

LAW & MOTION TENTATIVE RULINGS  
DEPARTMENT 5  
August 27, 2026  
8:30 AM/1:30 PM

**1. ARIAN ANDREA BEHZIZ V. CHRISTOPHER RYAN DAVIS**

**26FL0386**

On May 29, 2026, Petitioner filed a Request for Order (RFO) seeking property control orders. The RFO was personally served on June 24, 2026, however Petitioner failed to serve the FL-320 and the required Notice of Tentative Ruling.

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

This matter is dropped from calendar due to the lack of proper service.

**TENTATIVE RULING #1: THIS MATTER IS DROPPED FROM CALENDAR DUE TO LACK OF PROPER SERVICE.**

**NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY 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. KAYLA BURGESS V. KYLE BURGESS**

**23FL0919**

On December 26, 2025, Petitioner filed a Request for Order (RFO) seeking custody and visitation orders. The parties were referred to Child Custody Recommending Counseling (CCRC) however Respondent failed to appear at the CCRC appointment. The matter came before the court for hearing on March 26, 2026, at which time the parties were re-referred to CCRC with an appointment on April 23, 2026, and a review hearing was set for June 18, 2026. Only Respondent appeared at the re-set CCRC appointment. When the parties appeared for the June 18<sup>th</sup> hearing, the court once again referred them to CCRC and once again set a review hearing.

Petitioner is requesting sole legal and sole physical custody of the minors. Respondent opposes the request and instead asks for sole physical custody of the minors to be awarded to him and the parties to jointly share legal custody.

The parties attended CCRC on July 23, 2026, and were able to reach some agreements. A report containing those agreements and additional recommendations was prepared on August 3, 2026. It was mailed to the parties on August 4<sup>th</sup>.

After reviewing the agreements and recommendations contained in the CCRC report the court finds them to be in the best interests of the children and they are hereby adopted as the orders of the court.

Petitioner is directed to prepare the Findings and Orders After Hearing (FOAH); however, this order is effective immediately upon the court's adoption of the tentative ruling and is not conditioned on the preparation of the FOAH.

**TENTATIVE RULING #2: AFTER REVIEWING THE AGREEMENTS AND RECOMMENDATIONS CONTAINED IN THE CCRC REPORT THE COURT FINDS THEM TO BE IN THE BEST INTERESTS OF THE CHILDREN AND THEY ARE HEREBY ADOPTED AS THE ORDERS OF THE COURT.**

**PETITIONER IS DIRECTED TO PREPARE THE FINDINGS AND ORDERS AFTER HEARING (FOAH); HOWEVER, THIS ORDER IS EFFECTIVE IMMEDIATELY UPON THE COURT'S ADOPTION OF THE TENTATIVE RULING AND IS NOT CONDITIONED ON THE PREPARATION OF THE FOAH.**

**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**

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**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. BRIAN CAMBRIDGE V. JORDAN FIERRO**

**25FL0981**

On August 10, 2026, Respondent filed a Request for Order (RFO) seeking custody and visitation orders and an Order Shortening Time (OST) to be heard. All required documents were served on August 11<sup>th</sup>.

Petitioner has not filed a Responsive Declaration to Request for Order. Where a party fails to timely file opposition papers the court, in its discretion, may treat said failure “as an admission that the motion or other application is meritorious.” El Dorado County, Local Rule 7.10.02(C). Here, the RFO was timely and properly served on Petitioner. He had notice of the pending requests and chose not to file an opposition to the RFO. As such, the court finds good cause to treat his failure to do so as an admission that the claims made in the RFO are meritorious.

Respondent is requesting temporary sole legal and sole physical custody of the minor with non-professionally supervised visits to Petitioner twice per week for two hours per visit. She asks that her mother, or one of her other family members, act as the supervisor for the visits. Alternatively, she asks that Petitioner pay for up to 4 hours per week of professionally supervised visits if he will not agree to her family providing supervision.

After reviewing the filings as outlined above the court finds Respondent’s requests to be in the best interests of the minor. Respondent shall have temporary sole legal and physical custody of the minor. Petitioner is to have non-professionally supervised visits with the minor twice per week for up to two hours per week. The parties are to agree on a member of Respondent’s family to act as the non-professional supervisor. The non-professional supervisor shall complete and file an FL-324(NP) prior to supervising visits. If the parties are unable to agree upon a non-professional supervisor, then visits are to be professionally supervised. Petitioner is to pay the sole cost of professional supervision.

Respondent is directed to prepare the Findings and Orders After Hearing (FOAH); however, this order is effective immediately upon the court’s adoption of the tentative ruling and is not conditioned on the preparation of the FOAH.

**TENTATIVE RULING #3: THE COURT FINDS RESPONDENT’S REQUESTS TO BE IN THE BEST INTERESTS OF THE MINOR. RESPONDENT SHALL HAVE TEMPORARY SOLE LEGAL AND PHYSICAL CUSTODY OF THE MINOR. PETITIONER IS TO HAVE NON-PROFESSIONALLY SUPERVISED VISITS WITH THE MINOR TWICE PER WEEK FOR UP TO TWO HOURS PER WEEK. THE PARTIES ARE TO AGREE ON A MEMBER OF**

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**RESPONDENT'S FAMILY TO ACT AS THE NON-PROFESSIONAL SUPERVISOR. THE NON-PROFESSIONAL SUPERVISOR SHALL COMPLETE AND FILE AN FL-324(NP) PRIOR TO SUPERVISING VISITS. IF THE PARTIES ARE UNABLE TO AGREE UPON A NON-PROFESSIONAL SUPERVISOR, THEN VISITS ARE TO BE PROFESSIONALLY SUPERVISED. PETITIONER IS TO PAY THE SOLE COST OF PROFESSIONAL SUPERVISION.**

**RESPONDENT IS DIRECTED TO PREPARE THE FINDINGS AND ORDERS AFTER HEARING (FOAH); HOWEVER, THIS ORDER IS EFFECTIVE IMMEDIATELY UPON THE COURT'S ADOPTION OF THE TENTATIVE RULING AND IS NOT CONDITIONED ON THE PREPARATION OF THE FOAH.**

**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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**4. JAYMIE CEDENO V. RAFAEL CEDENO**

**22FL0623**

On May 26, 2026, the parties appeared before the court for a long cause hearing on the issue of spousal support. At that time, the court made orders regarding support and set the matter for review hearing to address the issues of support paid and whether there should be a termination date on support. The parties were ordered to file supplemental declarations no later than 10 days prior to the hearing date.

Neither party has filed a supplemental declaration. The court drops the matter from calendar due to the failure to file supplemental declarations.

**TENTATIVE RULING #4: THE MATTER IS DROPPED FROM CALENDAR DUE TO THE FAILURE TO FILE SUPPLEMENTAL DECLARATIONS.**

**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. ANNE MCNELIS V. FERRIS NUESMEYER**

**PFL20160411**

On June 5, 2026, Petitioner filed a Request for Order (RFO) seeking orders regarding Respondent's failure to comply with discovery. She concurrently filed a declaration of Samuel H. Park in support of her RFO and her Income and Expense Declaration. All required documents were served by mail on June 9<sup>th</sup>.

Respondent has not filed a Responsive Declaration to Request for Order. Where a party fails to timely file opposition papers the court, in its discretion, may treat said failure "as an admission that the motion or other application is meritorious." El Dorado County, Local Rule 7.10.02(C). Here, the RFO was timely and properly served on Respondent. He had notice of the pending requests and chose not to file an opposition. As such, the court finds good cause to treat his failure to do so as an admission that the claims made in the RFO are meritorious.

Petitioner is requesting an order compelling Respondent to respond to Request for Production of Documents (Set One) within 10 days of the date of the hearing. She further requests monetary sanctions in the amount of \$997.25 pursuant to Civil Procedure §§ 2031.300(c), 2023.030, and 2023.010(d). She asks that the court set a review hearing and reserve on the issue of additional sanctions pending the review hearing.

According to Petitioner, on March 9, 2026, she served a Request for Production of Documents (Set One) on Respondent thereby making responses due no later than April 13, 2026. As of the date of preparing the RFO, Respondent still had yet to serve responses to the subject discovery.

The Civil Discovery Act authorizes all parties to request documents from the opposing party by way of a Request for Production of Documents. "Within 30 days after service of a demand for inspection, copying, testing, or sampling, the party to whom the demand is directed shall serve..." responses thereto. Cal. Civ. Pro. §2031.260. Where a party fails to provide timely responses, the party to whom the discovery was directed waives "any objection...including one based on privilege or on the protection of work product..." Cal Civ. Pro. §2031.300(a).

Here, Petitioner has established proper service of Request for Production of Documents (Set One). She has further established Respondent's failure to timely serve code compliant responses. As such, the court finds an order compelling him to comply is warranted and Petitioner's request is granted. Respondent is ordered to serve full and

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complete verified responses to Request for Production of Documents (Set One), without objections, no later than September 7, 2026.

Regarding the request for monetary sanctions, where the court finds misuse of the discovery process, the imposition of discovery sanctions is permissive. See Cal. Civ. Pro. § 2023.030 (“[t]he court *may* impose a monetary sanction...” for misuse of the discovery process). Conduct subject to discretionary sanctions includes, but is not limited to, “[f]ailing to respond or submit to an authorized method of discovery.” Cal. Civ. Pro. § 2023.010(d).

Requests for production of documents are an authorized form of discovery as stated in the Civil Discovery Act. By failing to serve responses to the requests, Respondent has engaged in a misuse of the discovery process. Accordingly, the court finds sanctions to be warranted under the circumstances. Respondent is ordered to pay Petitioner’s attorney \$997.25 as and for discovery sanctions. This amount may be paid in one lump sum or in monthly increments of \$55.40 commencing on September 1, 2026, and continuing on the 1<sup>st</sup> of each month until paid in full (approximately 18 months). If any payment is missed or late the entire amount shall become immediately due and payable.

On August 25, 2026, the court held an evidentiary hearing on Petitioner’s contempt citation. Petitioner’s January 26, 2026 RFO for sanctions was trailing the contempt proceedings. The court ruled on the contempt and continued the RFO for sanctions to August 27, 2026. Given the court’s ruling on the discovery requests, the court finds good cause to set a review hearing and continue the sanctions request to join. The court sets a review hearing on compliance with discovery and on the January 26<sup>th</sup> RFO for sanctions on Thursday, October 29<sup>th</sup> at 8:30 AM in Department 5. Parties are directed to have current Income and Expense Declarations filed at least 10 days prior to the hearing. Any supplemental declarations are also due at least 10 days prior to the hearing. The court continues to reserve jurisdiction on Petitioner’s request for Family Code section 271 sanctions.

Petitioner is directed to prepare the Findings and Orders After Hearing (FOAH); however, this order is effective immediately upon the court’s adoption of the tentative ruling and is not conditioned on the preparation of the FOAH.

**TENTATIVE RULING #5: RESPONDENT IS ORDERED TO SERVE FULL AND COMPLETE VERIFIED RESPONSES TO REQUEST FOR PRODUCTION OF DOCUMENTS (SET ONE), WITHOUT OBJECTIONS, NO LATER THAN SEPTEMBER 7, 2026.**

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**RESPONDENT IS ORDERED TO PAY PETITIONER'S ATTORNEY \$997.25 AS AND FOR DISCOVERY SANCTIONS. THIS AMOUNT MAY BE PAID IN ONE LUMP SUM OR IN MONTHLY INCREMENTS OF \$55.40 COMMENCING ON SEPTEMBER 1, 2026 AND CONTINUING ON THE 1<sup>ST</sup> OF EACH MONTH UNTIL PAID IN FULL (APPROXIMATELY 18 MONTHS). IF ANY PAYMENT IS MISSED OR LATE THE ENTIRE AMOUNT SHALL BECOME IMMEDIATELY DUE AND PAYABLE.**

**ON AUGUST 25, 2026, THE COURT HELD AN EVIDENTIARY HEARING ON PETITIONER'S CONTEMPT CITATION. PETITIONER'S JANUARY 26, 2026 RFO FOR SANCTIONS WAS TRAILING THE CONTEMPT PROCEEDINGS. THE COURT RULED ON THE CONTEMPT AND CONTINUED THE RFO FOR SANCTIONS TO AUGUST 27, 2026. GIVEN THE COURT'S RULING ON THE DISCOVERY REQUESTS, THE COURT FINDS GOOD CAUSE TO SET A REVIEW HEARING AND CONTINUE THE SANCTIONS REQUEST TO JOIN. THE COURT SETS A REVIEW HEARING ON COMPLIANCE WITH DISCOVERY AND ON THE JANUARY 26<sup>TH</sup> RFO FOR SANCTIONS ON THURSDAY, OCTOBER 29<sup>TH</sup> AT 8:30 AM IN DEPARTMENT 5. PARTIES ARE DIRECT TO HAVE CURRENT INCOME AND EXPENSE DECLARATIONS FILED AT LEAST 10 DAYS PRIOR TO THE HEARING. ANY SUPPLEMENTAL DECLARATIONS ARE ALSO DUE AT LEAST 10 DAYS PRIOR TO THE HEARING. THE COURT CONTINUES TO RESERVE JURISDICTION ON PETITIONER'S REQUEST FOR FAMILY CODE SECTION 271 SANCTIONS.**

**PETITIONER IS DIRECTED TO PREPARE THE FINDINGS AND ORDERS AFTER HEARING (FOAH); HOWEVER, THIS ORDER IS EFFECTIVE IMMEDIATELY UPON THE COURT'S ADOPTION OF THE TENTATIVE RULING AND IS NOT CONDITIONED ON THE PREPARATION OF THE FOAH.**

**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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**6. ISRAEL MENDOZA V. ENEIDA MENDOZA**

**PFL20210121**

On June 4, 2026, Respondent filed a Request for Order (RFO) seeking child custody orders. There is no Proof of Service for this document therefore the RFO is dropped from calendar.

On June 30, 2026, Petitioner filed an RFO seeking orders regarding a co-parenting therapist and sanctions. All required documents were served by mail on July 3<sup>rd</sup>, however this is a post-judgment request and therefore service was required to comply with Family Code § 215. This matter is dropped from calendar due to lack of proper service.

**TENTATIVE RULING #6: THIS MATTER IS DROPPED FROM CALENDAR DUE TO LACK OF PROPER SERVICE.**

**NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY 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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**7. JARED SILVA V. GRACE SILVA**

**25FL0397**

On June 17, 2026, Respondent filed a Request for Order (RFO) seeking to compel Petitioner's disclosures. The Proof of Service states that all required documents were served by mail, however the proof does not list the date of mailing.

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

**TENTATIVE RULING #7: THIS 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.**

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**8. CORY THOMAS-MANZO V. PABLO MANZO**

**PFL20100378**

On June 2, 2026, Respondent filed a Request for Order (RFO) seeking enforcement of the judgment and sanctions. The RFO and a blank FL-320 were personally served on Petitioner on July 27<sup>th</sup> in accordance with Family Code § 215, however the required Notice of Tentative Ruling was not served.

Petitioner filed a Responsive Declaration to Request for Order on August 10, 2026. Respondent was served by mail on August 10, 2026. She filed an amended Responsive Declaration to Request for Order on August 25<sup>th</sup>, however, there is no Proof of Service for this document and it is late filed therefore, the amended Responsive Declaration has not been read or considered by the court.

Respondent has not filed a reply.

Respondent is requesting an order for Moon, Schwartz and Madden to prepare a QDRO and an MDRO pursuant to the terms of the March 10, 2011 Judgment. Once completed, he asks that Petitioner be ordered to sign the QDRO and MDRO within 10 days or else the clerk of the court be appointed as elisor to sign on her behalf. Respondent requests sanctions in the amount of \$3,000 pursuant to Family Code § 271.

Petitioner opposes the requests and states that the division of the retirement accounts is currently moving forward. She asks the court to reserve on any disputed issues concerning interpretation of the March 10, 2011 Judgment, valuation methodology, calculations, offsets, retirement account identification, or implementation should a genuine dispute later arise.

After reviewing the foregoing, it appears the parties are in the process of completing the QDRO and the MDRO. As such, the court is continuing this matter to Thursday, November 5<sup>th</sup> at 8:30 am in Department 5 as the issue may be moot by that time. The court is reserving jurisdiction over the issue of Section 271 sanctions depending on Petitioner's continued compliance in the preparation and completion of the QDRO and the MDRO. Supplemental declarations are due no later than 10 days prior to the review hearing to update the court on the status of the division of the retirement accounts.

Respondent is directed to prepare the Findings and Orders After Hearing (FOAH); however, this order is effective immediately upon the court's adoption of the tentative ruling and is not conditioned on the preparation of the FOAH.

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**TENTATIVE RULING #8: THE COURT IS CONTINUING THIS MATTER TO THURSDAY, NOVEMBER 5<sup>TH</sup> AT 8:30 AM IN DEPARTMENT 5 AS THE ISSUE OF PREPARING THE QDRO AND THE MDRO MAY BE MOOT BY THAT TIME. THE COURT IS RESERVING JURISDICTION OVER THE ISSUE OF SECTION 271 SANCTIONS DEPENDING ON PETITIONER'S CONTINUED COMPLIANCE IN THE PREPARATION AND COMPLETION OF THE QDRO AND THE MDRO. SUPPLEMENTAL DECLARATIONS ARE DUE NO LATER THAN 10 DAYS PRIOR TO THE REVIEW HEARING TO UPDATE THE COURT ON THE STATUS OF THE DIVISION OF THE RETIREMENT ACCOUNTS.**

**RESPONDENT IS DIRECTED TO PREPARE THE FINDINGS AND ORDERS AFTER HEARING (FOAH); HOWEVER, THIS ORDER IS EFFECTIVE IMMEDIATELY UPON THE COURT'S ADOPTION OF THE TENTATIVE RULING AND IS NOT CONDITIONED ON THE PREPARATION OF THE FOAH.**

**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. LANCE P. TREANOR V. LISA R. TREANOR**

**23FL0408**

On May 28, 2026, Respondent filed a Request for Order (RFO) seeking property control orders and an order waiving Petitioner's Preliminary Declaration of Disclosure (PDD). All required documents were served by mail on June 2, 2026.

Petitioner has not filed a Responsive Declaration to Request for Order. Where a party fails to timely file opposition papers the court, in its discretion, may treat said failure "as an admission that the motion or other application is meritorious." El Dorado County, Local Rule 7.10.02(C). Here, the RFO was timely and properly served on Petitioner. He had notice of the pending requests and chose not to file an opposition. As such, the court finds good cause to treat his failure to do so as an admission that the claims made in the RFO are meritorious.

Respondent is requesting the court enter judgment on all issues or, alternatively, set a date for an evidentiary hearing so the divorce may be finalized. It is unclear if she is asking for a waiver of the PDD or the Final Declaration of Disclosure (FDD) as the RFO makes conflicting requests on this issue. She further requests an award naming the property located at 6532 Highgrade Ct. in Placerville Respondent's sole and separate property without offset. Alternatively, she asks that the court assign the property and all debts, liabilities, liens, or encumbrances thereon to Petitioner as his sole and separate property. And an order that Petitioner indemnify Respondent and hold her harmless for any financial liability, costs, debt, liens, or encumbrances related to the property.

The parties are ordered to appear for the hearing.

**TENTATIVE RULING #9: THE PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.**

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**11. CORAL ERICSON V. WILFRED BRUNET**

**PFL20210050**

Petitioner filed a Request for Order (RFO) on June 10, 2026, seeking modification of visitation orders as well as visitation frequency. Respondent was mail served on June 26, 2026.

Respondent filed a Responsive Declaration on July 8, 2026. It was served on July 16, 2026.

Respondent filed an RFO on July 17, 2026, along with an Order Shortening Time (OST). The court granted the OST and directed Respondent to serve Petitioner on or before August 5, 2026. Petitioner was personally served on August 5, 2026.

Petitioner filed a Responsive declaration on August 5, 2026. Respondent was mail served on August 13, 2026.

Respondent filed additional declarations on August 4<sup>th</sup> and August 5<sup>th</sup>. Petitioner was served on August 5, 2026.

Respondent filed additional declarations on August 14<sup>th</sup> and 19<sup>th</sup>. Petitioner was served on August 19<sup>th</sup>.

Parties are ordered to appear for the hearing to select Mandatory Settlement Conference (MSC) and trial dates.

**TENTATIVE RULING #11: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING TO SELECT MANDATORY SETTLEMENT CONFERENCE (MSC) AND TRIAL DATES.**

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**13. RACHAEL OSBORN V. MATTHEW OSBORN**

**23FL0134**

Respondent filed a Request for Order (RFO) seeking a modification of the child custody and parenting plan orders on June 5, 2026. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on July 17, 2026, and a review hearing on August 27, 2026. Petitioner was personally served with some but not all the required documents. Petitioner was not served with the referral to CCRC or the Notice of Tentative Ruling.

Only Respondent appeared at the CCRC appointment. A single parent report with no recommendations was prepared on July 17, 2026, and mailed to the parties the same day.

Petitioner filed a Responsive Declaration on August 11, 2026. It was mail served on Respondent on August 11<sup>th</sup>. Petitioner requests the court drop, deny, or dismiss the RFO due to procedural deficiencies.

The court drops the matter from calendar due to the lack of proper service as well as the procedural deficiencies, specifically the RFO was not signed.

All prior orders remain in full force and effect.

**TENTATIVE RULING #13: THE MATTER IS DROPPED FROM CALENDAR DUE TO THE LACK OF PROPER SERVICE AS WELL AS THE PROCEDURAL DEFICIENCIES, SPECIFICALLY THE RFO WAS NOT SIGNED. 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**

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DEPARTMENT 5  
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**14. ADAM STOCKELAND V. TANYA STOCKELAND**

**24FL0319**

Respondent filed a Request for Order (RFO) seeking reimbursement of expenses for the parties' children's expenses. Petitioner was personally served with some, but not all the required documents on July 5, 2026. Respondent is seeking reimbursement for what she asserts is Petitioner's share of the shared expenses for the minor children.

Petitioner filed a Responsive Declaration on August 12, 2026. It was served on the same day. Petitioner does not raise the issue in the defect in service; therefore, the court deems it to be waived. Petitioner opposes the request, as the expenses were not agreed upon as required by the parties' judgment.

The court finds it will need to take testimony on this matter. Parties are ordered to appear for the hearing.

**TENTATIVE RULING #14: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING TO SELECT MANDATORY SETTLEMENT CONFERENCE (MSC) AND TRIAL DATES.**

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**15. JENNIE VICTORIANO V. DANIEL VICTORIANO**

**PFL20200111**

Contempt

Petitioner filed an Order to Show Cause and Affidavit for Contempt (OSC) on April 1, 2026, alleging six counts of contempt by Respondent. Respondent was personally served on May 16, 2026.

Parties appeared for the arraignment on June 11, 2026. The court appointed the office of the Public Defender to Respondent and continued the matter to August 27, 2026, at 1:30 PM in Department 5.

Parties are ordered to appear for arraignment.

Respondent's Request for Order

Respondent filed a Request for Order (RFO) on June 9, 2026, seeking a modification of permanent spousal support orders. Respondent did not concurrently file an Income and Expense Declaration. Petitioner was mail served some of the required documents on August 5, 2026. The court finds this does not comply with the requirements of Family Code section 215, which requires personal service for post-judgment requests for modification.

Further, the court finds the service to be untimely. Civil Procedure section 1005(b) which states: "Unless otherwise ordered or specifically provided by law, all moving and supporting papers shall be served and filed at least 16 court days before the hearing. The moving and supporting papers served shall be a copy of the papers filed or to be filed with the court. However, if the notice is served by mail, the required 16-day period of notice before the hearing shall be increased by five calendar days if the place of mailing and the place of address are within the State of California..." This would have made July 31, 2026, the last day for mail service.

Petitioner filed a Responsive Declaration and Income and Expense Declaration on August 19, 2026. It was served on August 18, 2026. 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 August 14<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.

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The court drops Respondent's RFO from calendar due to the multiple procedural errors. Respondent failed to file an Income and Expense Declaration as required. "For all hearings involving child, spousal, or domestic partner support, both parties must complete, file, and serve a current Income and Expense Declaration." Cal. Rule Ct. 5.260(1); See *also* Cal. Fam. Code §2100. The party requesting support shall file and serve their Income and Expense Declaration with the initial moving papers. El Dorado Sup. Ct. Rule 8.03.01. Respondent failed to properly serve Petitioner pursuant to Family Code section 215. Respondent failed to timely serve Petitioner.

All prior orders remain in full force and effect.

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

**THE COURT DROPS RESPONDENT'S RFO FROM CALENDAR DUE TO THE MULTIPLE PROCEDURAL ERRORS. RESPONDENT FAILED TO FILE AN INCOME AND EXPENSE DECLARATION AS REQUIRED. "FOR ALL HEARINGS INVOLVING CHILD, SPOUSAL, OR DOMESTIC PARTNER SUPPORT, BOTH PARTIES MUST COMPLETE, FILE, AND SERVE A CURRENT INCOME AND EXPENSE DECLARATION." CAL. RULE CT. 5.260(1); SEE ALSO CAL. FAM. CODE §2100. THE PARTY REQUESTING SUPPORT SHALL FILE AND SERVE THEIR INCOME AND EXPENSE DECLARATION WITH THE INITIAL MOVING PAPERS. EL DORADO SUP. CT. RULE 8.03.01. RESPONDENT FAILED TO PROPERLY SERVE PETITIONER PURSUANT TO FAMILY CODE SECTION 215. RESPONDENT FAILED TO TIMELY SERVE PETITIONER.**

**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**

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**16. MACINNAH VIDMAR V. SHELDON WILSON**

**26FL0408**

Respondent filed a Request for Order (RFO) on May 27, 2026, seeking child custody and support orders. Respondent did not file an Income and Expense Declaration. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on July 16, 2026, with a review hearing on August 27<sup>th</sup>. There is no Proof of Service showing Petitioner was properly served.

Both parties appeared at CCRC and reached a full agreement. A report with the parties' agreement was prepared on July 16, 2026, and mailed to the parties the same day.

The court finds good cause to proceed with the custody portion of RFO only. The court finds the parties' agreement to be in the best interests of the minors. The court adopts the agreement as set forth in the July 16<sup>th</sup> CCRC report as its order.

The court drops the request for child support from calendar. First, Respondent did not properly serve Petitioner. Second, Respondent failed to file an Income and Expense Declaration. "For all hearings involving child, spousal, or domestic partner support, both parties must complete, file, and serve a current Income and Expense Declaration." Cal. Rule Ct. 5.260(1); *See also* Cal. Fam. Code §2100. The party requesting support shall file and serve their Income and Expense Declaration with the initial moving papers. El Dorado Sup. Ct. Rule 8.03.01. Last, the parties continue to cohabitate, and therefore, a support order is not appropriate at this time.

Respondent is directed to prepare the Findings and Orders After Hearing (FOAH); however, this order is effective immediately upon the court's adoption of the tentative ruling and is not conditioned on the preparation of the FOAH.

**TENTATIVE RULING #16: THE COURT FINDS GOOD CAUSE TO PROCEED WITH THE CUSTODY PORTION OF RFO ONLY. THE COURT FINDS THE PARTIES' AGREEMENT TO BE IN THE BEST INTERESTS OF THE MINORS. THE COURT ADOPTS THE AGREEMENT AS SET FORTH IN THE JULY 16<sup>TH</sup> CCRC REPORT AS ITS ORDER.**

**THE COURT DROPS THE REQUEST FOR CHILD SUPPORT FROM CALENDAR. FIRST, RESPONDENT DID NOT PROPERLY SERVE PETITIONER. SECOND, RESPONDENT FAILED TO FILE AN INCOME AND EXPENSE DECLARATION. "FOR ALL HEARINGS INVOLVING CHILD, SPOUSAL, OR DOMESTIC PARTNER SUPPORT, BOTH PARTIES MUST COMPLETE, FILE, AND SERVE A CURRENT INCOME AND EXPENSE DECLARATION." CAL. RULE CT. 5.260(1); SEE ALSO CAL. FAM. CODE §2100. THE PARTY REQUESTING**

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**SUPPORT SHALL FILE AND SERVE THEIR INCOME AND EXPENSE DECLARATION WITH THE INITIAL MOVING PAPERS. EL DORADO SUP. CT. RULE 8.03.01. LAST, THE PARTIES CONTINUE TO COHABITATE, AND THEREFORE, A SUPPORT ORDER IS NOT APPROPRIATE AT THIS TIME.**

**RESPONDENT IS DIRECTED TO PREPARE THE FINDINGS AND ORDERS AFTER HEARING (FOAH); HOWEVER, THIS ORDER IS EFFECTIVE IMMEDIATELY UPON THE COURT'S ADOPTION OF THE TENTATIVE RULING AND IS NOT CONDITIONED ON THE PREPARATION OF THE FOAH.**

**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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**17. MARIYA VYCHRESTOVA V. MARK GARCIA**

**26FL0514**

Petitioner filed a Request for Order (RFO) on June 3, 2026, requesting child custody and parenting plan orders, as well as orders for child support and alcohol and drug testing. Petitioner concurrently filed an Income and Expense Declaration. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on July 16, 2026, and a review hearing on August 27, 2026. Respondent was mail served with Notice and Acknowledgment of Receipt on July 1, 2026.

Both parties attended CCRC on July 16, 2026. It appears from the CCRC report that parties reached a full agreement. A report with the parties' agreement was prepared on July 16, 2026, and mailed to the parties on July 17<sup>th</sup>.

Respondent filed an Income and Expense Declaration and a Response to the Petition for Custody and Support on July 29, 2026. Petitioner was served by mail on July 31, 2026.

The court has read and considered the filings as outlined above. The court adopts the agreements as set forth in the July 16<sup>th</sup> CCRC report as they are in the best interest of the minor.

Utilizing the figures from the parties' Income and Expense Declarations with a 50% time share, the court finds guideline child support to be \$407 per month payable from Respondent to Petitioner (see attached X-spouse). The court orders Respondent to pay Petitioner \$407 per month as and for guideline child support effective July 1, 2026, and payable on the first of each month until further order of the court or termination by operation of law.

The court finds this order results in an arrears balance of \$814 for the months of July and August. The court orders Respondent to pay Petitioner \$203.50 per month as and for arrears beginning September 15, 2026, and payable on the 15<sup>th</sup> of each month until paid in full (approximately four months). If there is any missed or late payment the full amount is due and owing 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 minor, childcare costs when such costs are incurred as a result of employment or necessary education for employment, and agreed upon extracurricular activities. The parties are ordered to follow the procedures as set forth in the attached FL-192.

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Petitioner is directed to prepare the Findings and Orders After Hearing (FOAH); however, this order is effective immediately upon the court's adoption of the tentative ruling and is not conditioned on the preparation of the FOAH.

**TENTATIVE RULING #17: THE COURT ADOPTS THE AGREEMENTS AS SET FORTH IN THE JULY 16<sup>TH</sup> CCRC REPORT AS THEY ARE IN THE BEST INTEREST OF THE MINOR.**

**UTILIZING THE FIGURES FROM THE PARTIES' INCOME AND EXPENSE DECLARATIONS WITH A 50% TIME SHARE, THE COURT FINDS GUIDELINE CHILD SUPPORT TO BE \$407 PER MONTH PAYABLE FROM RESPONDENT TO PETITIONER (SEE ATTACHED X-SPOUSE). THE COURT ORDERS RESPONDENT TO PAY PETITIONER \$407 PER MONTH AS AND FOR GUIDELINE CHILD SUPPORT EFFECTIVE JULY 1, 2026, AND PAYABLE ON THE FIRST OF EACH MONTH UNTIL FURTHER ORDER OF THE COURT OR TERMINATION BY OPERATION OF LAW.**

**THE COURT FINDS THIS ORDER RESULTS IN AN ARREARS BALANCE OF \$814 FOR THE MONTHS OF JULY AND AUGUST. THE COURT ORDERS RESPONDENT TO PAY PETITIONER \$203.50 PER MONTH AS AN FOR ARREARS BEGINNING SEPTEMBER 15, 2026, AND PAYABLE ON THE 15<sup>TH</sup> OF EACH MONTH UNTIL PAID IN FULL (APPROXIMATELY FOUR MONTHS). IF THERE IS ANY MISSED OR LATE PAYMENT THE FULL AMOUNT IS DUE AND OWING 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 MINOR, CHILDCARE COSTS WHEN SUCH COSTS ARE INCURRED AS A RESULT OF EMPLOYMENT OR NECESSARY EDUCATION FOR EMPLOYMENT, AND AGREED UPON EXTRACURRICULAR ACTIVITIES. THE PARTIES ARE ORDERED TO FOLLOW THE PROCEDURES AS SET FORTH IN THE ATTACHED FL-192.**

**PETITIONER IS DIRECTED TO PREPARE THE FINDINGS AND ORDERS AFTER HEARING (FOAH); HOWEVER, THIS ORDER IS EFFECTIVE IMMEDIATELY UPON THE COURT'S ADOPTION OF THE TENTATIVE RULING AND IS NOT CONDITIONED ON THE PREPARATION OF THE FOAH.**

**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

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**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**

# 2026 Guideline Summary Monthly Figures

**Fixed Shares**

|                                     | <b>Father</b> | <b>Mother</b> |
|-------------------------------------|---------------|---------------|
| Number of children                  | 0             | 1             |
| Percent time with NCP               | 49.99%        | 0.00%         |
| Filing status                       | SINGLE HH/MLA |               |
| Number of exemptions                | 1             | 2             |
| Wages and salary                    | 8640          | 4538          |
| Self employed income                | 0             | 0             |
| Other taxable income                | 0             | 0             |
| TANF CS received                    | 0             | 0             |
| Other nontaxable income             | 0             | 0             |
| New spouse income                   | 0             | 0             |
| Employee 401-k contribution         | 446           | 0             |
| Adjustments to income               | 0             | 0             |
| SS paid prev marriage               | 0             | 0             |
| CS paid prev marriage               | 0             | 0             |
| Health insurance                    | 211           | 0             |
| Other medical expenses              | 0             | 0             |
| Property tax expenses               | 567           | 0             |
| Ded interest expense                | 0             | 0             |
| Contribution deduction              | 0             | 0             |
| Misc tax deductions                 | 0             | 0             |
| Qualified business income deduction | 0             | 0             |
| Required union dues                 | 0             | 0             |
| Mandatory retirement                | 0             | 0             |
| Hardship deduction                  | 0             | 0             |
| Other GDL deductions                | 0             | 0             |
| Child care expenses                 | 0             | 0             |

**Monthly Figures****2026****Nets (adjusted)**

|                |       |
|----------------|-------|
| Father         | 6251  |
| Mother         | 4042  |
| Total          | 10293 |
| <b>Support</b> |       |
| Addons         | 0     |
| Guideln CS     | 407   |
| Alameda SS     | 0     |
| Total          | 407   |

**Cash Flow**

Combined net spendable 10293

**Father**

|                        |        |
|------------------------|--------|
| Payment cost/benefit   | -407   |
| Net spendable income   | 5844   |
| Federal income tax     | 1067   |
| Federal employment tax | 661    |
| State income tax       | 337    |
| State employment tax   | 112    |
| Total taxes            | 2178   |
| Federal filing status  | SINGLE |
| State filing status    | SINGLE |

**Mother**

|                        |        |
|------------------------|--------|
| Payment cost/benefit   | 407    |
| Net spendable income   | 4449   |
| Federal income tax     | 90     |
| Federal employment tax | 347    |
| State income tax       | 0      |
| State employment tax   | 59     |
| Total taxes            | 496    |
| Federal filing status  | HH/MLA |
| State filing status    | HH/MLA |

FC 4055 checking: **ON****Per Child Information**

|              | <b>DOB</b> | <b>Timeshare</b> | <b>cce(F)</b> | <b>cce(M)</b> | <b>Addons Payor</b> | <b>Basic CS Payor</b> | <b>Pres CS Payor</b> |
|--------------|------------|------------------|---------------|---------------|---------------------|-----------------------|----------------------|
| All children |            | 50 - 50          | 0             | 0             | 0 Father            | 407 Father            | 407 Father           |
|              | 0000-00-00 | 49 - 51          | 0             | 0             | 0 Father            | 407 Father            | 407 Father           |

Superior Court of California  
County of El Dorado

# 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).