

18. BEVERLY CUMMINS V. CODY CUMMINS

PFL20190725

On November 30, 2021, Respondent filed a Request for Order (RFO) requesting a modification to the custody, visitation, and child support orders. A CCRC session was scheduled for January 3, 2022 with a hearing on the RFO set for February 17, 2022. An Income and Expense Declaration was filed concurrently with the RFO, both of which were served personally on Petitioner along with the Referral to CCRC on December 2, 2021.

On January 24, 2022, Petitioner filed a Responsive Declaration and Income and Expense Declaration, served electronically and by mail on Respondent on January 3, 2022.

On January 28, 2022, Petitioner filed a Declaration. Upon review of the file, the court finds that there is no proof of service indicating service of this filing on Respondent. As such, the court has not reviewed nor considered it.

Only Respondent participated in the CCRC session, with Petitioner contacting the clerk's office the day of the CCRC session to report that she was having car problems that prevented her from being able to attend. A CCRC report was issued on February 2, 2022 with copies mailed to the parties on February 4, 2022. As only one party attended, the report makes no recommendations.

On February 17, 2022, the court's adopted its tentative ruling. Parties were re-referred to CCRC for an appointment on March 28, 2022. The court set a further review hearing from May 19, 2022.

On April 21, 2022, parties filed a stipulation and order for child support. The Department of Child Support Service consented to the parties' agreement. The court adopted the parties' stipulation and signed the order for child support.

Parties attended CCRC on March 28, 2022 and were able to reach a full agreement. A copy of the CCRC report was mailed to the parties on April 22, 2022. The court has read and considered the CCRC report and finds the agreement to be in the best interest of the minor and adopts it as the court's order. The parties shall have joint legal custody. Petitioner shall have primary physical custody. Respondent shall have parenting time the 1st, 3rd, and 5th weekend of every month. Respondent's parenting time will begin on Friday at 3:00 p.m. and end Sunday at 6:00 p.m. On weekends with a Monday holiday, Respondent's parenting time will extend until Monday at 6:00 p.m. Respondent shall enroll in Anger Management counseling services. Respondent shall provide Petitioner with proof of enrollment prior to May 19, 2022. Parties shall enroll in and complete a co-parenting class. Parties are to participate in a parenting class.

All prior orders not in conflict with this order remain in full force and effect. Respondent shall prepare and file the findings and orders after hearing.

TENTATIVE RULING #18: THE COURT ADOPTS THE PARTIES' AGREEMENT CONTAINED IN THE CCRC REPORT AS ITS ORDER. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING

On April 19, 2022, Petitioner filed an Application for Order Shortening time for her Request for Order (RFO). On April 19, 2022, the court granted the request to shorten time and set a hearing for the RFO on May 19, 2022. Petitioner was ordered to serve Respondent with the RFO on or before April 25, 2022. Respondent was personally served with the RFO on April 22, 2022.

Petitioner is requesting court authorization to travel with the minors for vacation from June 4th until June 11, 2022. Petitioner asserts she informed Respondent of the vacation plans on March 29, 2022, 67 days prior to the vacation and more than double the 30 days required per the parties agreement. Petitioner provided the dates, flight information, and other basic itinerary information that is required. Respondent raised an objection to the vacation timeframe, as it would interfere with his parenting time.

Respondent has not filed a Responsive Declaration.

The court adopted the parties' agreement reached at Child Custody Recommending Counseling (CCRC) on September 21, 2021. Each party may take a vacation with the minors for up to seven days. The agreement merely requires notification of vacation plans a minimum 30 days in advance. The notice must include the dates of travel, destinations, flight information, and telephone number for emergency purposes. There is no provision for a party to object to the vacation. There is also no provision for how or if parenting time is to be made up if a vacation interrupts the parenting time of the non-traveling parent.

The court grants Petitioner's request to travel with the minors from June 4, 2022, to June 11, 2022. Respondent shall have the minors from May 27, 2022 to June 1, 2022 to make up for his parenting time while the minors are on vacation.

All prior orders not in conflict with this order remain in full force and effect. Petitioner shall prepare and file the findings and orders after hearing.

TENTATIVE RULING #19: PETITIONER'S REQUEST TO TRAVEL WITH THE MINORS FROM JUNE 4, 2022, TO JUNE 11, 2022. RESPONDENT SHALL HAVE THE MINORS FROM MAY 27, 2022 TO JUNE 1, 2022 TO MAKE UP FOR HIS PARENTING TIME WHILE THE MINORS ARE ON VACATION. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING

20. DARBARA SIDHU V. FATEMEH SIDHU

22FL0406

On May 6, 2022, Petitioner filed an Application for Order Shortening time for his Request for Order (RFO). The court granted the Order to Shorten time and set the RFO for May 19, 2022. Petitioner was ordered to served Respondent with the RFO on or before May 9, 2022.

On March 17, 2022, Respondent filed an ex parte request to continue as her counsel is not available on March 19, 2022. On March 18, 2022, the court granted the request to continue.

TENTATIVE RULING #20: THE MATTER IS CONTINUED TO JUNE 2, 2022 AT 1:30 P.M. IN DEPARTMENT 5

On April 4, 2022, Petitioner filed a Request for Order (RFO) requesting the court change the current child support order. Petitioner concurrently filed an Income and Expense Declaration. Respondent was served by mail on April 14, 2022.

Petition is requesting the court modify the current child support order, which is for Respondent to pay no child support, per the parties April 13, 2021 stipulation. Petitioner did not indicate whether the request is for guideline child support and has not requested a specified amount. The court reasonably infers the request is being made for guideline child support.

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

The court continues the matter as it does not have the requisite information to make a modification to the current child support order. Respondent is ordered to file an updated Income and Expense declaration at least 10 days prior to the next hearing. The court reserves jurisdiction to modify child support to the date of the filing of the RFO.

All prior orders remain in full force and effect. Petitioner shall prepare and file the findings and orders after hearing.

TENTATIVE RULING #21: THE COURT CONTINUES THE MATTER TO JULY 21ST, 2022 AT 1:30 PM FOR A MODIFICATION OF CHILD SUPPORT. RESPONDENT IS ORDERED TO FILE AN UPDATED INCOME AND EXPENSE DECLARATION AT LEAST 10 DAYS PRIOR TO THE NEXT HEARING. THE COURT RESERVES JURISDICTION TO MODIFY CHILD SUPPORT TO THE DATE OF THE FILING OF THE RFO. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

On January 20, 2022, the court adopted its tentative ruling including appointing CASA. The court set a further review hearing on April 14, 2022 for receipt of the CASA report.

On February 17, 2022, Respondent filed an ex parte request for order requesting sole legal custody of the minor. On February 18, 2022 the court denied Respondent's ex part request. The concurrently filed Request for Order (RFO) was set for a hearing on April 14, 2022. Petitioner was served electronically on February 18, 2022.

CASA filed a report on April 4, 2022. Parties were electronically served on the same day. The CASA recommends the parties use the "Our Family Wizard" application as ordered by the court on January 20, 2022. The parties are currently participating in co-parenting counseling. The CASA was able to visit both parties' homes and found both to be suitable in terms of overall environment. The CASA observed both parents to be caring and attentive parents.

On April 5, 2022 Respondent filed a Declaration regarding "Medical/Legal Custody". Also on April 5, 2022 Respondent filed a Declaration regarding co-parenting therapy. On April 5, 2022 Respondent also filed a Declaration from Caitlyn Martin. Petitioner was served all three Declarations electronically on April 5, 2022.

On May 5, 2022, Respondent filed a Supplemental Declaration which is captioned Petitioner's Supplemental Declaration. Petitioner was mailed an unfiled copy on May 5, 2022. Petitioner was served a file endorsed copy electronically on May 11, 2022. Respondent renews her request for sole legal and physical custody. Respondent asserts Petitioner is not acting in the best interest of the minor in that he has created roadblocks to the minor receiving appropriate medical attention. Respondent asserts Petitioner has a substance abuse problem which places the minor at risk while in Petitioner's care. Respondent requests the court order Petitioner to complete drug and alcohol counseling. Respondent further asserts Petitioner has not engaged in co-parenting counseling, cancelling the April 26, 2022 appointment five minutes before it was set to start and only appearing on May 3, 2022 to state he would not be participating.

Petitioner has not filed a Responsive Declaration.

The court finds Respondent's request for drug and alcohol counseling is beyond the scope of the RFO and therefore denies the request. The court is concerned about Respondent's assertions regarding Petitioner's substance abuse, specifically regarding the April 1, 2022 parenting time exchange when Respondent asserts Petitioner smelled strongly of marijuana. The court reminds Petitioner that the court's order requires him to abstain from alcohol and other substance use for 24 hours prior to the minor being in his care and while the minor is in his care.

The court denies Respondent's request for sole physical and legal custody of the minor. Respondent shall have final decision-making authority for medical decisions if parties are unable to reach an agreement after good faith discussions. Parties must engage in good father discussions for a minimum of 10 days prior to Respondent having the ability to exercise the final decision. Parties shall utilize their co-parenting counseling when an agreement cannot be reached.

All prior orders remain in full force and effect. Respondent shall prepare and file the findings and orders after hearing.

TENTATIVE RULING #22: THE COURT DENIES RESPONDENT'S REQUEST FOR SOLE PHYSICAL AND LEGAL CUSTODY OF THE MINOR. RESPONDENT SHALL HAVE FINAL DECISION-MAKING AUTHORITY FOR MEDICAL DECISIONS IF PARTIES ARE UNABLE TO REACH AN AGREEMENT AFTER GOOD FAITH DISCUSSIONS. PARTIES MUST ENGAGE IN GOOD FATHER DISCUSSIONS FOR A MINIMUM OF 10 DAYS PRIOR TO RESPONDENT HAVING THE ABILITY TO EXERCISE THE FINAL DECISION. PARTIES SHALL UTILIZE THEIR CO-PARENTING COUNSELING WHEN AN AGREEMENT CANNOT BE REACHED. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

23. TRINA HUGHES V. DONAGHY HUGHES, JR.

PFL20210030

Petitioner filed an Order Show Cause and Affidavit for Contempt on April 7, 2022. Upon review of the file, the court finds that there is no proof of service indicating personal serve of the contempt complaint on Respondent. As such, the court drops the matter from its calendar.

TENTATIVE RULING #23: MATTER DROPPED FROM THE COURT'S CALENDAR

24. JAMES FRAZIER V. ASHLEY FRAZIER

22FL0203

On April 12, 2022, Respondent filed a Request for Order (RFO) requesting to quash the summons and petition issued on March 3, 2022. Respondent asserts there is already an open pending petition and summons filed under case number PFL2010660. Upon review of the court file, there is no proof of service showing Petitioner has been served with the RFO.

Further, the court finds there is no proof of service showing Respondent has been served with the March 3, 2022 petition or summons.

The court takes judicial notice of the petition for dissolution and summons filed in case number PFL20150660.

The court on its own motion quashes the petition and summons filed on March 3, 2022. The matter will proceed in the previously filed case PFL20150660. Case number 22FL0203 is dismissed.

TENTATIVE RULING #24: THE COURT ON ITS OWN MOTION QUASHES THE PETITION AND SUMMONS FILED ON MARCH 3, 2022. THE MATTER WILL PROCEED IN THE PREVIOUSLY FILED CASE PFL20150660. CASE NUMBER 22FL0203 IS DISMISSED.