

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

October 28, 2021

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

18. 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.

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 #18: 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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October 28, 2021

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

19. CELESTE HERRERA V. BRANDON HERRERA

PFL20210241

On August 13, 2021, Petitioner filed a Request for Order (RFO) requesting the court to order that surplus funds from the foreclosure sale of the former family residence be placed in a blocked account after a disbursement of \$10,000 to each party, to reserve jurisdiction over surplus funds and their distribution, and to order Respondent to cooperate in claiming these funds, to order the trustee to mail the disbursement check to Petitioner's attorney, and to appoint an elisor.

Upon review of the file, the court finds that there is no proof service indicating service of the RFO on Respondent. As such, the matter is dropped from calendar.

TENTATIVE RULING #19: MATTER DROPPED FROM THE COURT'S CALENDAR

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

20. CODY RICHARDSON V. JENNIFER DAVIS

PFL20210489

On August 13, 2021, Petitioner filed a Request for Order (RFO) requesting the court to make custody and parenting time orders. A CCRC session was scheduled for September 10, 2021 with a hearing on the RFO set for October 28, 2021.

On September 2, 2021, Petitioner filed an ex parte application for temporary custody pending the hearing date, which was denied by the court the following day.

Only Petitioner participated in the CCRC session. A single parent CCRC report was issued on September 10, 2021 with copies mailed to the parties on September 15, 2021. Since only Petitioner participated, no recommendations were included in the report.

On September 21, 2021, Respondent was personally served with the RFO.

On October 14, 2021, Respondent filed a Responsive Declaration along with a Declaration in support of the RFO, served on Petitioner by overnight delivery the day prior. Respondent contends that she did not attend the CCRC session because she was not served with the RFO and referral to CCRC until after the date of the session. Respondent requests sole legal and physical custody of the minor, reasonable visitation to Petitioner, and a re-referral to CCRC.

The court finds good cause to re-refer the parties to CCRC to afford them an opportunity to reach agreements. The court refers the parties to a CCRC session with Norman Labat on December 2nd, 2022 at 9:00am and continues the matter to January 20th, 2022 at 8:30 a.m. in Department 5. The court declines to issue any temporary custody orders pending the next hearing.

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

TENTATIVE RULING #20: THE COURT REFERS THE PARTIES TO A CCRC SESSION WITH NORMAN LABAT ON DECEMBER 2ND, 2022 AND CONTINUES THE MATTER TO JANUARY 20TH, 2022 AT 8:30 A.M. IN DEPARTMENT 5. THE COURT DECLINES TO ISSUE ANY TEMPORARY CUSTODY ORDERS PENDING THE NEXT HEARING. PETITIONER IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.

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

21. CONNOR HAMMAN V. BLAKE GILMORE

PFL20210636

On September 28, 2021, Petitioner filed an application for ex parte orders requesting sole custody. On September 29, 2021, the court denied the request and set a CCRC session on October 12, 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. A CCRC report was issued on October 12, 2021 with copies mailed to the parties on October 13, 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 minor and adopts them as the orders of the court.

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 ORDERS OF THE COURT. PETITIONER IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.

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

22. CO. OF EL DORADO 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.

Upon review of the file, the court finds that neither party has served their RFOs on the other. However, as the parties reached an agreement in CCRC, the court finds good cause to adopt this agreement, finding it in the best interest of the minor.

Nonetheless, the court remains concerned that Other Parent's supervised visits have not commenced due to a dispute regarding who will supervise the visits, as evidenced by the statements in her RFO. The court orders the parties to appear in court on October 28, 2021 to select a supervisor for Other Parent's visits. The parties may appear remotely. If the parties cannot agree, each shall inform the court of their preferred supervisor and the court will make its selection.

The court continues the matter to January 6th, 2022 at 1:30 p.m. in Department 5 to assess the progress of the supervised visits and to consider increasing Other Parent's parenting time if appropriate.

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 ORDER OF THE COURT. THE COURT ORDERS THE PARTIES TO APPEAR IN

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COURT ON OCTOBER 28, 2021 TO SELECT A SUPERVISOR FOR OTHER PARENT'S VISITS. THE PARTIES MAY APPEAR REMOTELY. IF THE PARTIES CANNOT AGREE, EACH SHALL INFORM THE COURT OF THEIR PREFERRED SUPERVISOR AND THE COURT WILL MAKE ITS SELECTION. THE COURT CONTINUES THE MATTER TO JANUARY 6, 2022 AT 1:30 P.M. IN DEPARTMENT 5 TO ASSESS THE PROGRESS OF THE SUPERVISED VISITS AND TO CONSIDER INCREASING OTHER PARENT'S PARENTING TIME IF APPROPRIATE. RESPONDENT IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.

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23. ERIC TAYLOR V. LINDSAY TAYLOR

PFL20210087

On August 13, 2021, Petitioner filed a Request for Order (RFO) requesting the court to make custody and parenting time orders. A CCRC session was scheduled for September 15, 2021 with a hearing on the RFO set for October 28, 2021. On August 24, 2021, Respondent was served by mail with the RFO and referral to CCRC.

Both parties participated in the CCRC session and reached a full agreement. A CCRC report was issued on September 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.

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

TENTATIVE RULING #23: THE AGREEMENTS CONTAINED WITHIN THE CCRC REPORT ARE ADOPTED AS THE ORDERS OF THE COURT. PETITIONER IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.

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24. HESTON SCHMUCKER V. MARIAH SCHMUCKER

PFL20210151

On September 29, 2021, Petitioner filed a Request for Order (RFO) requesting the court bifurcate the case and set a trial for a status-only judgment. On September 30, 2021, Respondent was served by mail with the RFO.

Respondent has not filed a Responsive Declaration.

The court finds that on March 25, 2021 Petitioner served his Preliminary Declaration of Disclosure on Petitioner by mail per his Declaration Regarding Service of Declaration of Disclosure filed on March 29, 2021. The court further finds that Petitioner filed the Petition on March 16, 2021, Respondent was served on March 25, 2021, and a Response was filed on April 21, 2021. Therefore, six months have passed since the court acquired jurisdiction over Respondent.

Per the RFO, Petitioner no longer wishes to be married, so the court reasonably infers that there is nothing the court can do to repair the marriage, given the irreconcilable differences of the parties. Furthermore, the Petitioner per his Petition declares that both he and Respondent lived in California six months prior and El Dorado County three months prior to the filing of the action.

Petitioner declares in his RFO that he is currently incarcerated, and therefore the court finds it would be difficult for him to appear at a trial. The court finds good cause to grant the request to bifurcate the case and set a trial on the status-only judgment on October 28, 2021 at 1:30 p.m. in Department 5. If neither party appears, the court will rely on the statements contained within Petitioner's RFO and the Petition and grant a status-only judgment with Petitioner ordered to prepare the judgment.

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

TENTATIVE RULING #24: THE COURT FINDS GOOD CAUSE TO GRANT THE REQUEST TO BIFURCATE THE CASE AND SET A TRIAL ON THE STATUS-ONLY JUDGMENT ON OCTOBER 28, 2021 AT 1:30 P.M. IN DEPARTMENT 5. IF NEITHER PARTY APPEARS, THE COURT WILL RELY ON THE STATEMENTS CONTAINED WITHIN PETITIONER'S RFO AND THE PETITION AND GRANT A STATUS-ONLY JUDGMENT WITH PETITIONER ORDERED TO PREPARE THE JUDGMENT. PETITIONER IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.

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25. JENNIFER WIDAU V. TOM SANDOVAL

PFL202103011

On May 26, 2021, Petitioner filed a Request for Order (RFO) requesting the court to make custody, parenting time, child support, and attorney's fees orders and to order Respondent to complete a program for PTSD and alcohol. A CCRC session was scheduled for June 28, 2021 with a hearing on the RFO set for August 12, 2021.

On July 22, 2021, the Department of Child Support Services (DCSS) filed a Notice Regarding Payment of Support, intervening into the family law case.

On August 3, 2021, Petitioner filed an Affidavit of Unsuccessful Service, listing six unsuccessful attempts to serve the RFO and accompanying paperwork on Respondent. That same day, Petitioner filed a Request to Reschedule Hearing and an Application for Order for Posting, both of which were granted by the court on August 10, 2021. The hearing was continued to October 28, 2021.

On September 20, 2021, Petitioner filed a Proof of Service of Summons, indicating personal service of the Summons, Petitioner, Income and Expense Declaration, RFO, and Order on Request to Schedule Hearing on September 19, 2021. However, upon review of the file, the court finds that Petitioner did not file an Income and Expense Declaration with the court.

On October 21, 2021, Petitioner filed a Declaration. Upon review of the file, the court finds that there is no proof of service indicating service of this Declaration on Respondent. As such, the court cannot review nor consider it.

Only Petitioner appeared at the CCRC session on June 28, 2021. A CCRC report was issued on June 30, 2021 with copies mailed to the parties on July 9, 2021. Since only Petitioner participated, the report contains no recommendations.

Regarding the request for child support, the court finds that under Family Code 4251 this issue should be addressed by the Child Support Commissioner as DCSS is a party to the case. The court continues the child support issue to November 22, 2021 at 8:30 a.m. in Department 5. As there currently are no Income and Expense Declarations on file, the court orders both parties to file and serve on one another and DCSS completed Income and Expense Declarations at least 10 days in advance of the next hearing.

Regarding attorney's fees, the court finds that Petitioner has not complied with California Rules of Court, rule 5.92(b) and Local Rule 8.16.04, which requires the filing of a completed Income and Expense Declaration for an attorney's fees request. Petitioner additionally has not provided any information to support her request for attorney's fees as

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requested by Local Rule 8.16.02. As such, the court denies Petitioner's request for attorney's fees without prejudice.

Regarding the requests for custody and parenting time orders and for an order requiring Respondent to complete a program for PTSD and alcohol, the court re-refers the parties to a CCRC session with Norman Labat on December 3rd, 2021 at 9:00am and continues the matter to January 13th, 2022 at 1:30 p.m. in Department 5. If either fails to attend the CCRC session, the court will consider sanctions against that party under Local Rule 8.10.02.

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

TENTATIVE RULING #25: THE COURT CONTINUES THE CHILD SUPPORT ISSUE TO NOVEMBER 22, 2021 AT 8:30 A.M. IN DEPARTMENT 5. THE COURT ORDERS BOTH PARTIES TO FILE AND SERVE ON ONE ANOTHER AND DCSS COMPLETED INCOME AND EXPENSE DECLARATIONS AT LEAST 10 DAYS IN ADVANCE OF THE NEXT HEARING. THE COURT DENIES PETITIONER'S REQUEST FOR ATTORNEY'S FEES WITHOUT PREJUDICE. REGARDING THE REQUESTS FOR CUSTODY AND PARENTING TIME ORDERS AND FOR AN ORDER REQUIRING RESPONDENT TO COMPLETE A PROGRAM FOR PTSD AND ALCOHOL, THE COURT RE-REFERS THE PARTIES TO A CCRC SESSION WITH NORMAN LABAT ON DECEMBER 3RD, 2021 AT 9:00AM AND CONTINUES THE MATTER TO JANUARY 13TH, 2022 AT 1:30 P.M. IN DEPARTMENT 5. IF EITHER FAILS TO ATTEND THE CCRC SESSION, THE COURT WILL CONSIDER SANCTIONS AGAINST THAT PARTY UNDER LOCAL RULE 8.10.02. PETITIONER IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.

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26. KORI SODDUTH V. CHRISTOPHER HARRIS

PFL20190891

On September 23, 2021, Petitioner filed an application for ex parte orders requesting emergency custody orders. That same day, Respondent filed a Responsive Declaration, objecting to the ex parte requests.

On September 24, 2021, the court granted the ex parte request in part, referring the parties to a CCRC session on October 12, 2021 and hearing on October 28, 2021, vacating the previously set December 2, 2021 hearing date, and ordering that Respondent continue in treatment with Dr. Ceridon and provide proof to the court. The court also ordered that Respondent shall have parenting time on Sunday through Wednesday from 9:30 a.m. to 4:30 p.m. and ordered Petitioner to provide proof of residence and to not allow the minor to have contact with a 290 registrant or anyone convicted of a crime against children.

On September 24, 2021, Respondent filed a Declaration, and, on October 8, 2021, Petitioner filed a Declaration. Upon review of the file, the court finds that there are proof of service forms indicating service of either declaration. As such, the court cannot consider nor review either filing.

Both parties appeared at the CCRC session and reached some agreements but not on all issues, including the parenting time. A CCRC report was issued October 20, 2021 with copies mailed to the parties on October 21, 2021.

The report recommends an equal time share on a 2-2-5-5 schedule. One of the main issues of contention is the minor's contact with Petitioner's boyfriend with whom she normally resides, as the boyfriend was convicted of a crime against a minor in 2014 with the complaint filed against him in 2012. The report notes the importance of a stable home for the minor, which would be provided if the parenting time occurred at the home which Petitioner shares with her boyfriend, rather than at the maternal grandmother and grandfather's home. While the court is concerned about the boyfriend's criminal past, the court finds based on the information provided that the boyfriend does not present a significant risk of harm to the child as the incident occurred almost 10 years ago. Absent further information to indicate that he presents a current danger to the minor, the court orders that the minor shall not be prohibited from contact with Petitioner's boyfriend.

Having reviewed the filings of the parties and the CCRC report, the court finds that the agreements and recommendations contained within the CCRC report are in the best interests of the minor and adopts them as the orders of the court with the modifications as noted below. Petitioner may exercise her parenting time at the home she shared with her boyfriend, with the

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court ordering that the minor shall be permitted to have contact with Petitioner's boyfriend. The court finds based on the information presented that the boyfriend presents no harm to the minor and therefore finds that the orders above are in the minor's best interest.

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

TENTATIVE RULING #26: THE AGREEMENTS AND RECOMMENDATIONS CONTAINED WITHIN THE CCRC REPORT ARE ADOPTED AS THE ORDERS OF THE COURT WITH THE MODIFICATIONS AS NOTED BELOW. PETITIONER MAY EXERCISE HER PARENTING TIME AT THE HOME SHE SHARED WITH HER BOYFRIEND, WITH THE COURT ORDERING THAT THE MINOR SHALL BE PERMITTED TO HAVE CONTACT WITH PETITIONER'S BOYFRIEND. THE COURT FINDS BASED ON THE INFORMATION PRESENTED THAT THE BOYFRIEND PRESENTS NO SIGNIFICANT RISK OF HARM TO THE MINOR AND THEREFORE FINDS THAT THE ORDERS ABOVE ARE IN THE MINOR'S BEST INTEREST. PETITIONER IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.

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27. LAURIE HEYMAN V. SCOTT HEYMAN

PF20090236

On September 28, 2021, Petitioner filed a Request for Order (RFO) requesting the court to modify the child support order, to determine the arrears, and to disallow Respondent to pay health care and extracurricular bills through the Department of Child Support Services (DCSS), who is also a party to the case. An Income and Expense Declaration was filed concurrently with the RFO.

On October 4, 2021, DCSS filed a Responsive Declaration, served on the parties on October 1, 2021. DCSS request that the matter be continued to the DCSS Monday calendar to be heard by the Child Support Commissioner under Family Code 4251. DCSS also states that the motion to determine arrears fails to include a monthly breakdown showing amounts ordered and amounts paid as required by Family Code 17526.

On October 13, 2021, Petitioner filed a Declaration of Non-Service and a Declaration of Mailing of the RFO and Income and Expense Declaration. Upon review of the file, the court finds that a judgment was entered in the matter on April 30, 2013. As such, this is a postjudgment motion, and a Declaration of Address Verification must be filed for service to be by mail under Family Code 215. Therefore, the court finds that Respondent has not been properly served with the RFO and Income and Expense Declaration.

As DCSS has a service address for Respondent per the Proof of Service by Mail filed by DCSS on October 4, 2021, the court orders DCSS to serve Respondent with Petitioner's RFO and Income and Expense Declaration and any other documents regarding her requests if they are provided to DCSS at least 30 days in advance of the hearing.

Under Family Code 4251, the matter is continued to December 13, 2021 at 8:30 a.m. in Department 5. Respondent is ordered to file and serve on all parties an updated Income and Expense Declaration at least 10 days in advance of the hearing.

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

TENTATIVE RULING #27: THE MATTER IS CONTINUED TO DECEMBER 13, 2021 AT 8:30 A.M. IN DEPARTMENT 5. RESPONDENT IS ORDERED TO FILE AND SERVE ON ALL PARTIES AN UPDATED INCOME AND EXPENSE DECLARATION AT LEAST 10 DAYS IN ADVANCE OF THE HEARING. THE COURT ORDERS DCSS TO SERVE RESPONDENT WITH PETITIONER'S RFO AND INCOME AND EXPENSE DECLARATION AND ANY OTHER DOCUMENTS REGARDING HER REQUESTS IF THEY ARE PROVIDED TO DCSS AT LEAST 30 DAYS IN ADVANCE OF THE HEARING. PETITIONER IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.

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28. RYAN HAYNES V. SONYA LOSSIUS

PFL20210153

On July 27, 2021, Petitioner filed a Request for Order (RFO) requesting the court to modify the custody and parenting time orders issued on May 14, 2021. A CCRC session was not scheduled as the parties had already been in CCRC in the previous six months.

At the initial hearing on the RFO on August 26, 2021, the court found that the parties both expressed a need to clarify the existing orders and therefore found it in the minor's best interest to re-refer the parties to a CCRC session on September 16, 2021 with a review hearing on October 28, 2021.

Both parties participated in the CCRC session but did not reach any agreements. A CCRC report was issued on October 13, 2021 with copies mailed to the parties on October 20, 2021.

The main point in contention is whether the paternal grandmother and paternal uncle can supervise Petitioner's visits. The report recommends that they be the supervisors, finding that they can adequately protect the minor. The report also recommends a step-up plan for Petitioner's parenting time.

On October 18, 2021, Petitioner filed a Declaration of Tracy Rubino, a Declaration of Brett Haynes, a Declaration of Trenton Jones, and a Declaration of Petitioner, all served on Respondent electronically that same day. Attached to the Declaration of Petitioner is a Certificate of Completion for a parenting class, completed on October 18, 2021.

On October 25, 2021, Respondent filed a Proof of Electronic Service, showing service of an Updating Declaration 10/13/21, a Letter of Complaint 10/15/21, and a Declaration 10/21/21. However, upon review of the file, the court finds that none of these filings are in the court file, and therefore the court could not review them.

On October 26, 2021, Petitioner filed a Declaration, served on Respondent electronically that same day. Attached to the Declaration is a Certificate of Completion for a parenting class, completed on October 20, 2021.

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 interests of the minor and adopts them as the orders of the court with the modifications as noted below. Petitioner shall have supervised visits on Saturdays from 11 a.m. to 5 p.m. until the weekend of December 4, 2021, at which time the visits shall increase to every Saturday and Sunday from 10 a.m. to 6 p.m., with the exception of December 25, 2021 on which Petitioner shall have 12 p.m. to 4 p.m.

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to ensure that Respondent has significant time with the child on Christmas Day. Commencing on the weekend of January 22, 2021, Petitioner shall have overnight visits from 10 a.m. to 6 p.m. on every weekend. Commencing on the weekend of March 5, 2021, Petitioner shall have parenting time every 1st, 2nd, and 4th weekend from Friday at 5 p.m. to Sunday at 5 p.m.

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

TENTATIVE RULING #28: THE RECOMMENDATIONS CONTAINED WITHIN THE CCRC REPORT ARE ADOPTED AS THE ORDERS OF THE COURT WITH THE MODIFICATIONS AS NOTED BELOW. PETITIONER SHALL HAVE SUPERVISED VISITS ON SATURDAYS FROM 11 A.M. TO 5 P.M. UNTIL THE WEEKEND OF DECEMBER 4, 2021, AT WHICH TIME THE VISITS SHALL INCREASE TO EVERY SATURDAY AND SUNDAY FROM 10 A.M. TO 6 P.M., WITH THE EXCEPTION OF DECEMBER 25, 2021 ON WHICH PETITIONER SHALL HAVE 12 P.M. TO 4 P.M. TO ENSURE THAT RESPONDENT HAS SIGNIFICANT TIME WITH THE CHILD ON CHRISTMAS DAY. COMMENCING ON THE WEEKEND OF JANUARY 22, 2021, PETITIONER SHALL HAVE OVERNIGHT VISITS FROM 10 A.M. TO 6 P.M. ON EVERY WEEKEND. COMMENCING ON THE WEEKEND OF MARCH 5, 2021, PETITIONER SHALL HAVE PARENTING TIME EVERY 1ST, 2ND, AND 4TH WEEKEND FROM FRIDAY AT 5 P.M. TO SUNDAY AT 5 P.M. PETITIONER IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.

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29. SHARLENE WHITING v. BRADLEY WHITING

PFL20180913

On July 29, 2021, the parties were on calendar for a review hearing regarding private CCRC.

At the July 29, 2021 hearing, the court adopted its tentative ruling, in which it noted that Respondent filed an RFO on July 7, 2021, in which he stated that the private mediator indicated her inability to complete her report in time for the July 29 hearing, which Respondent attributes to the delays caused by Petitioner's failure to cooperate. The court continued the review hearing to September 30, 2021 at 8:30 a.m. in Department 5 to afford the mediator sufficient time to meet with the parties and prepare her report.

On September 28, 2021, the court received the CCRC report from the private mediator, which is 23 pages in length. At the September 30, 2021 hearing, the court adopted its tentative ruling which found that the court and the parties were entitled to 10 days to review the report and respond if appropriate. As such, the court continued the matter to October 28, 2021 at 1:30 p.m. in Department 5 to allow the parties an opportunity to review the CCRC report.

Upon review of the file, the court finds that neither party has filed any documents responding to the recommendations in the private CCRC report. Among other recommendations, the report recommends that Respondent have sole legal and physical custody with visits to Petitioner on every other weekend from Friday at school pick-up to Sunday night at 6 p.m. and every Wednesday after school through school drop-off on Thursday. On the week during which Petitioner does not have weekend visitation, her midweek visits will extend to Friday drop-off at school.

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 minors and adopts them as the orders of the court. The court declines to set a review hearing as the parties are directed to return to CCRC after Respondent has completed six months of individual therapy and one-half of her Batterer's Intervention Program. When the parties return to CCRC, either may file a new RFO to address possible modifications to the orders.

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

TENTATIVE RULING #29: THE RECOMMENDATIONS CONTAINED WITHIN THE CCRC REPORT ARE ADOPTED AS THE ORDERS OF THE COURT. PETITIONER IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.