

LAW & MOTION TENTATIVE RULINGS
DEPARTMENT 5
January 6, 2022
8:30 a.m./1:30 p.m.

20. AARON LEE V. DEBRA LEE

PFL20180293

On October 1, 2021, Respondent filed an ex parte application for custody and child support orders. An Income and Expense Declaration was filed concurrently with the ex parte request. On October 4, 2021, Petitioner filed a Responsive Declaration, objecting to the ex parte requests. On October 5, the court denied the ex parte relief and set a CCRC session on November 8, 2021 with a hearing on the RFO set on January 6, 2022.

Upon review of the file, the court finds that there is no proof of service indicating service of the RFO on Petitioner.

Both parties appeared at the CCRC session and reached a full agreement which provides for joint legal custody, primary physical custody to Respondent, weekend visits to Petitioner during the school year, and a schedule for holiday and summer parenting time. A CCRC report was issued on November 8, 2021 with copies mailed to the parties on November 9, 2021.

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 interests of the minors and adopts them as the orders of the court. While there is no evidence that the RFO was served on Petitioner, the court finds good cause to adopt the parties' custody agreements. The court however denies the request regarding child support due to the lack of service.

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

TENTATIVE RULING #20: THE AGREEMENTS CONTAINED WITHIN THE CCRC REPORT ARE ADOPTED AS THE ORDER OF THE COURT. THE COURT DENIES THE REQUEST REGARDING CHILD SUPPORT DUE TO THE LACK OF SERVICE OF THE RFO. RESPONDENT IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.

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21. AIMEE ELSE V. DANIEL ELSE

PFS20190360

On November 1, 2021, Petitioner filed an application for ex parte orders requesting custody and visitation orders and an order for a psychological evaluation of both parties. A declaration in support of the requests was filed that same day as well. On November 2, 2021, the court denied the request and set a CCRC session on December 2, 2021 with a hearing on the underlying Request for Order (RFO) set for January 6, 2022.

Petitioner also was ordered to serve the ex parte application and declaration on CASA. The court indicated that it would consider appointing Minor's Counsel to the case at the next hearing and ordered both parties to file and serve on one another updated Income and Expense Declarations at least 10 days in advance of the next hearing.

On November 5, 2021, Petitioner filed an Income and Expense Declaration.

On November 9, 2021, Respondent was served by mail with the RFO and Referral to CCRC. Petitioner filed a Declaration Regarding Address Verification as well.

On November 15, 2021, Petitioner served the ex parte application and declaration on CASA by mail.

On November 16, 2021, Petitioner filed a Declaration, served on Respondent by mail that same day.

On December 20, 2021, Respondent filed a Responsive Declaration. On December 22, 2021, Respondent filed another Responsive Declaration and an Income and Expense Declaration. Upon review of the file, the court finds that there is no proof of service indicating service of any of these filings on Petitioner. As such, the court cannot review nor consider these filings.

Both parties appeared at the CCRC session and reached a full agreement which maintains the current custody arrangement with slight modifications as well as an order for Respondent to have the minors seen by a medical professional regarding a possible lice infestation. Respondent also stated his willingness to have the children available for the assigned CASA. A CCRC report was issued on December 10, 2021 with copies mailed to the parties on December 16, 2021.

On January 3, 2021, CASA filed its report and recommendations, served on the parties electronically that same day. The report indicates that the children appear to be happy living primarily with Respondent, although they miss Petitioner. The report raised no major concerns and noted that the parties reached an agreement regarding custody. CASA recommends that the minors continue in their current placement with Respondent.

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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 interests of the minors and adopts them as the orders of the court. The court declines to appoint Minor's Counsel at this time. The court thanks CASA for the input and relieves the CASA advocate at this time.

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

TENTATIVE RULING #21: THE AGREEMENTS CONTAINED WITHIN THE CCRC REPORT ARE ADOPTED AS THE ORDER OF THE COURT. THE CASA ADVOCATE IS THANKED AND RELIEVED AT THIS TIME. PETITIONER IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.

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22. AMELIA BLANCHARD V. BRIT BLANCHARD

PFL20210403

On July 8, 2021, Petitioner filed a Request for Order (RFO) requesting the court to make custody, parenting time, and child support orders. A CCRC session was scheduled for August 11, 2021 with a hearing on the RFO set for September 23, 2021. On July 12, 2021, Respondent was served personally with the RFO. However, the Proof of Service does not show service of the referral to CRCC nor service of the Income and Expense Declaration.

On August 6, 2021, Petitioner was granted a three-year Domestic Violence Restraining Order in the matter.

On August 11, 2021, the CCRC, Rebecca Nelson, filed a Letter Memo with the court indicating that neither party appeared for the CCRC appointment.

At the initial hearing on the RFO, the court continued the matter to October 28, 2021 and ordered Petitioner to have Respondent served as required by law.

At the October 28, 2021 hearing, Petitioner appeared, but Respondent did not. The court continued the matter to January 6, 2022.

Upon review of the file, the court finds that neither party has filed any additional filings with the court.

As Respondent has not been served with the Income and Expense Declaration, the court denies the request for child support without prejudice.

Regarding custody and parenting time, the court finds that Respondent was served with notice of the initial hearing, and therefore the court has jurisdiction to make orders on these issues. The court further finds that Family Code 3044 applies given there is a Domestic Violence Restraining Order against Respondent. As such, there is a rebuttable presumption that an award of joint or sole custody to Respondent is not in the best interest of the minors.

The court finds that no information has been submitted to rebut the Family Code 3044 presumption. Therefore, the court orders sole legal and physical custody of the minors to Petitioner with the reasonable right of visitation to Respondent. Given there is a restraining order in effect, the court notes that Respondent is prohibited from contacting Petitioner and will need to file his own RFO to establish a visitation schedule with the children.

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

TENTATIVE RULING #22: THE COURT ORDERS SOLE LEGAL AND PHYSICAL CUSTODY OF THE MINORS TO PETITIONER WITH THE REASONABLE RIGHT OF VISITATION TO RESPONDENT. THE COURT DENIES THE REQUEST FOR CHILD SUPPORT WITHOUT PREJUDICE. PETITIONER IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.

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23. BRAD SIMI V. TRACI VREEDE (GUTIERREZ)

PFL20130039

Petitioner filed a Request for Order (RFO) on November 8, 2021 seeking a modification of the parenting schedule for the parties' ten-year old child as well as child support. Petitioner failed to file an Income and Expense Declaration with the RFO despite the request for child support modification. The parties were referred to a CCRC appointment on December 10, 2021. Petitioner was personally served with the RFO and CCRC referral on November 9, 2021 and filed a Responsive Declaration on December 16, 2021 along with an Income and Expense Declaration. Petitioner did not file an Income and Expense Declaration until December 30, 2021.

Both parties attended and participated in their CCRC appointment as scheduled. A CCRC report was issued on December 21, 2021 and a copy was sent to the parties by mail on December 22, 2021.

The court has read and considered the CCRC report and finds that the parties reached some agreements during their appointment. The court finds that the agreements are in the best interest of the minor child with the modification that under the heading "Summer Break", the court orders that both parties shall have two weeks (non-consecutive) time with the minor child during the summer with 30-day notice to the other parent. The court adopts and orders the agreements as the order of the court effective forthwith.

Additionally, the court has considered the CCRC recommendation that the parents exercise a 2-2-3 parenting schedule during the summer break with Petitioner providing a plan to maximize his time with the minor child. The court finds that Petitioner has provided that plan/information in his Reply Declaration filed on December 30, 2021 and thus orders the parties to begin exercising a 2-2-3 parenting schedule effective the first weekend of the minor child's summer break from school. Respondent's weekends with minor child shall coincide with her stepchild's visitation schedule to maximize sibling time together.

All prior orders not in conflict with these orders remain in full force and effect.

On the issue of child support, Petitioner's request to modify is respectfully denied at this time based on lack of timely information and defective filing. As noted, Petitioner failed to file an Income and Expense Declaration with the RFO and did not file the Income and Expense Declaration until December 30, 2021, a mere seven days prior to the scheduled court date. The court finds the filing of the Income and Expense Declaration to be untimely and thus does not consider it. Therefore, there is no basis to modify child support at this time.

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

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TENTATIVE RULING #23: THE PARTIES' AGREEMENTS REACHED AT CCRC ARE IN THE BEST INTERESTS OF THE MINOR CHILD WITH THE MODIFICATION THAT BOTH PARTIES SHALL HAVE TWO WEEKS (NON-CONSECUTIVE) WITH MINOR CHILD DURING SUMMER BREAK WITH 30-DAYS NOTICE TO THE RESPECTIVE PARENT. FURTHER, THE PARTIES SHALL EXERCISE A 2-2-3 PARENTING SCHEDULE DURING SUMMER BREAK WHICH WILL BEGIN THE FIRST WEEKEND OF MINOR CHILD'S SUMMER BREAK WITH RESPONDENT'S WEEKENDS TO COINCIDE WITH HER STEPCHILD'S VISITATION SCHEDULE. THE AGREEMENTS AND RECOMMENDATIONS WITH THESE MODIFICATIONS ARE IN THE BEST INTERESTS OF THE MINOR CHILD AND ADOPTED AND MADE AN ORDER OF THIS COURT EFFECTIVE FORTHWITH. PETITIONER'S REQUEST FOR CHILD SUPPORT MODIFICATION IS DENIED FOR DEFECTIVE FILING AND UNTIMELY FILED DOCUMENTS WHICH THE COURT DOES NOT CONSIDER. ALL PRIOR ORDERS NOT IN CONFLICT REMAIN IN FULL FORCE AND EFFECT. RESPONDENT IS ORDERED TO PREPARE THE FINDINGS AND ORDER AFTER HEARING.

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24. CHRISTINE SUTKAYTIS V. MICHAEL SUTKAYTIS

PFL20190353

On October 22, 2021, Petitioner filed a Request for Order (RFO) requesting custody, visitation, child support, spousal support, and attorney's fees orders. Petitioner requests that the child support orders be made retroactive to the date of filing of the Petition under Family Code 4009 and that the spousal support order be made retroactive to the date of filing of RFO under Family Code 4333. An Income and Expense Declaration was filed concurrently with the RFO, both of which were served on Respondent by mail on October 27, 2021.

A CCRC session was scheduled on December 1, 2021 with a hearing on the RFO set on January 6, 2022. Both parties participated in CCRC and reached a full agreement, which provides for joint legal and physical custody. A CCRC report was issued on December 1, 2021 with copies mailed to the parties on December 14, 2021.

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 minors and adopts them as the orders of the court.

Regarding the request for child and spousal support, as Respondent has not filed an updated Income and Expense Declaration, the court relies on the information provided in Petitioner's Income and Expense Declaration. Per the Income and Expense Declaration, the court finds that Petitioner's average monthly income is about \$7,820 based on her YTD earnings per her October 8, 2021 paycheck (i.e., \$74,305.34). The court further finds that Petitioner pays about 6% of her gross earnings to a 401k account, which the court finds is about \$469 per month, and pays about \$361 per month for pre-tax health insurance premiums. The court finds that Petitioner also pays about \$97 per month towards a Supplemental Life Insurance policy and a FSA account, both of which are pre-tax deductions, which the court includes in the input on the guideline calculator for the 401k deduction, so that these amounts properly are excluded from Petitioner's taxable wages.

Per the Income and Expense Declaration, Petitioner alleges that Respondent makes about \$14,964 per month based on his 2020 W-2 and about \$2,247 per his 2020 K-1. Absent information from Respondent, the court uses these amounts in its calculation.

Using the above figures, a married filing jointly status for both parties, and a 49.26% timeshare to Petitioner per the custody agreement noted above, the court finds that guideline child support is \$859 and temporary spousal support under the Alameda formula is \$1,696. See attached DissoMaster Report. Respondent is ordered to pay Petitioner \$859 per month as and for child support and \$1,696 per month as and for temporary spousal support, payable on the 1st of the month, commencing on November 1, 2021, until further order of the court or termination by operation of law.

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The court declines to make the child support order effective as of the date of filing of the Petitioner, as requested by Petitioner. While the court acknowledges that it has the discretion to set an earlier commencement date, the court finds that Petitioner has not provided a sufficient basis to make the order retroactive to May of 2019.

Regarding attorney's fees, the court finds that there is a disparity of income between the parties, even after considering the support orders. Under Family Code 2030, the court orders Respondent to pay Petitioner \$2,500 payable directly to Petitioner by January 31, 2021.

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

TENTATIVE RULING #24: THE AGREEMENTS CONTAINED WITHIN THE CCRC REPORT ARE ADOPTED AS THE ORDERS OF THE COURT. RESPONDENT IS ORDERED TO PAY PETITIONER \$859 PER MONTH AS AND FOR CHILD SUPPORT AND \$1,696 PER MONTH AS AND FOR TEMPORARY SPOUSAL SUPPORT, PAYABLE ON THE 1ST OF THE MONTH, COMMENCING ON NOVEMBER 1, 2021, UNTIL FURTHER ORDER OF THE COURT OR TERMINATION BY OPERATION OF LAW. UNDER FAMILY CODE 2030, THE COURT ORDERS RESPONDENT TO PAY PETITIONER \$2,500 PAYABLE DIRECTLY TO PETITIONER BY JANUARY 31, 2021. SEE ATTACHED DISSOMASTER REPORT. PETITIONER IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.

ATTORNEY (NAME AND ADDRESS): California	TELEPHONE NO:	Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
ATTORNEY FOR: Petitioner	DISSOMASTER REPORT 2022, Monthly	
		CASE NUMBER: PFL20190353

Input Data	Petitioner	Responden	Guideline (2022)	Cash Flow Analysis	Petitioner	Respondent
Number of children	0	1	Nets (adjusted)	Guideline		
% time with NCP	49.26%	0%	Petitioner	5,014	Payment (cost)/benefit	2,555 (2,555)
Filing status	MFJ->	<-MFJ	Respondent	12,180	Net spendable income	7,569 9,625
# Federal exemptions	1*	2*	Total	17,194	% combined spendable	44% 56%
Wages + salary	7,820	14,964	Support (Nondeductible)	Total taxes	2,445	5,031
401(k) employee contrib	566	0	CS Payor	Responden	# WHA	0 0
Self-employment income	0	0	Presumed	859	Net wage paycheck/mo	6,223 10,571
Other taxable income	0	2,247	Basic CS	859	Comb. net spendable	17,194
Other nontaxable income	0	0	Add-ons	0	Proposed	
New-spouse income	0	0	Presumed Per Kid		Payment (cost)/benefit	2,555 (2,555)
Wages + salary	0	0	Child 1	859	Net spendable income	7,569 9,625
Self-employment income	0	0	SS Payor	Responden	NSI change from gdl	0 0
Misc ordinary tax. inc.	0	0	Alameda	1,696	% combined spendable	44% 56%
SS paid other marriage	0	0	Total	2,555	% of saving over gdl	0% 0%
Retirement contrib if ATI	0	0	Proposed, tactic 9		Total taxes	2,445 5,031
Required union dues	0	0	CS Payor	Responden	# WHA	0 0
Nec job-related exp.	0	0	Presumed	859	Net wage paycheck/mo	6,223 10,571
Adj. to income (ATI)	0	0	Basic CS	859	Comb. net spendable	17,194
SS paid other marriage	0	0	Add-ons	0	Percent change	0.0%
CS paid other relationship	0	0	Presumed Per Kid		Default Case Settings	
Qual. Bus. Inc. Ded.	0	0	Child 1	859		
Health insurance	361	0	SS Payor	Responden		
Itemized deductions	0	0	Alameda	1,696		
Other medical expenses	0	0	Total	2,555		
Property tax expenses	0	0	Savings	0		
Ded. interest expense	0	0	No releases			
Charitable contribution	0	0				
Miscellaneous itemized	0	0				
Required union dues	0	0				
Mandatory retirement	0	0				
Hardship deduction	0*	0*				
Other gdl. deductions	0	0				
AMT info (IRS Form 6251)	0	0				
Child support add-ons	0	0				
TANF, SSI and CS received	0	0				



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

26. COUNTY V. ANTHONY BAKER (OTHER PARENT: KRISTEN CECIL)

PFS20190100

On October 8, 2021, Other Parent filed a Request for Order (RFO) requesting a modification to the custody and visitation orders. A CCRC session was scheduled on November 8, 2021 with a hearing on the RFO set on January 6, 2022.

Upon review of the file, the court finds that there is no proof of service indicating service of the RFO on Respondent.

Per a letter to the file from the CCRC counselor, neither party participated in the CCRC session.

As such, the RFO is denied without prejudice for lack of service.

TENTATIVE RULING #26: THE RFO IS DENIED WITHOUT PREJUDICE FOR LACK OF SERVICE.

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

27. COUNTY V. JOSH MOUZIS (OTHER PARENT: AMANDA CRAWFORD)

PFS20210076

On November 16, 2021, Other Parent filed a Request for Order (RFO) requesting custody and visitation orders. A CCRC session was scheduled on December 17, 2021 with a hearing on the RFO set on January 6, 2022. On November 17, 2021, Respondent was served personally with the RFO and Referral to CCRC.

Both parties participated in the CCRC session and came to a full agreement, which provides for joint legal custody, primary physical custody to Other Parent, and a step-up visitation plan for Respondent. The parties also agreed to enroll in a co-parenting class and a parenting education class.

A CCRC report was issued on December 21, 2021 with copies mailed to the parties the following day.

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 order of the court.

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

TENTATIVE RULING #27: THE AGREEMENTS CONTAINED WITHIN THE CCRC REPORT ARE ADOPTED AS THE ORDER OF THE COURT. OTHER PARENT IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.

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

29. COUNTY V. JOSEPH CODY (OTHER PARENT: RAECHEL HAYDEN)

PFS20140326

On September 3, 2021, Respondent filed an application for ex parte orders requesting sole legal custody with supervised visitation to the Other Parent. On September 7, 2021, the court denied the request and set a CCRC session on September 14, 2021 with a hearing on the underlying Request for Order (RFO) set for October 28, 2021.

Both parties appeared at the CCRC session and reached a full agreement for joint legal custody, sole physical custody to Respondent, and supervised visits to Other Parent twice per week for 1 hour per visit. Additionally, the parties agreed for Other Parent to attend a parenting class and continue in individual therapy. The parties further agreed that the child shall participate in individual therapy with the parents to follow the treatment recommendations.

A CCRC report was issued on September 15, 2021 with copies mailed to the parties that same day.

On October 12, 2021, Other Parent filed an application for ex parte orders requesting that the prior orders be reinstated. The court denied the request, referencing the upcoming hearing date. The court notes that, while Other Parent requested a restoration of the prior orders, the custody and parenting time orders had not officially changed yet despite the parties' agreement in CCRC.

In its tentative ruling for the October 28, 2021 hearing, the court found that neither party had served their RFOs on the other. However, as the parties reached an agreement in CCRC, the court found good cause to adopt this agreement, finding it in the best interest of the minor. The court nonetheless ordered the parties to appear in court on October 28, 2021 to select a supervisor for Other Parent's visits, indicating that, if the parties cannot agree, each shall inform the court of their preferred supervisor and the court will make its selection.

At the October 28, 2021 hearing, the parties agreed to add two additional hours to Other Parent's visits, that the visits shall occur at Other Parent's home on Saturdays or Sundays, and that the visits shall be supervised by either David or Monica Sharron. The parties further agreed to follow the recommendations of the minor's therapist and that the 1-hour weekly visits shall be supervised by Joe Garcia.

With these additional agreements, the tentative ruling was adopted as the order of the court, and the matter was continued to January 6, 2022 to assess the progress of the supervised visits and to consider increasing Other Parent's parenting time if appropriate.

The parties also were directed to meet with the Family Law Facilitator on November 19, 2021. Both parties attended this meeting and reached additional agreements, which were filed with the court that same day.

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Upon review of the file, neither party has filed any additional declaration with the court. The court finds that the issues raised have resolved and the prior orders are affirmed.

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

TENTATIVE RULING #29: THE CURRENT ORDERS ARE AFFIRMED.

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

30. ERIC TAYLOR V. LINDSEY TAYLOR

PFL20210087

On November 8, 2021, Petitioner filed a Request for Order (RFO) requesting custody and visitation orders. No CCRC session was scheduled as the parties had been to CCRC in the past 6 months. On November 10, 2021, Petitioner was served personally with the RFO.

Also, on November 10, 2021, the parties signed a stipulated dissolution judgment, which was entered by the court on November 18, 2021. As the judgment includes custody orders, the court finds that the issues in Respondent's RFO have been resolved. Further, the RFO, which is the only document filed for consideration at the January 6, 2021 hearing, contains insufficient information for the court to make new custody and visitation orders.

As such, the court finds that the issues raised in the RFO are moot and the matter is dropped from calendar.

TENTATIVE RULING #30: MATTER DROPPED FROM THE COURT'S CALENDAR AS THE ISSUES RAISED ARE MOOT.

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32. KAITLYN RAGAN V. DEVON JAMES

PFL20210659

On October 5, 2021, Petitioner filed a Request for Order (RFO) requesting custody and visitation orders. A CCRC session was scheduled on November 10, 2021 with a hearing on the RFO set on January 6, 2022. On October 28, 2021, Respondent was personally served with the RFO.

Both parties participated in CCRC and reached a full agreement, which provides for joint legal custody and an agreement to provide a specific parenting plan based on their respective work schedules to the court at the January 6, 2021 hearing. The parties also agreed to participate in co-parenting counseling. A CCRC report was issued on November 15, 2021 with copies mailed to the parties that same day.

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 minors and adopts them as the orders of the court. The parties are ordered to appear at the January 6, 2021 hearing to provide the court with specific parenting plan.

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

TENTATIVE RULING #32: THE AGREEMENTS CONTAINED WITHIN THE CCRC REPORT ARE ADOPTED AS THE ORDERS OF THE COURT. THE PARTIES ARE ORDERED TO APPEAR AT THE JANUARY 6, 2021 HEARING TO PROVIDE THE COURT WITH SPECIFIC PARENTING PLAN. PETITIONER IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.

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33. NIKOLE BOON V. JIMMY TEW JR.

PFL20140070

On October 8, 2021, Petitioner filed an ex parte application requesting custody and visitation orders. On October 18, 2021, the court denied the ex parte relief and referred the parties to a CCRC session on November 18, 2021 with a hearing on the underlying Request for Order (RFO) set for January 6, 2022.

Upon review of the file, the court finds that there is no proof of service indicating service of the RFO on Respondent.

Per a letter to the file from the CCRC counselor, neither party participated in the CCRC session.

As such, the RFO is denied in its entirety without prejudice for lack of service.

TENTATIVE RULING #33: THE RFO IS DENIED WITHOUT PREJUDICE FOR LACK OF SERVICE.

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34. REBECCA LAIRD V. SOLOMON OLALEYE

PFL20210617

On September 24, 2021, Petitioner filed an ex parte application requesting custody and visitation orders. On September 27, 2021, the court granted the ex parte request in part, awarding Petitioner sole legal and physical custody and setting a hearing on November 4, 2021 to address parentage and a referral to CCRC.

On November 4, 2021, Respondent filed a Responsive Declaration. Upon review of the file, the court finds that there is no proof of service indicating service of the Responsive Declaration on Petitioner. Therefore, the court has not reviewed or considered it.

At the November 4, 2021 hearing, the court found that Respondent is the legal parent of the minor, granted the parties joint legal custody, and ordered a parenting plan that granted Respondent parenting time on Monday at 6 a.m. to Wednesday at 8 a.m. and Friday at 5:30 p.m. to Sunday at 6 p.m. The court also set a CCRC session on November 18, 2021 with a CCRC review hearing on January 6, 2022.

On November 18, 2022, Petitioner filed a Request for Domestic Violence Restraining Order, which was denied by the court that same day.

On November 22, 2021, Petitioner filed another ex parte application requesting custody orders. That same day, Respondent filed an Opposition to Ex Parte Application and Request for Sanctions. On November 23, 2021, the court denied the ex parte request, but ordered that the parties shall properly restrain the minor in a safety seat while transporting him per California law and that Petitioner shall provide the name of the person providing childcare during their parenting time to the other parent in writing. The January 6, 2021 hearing date was affirmed with Respondent's request for sanctions under Family Code 271 reserved to that date.

On December 16, 2021, Respondent filed another ex parte application requesting adoption of the CCRC report pending the January 6, 2021 hearing date. On December 17, 2021, the court denied the ex parte request and appointed Barbara Newman as Minor's Counsel, reserving on allocation of costs for Minor's Counsel to January 6, 2021 hearing.

Both parties participated in the CCRC session but no agreements were reached. A CCRC report was issued on December 14, 2021 with copies mailed to the parties that same day.

The CCRC report notes Petitioner's alleged substance abuse and alcohol issues as well as her mental health issues. The report also raises concerns regarding Respondent's failure to protect the minor from Petitioner's behaviors, recommending that he participate in therapy for survivors of domestic violence. The report recommends sole legal and physical to Respondent with professionally supervised visits to Petitioner up to two times per week for up to two hours per visit. The report further recommends that Petitioner participate in an alcohol and drug assessment and that she randomly drug test for six months.

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On January 3, 2021, Minor's Counsel filed a Statement of Issues and Contentions and Request for Order, served on the other parties electronically that same day. Minor's Counsel requests that the court adopt the recommendations contained within the CCRC report, noting the same concerns as addressed in the CCRC report.

Having reviewed the filings of the parties and the CCRC report, 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 with the modification as noted below. Petitioner shall contact a professional supervisor to initiate the visits and shall be responsible for the costs of the visits, subject to reallocation. The court finds based upon the preponderance of the evidence that Petitioner has habitually, frequently, or continually abused illegal substances and alcohol within the meaning of Family Code 3041.5 and therefore finds good cause for the random drug testing order.

The court orders the parties to share equally the costs of Minor's Counsel, subject to reallocation.

Regarding Respondent's request for sanctions, the court finds that it has insufficient information regarding Petitioner's financial circumstances to determine whether a sanctions award would pose an unreasonably burden on her. Given the allegations regarding Petitioner's instability, the court is concerned about Petitioner's ability to pay sanctions, if issued, and afford the costs of the supervised visits, which the court finds to be in the minor's best interest. As such, the court continues to reserve over the issue of sanctions at this time. The court admonishes Petitioner that a failure to follow rules of court and/or the filing of frivolous motions in the future may subject her to sanctions.

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

TENTATIVE RULING #34: THE RECOMMENDATIONS CONTAINED WITHIN THE CCRC REPORT ARE ADOPTED AS THE ORDERS OF THE COURT WITH THE MODIFICATION AS NOTED BELOW. PETITIONER SHALL CONTACT A PROFESSIONAL SUPERVISOR TO INITIATE THE VISITS AND SHALL BE RESPONSIBLE FOR THE COSTS OF THE VISITS, SUBJECT TO REALLOCATION. THE COURT CONTINUES TO RESERVE OVER RESPONDENT'S REQUEST FOR SANCTION UNDER FAMILY CODE 271. THE COURT ORDERS THE PARTIES TO SHARE EQUALLY THE COSTS OF MINOR'S COUNSEL, SUBJECT TO REALLOCATION. RESPONDENT IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 6, 2022

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

35. SAMANTHA WILLIS V. DREW WILLIS

PFL20210666

On October 6, 2021, Petitioner filed a Request for Order (RFO) requesting custody and visitation, child support, and spousal support orders. A CCRC session was scheduled on November 12, 2021 with a hearing on the RFO set on January 6, 2022. An Income and Expense Declaration was filed concurrently with the RFO. On October 28, 2021, Respondent was personally served with the RFO.

Both parties participated in CCRC and informed the CCRC counselor that they decided to reconcile and did not want to move forward with the CCRC session. A CCRC report was issued on November 12, 2021 with copies mailed to the parties on December 14, 2021.

Given the parties' reconciliation, the court drops the matter from its calendar.

TENTATIVE RULING #35: MATTER DROPPED FROM COURT'S CALENDAR

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

January 6, 2022

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

36. GRAYSON HOWARD V. NATALIE PETERSON

PFL20210468

On July 26, 2021, Petitioner filed a Request for Order (RFO) asking the court to establish custody and visitation orders. A CCRC session was scheduled on September 1, 2021 with a hearing on the RFO set for October 14, 2021. On August 15, 2021, Respondent was personally served with the RFO.

Both parties participated in the CCRC session and came to a full agreement, which provides for sole legal custody to Respondent with a step-up plan for Petitioner's visitation. A CCRC report was issued on September 1, 2021 with copies mailed to the parties that same day.

At the October 14, 2021 hearing, the court adopted its tentative ruling which adopted the agreements contained within the CCRC report with modifications as agreed to by the parties at the hearing. The modifications included for the parties to continue co-counseling with Alicia Jack Holeron, for reunification therapy to commence with Sharon Bettencourt and for the therapist to make recommendations, and for the matter to be continued for further review to January 27, 2022. The court reserved over the share of cost of Minor's Counsel and set a hearing on January 6, 2022 regarding the costs for the counselor. Both parties were ordered to file and serve on one another an updated Income and Expense Declaration at least 10 days in advance of the next hearing.

On October 27, 2021, Respondent filed an Income and Expense Declaration, served on Petitioner electronically that same day. On December 14, 2021, Petitioner filed an Income and Expense Declaration, served on Respondent by mail the day prior.

Upon review of the respective Income and Expense Declarations, the court finds that Respondent makes about \$4,162 per month and Petitioner makes about \$2,494 per month based on his declared hourly rate and average hours per week which are consistent with his attached pay stubs. While Respondent makes significantly more than Petitioner, the court finds that the need for reunification therapy and co-parenting counseling are largely due to Petitioner's absence from the minors' lives. Balancing the disparity in the incomes and the primary reason for the counseling, the court finds good cause to allocate the costs equally to the parties. The court order the parties to share equally in the costs of co-parenting counseling, reunification therapy, and Minor's Counsel, pending further order of the court.

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

TENTATIVE RULING #36: THE COURT ORDER THE PARTIES TO SHARE EQUALLY IN THE COSTS OF CO-PARENTING COUNSELING, REUNIFICATION THERAPY, AND MINOR'S COUNSEL, PENDING FURTHER ORDER OF THE COURT. PETITIONER IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING AND A PARENTAGE JUDGMENT.