

On September 9, 2021, Petitioner filed an application for ex parte relief requesting that the court grant her sole custody with visits to Respondent contingent on him being in counseling. Petitioner also requested that the court order drug testing for Respondent and his wife.

On September 10, 2021, the court ordered the parties to attend a CCRC session on September 21, 2021 with a hearing set on October 14, 2021. Pending the hearing, Respondent was ordered to not leave the child alone with his wife.

The underlying Request for Order (RFO) was filed on September 10, 2021. Upon review of the file, the court finds that there is no proof of service indicating service of the RFO on Respondent.

However, on September 10, 2021, Respondent filed a Responsive Declaration, served by mail on Petitioner that same day, in which he references the October 14, 2021 hearing date.

On September 16, 2021, Petitioner filed a Declaration of Andrew Holvick, the co-parent of her other child, served on Respondent by mail that same day. Mr. Holvick claims that Petitioner is a good co-parent.

Petitioner attended the CCRC session, but Respondent did not. On September 22, 2021, Respondent filed an ex parte request asking for a new CCRC date, stating that he got confused with the CCRC date and the court date. On September 27, 2021, the court granted this request, resetting the CCRC session for September 28, 2021. The court also sanctioned Respondent in the amount of \$100 for his failure to appear at the CCRC session on September 21, 2021.

Both parties appeared at the second CCRC session and reached some agreements but not on all issues. A CCRC report was issued on October 7, 2021 with copies mailed to the parties on October 8, 2021. Per the report, the parties agreed that each would complete a co-parenting class, that the minor would be enrolled in individual counseling, and that the parties would communicate via *talkingparents.com* and not allow any third party to utilize this application regarding the minor.

The report noted the high conflict and poor communication between the parents and recommends a week-on/week-off schedule to minimize their interactions with exchanges to take place at the El Dorado Sheriff's office in Placerville, unless they agree on a different location. The report further recommends the appointment of a CASA advocate to provide support to the child and provide oversight to ensure the parents act in the child's best interest.

At the October 14, 2021 hearing, the court adopted the tentative ruling as modified, adopting the recommendations contained within the CCRC report with the changes as noted below. Per the parties' agreement, they were ordered to exchange the minor on Sundays at 3:30 p.m. at Rite Aid on Broadway in Placerville. The court further orders that cell phone calls

between the parent without custody and the minor were to occur every day between 4 p.m. and 7 p.m. Respondent was ordered to provide the names of 3 counselors to Petitioner within 2 weeks, after which Petitioner would have 5 days to select a counselor. Petitioner was granted custody on Christmas 2021. The CASA was ordered to remain on the case, with the court continuing the matter to February 10, 2022 to receive input from the CASA advocate and to consider modifications to the custody and parenting time orders as appropriate.

Upon review of the file, neither party has filed any additional pleadings for the February 10, 2022 hearing.

On January 27, 2022, CASA submitted a report, served on both parties electronically that same day. The report notes the conflicting stories between the parties but does not raise any major issues regarding the child's well-being, reporting that the child enjoys his time in both parents' homes. The child requests a change of the exchange day to Monday to minimize conflicts with weekend plans.

Having reviewed the filings of the parties and the CASA report, the court changes the exchange day to Mondays afterschool (or 3:30 p.m. at the Rite Aid on Broadway in Placerville if school is not in session). All other prior orders remain in full force and effect.

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

TENTATIVE RULING #19: THE COURT CHANGES THE EXCHANGE DAY TO MONDAYS AFTERSCHOOL (OR 3:30 P.M. AT THE RITE AID ON BROADWAY IN PLACERVILLE IF SCHOOL IS NOT IN SESSION). ALL OTHER PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. PETITIONER IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.

On October 14, 2021 the court ordered Respondent's visits to be supervised daytime visits only. The visits were to take place at the paternal grandmother's home on the 1st, 3rd, and 4th Saturday from 9 A.M. to 6 P.M. The Other Party is responsible for transportation. The court appointed minor's counsel, with the parties to share the expense. CASA remained appointed to the case. The court continued the matter to November 4, 2021 and February 10, 2022 for review hearings.

The November 4, 2021 hearing was dropped from calendar as none of the parties had filed any additional documents. The court confirmed the February 10, 2022 review hearing.

On January 27, 2022 CASA filed a report. The report was served on parties and minor's counsel along with the Proof of Service on the same date. The report indicates that minor's counsel met with the children in November of 2021. CASA has attempted but not had contact with the children since October of 2021. The report recommends continuing to strengthen the relationship between the children and the Respondent.

On February 4, 2022, minor's counsel filed an update, served by mail on all parties that same day. Minor's counsel recommends no significant changes to the orders.

No other information has been provided to the court by the parties.

The court thanks and relieves CASA. The matter is dropped from calendar. All prior orders remain in full force and effect.

TENTATIVE RULING #21: CASA IS THANKED AND RELIEVED. THE MATTER IS DROPPED FROM CALENDAR. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT.

On December 13, 2021, Petitioner filed a Request for Order (RFO) requesting the court compel Respondent to respond to Petitioner's discovery request, an order for sanctions for his failure to respond, and an order that Respondent provide health insurance to Petitioner. That same day, Respondent was served with the RFO.

On February 1, 2022, Respondent filed a Responsive Declaration, served on mail on Petitioner on January 26, 2022. In addition to objecting to the relief requested by Petitioner, Respondent requests that the court dismiss Daryl Lander (who has provided counsel to Petitioner and at times represented her on a limited scope basis) from the case, determine that the marriage was not valid, determine that Petitioner has no right to compel further responses to her discovery requests, and deny any requests from Petitioner for attorney's fees, spousal support, and health insurance. Respondent also requests that the court take judicial notice of several court documents in other cases.

As to the affirmative relief requested by Respondent, the court finds that these requests, with the exception of the requests to deny the motion to compel, attorney's fees, and health insurance orders, are outside the scope of Petitioner's RFO. As such, the court finds it has no jurisdiction to hear these requests at the February 10, 2022 hearing and declines to do so. The court, however, will note that Petitioner's limited scope attorney is obligated to uphold his ethical responsibilities as an attorney and cautions him to ensure he is faithfully doing so.

Regarding Petitioner's motion to compel responses, the court finds that Respondent was served with Petitioner's Form Interrogatories and Demand for Production of Documents on July 16, 2021 by mail. Adding that 5 days for mail service, the court finds that Respondent's 30-day deadline to respond was August 20, 2021. After the deadline Petitioner's counsel and Respondent exchanged letters, which Petitioner's counsel indicated was Petitioner's attempt to meet and confer, after which Petitioner's counsel stated that he would give Respondent until September 10, 2021 to file a complete response without objection.

Respondent responded to the discovery request by the new deadline of September 10, 2021. However, he generally objected to the production of all the requested documents. The court finds that any available objections were waived by Respondent, as he failed to respond by initial deadline and has not sought relief from the court from this waiver, and as such these objections were improper.

The court further finds that Petitioner's Motion to Compel is timely as Respondent did not file his response by the deadline and therefore the 45-day time limit under Code of Civil Procedure 2031.310 for a Motion for Order Compelling Further Response is not applicable. For the same reasons, the court finds that a separate statement is not required with the Motion.

For the above reasons, the court grants Petitioner's Motion to Compel in part as explained more fully below.

As a preliminary matter, the court finds that it must address whether the marriage itself is valid, as Petitioner's requests for substantive relief hinge on the marriage's validity. As such, the court orders the parties to appear at the February 10, 2022 hearing to set an evidentiary hearing to determine this issue.

The court finds that requests 4, 5, 19, 25, 27, and 31 relate to documents that are directly relevant to the question of the marriage's validity or would reasonably lead to information that would help determine this issue. Therefore, the court orders Respondent to produce any and all documents responsive to these requests by no later than February 24, 2022.

The court reserves on the balance of Petitioner's requests for documents subject to the Motion to Compel until after the evidentiary hearing on the validity of the marriage. The court continues Petitioner's request for sanctions to the evidentiary hearing as well, noting that Respondent's compliance with the orders above will be a factor in determining the amount of any sanctions. The court will consider Respondent's request for Judicial Notice of various court filings at the evidentiary hearing as well.

Regarding Petitioner's request for Respondent to provide health insurance coverage for Petitioner, the court finds that Respondent's removal of Petitioner from the policy was in violation of the Automatic Temporary Restraining Orders contained within the Summons. If Respondent's company changed its policy, he should have included Petitioner on any new policy. The court orders Respondent to provide health insurance through his current policy or if not available to provide Petitioner with comparable coverage by no later than February 24, 2022.

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

TENTATIVE RULING #22: THE COURT ORDERS THE PARTIES TO APPEAR AT THE FEBRUARY 10, 2022 HEARING TO SET AN EVIDENTIARY HEARING TO DETERMINE THIS ISSUE. THE COURT ORDERS RESPONDENT TO PRODUCE ANY AND ALL DOCUMENTS RESPONSIVE TO REQUESTS 4, 5, 19, 25, 27, AND 31 BY NO LATER THAN FEBRUARY 24, 2022. THE COURT RESERVES ON THE BALANCE OF PETITIONER'S REQUESTS FOR DOCUMENTS SUBJECT TO THE MOTION TO COMPEL UNTIL AFTER THE EVIDENTIARY HEARING ON THE VALIDITY OF THE MARRIAGE. THE COURT CONTINUES PETITIONER'S REQUEST FOR SANCTIONS TO THE EVIDENTIARY HEARING AS WELL, NOTING THAT RESPONDENT'S COMPLIANCE WITH THE ORDERS ABOVE WILL BE A FACTOR IN DETERMINING THE AMOUNT OF ANY SANCTIONS. THE COURT WILL CONSIDER RESPONDENT'S REQUEST FOR JUDICIAL NOTICE OF VARIOUS COURT FILINGS AT THE EVIDENTIARY HEARING AS WELL. THE COURT ORDERS RESPONDENT TO PROVIDE HEALTH INSURANCE THROUGH HIS CURRENT POLICY OR IF NOT AVAILABLE TO PROVIDE PETITIONER

WITH COMPARABLE COVERAGE BY NO LATER THAN FEBRUARY 24, 2022. PETITIONER IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.

On November 12, 2021 Respondent filed a Request For Order (RFO) requesting an adjustment to child support. Petitioner and DCSS were served by mail on November 19, 2021 with Proof of Service Filed on November 24, 2021.

Respondent is requesting an adjustment to child support due to no longer being employed and the eldest child reaching the age of majority and graduating from high school. Respondent is requesting updates to the Ostler-Smith Bonus table and requesting the court grant him guideline support as the parties share joint physical custody of the minor. Respondent also requests Petitioner add the minor to her insurance.

On December 3, 2021, DCSS filed a Responsive Declaration consenting to guideline support and requesting the matter be set on the DCSS calendar in Department 5 in accordance with Family Code Section 4251. Parties were served with the Response from DCSS via mail on December 2, 2021, with the Proof of Service Filed on December 3, 2021.

On December 17, 2021 Petitioner filed a Responsive Declaration to the RFO. Respondent and DCSS were served by mail on December 17, 2021 with Proof of Service filed on December 20, 2021.

Petitioner is opposing the requested change in child support and requests the court keep the March 9, 2020 order and Ostler-Smith Bonus table in place as to the minor. Petitioner also requests the court impute salary and comparable raises to Respondent. Petitioner agrees with adding the minor to her insurance, but requests Respondent be ordered as the guarantor with providers. Petitioner requests the parties split the bills evenly with Petitioner paying her half directly to the provider.

Petitioner filed a RFO on December 17, 2021 with the same Proof of Service as outlined above. Petitioner seeks clarification of the March 9, 2020 ruling. Petitioner seeks clarification of whether the order for child support was retroactive to August 2018. Petitioner asserts this same request was made following the ruling, however, due to Respondent filing an appeal has never been heard by the court.

Petitioner's RFO was set for a hearing on January 6, 2022, however, due to the court's unavailability was continued to February 10, 2022.

The court grants Respondent's request that the minor be added to Petitioner's health insurance. Respondent will be listed as the guarantor. Parties are to split any health care costs 50/50. Petitioner may pay the provider her half directly.

The court finds due to DCSS being a party to the case under Family Code 4251 the remaining issues should be addressed by the Child Support Commissioner. The matter is continued to the DCSS calendar on February 28, 2022 at 8:30 in Department 5. The court retains jurisdiction to modify child support back to the date of filing of the RFO.

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

TENTATIVE RULING #23: THE COURT FINDS DUE TO DCSS BEING A PARTY TO THE CASE UNDER FAMILY CODE 4251 THE ISSUE SHOULD BE ADDRESSED BY THE CHILD SUPPORT COMMISSIONER. THE MATTER IS CONTINUED TO THE DCSS CALENDAR ON FEBRUARY 28, 2022 AT 8:30 IN DEPARTMENT 5. THE COURT RETAINS JURISDICTION TO MODIFY CHILD SUPPORT BACK TO THE DATE OF FILING OF THE RFO. RESPONDENT IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.

24. MAXINE C. SCHMIDT V. REGINALD KENNEDY JR.

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On December 13, 2021, Respondent filed a Request for Order (RFO) requesting custody and visitation orders. A CCRC session was scheduled on January 13, 2022 with a hearing on the RFO set for February 10, 2022.

On January 10, 2022, the parties jointly submitted a letter to the court indicated that they reached an agreement for the parenting schedule. On January 11, 2022, the CCRC counselor submitted a letter to the court, indicating the same and stating that she phoned the parties that day and confirmed that they wished to cancel both their CCRC session and the court hearing.

As such, the court drops the matter from its calendar.

TENTATIVE RULING #24: MATTER DROPPED FROM THE COURT'S CALENDAR

On August 24, 2021, Petitioner filed a Request for Order (RFO) requesting a modification of the child custody and visitation orders and an order regarding attendance at extracurricular activities. A CCRC session was set October 4, 2021 with a hearing on the RFO set for November 18, 2021. On August 25, 2021, Respondent was served with the RFO and Referral to CCRC by mail. On September 23, 2021, a Declaration Regarding Address Verification was filed along with the Proof of Service by Mail.

Both parties attended the CCRC session and reached two agreements, but not all on issues. A CCRC report was issued on October 25, 2021 with copies mailed to the parties on October 26, 2021. The report recommends therapy and a change to the parenting schedule.

At the November 18, 2021 hearing, the court adopted the agreements and recommendations contained within the CCRC report, as modified below. The court declined to adopt the recommendation in the CCRC report to modify the parenting schedule, finding that the filings and CCRC report did not demonstrate that such a change would be in the best interest of the minor. The court adopted the parties' agreements to follow the recommendations of the therapist, for Respondent to be responsible for the insurance co-pay for the therapy, and for there to be no discussion with the minor regarding the court case by either party. The court ordered the parties to file and serve supplemental declarations at least 10 days in advance of the next hearing.

Upon review of the file, the court finds that neither party has filed a supplemental declaration with the court. As such, the court drops the matter from calendar. All current orders remain in full force and effect.

TENTATIVE RULING #25: MATTER DROPPED FROM THE COURT'S CALENDAR

On January 5, 2022 Respondent filed a Request for Order (RFO) requesting modification of custody, visitation, and child support should there be a change in parenting time. Respondent also requested, and was granted, a referral to Child Custody Recommendation Counseling (CCRC). CCRC has been set for the parties to attend on February 9, 2022 and a return to court on March 24, 2022. The proof of service indicates the Department of Child Support Services and Petitioner were served by mail on January 11, 2022 and January 12, 2022 respectively. However, the Proof of Service indicates a hearing date of February 10, 2022.

On January 6, 2022, Petitioner filed an RFO requesting authorization to move with the children from EL Dorado County to Vacaville in Solano County. The court set a hearing date of February 10, 2022 for this RFO. Upon review of the file, the court could not locate a Proof of Service for the Petitioner's RFO. Based on the Proof of Service filed by Respondent with the February 10, 2022 hearing date, it appears Respondent has received notice. The Petitioner is directed to serve and file Proof of Service of the January 6, 2022 RFO.

Petitioner filed a Responsive Declaration to Respondent's RFO on January 26, 2022. Respondent was served by mail on January 26, 2022, with Proof of Service filed the same day.

DCSS filed a Responsive Declaration requesting pursuant to Family Code Section 4251 that the Child Support matter be set on a Monday calendar following the resolution of the custody issues.

The court continues this matter for receipt of the CCRC report to the hearing set on March 24, 2022.

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

TENTATIVE RULING #26: THE MATTER IS CONTINUED TO JOIN WITH THE RETURN FROM CCRC HEARING SET FOR MARCH 24, 2022. PETITIONER IS DIRECTED TO FILE PROOF OF SERVICE OF THE JANUARY 6, 2022 RFO ON RESPONDENT. RESPONDENT IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.