

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 18, 2025

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

1. MARGARET ANNE ATKINS V. MICHAEL STEVEN ATKINS

23FL1005

On July 2, 2025, Petitioner filed a Request for Order (RFO) seeking custody and visitation orders. The RFO was served on July 9th, along with all other required documents. This is a post-judgment request and as such, the documents were personally served in accordance with Family Code § 215.

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

The parties attended Child Custody Recommending Counseling (CCRC) on July 8, 2025. They were unable to reach agreements, therefore, a report with recommendations was prepared and mailed to the parties on September 9th.

Petitioner is requesting sole legal and sole physical custody of the minor children with Respondent to have only daytime visits, no overnights. Alternatively, she requests final decision-making authority and orders for vacation time. Specifically, she requests the following – “The parties shall be allowed 14 days of vacation with the children each year. The vacation period is limited to 7 days in a row. The parties shall attempt to use their regular parenting days when scheduling vacations so as not to impede the other parent’s time. Neither parent shall unreasonably withhold consent for vacations.”

After reviewing the filings as outlined above, the court finds the recommendations contained in the CCRC report to be in the best interests of the children. They are hereby adopted as the orders of the court.

Petitioner shall prepare the Findings and Orders After Hearing.

TENTATIVE RULING #1: AFTER REVIEWING THE FILINGS AS OUTLINED ABOVE, THE COURT FINDS THE RECOMMENDATIONS CONTAINED IN THE CCRC REPORT TO BE IN THE BEST INTERESTS OF THE CHILDREN. THEY ARE HEREBY ADOPTED AS THE ORDERS OF THE COURT. PETITIONER SHALL PREPARE THE FINDINGS AND ORDERS AFTER HEARING.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT’S WEBSITE OR BY PHONE CALL TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; *SEE ALSO LEWIS V. SUPERIOR COURT*, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS

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

2. KARA BLANKENSHIP V. ADAM BLANKENSHIP

25FL0210

On March 5, 2025, Petitioner filed a Request for Domestic Violence Restraining Order (DVRO). A Temporary DVRO was granted on July 1, 2025 naming Petitioner and the children as protected parties. The parties were ordered to attend Child Custody Recommending Counseling (CCRC) which they did on August 7, 2025. They were unable to reach agreements therefore a report with recommendations was prepared on September 8th, it was mailed to the parties on September 9th.

Respondent filed and served a Declaration of Adam Blankenship Regarding Child Custody and Visitation on August 6th.

Petitioner filed and served a Supplemental Declaration of Petitioner Regarding Child Custody and an Income and Expense Declaration on September 8th.

Minor's Counsel has not filed a declaration informing the court of her position on behalf of the minors.

Respondent requests joint legal and joint physical custody with unsupervised parenting time during his off days from work for at least 2-3 days. Eventually he would like to move to a 50/50 parenting plan.

Petitioner is requesting the court make orders regarding the marital residence consistent with her proposed settlement agreement dated August 29, 2025.

The court is in need of input from Minor's Counsel prior to making custody and visitation orders. The parties are ordered to appear for the hearing.

TENTATIVE RULING #2: THE PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.

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3. KARA T. BLANKENSHIP V. ADAM K. BLANKENSHIP

25FL0233

On June 30, 2025, Petitioner filed a Request for Order (RFO) seeking custody and visitation orders. The RFO was originally set to be heard on September 11th, however, given that a CCRC review hearing was already set for the present date under the DVRO matter, the parties stipulated to continue the hearing on the RFO to join with the CCRC review. For the reasons set forth in the court's tentative ruling in matter 25FL0210, the parties are ordered to appear for the hearing on the issue of child custody and visitation.

On July 15, 2025, Respondent filed an RFO seeking orders regarding the community property home. The RFO was originally filed ex parte, however it was denied on an ex parte basis and it was set to join with the already scheduled hearing on the present date.

Petitioner filed a Responsive Declaration to Request for Order on July 15th.

Respondent filed and served his Income and Expense Declaration on September 8th. He filed and served a Supplemental Declaration on September 11th.

Respondent is requesting an order allowing him to obtain a HELOC to pay off the community debt and buy out Petitioner's equity in the marital residence located on Drakes Lane in Rescue. He asks that Petitioner be ordered to move out of the marital residence no later than August 31, 2025. He further requests modification to the DVTRO to allow him to access the marital residence once Petitioner has vacated it.

Petitioner opposes the requests. Instead, she asks that Respondent be ordered to pay the mortgage on the marital residence and the court to reserve jurisdiction on the issue of reimbursement to Respondent for his payment thereof.

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

4. KAITLYN BROCK V. DAVID BROCK

22FL0003

On July 10, 2025, Petitioner filed a Request for Order (RFO) seeking a change of venue. The RFO was mail-served on July 10th along with an FL-320. The Notice of Tentative Ruling was not served.

Respondent filed a Responsive Declaration to Request for Order on September 2nd, it was mail served on September 4th.

Petitioner seeks to change venue to Placer County. She states that all parties and the children currently reside there.

Respondent opposes the change arguing that it would cause a major inconvenience and hardship. He argues that there are ongoing issues in El Dorado County, and he feels Petitioner is only seeking the change of venue because of dissatisfaction with the rulings in the present matter.

The court may, upon a properly noticed motion, transfer any matter where the court designated in the complaint is not the proper court. Cal. Civ. Pro. § 397(a). In matters of child custody, venue is typically tied to the child's residence. *K.R.L. Partnership v. Sup. Ct.*, 120 Cal. App. 4th 490 (2004). The burden is on the moving party to establish grounds for a change of venue. *Fontaine v. Sup. Ct.*, 175 Cal. App. 4th 830 (2009).

According to Petitioner's moving papers, the children now reside in Placer County. Despite Respondent's contention otherwise, there are no pending matters before the court at this time. For the foregoing reasons, the court finds Placer County to be the proper venue for this matter. The request to change venue is granted. Petitioner shall pay any and all fees associated with the transfer.

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

TENTATIVE RULING #4: THE COURT FINDS PLACER COUNTY TO BE THE PROPER VENUE FOR THIS MATTER. THE REQUEST TO CHANGE VENUE IS GRANTED. PETITIONER SHALL PAY ANY AND ALL FEES ASSOCIATED WITH THE TRANSFER. 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.

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

5. MATTHEW HICKS V. TIFFANY WOODSIDE

22FL0345

Minor's Counsel filed a Request for Order (RFO) on June 20, 2025, seeking modification of the current child custody and parenting time orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on July 23, 2025 and a review hearing on September 18, 2025. Proof of Service shows the parties were served on June 25, 2025 and June 24, 2025 respectively.

Neither party appeared for the CCRC appointment.

Neither party has filed a Responsive Declaration therefore, the court deems their failure to do so as an admission that Minor's Counsel's moving papers have merit. See El Dorado County, Local Rule 7.10.02(C).

The court notes in case number 25FL0532 Respondent was granted a Domestic Violence Restraining Order (DVRO) on July 3, 2025, which protects her and the minor. The DVRO also grants Respondent sole legal and physical custody of the minor and no parenting time to Petitioner. The DVRO expires on July 3, 2030.

The court grants Minor's Counsel's request. The court finds the current orders in place in 25FL0532 are in the best interest of the minor. The court incorporates the orders as set forth in 25FL0532 in the DV-130 and DV-140 filed on July 3, 2025 as its orders in this matter. Respondent shall have sole legal and physical custody of the minor. Petitioner shall have no contact with the minor. The court directs the clerk of the court to link the cases.

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

TENTATIVE RULING #5: THE COURT GRANTS MINOR'S COUNSEL'S REQUEST. THE COURT FINDS THE CURRENT ORDERS IN PLACE IN 25FL0532 ARE IN THE BEST INTEREST OF THE MINOR. THE COURT INCORPORATES THE ORDERS AS SET FORTH IN 25FL0532 IN THE DV-130 AND DV-140 FILED ON JULY 3, 2025 AS ITS ORDERS IN THIS MATTER. RESPONDENT SHALL HAVE SOLE LEGAL AND PHYSICAL CUSTODY OF THE MINOR. PETITIONER SHALL HAVE NO CONTACT WITH THE MINOR. THE COURT DIRECTS THE CLERK OF THE COURT TO LINK THE CASES. ALL PRIOR ORDERS NOT IN CONFLICT WITH THESE ORDERS REMAIN IN FULL FORCE AND EFFECT. MINOR'S COUNSEL SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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7. THOMAS LIEBRACH V. CARRIE LIEBRACH

PFL20200244

Respondent filed a Request for Order (RFO) on July 10, 2025, seeking an order enforcing the spousal support orders and for Petitioner to pay arrears. Further Respondent is seeking an order for Petitioner to be responsible for tax debts related to Hangtown Hardwood Floors for tax years 2016, 2017, 2018, and 2021. Respondent requests that in the event of Petitioner's death, Petitioner's estate be responsible for the debts. Petitioner was personally served on July 14, 2025.

On August 5, 2025, Petitioner filed an ex parte motion to vacate the previously set trial dates, due to Petitioner's passing. The request was granted on August 6, 2025.

The court finds given the death of Petitioner the court no longer has jurisdiction over the parties. Any claims Respondent may have will need to be addressed through the Probate Court. Therefore, the court drops the matter from calendar.

TENTATIVE RULING #7: THE MATTER IS DROPPED FROM CALENDAR DUE TO THE DEATH OF 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.

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8. ASHLEY MOORE V. ANDREW MOORE

22FL0676

Respondent filed a Request for Order (RFO), on May 6, 2025, seeking modification of the child custody, parenting plan, and child support orders. Respondent did not concurrently file an Income and Expense Declaration. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on May 29, 2025, and a review hearing on July 24, 2025. There is no Proof of Service showing Petitioner was properly served.

Neither party appeared at the CCRC appointment on May 29th.

Respondent filed a Request to Reschedule the Hearing on June 26, 2025. The court notes, Respondent, included that the papers were not served as a reason for requesting the hearing be continued and a new CCRC appointment be set. The court granted the Request to Reschedule and set the hearing for September 18, 2025, at 8:30 AM and rescheduled CCRC for July 25th.

On July 10, 2025, Respondent filed a Request for Publication, to effectuate service on Petitioner. The court granted the request on July 10th, directing publication in the Walton County Sun newspaper or other publication with circulation in Walton County.

Neither party appeared at the July 25th CCRC appointment.

Respondent filed a Proof of Service on September 8, 2025, showing proof of publication in the Northwest Daily News. It was posted on August 8th and August 29, 2025. It does not appear that this publication complies with the court's order that the notice be published for four consecutive weeks. Further, the last day for service would have been August 26th.

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

All prior orders remain in full force and effect.

TENTATIVE RULING #8: THE MATTER IS DROPPED FROM CALENDAR DUE TO THE LACK OF PROPER SERVICE. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT.

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9. ALISHA RAINS V. AARON BOYD

25FL0175

On July 8, 2025, Respondent filed a Request for Order (RFO) seeking child support and attorney's fees. He filed his Income and Expense Declaration concurrently therewith. All required documents were served on July 11th.

Petitioner filed and served her Responsive Declaration to Request for Order and her Income and Expense Declaration on September 4th.

Respondent filed and served his Reply declaration on September 11th.

Respondent is requesting guideline child support for both children. He asks that Petitioner be ordered to add the children to her medical, vision, and dental plans which are available through her employer. He further requests an order for the parties to equally share in all uninsured healthcare costs and other costs pursuant to Family Code § 4063. Finally, he seeks attorney's fees in the amount of \$7,500 pursuant to Family Code § 2030.

Petitioner asks the court to deny Respondent's request for guideline child support and the request to add the minors to her employer's health insurance. While she disputes an order for child support, she is in agreement with an order for the parties to equally share in uninsured medical, dental, psychiatric, and daycare expenses (for employment or work-related training) in accordance with the reimbursement procedures outlined in the FL-192. She believes the parties have agreed to each claim one child on their respective taxes, but she asks for a court order to that effect. Respondent opposes the request for attorney's fees.

The request for attorney's fees is denied. Family Code § 2030 applies only in proceedings for dissolution of marriage. The matter at hand is not a dissolution proceeding and Respondent states that the parties are not married. Moreover, even if Respondent did have a right to Section 2030 attorney's fees, he failed to file the requisite FL-319. As such, the request for attorney's fees is denied.

The requests for child support add-ons are granted. The parties are ordered to equally share in any uninsured healthcare costs for the children (including, but not limited to vision, dental, and mental) 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. The parties are further ordered to each claim one child on their taxes annually.

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Regarding adding the children to Petitioner's employer sponsored health insurance, the request is denied. The court is concerned that doing so would be unduly cost prohibitive and if such an order were put in place it would significantly impair Petitioner's ability to provide for the children otherwise. Furthermore, Respondent has not established that a change to the current health insurance would be in the best interests of the children. As such, the parties are ordered to maintain the current health insurance for each of the children.

Regarding support, while Petitioner's arguments are compelling, there is not enough evidence to justify a downward adjustment of guideline support to \$0. As such, the court is adopting the Xspouse report attached as Exhibit 3 to Respondent's Reply Declaration. Utilizing the same figures as outlined therein, the court finds child support is \$1,565 per month. The court adopts the Xspouse report attached as Exhibit 3 to Respondent's Reply Declaration and orders Petitioner to pay Respondent \$1,565 per month as and for child support, payable on the 15th of each month until further order of the court or legal termination. This order is effective as of July 15, 2025.

The court finds the above order results in arrears in the amount of \$4,695 through and including September 15, 2025. The court orders Petitioner to pay Respondent \$195.63 on the 1st of each month commencing on October 1, 2025 and continuing until paid in full (approximately 24 months). If any payment is late or missed the remaining balance shall become immediately due in full with legal interest.

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

TENTATIVE RULING #9: THE REQUEST FOR ATTORNEY'S FEES IS DENIED. THE REQUESTS FOR CHILD SUPPORT ADD-ONS ARE GRANTED. THE PARTIES ARE ORDERED TO EQUALLY SHARE IN ANY UNINSURED HEALTHCARE COSTS FOR THE CHILDREN (INCLUDING, BUT NOT LIMITED TO VISION, DENTAL, AND MENTAL) 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. THE PARTIES ARE FURTHER ORDERED TO EACH CLAIM ONE CHILD ON THEIR TAXES ANNUALLY. THE REQUEST TO PLACE BOTH CHILDREN ON PETITIONER'S EMPLOYER-PROVIDED HEALTH INSURANCE IS DENIED. THE PARTIES ARE ORDERED TO MAINTAIN THE CURRENT HEALTH INSURANCE FOR EACH OF THE CHILDREN.

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THE COURT IS ADOPTING THE XSPOUSE REPORT ATTACHED AS EXHIBIT 3 TO RESPONDENT'S REPLY DECLARATION. UTILIZING THE SAME FIGURES AS OUTLINED THEREIN, THE COURT FINDS CHILD SUPPORT IS \$1,565 PER MONTH. THE COURT ADOPTS THE XSPOUSE REPORT ATTACHED AS EXHIBIT 3 TO RESPONDENT'S REPLY DECLARATION AND ORDERS PETITIONER TO PAY RESPONDENT \$1,565 PER MONTH AS AND FOR CHILD SUPPORT, PAYABLE ON THE 15TH OF EACH MONTH UNTIL FURTHER ORDER OF THE COURT OR LEGAL TERMINATION. THIS ORDER IS EFFECTIVE AS OF JULY 15, 2025.

THE COURT FINDS THE ABOVE ORDER RESULTS IN ARREARS IN THE AMOUNT OF \$4,695 THROUGH AND INCLUDING SEPTEMBER 15, 2025. THE COURT ORDERS PETITIONER TO PAY RESPONDENT \$195.63 ON THE 1ST OF EACH MONTH COMMENCING ON OCTOBER 1, 2025 AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 24 MONTHS). IF ANY PAYMENT IS LATE OR MISSED THE REMAINING BALANCE SHALL BECOME IMMEDIATELY DUE IN FULL WITH LEGAL INTEREST.

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

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NOTICE OF RIGHTS AND RESPONSIBILITIES REGARDING CHILD SUPPORT

Childcare and Health Care Costs and Reimbursement Procedures

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

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

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

Information Sheet on Changing a Child Support Order

General Info

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

Online Self-Help Guide

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

When a Child Support Order May Be Changed

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

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

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

Examples

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

How to Change a Child Support Order

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

What forms do I need?

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

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

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

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

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

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

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

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

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

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

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

- Form FL-320, *Responsive Declaration to Request for Order*
- Form FL-150, *Income and Expense Declaration*

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

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

- Form FL-340, *Findings and Order After Hearing* and
- Form FL-342, *Child Support Information and Order Attachment*

Need help?

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

Information About Child Support for Incarcerated or Confined Parents

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

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

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

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

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

- a. If released before January 1, 2024,** child support automatically restarts the first day of the first full month after the parent is released.
- b. If released after January 1, 2024,** child support will automatically restart the first day of the 10th month after the parent is released.

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

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 18, 2025

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

10. SCOTT RONNINGEN V. ANGELINA RONNINGEN

23FL0127

On March 12, 2025, the court found Petitioner guilty of three counts of contempt. The court sentenced Petitioner to 40 hours of community service for count three and suspended the sentence as to counts four and five pending successful completion of community service as well as compliance with all court orders. The court set a review hearing for September 18, 2025 at 8:30 am in Department 5 on the issues of compliance with community service as well as Respondent's request for attorney's fees. Petitioner was directed to file proof of completion of community service by no later than 10 days prior to the hearing. Parties were directed to file and serve Income and Expense Declarations as well as a declaration of counsel regarding attorney's fees at least 10 days prior to the hearing.

Petitioner filed an Income and Expense Declaration on June 18, 2025. There is no Proof of Service for this document, and as such, the court cannot consider it.

Respondent filed an Income and Expense Declaration as well as a Declaration of Counsel on September 8, 2025. Petitioner was served on September 8th.

Upon review of the court file, Petitioner has not filed a declaration regarding completion of community service hours.

The parties are ordered to appear for the hearing.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 18, 2025

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

11. GEORGIA WANLAND V. DONALD WANLAND

PFL20190812

Joshua Fabian, counsel for Petitioner, filed a Notice of Motion and Motion to be Relieved as Counsel and his supporting declaration on May 23, 2025. Proof of service shows both Petitioner and Respondent were served on May 27, 2025. Counsel has shown good cause for his withdrawal as the attorney of record for Petitioner due to the breach of the retainer agreement. The motion is granted.

TENTATIVE RULING #11: THE MOTION TO BE RELIEVED AS COUNSEL IS GRANTED. WITHDRAWAL WILL BE EFFECTIVE AS OF THE DATE OF FILING PROOF OF SERVICE OF THE FORMAL, SIGNED ORDER, UPON THE CLIENT.

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

September 18, 2025

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

12. JACK YOUNGBLOOD V. COLLEEN YOUNGBLOOD

23FL0236

On February 5, 2025, the parties reached a full agreement and set this review hearing to assess compliance with the agreements. Parties were directed to file and serve Supplemental Declarations at least 10 days prior to the hearing.

Petitioner filed a Supplemental Declaration on May 22, 2025. It was mail served the same day. Petitioner asserts Respondent has failed to comply with the orders regarding the disposition of the former family residence as well as the orders regarding the division of the community interest in the CalPERS account.

Parties appeared for the hearing on June 5, 2025. At the hearing the parties reached additional agreements, including setting a further review hearing on September 18, 2025 at 8:30 in Department 5.

Petitioner filed a Request for Judicial Notice on July 29, 2025. It was served on the same day.

Petitioner lodged a transcript of the June 5th hearing on August 4, 2025.

There have been no Supplemental Declarations filed by either party.

Parties are ordered to appear for the hearing.

TENTATIVE RULING #12: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 18, 2025

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

13. AMBER COOKE V. DAVID WEST

22FL0126

Respondent filed an ex parte request for emergency custody orders on June 30, 2025. On July 1, 2025, Petitioner filed a Responsive Declaration. Respondent filed a Reply Declaration on July 1st as well. The court denied the request on an ex parte basis and referred the parties to Child Custody Recommending Counseling (CCRC) with an appointment on July 31, 2025 and a review hearing on September 18, 2025. Respondent filed a Request for Order (RFO) on July 1st seeking the same orders as set forth in the ex parte request. Proof of Service shows Petitioner was served on July 5, 2025.

Both parties attended CCRC and were able to reach some agreements. A report with the parties' agreements as well as additional recommendations was filed with the court on August 13, 2025. Copies were mailed to the parties the same day.

The court has read and considered the filings as outlined above. The court finds the agreements and recommendations as set forth in the August 13th CCRC report are in the best interest of the minor. The court appoints Minor's Counsel Rebecca Esty-Burke to the minor. The court adopts the recommendations as set forth as its orders. The court sets a review hearing for 12/18/2025 at 1:30 PM in Department 5. Supplemental Declarations are due at least 10 days prior to the review hearing.

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

TENTATIVE RULING #13: THE COURT FINDS THE AGREEMENTS AND RECOMMENDATIONS AS SET FORTH IN THE AUGUST 13TH CCRC REPORT ARE IN THE BEST INTEREST OF THE MINOR. THE COURT APPOINTS MINOR'S COUNSEL REBECCA ESTY-BURKE TO THE MINOR. THE COURT ADOPTS THE RECOMMENDATIONS AS SET FORTH AS ITS ORDERS. THE COURT SETS A REVIEW HEARING FOR 12/18/2025, AT 1:30 PM IN DEPARTMENT 5. SUPPLEMENTAL DECLARATIONS ARE DUE AT LEAST 10 DAYS PRIOR TO THE REVIEW HEARING. ALL PRIOR ORDERS NOT IN CONFLICT WITH THESE 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 TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; *SEE ALSO*

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 18, 2025

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

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

September 18, 2025

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

14. MATTHEW DAWKINS V. KRISTINE DAWKINS

PFL20160738

Respondent filed an ex parte request for emergency custody orders on June 20, 2025. The request was denied on an ex parte basis on June 27, 2025.

Petitioner filed a Request for Order (RFO), on June 24, 2025. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on July 24, 2025 and a review hearing on September 18, 2025. Proof of Service shows Respondent was mail served on June 24, 2025, however this does not comply with Family Code section 215.

Petitioner filed a Declaration on July 15, 2025. Respondent was served on the same day.

Respondent has not filed a Responsive Declaration.

Both parties appeared for CCRC on July 24th. The parties were unable to reach any agreements. A report with recommendations was filed with the court on September 5, 2025. Copies were mailed to the parties on September 9th.

The court finds good cause to proceed, despite the lack of proper service. The court has read and considered the filings as outlined above. The court finds the recommendation as set forth in the September 5th CCRC report to be in the best interests of the minor. The court joins in the sentiments expressed by the CCRC counselor in the report.

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

TENTATIVE RULING #14: THE COURT FINDS GOOD CAUSE TO PROCEED, DESPITE THE LACK OF PROPER SERVICE. THE COURT HAS READ AND CONSIDERED THE FILINGS AS OUTLINED ABOVE. THE COURT FINDS THE RECOMMENDATION AS SET FORTH IN THE SEPTEMBER 5TH CCRC REPORT TO BE IN THE BEST INTEREST OF THE MINOR. THE COURT JOINS IN THE SENTIMENTS EXPRESSED BY THE CCRC COUNSELOR IN THE REPORT. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE 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*

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 18, 2025

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

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

September 18, 2025

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

15. CHELSEY ROMERO V. ROBERT ROMERO

PFL20190274

On July 2, 2025, Respondent filed a Request for Order (RFO) seeking modification of the child custody orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on July 28, 2025 and a review hearing on September 18th. Petitioner was personally served with “child custody modification” on July 3, 2025. The court deems this service to be deficient.

Respondent then filed an ex parte application for emergency custody orders on August 11, 2025. On August 13, 2025, the court denied the request on an ex parte basis, but ordered the minor child not to be removed from California. Respondent filed a second RFO on August 13, 2025 requesting the same orders as set forth in the ex parte application. Petitioner was mail-served on August 13, 2025. The court finds the service to be deficient. As such, the August 13th RFO is dropped from calendar.

On August 14, 2025, Petitioner filed an ex parte request for emergency orders. The court denied the request on August 22, 2025, and ordered the minor to remain in the state of California. Petitioner filed an RFO on August 22, 2025, requesting the minor be allowed to reside in the state of Nevada. Proof of Service shows “ex parte order” was mail served on Respondent on August 22, 2025. The court finds this to be deficient and drops Petitioner’s August 22nd RFO from calendar.

Respondent filed a second ex parte application for emergency orders on August 25th. The court denied the request on August 29th.

Both parties attended CCRC on July 28th and were unable to reach any agreements. A report with recommendations was filed with the court on September 5, 2025 and mailed to the parties on September 9, 2025.

The court has read and considered the filings as outlined above. The court finds good cause to proceed with the July 2nd filed RFO, despite the lack of proper service as Petitioner appeared for CCRC and fully participated. The court finds the recommendations as set forth in the September 5th CCRC report to be in the best interests of the minor. The court adopts the recommendations as set forth as its orders. The court vacates its prior order for the minor to remain in California.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 18, 2025

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

TENTATIVE RULING #15: THE COURT FINDS GOOD CAUSE TO PROCEED WITH THE JULY 2ND FILED RFO, DESPITE THE LACK OF PROPER SERVICE AS PETITIONER APPEARED FOR CCRC AND FULLY PARTICIPATED. THE COURT FINDS THE RECOMMENDATIONS AS SET FORTH IN THE SEPTEMBER 5TH CCRC REPORT TO BE IN THE BEST INTERESTS OF THE MINOR. THE COURT ADOPTS THE RECOMMENDATIONS AS SET FORTH AS ITS ORDERS. THE COURT VACATES ITS PRIOR ORDER FOR THE MINOR TO REMAIN IN CALIFORNIA. ALL PRIOR ORDERS NOT IN CONFLICT WITH THESE 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 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

September 18, 2025

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

16. CASSANDRA SAENZ V. BRITTANY GARCIA

24FL0925

Petitioner filed a Request for Order (RFO), on July 9, 2025, seeking child custody orders as well as child and spousal support orders. Petitioner concurrently filed an Income and Expense Declaration. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on August 1, 2025 and a review hearing on September 18th. Respondent was mail served on July 19, 2025.

Respondent filed an ex parte application for emergency custody orders on July 24, 2025. Petitioner filed a Responsive Declaration on July 25th. The court denied the ex parte request on July 28th and confirmed the previously set CCRC appointment and review hearing dates. Respondent filed an RFO on July 28th making the same requests as set forth in the ex parte application. Petitioner was mail-served on July 31st.

Petitioner filed an ex parte application for emergency orders regarding custody and school enrollment on August 8, 2025. Respondent filed a Responsive Declaration on August 8th. The court denied the ex parte request on August 11th.

Both parties appeared for the CCRC appointment on August 1st. A report with recommendations was filed with the court on August 21, 2025. Copies were mailed to the parties on August 22nd.

Petitioner filed a Declaration objecting to the CCRC report on September 11, 2025. Respondent was served on September 11th.

Respondent has not filed an Income and Expense Declaration.

Parties are ordered to appear for the hearing.

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

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 18, 2025

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

17. TODDY STANLEY V. HANNAH COLE

24FL0221

Respondent filed a ex parte application for emergency orders compelling Petitioner to participate in the court ordered 730 Evaluation as well as sanctions, on September 8, 2025. Petitioner filed a Responsive Declaration on September 8th. On September 9, 2025, the court denied the request on an ex parte basis, but granted an Order Shortening Time. Respondent was directed to serve Petitioner on or before September 10th. Upon review of the court file, there is no Proof of Service showing Petitioner was served in compliance with the court's orders from the ex parte request.

The court vacates its ex parte order advancing the conflict of interest portion of Petitioner's October 23, 2025 Request for Order. The court drops the matter from calendar due to the lack of proper service.

All prior orders remain in full force and effect.

TENTATIVE RULING #17: THE COURT VACATES ITS EX PARTE ORDER ADVANCING THE CONFLICT OF INTEREST PORTION OF PETITIONER'S OCTOBER 23, 2025 REQUEST FOR ORDER. THE COURT DROPS THE MATTER 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

September 18, 2025

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

18. ANTHONY TATUM V. PETRINA TATUM

23FL1230

On May 16, 2025, Petitioner filed a Request for Order (RFO) seeking to set aside the judgment and Marital Settlement Agreement (MSA). She filed a Memorandum of Points and Authorities in support thereof.

On May 30, 2025, Petitioner filed another RFO seeking to enforce court orders and sanctions. Both RFOs and all other required documents were mail-served on July 11th.

Respondent filed and served a Responsive Declaration to Request for Order on July 24th, however she failed to use the mandatory FL-320 form.

Petitioner filed and served a Supplemental Declaration Re: Enforcement of Court Orders on July 25th.

Respondent filed and served a Supplemental Declaration Re: Enforcement of Court Orders on July 28th.

Petitioner moves to set aside the judgment and MSA filed on January 6, 2025. He asks the court to adopt the corrected judgment and MSA which is attached as Exhibit C to his May 16th RFO. He states that due to a drafting error, the MSA is incorrect in that it allocates the Chase Freedom credit card debt to him, despite the fact that the parties had agreed Respondent would assume all credit card debt.

In addition to his request to amend the judgment and MSA, Petitioner requests a court order directing Respondent to comply with the terms of the judgment which require her to refinance or list the Alhambra Drive property for sale within 90 days of defaulting on payment of the credit card or vehicle debt. Upon the sale of the Alhambra Drive property, he asks that Respondent be ordered to pay Petitioner \$64,199.94 plus any sanctions awarded hereunder. He requests sanctions in the amount of \$2,000 pursuant to Family Code § 271 and \$1,500 in sanctions pursuant to Civil Procedure § 177.5.

Respondent opposes Petitioner's requests to amend the judgment and MSA. She argues the MSA is valid and binding and Petitioner and his attorney should be sanctioned for bringing this RFO pursuant to Family Code § 271 and Civil Procedure § 128.5. She requests a reduction in any equalization payment to Petitioner in the amount of \$9,553.42 for debts which she states were not disclosed by Petitioner. She further notes that she is experiencing extensive financial strain for a variety of reasons.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 18, 2025

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

“The court may, upon any terms as may be just, relieve a party or his or her legal representative from a judgment, dismissal, order, or other proceeding taken against him or her through his or her mistake, inadvertence, surprise, or excusable neglect.” Cal. Civ. Pro. § 473(b). To obtain relief under Section 473(b), the moving party must do so within a reasonable time, but in no case exceeding 6 months after the date of the judgment and must provide a copy of the pleading proposed to be filed. *Id.* Family Code section 2121 also vests the court with the authority to set aside a judgment even after the six-month time limit as set by Civil Procedure section 473 where, in the case of stipulated judgments, there is mistake, either mutual or unilateral, whether mistake of law or fact. Fam. Code § 2121(a) & § 2122(e). In such cases, a motion based on mistake is to be brought within one year after the date of entry of judgment.

The court finds the motion before it to be timely. The judgment was entered on January 6, 2025 and the RFO was filed on May 16, 2025, within the statutory six-month time period. Even if the court were to look at the date of service, as Respondent argues, the motion still falls within the one-year time period as prescribed by the Family Code. As such, the court does find that this matter can be reached on its merits.

Generally speaking, “...the discretionary relief provision of Section 473 only permits relief from attorney error ‘fairly imputable to the client, i.e., mistakes anyone could have made.’ [Citations].” *Zamora v. Clayborn Contracting Group, Inc.*, 28 Cal. 4th 249 (2002) *citing* *Garcia v. Hejmadi*, 58 Cal. App. 4th 674, 682 (1997).

Here, it is apparent from reviewing the Stipulation and Order Re Judgment dated October 28, 2024 that it was the intent of the parties, and the express agreement of the parties, for all community credit card debt to be assigned to Respondent. The assignment of the Chase Freedom debt to Petitioner was seemingly a simple oversight by the parties. Respondent argues that the agreement was changed in negotiating the MSA, though she provides no evidence of that. Accordingly, the request to set aside the January 6, 2025 MSA and judgment is granted. The court is hereby adopting the corrected MSA and Judgment attached as Exhibit C to Petitioner’s May 16, 2025 RFO as the orders of the court.

Turning to the request for an order to sell the Alhambra Drive property within ninety days, the parties are ordered to appear to select dates for an evidentiary hearing. Petitioner claims that Respondent is in default on several debts which were assigned to her, however Respondent claims that the debts were never included in disclosures prior to entering the

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 18, 2025

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

MSA. This is a factual dispute that requires the taking of evidence. As such, an evidentiary hearing is needed.

Even if the court were to order the sale of the home, given that there are court orders for the payment of arrears and the equalization payment, the court is not inclined to interject new or additional terms to the MSA and order payment thereof in one lump sum. As such, Petitioner's request for a lump sum payment of \$64,199.94 as and for arrears and the equalization payment is denied.

The court is reserving on each party's request for sanctions until the time of the evidentiary hearing.

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

TENTATIVE RULING #18: THE REQUEST TO SET ASIDE THE JANUARY 6, 2025 MSA AND JUDGMENT IS GRANTED. THE COURT IS HEREBY ADOPTING THE CORRECTED MSA AND JUDGMENT ATTACHED AS EXHIBIT C TO PETITIONER'S MAY 16, 2025 RFO AS THE ORDERS OF THE COURT. TURNING TO THE REQUEST FOR AN ORDER TO SELL THE ALHAMBRA DRIVE PROPERTY WITHIN NINETY DAYS, THE PARTIES ARE ORDERED TO APPEAR TO SELECT DATES FOR AN EVIDENTIARY HEARING. THE REQUEST TO ORDER ONE LUMP SUM PAYMENT OF THE EQUALIZATION PAYMENT AND ARREARS IS DENIED. THE COURT IS RESERVING ON EACH PARTY'S REQUEST FOR SANCTIONS UNTIL THE TIME OF THE EVIDENTIARY HEARING. 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.