addons	0	% of saving over guideline	0%	0%
New spouse income	0	0	Guideln CS	1132	Total taxes	2	2
401(k) employee contrib	0	0	Alameda SS	1346	Dep. exemption value	0	0
Adjustments to income	0	0	Total	2478	# withholding allowances	0w	0w
SS paid prev marriage	0	0	-		Net wage paycheck	0	0
CS paid prev marriage	0	0			Mother		
Health insurance	0	0			Payment cost/benefit	-2353	-2353
Other medical expense	0	0			Net spendable income	4440	4440
Property tax expense	0	0	Proposed		Change from guideline	0	0
Ded interest expense	0	0	Tactic 9		% of combined spendable	58%	58%
Contribution deduction	0	0			% of saving over guideline	0%	0%
Misc tax deductions	0	0	CS	1132	Total taxes	2248	2248
Qual bus income ded	0	0	SS	1346	Dep. exemption value	0	0
Required union dues	0	0	Total	2478	# withholding allowances	0	0
Mandatory retirement	0	0			Net wage paycheck	6306	6306
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	1132	Mother	1132	Mother
	49 - 51	0	0	0	Father	1132	Mother	1132	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](http://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](http://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](http://www.courts.ca.gov/selfhelp-facilitators.htm).



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**3. MICKEY VINCENT DEMARTINI V. JESSICA RENEE SIMMONS**

**24FL1219**

Petitioner filed a Request for Order (RFO) on January 3, 2025, seeking DNA testing to establish paternity. The RFO was personally served on February 24<sup>th</sup>.

On March 25, 2025, Respondent filed and served a Notice of and Motion to Quash Petition to Determine Parental Relationship.

On April 4, 2025, Petitioner filed the following (1) a Request for Hearing and Application to Cancel Voluntary Declaration of Parentage or Paternity; (2) an Amended RFO seeking DNA testing; (3) a Responsive Declaration to Request for Order; and (4) and Amended Petition to Determine Parental Relationship. A Proof of Personal Service was filed on April 7<sup>th</sup> however it indicates that the documents were served to a “drop box in a sealed envelope.” There is also a Proof of Personal Service indicating personal service on Elijah Kane Thomas on April 4<sup>th</sup>.

Petitioner is requesting DNA testing to determine if he is the father of Shiloh D. Thomas. Shiloh was born on November 24, 2022 at which time Respondent and Elijah Thomas both signed the Voluntary Declaration of Paternity (VDOP).

Respondent asks the court to quash the Petition to Determine Parental Relationship pursuant to Code of Civil Procedure § 418.10 and Family Code §§ 7577 and 7635. She makes bases her request on the fact that Petitioner lacks standing to request DNA testing as the VDOP has not been set aside. She also notes Petitioner’s failure to file the proper mandatory Judicial Council forms to challenge the validity of the VDOP. Finally, she argues that Petitioner failed to provide notice to Mr. Thompson.

Petitioner objects to the Motion to Quash as it was drafted on pleading paper instead of using the mandatory form FL-300. He also states that all documents will be served on Mr. Thompson.

The parties are ordered to appear for the hearing.

**TENTATIVE RULING #3: THE PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.**

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**4. KATHY DITRICH V. DANIEL DITRICH**

**PFL20210547**

On April 4, 2025, Petitioner filed a Request for Order (RFO) seeking clarification regarding the court's prior orders. It was personally served on April 8<sup>th</sup>, along with all other required documents.

Respondent filed and served his Responsive Declaration to Request for Order on April 18<sup>th</sup>. He filed and served his Income and Expense Declaration on April 22<sup>nd</sup>.

Petitioner filed her Reply Declaration and her Income and Expense Declaration on May 2<sup>nd</sup>. These documents were mail served on May 8<sup>th</sup>.

Respondent has twice been ordered to remove his personal property from Petitioner's property. According to Petitioner, Respondent moved only some of the property and in doing so he caused \$1,410 worth of damage to her fence. Petitioner claims to have incurred an additional \$7,700 in the cost of removing the remaining property. Petitioner has been ordered to provide documentation to complete the QDROs but she argues that once the QDRO is complete she will not receive reimbursement for the aforementioned costs without court intervention. She is requesting an award of \$15,935 to be offset from the payout of the retirement account.

Respondent is opposing Petitioner's requests, and he is asking for \$2,500 in attorney's fees and costs due to the continued delay in completing the QDROs. Respondent argues that he removed the property that he was awarded in the divorce, the remaining property was the result of years of accumulation during the marriage.

The parties are ordered to appear for the hearing.

**TENTATIVE RULING #4: THE PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.**

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**5. DANIELLE MARIE HASAN V. TALIB HASAN**

**23FL0370**

On April 2, 2025, Respondent filed a Request for Order (RFO) seeking custody and visitation orders and orders regarding counseling. The RFO was served on June 13<sup>th</sup>, however because this matter was originally filed ex parte, Petitioner filed her Responsive Declaration to Request for Order on April 1<sup>st</sup>.

Respondent's Reply Declaration was filed and served on June 25, 2025 along with a Memorandum of Points and Authorities in Support of Respondent's Request for Order.

Petitioner's Supplemental Declaration Regarding Child Custody and Visitation was filed and served on June 26<sup>th</sup>.

Respondent brings his RFO requesting temporary sole custody of the minors (Damian and Ariyah), counseling/therapy to be ordered between himself and the minors, and Petitioner to have professionally supervised visits only. Alternatively, he requests his visits with the children be expanded and a review hearing be set for October of 2025 to assess the §3044 presumption as Respondent's 52-week batterer's intervention program will be completed by then.

Petitioner asks that the current custody and visitation orders remain in place. The orders currently in effect are for Petitioner to have sole legal and sole physical custody of the children with Respondent to have supervised visits every Wednesday from 6:00pm to 8:30pm and every Saturday from 9:00am to 5:00pm. She asks that the court deny Respondent's request for therapy.

Given the current DVRO and Respondent's criminal conviction, the court finds that the presumption of Family Code § 3044 applies. Respondent has not provided the court with sufficient information that would rebut the presumption against awarding him custody. Most notably, Respondent has not completed the 52-week batterer's intervention program. Until that program is complete, the court is not inclined to find the 3044 presumption to have been rebutted. As such, the court finds the current custody and visitation orders remain in the best interests of the children and Respondent's request for custody is denied.

While the court is not granting the request for expanded custody, the request for a review hearing is granted. This matter is set for a review hearing on October 9, 2025, at 8:30am in Department 5. The parties are ordered to file declarations no later than 10 days

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prior to the hearing to address whether the § 3044 presumption has been rebutted and the possible expansion of Respondent's parenting time.

The court is also granting the request for conjoint therapy between Respondent and the minors. The parties are ordered to meet and confer to select a therapist. Respondent shall pay the cost of conjoint therapy subject to reallocation. Therapy shall take place at a frequency and duration as recommended by the therapist. It shall be held separately from the children's individual therapy sessions. Sessions do not need to be held during Respondent's visitation times with the children.

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

**TENTATIVE RULING #5: THE COURT FINDS THE CURRENT CUSTODY AND VISITATION ORDERS REMAIN IN THE BEST INTERESTS OF THE CHILDREN AND RESPONDENT'S REQUEST FOR CUSTODY IS DENIED. THE REQUEST FOR A REVIEW HEARING IS GRANTED. THIS MATTER IS SET FOR A REVIEW HEARING ON OCTOBER 9, 2025, AT 8:30AM IN DEPARTMENT 5. THE PARTIES ARE ORDERED TO FILE DECLARATIONS NO LATER THAN 10 DAYS PRIOR TO THE HEARING TO ADDRESS WHETHER THE § 3044 PRESUMPTION HAS BEEN REBUTTED AND THE POSSIBLE EXPANSION OF RESPONDENT'S PARENTING TIME.**

**THE COURT IS ALSO GRANTING THE REQUEST FOR CONJOINT THERAPY BETWEEN RESPONDENT AND THE MINOR'S. THE PARTIES ARE ORDERED TO MEET AND CONFER TO SELECT A THERAPIST. RESPONDENT SHALL PAY THE COST OF CONJOINT THERAPY SUBJECT TO REALLOCATION. THERAPY SHALL TAKE PLACE AT A FREQUENCY AND DURATION AS RECOMMENDED BY THE THERAPIST. IT SHALL BE HELD SEPARATELY FROM THE CHILDREN'S INDIVIDUAL THERAPY SESSIONS. SESSIONS DO NOT NEED TO BE HELD DURING RESPONDENT'S VISITATION TIMES WITH THE CHILDREN.**

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

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**6. MACHAELA MELROSE V. SHAWN SANTELIO**

**23FL1121**

On March 20, 2025, Respondent filed a Request for Order (RFO) seeking custody and visitation orders and child support orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on April 25<sup>th</sup>. There is a Proof of Service saying the Department of Child Support Services (DCSS) was personally served on March 27<sup>th</sup> and Petitioner was personally served on March 30<sup>th</sup>, however the proofs do not specify which documents were served. They state only “child support, custody/visitation parenting time.” It is unclear if this is meant to refer to the RFO on those topics, and it does not appear that the CCRC referral or any of the other required documents were served.

On April 4, 2025, DCSS filed a Responsive Declaration to Request for Order addressing the request to modify child support. It was served by mail on April 3<sup>rd</sup>.

Only Petitioner appeared at CCRC; as such, a single parent report, without recommendations, was prepared and mailed to the parties on April 28<sup>th</sup>.

Petitioner filed and served her Income and Expense Declaration and her Responsive Declaration to Request for Order on June 18<sup>th</sup>.

Respondent filed a Responsive Declaration to Request for Order on June 25<sup>th</sup>. Because the RFO was filed by Respondent, the court deems this to be a Reply Declaration. There is a Proof of Service indicating service of “Request for Admissions, Standard Response to her Response.” It is unclear if this is referring to service of the Reply Declaration.

This matter is dropped from calendar due to Respondent’s failure to appear at the CCRC appointment, which was set as a result of his filing, and his failure to file an Income and Expense Declaration.

**TENTATIVE RULING #6: THIS MATTER IS DROPPED FROM CALENDAR DUE TO RESPONDENT’S FAILURE TO APPEAR AT THE CCRC APPOINTMENT, WHICH WAS SET AS A RESULT OF HIS FILING, AND HIS FAILURE TO FILE AN INCOME AND EXPENSE DECLARATION.**

**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**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 3, 2025

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

**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 3, 2025  
8:30 a.m./1:30 p.m.

**7. JANELL PALMER V. RAPE PALMER**

**24FL1174**

On April 9, 2025, the parties attended a hearing on the request for Domestic Violence Restraining Order (DVRO) made by Petitioner. The DVRO was denied, and the parties were referred to Child Custody Recommending Counseling (CCRC).

The parties attended CCRC on April 30<sup>th</sup>. A report with recommendations was prepared and mailed to the parties on June 20, 2025.

After reviewing the CCRC report, the court finds the recommendations contained therein to be in the best interests of the minors. Therefore, the recommendations contained in the June 20, 2025 CCRC report are hereby adopted as the orders of the court.

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

**TENTATIVE RULING #7: AFTER REVIEWING THE CCRC REPORT, THE COURT FINDS THE RECOMMENDATIONS CONTAINED THEREIN TO BE IN THE BEST INTERESTS OF THE MINORS. THEREFORE, THE RECOMMENDATIONS CONTAINED IN THE JUNE 20, 2025 CCRC REPORT ARE HEREBY ADOPTED AS THE ORDERS OF THE 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.**



LAW & MOTION TENTATIVE RULINGS  
DEPARTMENT 5  
July 3, 2025  
8:30 a.m./1:30 p.m.

**8. GAGE TAYLOR V. KAYLA TAYLOR**

**23FL1171**

On April 1, 2025, Petitioner filed a Request for Order (RFO) seeking custody and visitation orders, child support, and an order for relocation of the minor. The RFO and all other required documents, with the exception of an Income and Expense Declaration, were mail served on April 2<sup>nd</sup>.

Petitioner filed and served a Declaration regarding Batterer's Intervention Program on May 1<sup>st</sup>.

Respondent filed a Responsive Declaration to Request for Order on May 19<sup>th</sup>. It was served on May 20<sup>th</sup>.

Petitioner filed his Income and Expense Declaration on May 28<sup>th</sup>. It was served on the 27<sup>th</sup>.

The parties attended Child Custody Recommending Counseling (CCRC) on May 2<sup>nd</sup>. A report with recommendations was prepared on June 17, 2025. It was mailed to the parties on June 18<sup>th</sup>.

After reviewing the court's file, it appears this matter is already set for trial beginning on July 14<sup>th</sup> on all issues including child custody, child support, and move away orders. In the interests of judicial economy, this matter is continued to join with the trial set to begin on July 14, 2025 at 1:30pm in Department 5.

**TENTATIVE RULING #8: THE INTERESTS OF JUDICIAL ECONOMY, THIS MATTER IS CONTINUED TO JOIN WITH THE TRIAL SET TO BEGIN ON JULY 14, 2025 AT 1:30PM IN DEPARTMENT 5.**

**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 3, 2025  
8:30 a.m./1:30 p.m.

**9. STACEY VALIENTE-KEATES V. SELAH VALIENTE-KEATES**

**22FL0868**

On March 21, 2025, Petitioner filed a Request for Order (RFO) seeking custody and visitation orders as well as a move away order. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on April 23, 2025. The RFO, the CCRC referral form, and all other required documents were electronically served on March 27<sup>th</sup>.

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

The parties attended CCRC as scheduled. A report with recommendations was prepared on June 20, 2025. It was mailed to the parties on June 23<sup>rd</sup>.

According to the CCRC report, Petitioner is no longer intending to move away and therefore she is dropping her request for a move-away order. The remaining issues of custody and visitation are already set to be heard on July 23<sup>rd</sup> in Department 8. As such, this matter is continued to join with the CCRC review hearing on July 23, 2025 at 1:30pm in Department 8.

**TENTATIVE RULING #9: THIS MATTER IS CONTINUED TO JOIN WITH THE CCRC REVIEW HEARING ON JULY 23, 2025 AT 1:30PM IN DEPARTMENT 8.**

**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 3, 2025  
8:30 a.m./1:30 p.m.

**10. ESPERANZA WOOLEVER V. CHRISTOPHER WOOLEVER**

**PFL20180325**

On June 3, 2025, Respondent filed a Request for Order (RFO) seeking financial assistance. This matter was filed as a request for an Order Shortening Time (OST); as such, Petitioner filed a Responsive Declaration to Request for Order on the same day as the RFO.

Petitioner filed another Responsive Declaration to Request for Order on June 25, 2025, the court finds this 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. Section 12c states, “[w]here any law requires an act to be performed no later than a specified number of days before a hearing date, the last day to perform that act shall be determined by counting backward from the hearing date, *excluding the day of the hearing* as provided by Section 12.” Cal. Civ. Pro. § 12c. Section 1005(b) in conjunction with Section 12c would have made June 20<sup>th</sup> the last day for filing Petitioner’s Responsive Declaration, therefore it is late filed and has not been considered by the court.

Respondent is requesting his CalSTRS retirement account be divided with Petitioner’s community interest paid directly to Respondent and applied to the outstanding support arrears balance of \$25,252. Petitioner opposes the request as she states the retirement account is the last major asset of value in the community estate.

The court is in need of additional information from Respondent regarding what exactly he intends to use the money on if it were to be released. The parties are ordered to appear for the hearing.

**TENTATIVE RULING #10: THE PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.**

LAW & MOTION TENTATIVE RULINGS  
DEPARTMENT 5  
July 3, 2025  
8:30 a.m./1:30 p.m.

**12. LA AUSTIN V. HEATHER CARPENTER**

**PFL20200179**

Petitioner filed a Request for Order (RFO) on April 3, 2025, seeking modification of the current parenting plan orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on May 5, 2025 and a review hearing set for the present date. Upon review of the court file, there is no Proof of Service showing Respondent was properly served.

Neither party appeared for the CCRC appointment.

This matter is dropped from calendar due to the lack of proper service and failure to appear at CCRC.

All prior orders remain in full force and effect.

**TENTATIVE RULING #12: THIS MATTER IS DROPPED FROM CALENDAR DUE TO THE LACK OF PROPER SERVICE AND FAILURE TO APPEAR AT CCRC. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT.**

**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 3, 2025  
8:30 a.m./1:30 p.m.

**14. KELLY GABEL V. DANIEL GABEL**

**22FL1113**

Petitioner filed a Request for Order (RFO) on April 23, 2025, requesting the Petition for Legal Separation be converted to a Petition for Dissolution. Upon review of the court file, there is no Proof of Service showing the RFO was properly served on Respondent. As such, the matter is dropped from calendar.

**TENTATIVE RULING #14: THIS MATTER IS DROPPED FROM CALENDAR DUE TO THE LACK OF PROPER SERVICE ON RESPONDENT.**

**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 3, 2025  
8:30 a.m./1:30 p.m.

**15. JING HAN V. LIEN HAN**

**PFL20160529**

Petitioner filed an Order to Show Cause and Affidavit for Contempt (OSC) on May 3, 2024. The matter was continued several times to perfect service. Proof of Service shows Respondent was personally served on October 2, 2024.

Respondent filed a Motion to Discharge or Demurrer on December 5, 2024. Petitioner was served on December 16, 2024. Respondent also filed a Request for Order (RFO) requesting Discharge or Demurrer. The RFO was served on Petitioner on December 16, 2024.

Petitioner filed an RFO on September 24, 2024, requesting a modification of child custody and other orders.

On March 13, 2025, the court sustained the demurrer with leave to amend as to counts 1, 6, and 11. Counts 8, 10, and 13 were discharged pursuant to Penal Code § 1385 and the remaining counts were upheld as plead. Petitioner was granted 14 days leave to amend and the arraignment on the remaining counts was continued to June 12<sup>th</sup>. Hearing on the September RFO was continued to trail the OSC.

On March 27, 2025, Petitioner filed a 1<sup>st</sup> Amended Order to Show Cause and Affidavit for Contempt. The amended OSC was filed concurrently with a First Amended Declaration of Petitioner Jing Han in Support of Order to Show Cause for Contempt. The amended OSC and supporting declaration were personally served on Respondent's attorney on March 26<sup>th</sup>.

Generally speaking, OSC documents must be personally served on the party, not on the party's attorney. However, the Proof of Service states that Respondent's attorney was personally served "on behalf of Lien Han (Huynh) as authorized." It appears the parties stipulated that service on the attorney was proper, though the court wanted to confirm. As such, the parties were ordered to appear for the June 12<sup>th</sup> hearing. Counsel for Respondent failed to appear. The court continued the matter to the present date. The parties are once again ordered to address the issue of service of the amended OSC documents. Assuming service was proper, the parties are ordered to appear for the arraignment.

The September 24, 2024 RFO continues to trail the OSC.

**TENTATIVE RULING #15: THE PARTIES ARE ORDERED TO APPEAR TO ADDRESS SERVICE OF THE AMENDED OSC DOCUMENTS. ASSUMING SERVICE WAS PROPER,**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 3, 2025

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

**THE PARTIES ARE ORDERED TO APPEAR FOR THE ARRAIGNMENT. THE SEPTEMBER 24, 2024 RFO CONTINUES TO TRAIL THE OSC.**

LAW & MOTION TENTATIVE RULINGS  
DEPARTMENT 5  
July 3, 2025  
8:30 a.m./1:30 p.m.

**16. BENJAMIN MORINO V. SARAH MORINO**

**25FL0332**

Respondent filed a Request for Order (RFO) on April 18, 2025, requesting the case be transferred to Amador County. Upon review of the court file, there is no Proof of Service showing Petitioner was properly served. As such, the matter is dropped from calendar.

**TENTATIVE RULING #16: THIS MATTER IS DROPPED FROM CALENDAR DUE TO THE LACK OF PROPER SERVICE ON PETITIONER.**

**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 3, 2025  
8:30 a.m./1:30 p.m.

**17. THOMAS PULVINO V. AMBUR MORRISON**

**23FL0764**

Respondent filed a Request for Order (RFO) on April 23, 2025, seeking orders for Petitioner to “complete divorce documents to be able to proceed in the divorce and schedule dissolution hearing.” It is unclear whether this RFO was served on Petitioner. There is a Proof of Service from May 17, 2025, however, that appears to correspond to an ex parte application for an Order Shortening Time filed on May 15, 2025.

The court drops the matter from calendar due to the lack of proper service. Even if the RFO had been properly served, the court would have denied the request as overly broad and vague.

All prior orders remain in full force and effect.

**TENTATIVE RULING #17: THE MATTER IS DROPPED FROM CALENDAR DUE TO THE LACK OF PROPER SERVICE. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT.**

**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 3, 2025  
8:30 a.m./1:30 p.m.

**18. JUSTIN SIMARRO V. YAJAIRA SIMARRO**

**PFL20200099**

Petitioner filed a Request for Order (RFO) on March 24, 2025, requesting modification of child custody and parenting plan orders as well as child support orders. Petitioner concurrently filed an Income and Expense Declaration. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on May 1, 2025 and a review hearing on July 3, 2025.

Respondent filed a Responsive Declaration and an Income and Expense Declaration on June 18, 2025. Respondent also filed an additional Declaration on June 18<sup>th</sup>. Petitioner was personally served on June 20, 2025.

Petitioner filed a Reply Declaration on June 23, 2025. Proof of Service shows Respondent was served by mail on June 19, 2025.

Both parties attended CCRC on May 1, 2025 and were able to reach several agreements. A report with the parties' agreements and further recommendations was filed with the court on May 9, 2025 and mailed to the parties on May 12, 2025.

The court has read and considered the filings as outlined above. The court makes the following findings and orders. The court adopts the agreements and recommendations as set forth in the May 9<sup>th</sup> CCRC report, as they are in the best interest of the minor.

As to child support, the court orders the parties to appear. The court notes Petitioner states in his moving papers child support was order on January 2, 2025 at \$888 per month. However, the court is unable to locate such an order in this case. Therefore, the court needs additional information from the parties to ascertain if another court has jurisdiction over child support.

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 #18: PARTIES ARE ORDERED TO APPEAR ON THE ISSUE OF CHILD SUPPORT.**

**THE COURT ADOPTS THE AGREEMENTS AND RECOMMENDATIONS AS SET FORTH IN THE MAY 9<sup>TH</sup> CCRC REPORT, AS THEY ARE IN THE BEST INTEREST OF THE MINOR. AS TO CHILD SUPPORT, UTILIZING THE FIGURES PROVIDED IN THE PARTIES' INCOME AND EXPENSE DECLARATIONS, THE COURT FINDS GUIDELINE CHILD SUPPORT TO BE \$1,161 PER MONTH (SEE ATTACHED X-SPOUSE) PAYABLE FROM**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 3, 2025

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

PETITIONER TO RESPONDENT. THE COURT ORDERS PETITIONER TO PAY RESPONDENT \$1,161 ON THE FIRST OF EACH MONTH AS AND FOR CHILD SUPPORT UNTIL FURTHER ORDER OF THE COURT OR TERMINATION BY OPERATION OF LAW. THIS ORDER IS EFFECTIVE APRIL 1, 2025. THE COURT FINDS THE ABOVE ORDER RESULTS IN AN ARREARS BALANCE OF \$4,644. PETITIONER IS ORDERED TO PAY RESPONDENT \$387 PER MONTH AS AND FOR ARREARS COMMENCING ON JULY 15<sup>TH</sup> AND DUE ON THE 15<sup>TH</sup> OF EACH MONTH THEREAFTER UNTIL PAID IN FULL (APPROXIMATELY 12 MONTHS). IF ANY PAYMENT IS MISSED OR LATE, THE FULL AMOUNT SHALL BECOME IMMEDIATELY DUE AND OWING WITH LEGAL INTEREST. 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.

LAW & MOTION TENTATIVE RULINGS  
DEPARTMENT 5  
July 3, 2025  
8:30 a.m./1:30 p.m.

**19. CHRISTINA STEELE V. JOSHUA WALLER**

**PFL20160057**

Respondent filed a Request for Order (RFO) on March 7, 2025, seeking modification of the current child custody and parenting plan orders as well as modification of the child support order. Respondent concurrently filed an Income and Expense Declaration. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on April 4, 2025, and a review hearing on May 29<sup>th</sup>. Petitioner was mail served on March 11, 2025.

Petitioner filed a Request to Reschedule on March 27, 2025. The request was granted and CCRC and the review hearing were rescheduled.

Both parties attended CCRC on May 2<sup>nd</sup> and were unable to reach any agreements. A report with recommendations was filed with the court on June 5<sup>th</sup>. Copies were mailed to the parties on June 6, 2025.

Petitioner filed a Responsive Declaration on June 23, 2025. Respondent was served on the same day by mail. The court finds this 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. Section 12c states, “[w]here any law requires an act to be performed no later than a specified number of days before a hearing date, the last day to perform that act shall be determined by counting backward from the hearing date, *excluding the day of the hearing* as provided by Section 12.” Cal. Civ. Pro. § 12c. Section 1005(b) in conjunction with Section 12c would have made June 20<sup>th</sup> the last day for filing a response to the RFO. Therefore, the declaration is late filed and has not been considered by the court.

Petitioner did not file an Income and Expense Declaration.

The court has read and considered the filings as outlined above. The court finds the recommendation in the June 5<sup>th</sup> CCRC report to maintain all current orders is in the minor’s best interest. The court adopts the recommendation as its order.

The court is also maintaining the current order as to child support. The court finds there has not been a change in custody therefore, the current orders remain appropriate.

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

**TENTATIVE RULING #19: THE COURT ADOPTS THE JUNE 5<sup>TH</sup> CCRC REPORT  
RECOMMENDATION. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT.**

LAW & MOTION TENTATIVE RULINGS  
DEPARTMENT 5  
July 3, 2025  
8:30 a.m./1:30 p.m.

**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 3, 2025  
8:30 a.m./1:30 p.m.

**20. CATHERYN WADMAN V. MAX WADMAN**

**21FL0116**

On October 8, 2024, Petitioner filed a Request for Order (RFO) seeking custody and visitation orders, child support, and clarification of the court's September 13, 2024 order. She filed an Income and Expense Declaration on October 7<sup>th</sup>. This RFO follows an ex parte request for the same orders which was granted in part by the court on October 8<sup>th</sup>. At that time the court ordered the minor to be immediately returned to Petitioner and warned that if Respondent failed to comply then Petitioner would be granted sole physical custody pending the regularly set RFO hearing. The court also noted that it would consider any motion for sanctions filed by Petitioner. The ex parte orders were served on October 8<sup>th</sup>.

On October 21<sup>st</sup>, Petitioner filed another RFO on an ex parte basis seeking sole legal and sole physical custody of the minor. Respondent filed and served a Responsive Declaration to Request for Order on October 18<sup>th</sup>. The court granted the request for sole physical custody but denied the request for sole legal. Respondent was ordered to have no parenting time pending the hearing on the RFO. The ex parte orders were served on October 22<sup>nd</sup>.

On October 21<sup>st</sup>, Respondent filed and served a declaration from Auburn Tutoring. On January 14, 2025, Petitioner filed a Supplemental Declaration. The court deems this to be a Reply Declaration.

Respondent filed a Declaration on January 17, 2025. Proof of Service shows only Petitioner was served. As such, the court cannot consider this document.

Petitioner filed her first RFO requesting an immediate return of the minor, guideline child support, and clarification of the court's September 13, 2024 order which apparently misstated the existing summer schedule. Additionally, she requests Respondent be ordered to reimburse her for half the cost of the Lindamood-Bell tutoring which totaled \$16,052.00. Therefore, she is seeking \$8,026 in reimbursement.

After the court's initial ex parte orders, Petitioner filed her second RFO seeking full legal and physical custody of the minor.

Respondent asks that the court maintain all prior orders. Respondent attached what he states is a letter from the minor to Minor's Counsel. This is concerning, yet it does not appear that Minor's Counsel was served with the Responsive Declaration to Request for Order so it is unclear if she will be objecting to the letter.

LAW & MOTION TENTATIVE RULINGS  
DEPARTMENT 5  
July 3, 2025  
8:30 a.m./1:30 p.m.

Parties appeared for a hearing on the pending RFOs on January 23, 2025. Minor's Counsel did not appear. The matter was continued due to Minor's Counsel not being present and the court needing input from Minor's Counsel. Additionally, Respondent also requested the matter be continued as he intended to retain counsel. The court continued the matter to March 27, 2025. Additionally, the court ordered professionally supervised parenting time for Respondent to take place in El Dorado County.

Petitioner filed a Supplemental Declaration on March 10, 2025. Proof of Service shows Respondent and Minor's Counsel were served electronically on the same day.

Respondent filed a Request to Reschedule the hearing on March 13, 2025. The court granted the request to Reschedule and set the hearing for May 1, 2025.

Respondent filed a Responsive Declaration and Supplemental Declaration on April 21, 2025. Petitioner was served on April 21, 2025.

Minor's Counsel has not filed a Statement of Issues and Contentions.

Respondent has not filed an Income and Expense Declaration. Petitioner has not filed an updated Income and Expense Declaration.

The court is in need of additional information, including information from Minor's Counsel. The parties are ordered to appear for the hearing. Petitioner and Respondent are ordered to bring their respective completed Income and Expense Declarations to the hearing so support orders can be made.

**TENTATIVE RULING #20: THE PARTIES ARE ORDERED TO APPEAR FOR THE HEARING. PETITIONER AND RESPONDENT ARE ORDERED TO BRING THEIR RESPECTIVE COMPLETED INCOME AND EXPENSE DECLARATIONS TO THE HEARING SO SUPPORT ORDERS CAN BE MADE.**

LAW & MOTION TENTATIVE RULINGS  
DEPARTMENT 5  
July 3, 2025  
8:30 a.m./1:30 p.m.

**21. KIP WEBER V. KATHERINE WEBER**

**PFL20180264**

Respondent filed a Request for Order (RFO) on April 29, 2025, requesting modification of the current child custody and parenting plan orders as well as child support orders. Respondent filed an Income and Expense Declaration on April 28, 2025. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on May 20<sup>th</sup> and a review hearing on July 3<sup>rd</sup>. Petitioner was personally served on May 1, 2025.

Both parties and the minors attended the CCRC appointment on May 20, 2025. A report with recommendations was filed with the court on May 29, 2025. Copies were mailed to the parties the same day.

Petitioner filed a Declaration on June 18, 2025. There is no Proof of Service for this document, therefore, the court has not considered it.

Petitioner has not filed a Responsive Declaration or an Income and Expense Declaration.

The court has read and considered the filings as outlined above. The court finds the recommendation to maintain the current orders is in the minors' best interest. The court adopts the recommendation as set forth in the May 29<sup>th</sup> CCRC report as its order.

The court finds that the orders as to child support remain appropriate as there has been no modification to custody.

All prior orders remain in full force and effect. Respondent shall prepare and file the Findings and Orders After Hearing.

**TENTATIVE RULING #21: THE COURT FINDS THE RECOMMENDATION TO MAINTAIN THE CURRENT ORDERS IS IN THE MINORS' BEST INTEREST. THE COURT ADOPTS THE RECOMMENDATION AS SET FORTH IN THE MAY 29<sup>TH</sup> CCRC REPORT AS ITS ORDER. THE COURT FINDS THAT THE ORDERS AS TO CHILD SUPPORT REMAIN APPROPRIATE AS THERE HAS BEEN NO MODIFICATION TO CUSTODY. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

**NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY PHONE CALL TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE**



LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

July 3, 2025

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

**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.**