

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

February 3, 2021

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

17. AUSTIN FETTER V. GABRIELLE MYRICK

PFL20210676

On November 16, 2021, Petitioner filed a Request for Order (RFO) requesting custody and visitation. The parties were referred to attend a Child Custody Recommending Counseling (CCRC) session December 17, 2021.

No parties appeared at the December 17, 2021 CCRC appointment.

Upon review of the file, the court finds that there is no proof of service indicating service of the RFO on Respondent. As Petitioner did not participate in the CCRC session and was the moving party, the court drops the matter from its calendar.

TENTATIVE RULING #17: MATTER DROPPED FROM THE COURT'S CALENDAR

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

18. CAMERON CALDWELL V. ALICIA CRECELIUS

PFL20210337

On September 2, 2021, the court adopted with CCRC report and set a review hearing on December 9, 2021 regarding the status of child custody and visitation.

At the December 9, 2021 review hearing parties met with the Family Law Facilitator and agreed to continue the matter. Parties were ordered to file any supplemental declarations 10 days prior to the next hearing. Respondent was to file and serve father proof of her drivers license and insurance. Parties were warned that failure to provide the court information may result in the court adopting the previous tentative ruling.

The court has reviewed the file and finds that no supplemental declarations were filed with the court.

Having no new information for consideration, the court finds the current orders remain in the best interest of the minor and are affirmed as the court orders.

TENTATIVE RULING #18: THE CURRENT ORDERS ARE AFFIRMED.

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February 3, 2021

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

**19. DCSS V. BRANDON ROY (OTHER PARTY: SAMANTHA BRAHAM)
PFS20180084**

On November 17, 2021, Other Party filed a Request for Order (RFO) requesting to modify the parenting plan. The parties were referred to attend a Child Custody Recommending Counseling (CCRC) session December 20, 2021.

No parties appeared at the December 20, 2021 CCRC appointment.

Upon review of the file, the court finds that there is no proof of service indicating service of the RFO on Respondent. As Other Party did not participate in the CCRC session and was the moving party, the court drops the matter from its calendar.

All prior orders remain in full force and effect.

TENTATIVE RULING #19: MATTER DROPPED FROM THE COURT'S CALENDAR. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT.

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February 3, 2021

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

21. JESSICA BELIZ V. JUAN BELIZ

PFL20150768

On September 3, 2021, Respondent filed a Request for Order (RFO) requesting that the court modify the custody, visitation, and spousal support orders and to determine whether there is a spousal support overpayment by Respondent and, if so, order reimbursement. A CCRC session was set on October 8, 2021 with a hearing on the RFO set for November 4, 2021.

On September 21, 2021 and again on September 23, 2021, Petitioner was personally served with the RFO and referral to CCRC.

On October 22, 2021, Petitioner filed a Responsive Declaration, Income and Expense Declaration, and Memorandum of Points and Authorities, served on Respondent by mail the day prior.

On October 28, 2021, Petitioner filed a Supplemental Declaration, served on Respondent by mail that same day.

Both parties participated in the CCRC session but came to no agreements. A CCRC report was issued on October 18, 2021 with copies mailed to the parties on October 19, 2021.

The report recommends that both the minor attend individual therapy and that Respondent participate in an intake to determine his need for therapy. The report further recommends that Respondent complete the previously ordered co-parenting, parenting, and anger management classes. Finally, Respondent have supervised visits with the child and the child's therapist.

Petitioner in her filings opposes Respondent having any visits with the minor, arguing that an abrupt reintroduction of Respondent into the minor's life would be detrimental to his well-being, and states that she is seeking having Respondent's parental rights terminated.

At the initial hearing on the RFO on November 4, 2022, the court resolved the spousal support issues. The minute order is unclear as to whether or not the recommendations contained within the CCRC report were adopted. To the extent they were not, the court finds that the recommendations contained within the CCRC report are in the best interest of the minor and adopts them as the orders of the court as modified below. The provision in the parenting time section is stricken. The minor's therapist shall determine if and when it is appropriate for Respondent to begin having contact with the minor in a therapeutic setting. The court declines to appoint a Court Appointed Special Advocate at this time and strikes the provision from its orders. Petitioner is ordered to sign any and all consents to allow the minor's therapist to submit a letter to the court regarding the child's well-being and the appropriateness of him having contact with Respondent.

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At the November 4, 2022 hearing, the court set a review hearing to receive an update on Respondent's completion of the parenting course, co-parenting course, and anger management course, as noted above. The review hearing also was set to receive an update on the selection of a therapist for the minor.

Upon review of the file, neither party has filed any additional declarations with the court. As such, the court orders the parties to appear to provide an update to the court on the status of Respondent's completion of the courses and the selection of the minor's therapist.

TENTATIVE RULING #21: PARTIES ARE ORDERED TO APPEAR TO PROVIDE AN UPDATE TO THE COURT ON THE STATUS OF RESPONDENT'S COMPLETION OF THE COURSES AND THE SELECTION OF THE MINOR'S THERAPIST.

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

22. KEVIN PRUDHON V. EMILY STAYTON

PFL20200044

On December 10, 2021, Petitioner filed a Request for Order (RFO) requesting that the court modify the custody and visitation orders. A CCRC session was set on January 19, 2022 with a hearing on the RFO set for March 3, 2022.

On January 10, 2022, Respondent filed an ex parte application requesting supervised visits for Petitioner, that neither party use corporal punishment, that Petitioner be ordered to notify Respondent in writing of his current address, and an Order Shortening Time (OST). That same day, the court granted the ex parte relief, permitting Petitioner supervised visits with a nonprofessional monitor if agreed in writing by the parties. The court set a hearing for the RFO on February 3, 2022 and referred the parties to the existing CCRC session on January 19, 2022.

On January 10, 2022, Petitioner was personally served with the RFO and temporary orders.

On January 20, 2022, Petitioner filed a Responsive Declaration, served electronically on Respondent that same day.

Both parties participated in the CCRC session and reached a full agreement, which includes granting the parties joint legal custody, unsupervised visits to Respondent on Fridays at 12 p.m. to Saturday at 7 p.m., an order for both parties to submit to a drug test, an order for both parties to participate in co-parenting sessions and split the costs, and an order for the minor to participate in play therapy. A CCRC report was issued on January 19, 2022 with copies mailed to the parties on January 24, 2022.

Having reviewed the filings of the parties and the CCRC report, the court finds that the agreements contained within the CCRC report are in the best interest of the minor and adopts them as the orders of the court. As the custody issues have been resolved, the court vacates the March 3, 2022 hearing.

Respondent is ordered to prepare and file the Findings and Order After Hearing.

TENTATIVE RULING #22: THE AGREEMENTS CONTAINED WITHIN THE CCRC REPORT ARE ADOPTED AS THE ORDERS OF THE COURT. AS THE CUSTODY ISSUES HAVE BEEN RESOLVED, THE COURT VACATES THE MARCH 3, 2022 HEARING. RESPONDENT IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.

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February 3, 2021

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

23. PATRICIA TIRAO V. CHRISTOPHER TIRAO

PFL20180509

On June 28, 2018, Petitioner filed a Petition for Nullity of Marriage, alleging grounds of bigamy. Petitioner filed a Declaration regarding the grounds for her request for Nullity. On September 23, 2021, the court granted Petitioner's Request for Order to effectuate service by posting. On November 1, 2021, Petitioner filed a Proof of Service of Summons showing Posting of the Summons at the El Dorado County Courthouse from September 24, 2021 to October 29, 2021. Petitioner also filed a Proof of Service by mail of the Summons and Order for Posting sent to the last known address of the Respondent on September 24, 2021.

On December 1, 2021, Default was entered against Respondent. No mailing was required because service was by posting and the address of the respondent remains unknown. On December 2, 2021, Petitioner requested to set an uncontested hearing and the instant hearing date was set.

Petitioner is ordered to appear for hearing.

TENTATIVE RULING #23: PETITIONER IS ORDERED TO APPEAR FOR HEARING.

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

24. ANTONIO OLAEZ V. TANYA SARAVIA

PFL20150664

On November 17, 2021, Petitioner filed a Request for Order (RFO) requesting a modification of the July 29, 2021, custody, and visitation order. Petitioner filed a Proof of Service on January 3, 2022, showing that Respondent was mailed the RFO on January 1, 2022.

Petitioner requests that he be given sole legal and physical custody and that there be no visitation with Respondent until she has demonstrated that she has been clean for a year. Petitioner requests no overnight visits and a few hours a week to start. Petitioner asserts that the Respondent has failed to initiate the professionally supervised visitation that was ordered by the court on August 18, 2021. Petitioner also asserts that Respondent has failed to comply with the July 29, 2021, court order that she submit to hair follicle testing.

On December 7, 2021, a Declaration on Supervised Visitation Provider (Professional) was filed with the court.

On January 19, 2022, Respondent filed a Responsive Declaration with the court. Respondent also filed a Declaration with 40 pages of attachments. Following a review of the file, the court finds no Proof of Service has been filed showing that Petitioner was served with either the Responsive Declaration to the RFO or the Declaration and attachments as required by law. As such, the court cannot consider the filings.

The parties were ordered to appear at the January 27, 2022 for further proceedings on the pending Petition and request for custody and visitation orders. However, at that hearing, Respondent did not stipulate to Commissioner Slossberg hearing the matter. As such, the matter was continued to February 3, 2022.

The parties are ordered to appear at the February 3, 2022 hearing.

TENTATIVE RULING #24: THE PARTIES ARE ORDERED TO APPEAR.