

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

October 28, 2021

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

1. ALICE HODGES V. JONATHAN FRANKLING

PFL20210375

On August 31, 2021, Petitioner filed a Request for Order (RFO) to transfer home state jurisdiction from Nevada to California under the UCCJEA.

A Proof of Service filed September 22, 2021 shows Respondent was served via mail in Arizona on September 22, 2021. No response has been filed.

Petitioner filed for dissolution in Washoe County, Nevada where she lived with the minor child and was granted the dissolution on February 8, 2017. Pursuant to the Decree of Divorce provided to this court, the dissolution ordered that Respondent "shall have no access, visitation or contact of any kind with . . ." the minor child with the court finding those orders to be the in the minor child's best interests.

Petitioner states she moved, with the minor child, to El Dorado County, California in 2019 and has no plans to return to Nevada. Respondent does not reside in Nevada which is supported by the proof of service showing he resides in Arizona. Petitioner asks this court to transfer jurisdiction to California finding that Nevada is an inconvenient forum since neither party resides there and Petitioner along with the minor child have resided in California for more than six (6) months.

The court is not aware that Nevada has relinquished home state jurisdiction in this matter and must conduct a UCCJEA hearing with Nevada to properly acquire jurisdiction, though it appears California would be the appropriate jurisdiction based on Petitioner residing here with the minor child longer than six (6) months and there being no other ties to Nevada by either party.

Therefore, the court will schedule a formal UCCJEA hearing in this court on Tuesday, December 14, 2021 at 8:30 in Department 5. The court will contact the Washoe County Court in Nevada to arrange the hearing. Petitioner and her counsel to be present for the hearing. As no response has been filed with the court, the court views the request as unopposed.

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

TENTATIVE RULING #1: THE COURT ORDERS A UCCJEA HEARING TO BE HELD ON TUESDAY, DECEMBER 14, 2021 AT 8:30AM WITH THE STATE OF NEVADA FOR THE PURPOSE OF CALIFORNIA ACQUIRING HOME STATE JURISDICTION. PETITIONER AND HER COUNSEL TO APPEAR ON THAT DATE AND TIME. THE REQUEST IS DEEMED UNOPPOSED.

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2. B. KELLY HUNT V. MARINELL HUNT

PFL20150770

On August 24, 2021, Respondent filed a Request for Order (RFO) requesting the court compel Petitioner to transfer the Vanguard 529 Education Savings Plan account for the youngest minor to Respondent, compel Petitioner to provide monthly, quarterly, and yearly statements of the account from January 1, 2016 to the date of transfer to Respondent, compel Petitioner to provide statements for the Hendrickson and Hunt Profit Sharing Plan from date of separation to the date of the order to Respondent, order the parties to cooperate with Moon, Schwartz, and Madden (MSM) in completing the Qualified Domestic Relations Order (QDRO), and order Petitioner to pay Respondent \$5,000 in attorney's fees under Family Code 271.

A Declaration in Support of the RFO, a Declaration of Diane M. Yapundich, and a Declaration of Nicholas Musgrove were filed concurrently with the RFO, all of which were served on Petitioner by mail on August 27, 2021.

On September 17, 2021, Respondent filed a Notice to Petitioner to Appear at Hearing, served by mail on Petitioner the day prior. Also, on September 17, 2021, Petitioner filed a Responsive Declaration, served on Respondent by mail that same day.

On September 23, 2021, Petitioner filed a Supplemental Declaration, served on Respondent by mail that same day.

On September 24, 2021, Respondent filed an Income and Expense Declaration, served on Petitioner by mail that same day.

At the September 30, 2021 hearing, the court ordered Respondent to locate the QDRO that day by 5 p.m. If the QDRO was not located, Respondent's counsel was to contact Petitioner's counsel, after which Petitioner's counsel would send a new QDRO for signature. Respondent would then have 5 days to sign or object to the QDRO. The court set a review hearing to confirm that the issues before the court were resolved.

Upon review of the file, the court finds that neither party has filed any additional documents since the last hearing. As such, the court reasonably infers that the issues have been resolved and drops the matter from calendar.

TENTATIVE RULING #2: MATTER DROPPED FROM COURT'S CALENDAR

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3. BRENT LYMAN V. KATHRYN LYMAN

PFL20210248

On August 24, 2021, Respondent filed a Request for Order (RFO) requesting the court to order Petitioner to complete and serve his Preliminary Declaration of Disclosure, ordering spousal support for Respondent, and ordering Petitioner to pay Respondent \$10,000 in attorney's fees which the court deems to be a request under Family Code 2030. An Income and Expense Declaration was filed concurrently with the RFO, both of which were served on Petitioner on August 27, 2021 and then again September 15, 2021.

On September 15, 2021, the parties submitted a letter jointly requesting a continuance to October 28, 2021, which the court approved.

On October 19, 2021, Respondent filed an updated Income and Expense Declaration and Supplemental Declaration, served on Petitioner by mail on October 18, 2021. In the Supplemental Declaration, Respondent requests that the court order Petitioner to file an updated Income and Expense Declaration, as he has yet to do so.

Per the Income and Expense Declaration filed by Respondent and the unfiled Income and Expense Declaration attached as an Exhibit to Respondent's Supplemental Declaration, the court finds that Petitioner has an average monthly income of \$8,500 and that Respondent has an average monthly income of \$3,467. Petitioner also pays about \$248 per month in mortgage interest and \$260 per month in property taxes and, per the pay stubs provided by Respondent for Petitioner, deducts about \$901 per month for a 401k plan.

With the above figures and a married filing jointly status for the parties, the court finds that temporary spousal support per the Alameda formula is \$1,281. See the attached DissoMaster Report. The court orders Petitioner to pay Respondent \$1,281 per month as and for temporary spousal support, payable on the 1st of the month, commencing on October 1, 2021, until further order of the court or termination by operation of law. Respondent may collect the support by wage garnishment by filing an Income Withholding Order with the court.

The court declines to exercise its discretion to order a higher amount of temporary spousal support consistent with the parties' prior agreement, finding that there is not a sufficient basis to make such an order.

Regarding the request for attorney's fees, the court finds that there is a disparity in the income between the parties and therefore their respective access to resources to hire legal representation, even after considering the net income after support. The court therefore orders Petitioner to pay Respondent \$2,500 in attorney's fees under Family Code 2030 and reserves jurisdiction to modify or augment the award as appropriate.

Regarding the request to order Petitioner to complete and serve his Preliminary Declaration of Disclosure, the court finds good cause to make such an order. Petitioner is

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ordered to complete and serve his Preliminary Declaration of Disclosure on Respondent by November 11, 2021.

As Petitioner has not filed an Income and Expense Declaration supported by current pay stubs as required, the court reserves jurisdiction to modify temporary spousal support back to the date of filing. The issue of spousal support and attorney's fees under Family Code 2030 is continued to January 9th, 2022 at 8:30 a.m. in Department 5. The court orders Petitioner to file and serve an updated Income and Expense Declaration at least 10 days in advance of the hearing.

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

TENTATIVE RULING #3: THE COURT ORDERS PETITIONER TO PAY RESPONDENT \$1,281 PER MONTH AS AND FOR TEMPORARY SPOUSAL SUPPORT, PAYABLE ON THE 1ST OF THE MONTH, COMMENCING ON OCTOBER 1, 2021, UNTIL FURTHER ORDER OF THE COURT OR TERMINATION BY OPERATION OF LAW. SEE THE ATTACHED DISSOMASTER REPORT. RESPONDENT MAY COLLECT THE SUPPORT BY WAGE GARNISHMENT BY FILING AN INCOME WITHHOLDING ORDER WITH THE COURT. THE COURT ORDERS PETITIONER TO PAY RESPONDENT \$2,500 IN ATTORNEY'S FEES UNDER FAMILY CODE 2030 AND RESERVES JURISDICTION TO MODIFY OR AUGMENT THE AWARD AS APPROPRIATE. PETITIONER IS ORDERED TO COMPLETE AND SERVE HIS PRELIMINARY DECLARATION OF DISCLOSURE ON RESPONDENT BY NOVEMBER 11, 2021. THE COURT RESERVES JURISDICTION TO MODIFY TEMPORARY SPOUSAL SUPPORT BACK TO THE DATE OF FILING. THE ISSUE OF SPOUSAL SUPPORT AND ATTORNEY'S FEES UNDER FAMILY CODE 2030 IS CONTINUED TO JANUARY 9TH, 2022 AT 8:30 A.M. IN DEPARTMENT 5. THE COURT ORDERS PETITIONER TO FILE AND SERVE AN UPDATED INCOME AND EXPENSE DECLARATION AT LEAST 10 DAYS IN ADVANCE OF THE HEARING. RESPONDENT IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.

ATTORNEY (NAME AND ADDRESS): California ATTORNEY FOR: Husband	TELEPHONE NO:	Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
DISSOMASTER REPORT 2021, Monthly		CASE NUMBER: <i>PFL 20210248</i>

Input Data	Husband	Wife	Guideline (2021)	Cash Flow Analysis	Husband	Wife
Number of children	0	0	Nets (adjusted)	Guideline		
% time with NCP	0%	0%	Husband	Payment (cost)/benefit	(1,281)	1,281
Filing status	MFJ->	<-MFJ	Wife	Net spendable income	5,252	3,946
# Federal exemptions	1*	1*	Total	% combined spendable	57.1%	42.9%
Wages + salary	8,500	3,467	Support (Nondeductible)	Total taxes	1,967	802
401(k) employee contrib	901	0	SS Payor	# WHA	0	0
Self-employment income	0	0	Alameda	Net wage paycheck/mo	6,663	2,848
Other taxable income	0	0	Total	Comb. net spendable	9,198	
Other nontaxable income	0	0	Proposed, tactic 9	Proposed		
New-spouse income	0	0	SS Payor	Payment (cost)/benefit	(1,281)	1,281
Wages + salary	0	0	Alameda	Net spendable income	5,252	3,946
Self-employment income	0	0	Total	NSI change from gdl	0	0
Misc ordinary tax. inc.	0	0	Savings	% combined spendable	57.1%	42.9%
SS paid other marriage	0	0	No releases	% of saving over gdl	0%	0%
Retirement contrib if ATI	0	0		Total taxes	1,967	802
Required union dues	0	0		# WHA	0	0
Nec job-related exp.	0	0		Net wage paycheck/mo	6,663	2,848
Adj. to income (ATI)	0	0		Comb. net spendable	9,198	
SS paid other marriage	0	0		Percent change	0.0%	
CS paid other relationship	0	0		Default Case Settings		
Qual. Bus. Inc. Ded.	0	0				
Health insurance	0	0				
Itemized deductions	508	0				
Other medical expenses	0	0				
Property tax expenses	260	0				
Ded. interest expense	248	0				
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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5. BROOKE WASHBURN V. WILIAM WASHBURNCRYSTAL

PFL20200659

On June 29, 2021, the court approved the parties' stipulation to continue Petitioner's Temporary Restraining Order to June 24, 2022. The parties also stipulated that the parties would participate in private CCRC, with costs to be shared equally. The court set a hearing for review of the CCRC report on October 28, 2021, with the issues of child support modification, if there were to be a change in timeshare, and Petitioner's request for discovery sanctions also on calendar.

Regarding the status of the private CCRC, on October 26, 2021 Petitioner filed a Declaration indicating that her counsel's office received the Interim Report of the private CCRC the day prior. Attached to the Declaration is the Interim Report. This filing was served on Respondent electronically on October 26, 2021. Per the Interim Report, the private CCRC recommends that the current supervised visitation order remain in place, that the minor continue to participate in individual therapy, and that the parties continue to participate in the CCRC process to determine an ongoing parenting plan.

Having reviewed the filings of the parties and the private CCRC report, the court finds that the recommendations contained within the private CCRC report are in the best interest of the minor and adopts them as the orders of the court, pending a more comprehensive report and recommendations from the private CCRC. The court continues the CCRC review hearing as well as the issue of child support modification to January 27th, 2022 at 8 :30 a.m. in Department 5 to receive the more comprehensive report and to assess whether a modification of child support is appropriate.

Regarding Petitioner's request for discovery sanctions, on October 14, 2021 Petitioner filed a Declaration of Amy Young re: Forensic Inspection Findings, a Declaration of Wazhma Mojaddidi, and Petitioner's Brief Regarding Forensic Inspection Results and Discovery Sanctions, all served on Respondent electronically and by mail that same day. Respondent has not filed any documents in response to these filings.

In short, these filings contend that Respondent intentionally concealed data from the forensic inspection of his phone, thereby hiding vital evidence from the restraining order proceeding. At the February 9, 2021 hearing, the court granted Petitioner's Motion to Compel in part, finding that sanctions were appropriate in this matter but reserving over the type of sanction.

Upon its review of the filings submitted by Petitioner, particularly the findings of the forensic examiner, the court finds that monetary sanctions are appropriate. Petitioner requests \$15,934.50, both for her attorney's fees and the fees of the forensic examiner. As the court finds that the costs incurred were entirely the result of Respondent's actions, the court finds that the sanctions requested by Petitioner are appropriate.

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Respondent is ordered to pay Petitioner \$15,934.50 in sanctions under Code of Civil Procedure 2023.010, 2021.040, 2023.050, and 2031.300(c) for Respondent's misuse of the discovery process, disobeying of a court order to preserve discovery, and unsuccessful opposition to the motion to compel. Respondent is ordered to file and serve on the other party an updated Income and Expense Declaration at least 10 days in advance of the next hearing for the court to determine payment terms, unless the parties reach an agreement on payment terms prior to the next hearing and inform the court as to the terms.

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

TENTATIVE RULING #5: THE RECOMMENDATIONS CONTAINED WITHIN THE PRIVATE CCRC REPORT ARE ADOPTED AS THE ORDERS OF THE COURT, PENDING A MORE COMPREHENSIVE REPORT AND RECOMMENDATIONS FROM THE PRIVATE CCRC. THE COURT CONTINUES THE CCRC REVIEW HEARING AS WELL AS THE ISSUE OF CHILD SUPPORT MODIFICATION TO JANUARY 27TH, 2022 AT 8 :30 A.M. IN DEPARTMENT 5 TO RECEIVE THE MORE COMPREHENSIVE REPORT AND TO ASSESS WHETHER A MODIFICATION OF CHILD SUPPORT IS APPROPRIATE. RESPONDENT IS ORDERED TO PAY PETITIONER \$15,934.50 IN SANCTIONS UNDER CODE OF CIVIL PROCEDURE 2023.010, 2021.040, 2023.050, AND 2031.300(C) FOR RESPONDENT'S MISUSE OF THE DISCOVERY PROCESS, DISOBEYING OF A COURT ORDER TO PRESERVE DISCOVERY, AND UNSUCCESSFUL OPPOSITION TO THE MOTION TO COMPEL. RESPONDENT IS ORDERED TO FILE AND SERVE ON THE OTHER PARTY AN UPDATED INCOME AND EXPENSE DECLARATION AT LEAST 10 DAYS IN ADVANCE OF THE NEXT HEARING FOR THE COURT TO DETERMINE PAYMENT TERMS, UNLESS THE PARTIES REACH AN AGREEMENT ON PAYMENT TERMS PRIOR TO THE NEXT HEARING AND INFORM THE COURT AS TO THE TERMS. PETITIONER IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.

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6. CARLY SULLIVAN V. DEREK SULLIVAN

PFL20170870

On July 20, 2021, Respondent filed a Request for Order (RFO) requesting the court to modify visitation orders, including to establish a holiday schedule and orders regarding vacation time. A CCRC session was scheduled on August 23, 2021 with a hearing on the RFO on October 21, 2021. On July 20, 2021, Petitioner was served by mail and electronically with the RFO and referral to CCRC.

On August 18, 2021, the court approved the parties' agreement to reschedule CCRC to a later date, resetting it on September 2, 2021 and continuing the hearing date to October 28, 2021.

Both parties participated in the CCRC session and reached a full agreement. A CCRC report was issued on September 7, 2021 with copies mailed to the parties the following day.

On October 7, 2021, Petitioner filed a Responsive Declaration, served on Respondent by mail that same day. Petitioner agrees with the agreements reached in CCRC but requests confirmation that consent not be required for the minor's current extracurricular activities, current primary physician and dentist, and out-of-state travel provided it does not interfere with the other parent's custodial time.

Having reviewed the filings of the parties and the CCRC report, the court finds that the agreements contained within the CCRC report are in the best interest of the minor and adopts them as the orders of the court with the clarifications as noted above. The parties need not obtain additional consent from the other for the minor's current extracurricular activities, current primary physician and dentist, and out-of-state travel provided it does not interfere with the other parent's custodial time.

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

TENTATIVE RULING #6: THE AGREEMENTS CONTAINED WITHIN THE CCRC REPORT ARE ADOPTED AS THE ORDERS OF THE COURT WITH THE CLARIFICATIONS AS NOTED ABOVE. THE PARTIES NEED NOT OBTAIN ADDITIONAL CONSENT FROM THE OTHER FOR THE MINOR'S CURRENT EXTRACURRICULAR ACTIVITIES, CURRENT PRIMARY PHYSICIAN AND DENTIST, AND OUT-OF-STATE TRAVEL PROVIDED IT DOES NOT INTERFERE WITH THE OTHER PARENT'S CUSTODIAL TIME. RESPONDENT IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.

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7. CO. OF SACRAMENTO V. MICHAEL BURNS (OTHER PARENT: ASHLEY MAYER) PFS20150203

On August 9, 2021, Respondent filed a Request for Order (RFO) requesting the court custody and visitation orders, following denial of his Ex Parte filing. The parties were referred to CCRC on a non-emergency basis. An additional Ex Parte was filed by Respondent on August 16, 2021 and denied. The previous referral to CCRC remained.

Other Parent was personally served with the Ex Parte, RFO and referral to CCRC on August 16, 2021 pursuant to a Proof of Service filed with the court on the same day. A number of Declarations have been filed by Other Parent with proof of service showing they were mailed to Respondent. Additionally, Respondent has filed numerous proofs of completion of various classes and programs with the court that were also served on Other Parent.

Both parties participated in the CCRC session on September 9, 2021 and reached a full agreement. A CCRC report was issued on October 13, 2021 with copies mailed to the parties on October 20, 2021.

The court finds that the agreements reached by the parties at the CCRC appointment are in the best interest of the minor children and adopts the agreements and makes them the order of the court effective forthwith. Specifically, the court orders the parties shall share joint legal and physical custody with a week on/week off parenting schedule and other terms as included in the CCRC report.

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

TENTATIVE RULING #7: THE AGREEMENTS CONTAINED WITHIN THE CCRC REPORT ARE ADOPTED AS THE ORDERS OF THE COURT EFFECTIVE FORTHWITH. THE PARTIES SHALL SHARE JOINT LEGAL AND PHYSICAL CUSTODY WITH A WEEK ON/WEEK OFF PARENTING SCHEDULE. ALL OTHER TERMS OF THEIR AGREEMENTS ARE ALSO ADOPTED BY THE COURT AND THE COURT FINDS THESE ORDERS ARE IN THE BEST INTERESTS OF THE MINOR CHILDREN. RESPONDENT IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.

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8. COLBY BROWN V. AMY PARKKO

PFL20180460

On August 3, 2021, Respondent filed a Request for Order (RFO) requesting the court to modify the custody and parenting time order, to grant the parties' the first right of refusal, including if someone else needs to care for the minor if he is sick, to order the child to attend preschool, to order that the parties work with one another to facilitate the child's extracurricular activities, to order Petitioner to reimburse Respondent for alleged overpaid medical insurance premiums, to order the parties to share copies of bills on Talking Parents before a payment is made, to order Petitioner to provide Respondent with a copy of the dental insurance, and other orders regarding the custody and care of the minor.

A CCRC session was scheduled on September 8, 2021 with a hearing set on October 28, 2021.

On August 4, 2021, Respondent filed a Declaration regarding the lack of availability of in-person co-parenting classes by a particular provider, which was served on Petitioner by mail along with the RFO and referral to CCRC.

On September 17, 2021, Petitioner filed a Declaration and a Responsive Declaration, served on Respondent by mail on September 20, 2021.

Also, on September 18, 2021, Respondent filed a Declaration, served on Petitioner by mail that same day.

Only Respondent participated in the CCRC session. A CCRC report was issued on September 13, 2021 with copies mailed to the parties the following day. No recommendations were included in the report as only parent participated.

Having reviewed the filing of the parties, the court makes the following orders:

As Petitioner did not participate in the CCRC session depriving the court of a recommendation from the CCRC counselor, the court re-refers the parties to CCRC with Ady Langer on March 14th, 2022 at 9:00am and a review hearing set for April 28th, 2022 at 8:30am. If Petitioner fails to show at the CCRC appointment, the court shall consider sanctions against him under Local Rule 8.10.02.

Pending the next hearing, the court declines to make any changes to the parenting schedule nor orders regarding Respondent's request for first right of refusal, preschool, extracurricular activities, and the holiday schedule. The court finds good cause to set the review hearing in approximately six months so that the parties have information necessary to determine whether the child is ready for preschool, based on whether he is potty trained at that time, and to attempt to resolve this issue.

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If a party takes the child on a vacation out of the area, the party shall provide the other with an itinerary of the vacation, including travel dates, address and phone number where the minor will be, and flight or other travel information.

Regarding the alleged overpaid medical insurance premiums, the court orders the parties to meet and confer regarding this issue and to provide one another with copies of all bills and proof of payments for the health insurance premiums to the extent they have not already done so. This issue is continued to the review hearing, in case the parties cannot resolve it before then.

Any future bills for expenses for the child shall be provided to the other party via hard copy or talkingparents.com.

The court orders the parties to provide copies of health insurance cards, including dental insurance, to the other if and when it is obtained.

The court orders the parties brush the child's teeth themselves, unless advised otherwise by the minor's dentist.

Both parties are ordered to file and serve on one another a declaration updating the court on the status of the issues before the court at least 10 days in advance of the next court hearing.

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

TENTATIVE RULING #8: THE COURT RE-REFERS THE PARTIES TO CCRC WITH ADY LANGER ON MARCH 14TH, 2022 AT 9:00AM AND A REVIEW HEARING SET FOR APRIL 28TH, 2022 AT 8:30AM. IF PETITIONER FAILS TO SHOW AT THE CCRC APPOINTMENT, THE COURT SHALL CONSIDER SANCTIONS AGAINST HIM UNDER LOCAL RULE 8.10.02. PENDING THE NEXT HEARING, THE COURT DECLINES TO MAKE ANY CHANGES TO THE PARENTING SCHEDULE NOR ORDERS REGARDING RESPONDENT'S REQUEST FOR FIRST RIGHT OF REFUSAL, PRESCHOOL, EXTRACURRICULAR ACTIVITIES, AND THE HOLIDAY SCHEDULE. IF A PARTY TAKES THE CHILD ON A VACATION OUT OF THE AREA, THE PARTY SHALL PROVIDE THE OTHER WITH AN ITINERARY OF THE VACATION, INCLUDING TRAVEL DATES, ADDRESS AND PHONE NUMBER WHERE THE MINOR WILL BE, AND FLIGHT OR OTHER TRAVEL INFORMATION. REGARDING THE ALLEGED OVERPAID MEDICAL INSURANCE PREMIUMS, THE COURT ORDERS THE PARTIES TO MEET AND CONFER REGARDING THIS ISSUE AND TO PROVIDE ONE ANOTHER WITH COPIES OF ALL BILLS AND PROOF OF PAYMENTS FOR THE HEALTH INSURANCE PREMIUMS TO THE EXTENT THEY HAVE NOT ALREADY DONE SO. THIS ISSUE IS CONTINUED TO THE REVIEW HEARING, IN CASE THE PARTIES CANNOT RESOLVE IT BEFORE THEN. ANY FUTURE BILLS FOR EXPENSES FOR THE CHILD SHALL BE PROVIDED TO THE OTHER PARTY VIA HARD COPY OR TALKINGPARENTS.COM. THE COURT ORDERS THE PARTIES TO PROVIDE COPIES OF HEALTH INSURANCE CARDS, INCLUDING DENTAL INSURANCE, TO THE OTHER IF AND WHEN IT IS

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OBTAINED. THE COURT ORDERS THE PARTIES BRUSH THE CHILD'S TEETH THEMSELVES, UNLESS ADVISED OTHERWISE BY THE MINOR'S DENTIST. BOTH PARTIES ARE ORDERED TO FILE AND SERVE ON ONE ANOTHER A DECLARATION UPDATING THE COURT ON THE STATUS OF THE ISSUES BEFORE THE COURT AT LEAST 10 DAYS IN ADVANCE OF THE NEXT COURT HEARING. RESPONDENT IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.

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9. CRYSTAL CORBETT V. SEAN CORBETT

PFL20110935

On August 3, 2021, Respondent filed a Request for Order (RFO) requesting the court to modify the custody, parenting time, and spousal support orders and to confirm the arrears amount with credits granted with his time incarcerated and in a treatment program. Respondent also requests that the Department of Child Support Services (DCSS), who is also a party to the case, be ordered to release his license.

A CCRC session was scheduled for September 9, 2021 with a hearing on the RFO set for October 28, 2021. An Income and Expense Declaration was filed concurrently with the RFO, both of which were served on Petitioner's counsel personally on August 13, 2021 along with the referral to CCRC. That same day, the Department of Child Support Services (DCSS), who is also a party to the case, was served by mail with the RFO and Income and Expense Declaration.

On August 30, 2021, DCSS filed a Responsive Declaration, served on the other parties by mail on August 27, 2021. DCSS states that Respondent failed to cite any legal authority for relief from his support arrears due to his incarceration. Attached to the declaration is an audit of the account as of July 31, 2021, which shows an arrears principal balance of \$44,583.79 and interest balance of \$16,927.48 yielding a total support arrears of \$61,511.27.

Under Family Code 4251, the support issues should be heard by the Child Support Commissioner. Therefore, Respondent's request to confirm arrears and modify spousal support are continued to November 22, 2021 at 8:30 a.m. in Department 5. Both parties are ordered to file and serve on all parties, including DCSS, updated Income and Expense Declarations at least 10 days in advance of the hearing.

Both parties participated in the CCRC session but no agreements were reached. A CCRC report was issued on October 12, 2021 with copies mailed to the parties on October 20, 2021.

The CCRC report recommends that the minor be referred to a therapist who specializes in re-integrating an absent parent into a child's life and that Respondent's contact with the minor remain suspended until the therapist determines it is appropriate to begin reunification therapy. The report also recommends that Respondent commence random drug testing.

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 addition as noted below. Respondent shall be responsible for the costs of the random drug testing.

The matter is continued to February 3rd, 2022 at 8:30 a.m. in Department 5. Petitioner is ordered to request that the therapist provide a letter to the parties and the court at least 10

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days in advance of the hearing to give an update on the progress of the minor's therapy and whether it is appropriate to commence reunification therapy.

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

TENTATIVE RULING #9: RESPONDENT'S REQUEST TO CONFIRM ARREARS AND MODIFY SPOUSAL SUPPORT ARE CONTINUED TO NOVEMBER 22, 2021 AT 8:30 A.M. IN DEPARTMENT 5. BOTH PARTIES ARE ORDERED TO FILE AND SERVE ON ALL PARTIES, INCLUDING DCSS, UPDATED INCOME AND EXPENSE DECLARATIONS AT LEAST 10 DAYS IN ADVANCE OF THE HEARING. THE RECOMMENDATIONS CONTAINED WITHIN THE CCRC REPORT ARE ADOPTED AS THE ORDERS OF THE COURT WITH THE ADDITION AS NOTED BELOW. RESPONDENT SHALL BE RESPONSIBLE FOR THE COSTS OF THE RANDOM DRUG TESTING. THE MATTER IS CONTINUED TO FEBRUARY 3RD, 2022 AT 8:30 A.M. IN DEPARTMENT 5. PETITIONER IS ORDERED TO REQUEST THAT THE THERAPIST PROVIDE A LETTER TO THE PARTIES AND THE COURT AT LEAST 10 DAYS IN ADVANCE OF THE HEARING TO GIVE AN UPDATE ON THE PROGRESS OF THE MINOR'S THERAPY AND WHETHER IT IS APPROPRIATE TO COMMENCE REUNIFICATION THERAPY. RESPONDENT IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.

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10. DANIEL RUSSELL v. ELIZABETH RUSSELL

PFL20200387

On June 17, 2021, the court ordered that Respondent shall have temporary sole physical custody and ordered Petitioner to show proof of compliance with the testing order. The court ordered that if testing was negative, Petitioner may have supervised visitation. However, if Petitioner's results were positive, visitation was suspended pending return to court. The court affirmed the hearing previously set for the instant hearing date for receipt of input from the CASA advocated appointed by the court on June 2, 2021. Finally, the court ordered any supplemental declarations to be filed no later than 10 days prior to the hearing date.

On June 17, 2021, Petitioner filed 2 negative drug test results and a Proof of Electronic Service showing Respondent was served with the filing on May 16, 2021.

On August 6, 2021, the CASA Advocates filed a Report on behalf of the minor children, recommending that as long as Petitioner continues on his path to sobriety his visits need not be supervised. The Report indicates that all parties were provided a copy.

On August 11, 2021, Respondent filed a Supplemental Declaration and a Proof of Service by Mail showing service upon Petitioner and CASA on August 10, 2021. Respondent contends that Petitioner was placed on a 72-hour hold within a week of the current orders being issued and since his release she has not received any drug test results and the children have not had any visitation.

At the initial hearing on the RFO on August 19, 2021, the court adopted the agreements of the parties, which included orders for sole legal and physical custody to Respondent and non-professionally supervised visits for Petitioner. The CASA was ordered to remain on the case. The court set a review hearing on October 28, 2021 at 8:30 am in Department 5.

On October 14, 2021, Petitioner filed a Declaration of Tanya Russell, the supervised visitation monitor, and an Out of County Verification by Attorney. Petitioner also filed a Proof of Electronic Service, indicating that the Supplemental Declaration and Declaration of Tanya Russell were electronically served on Respondent that same day. The court reasonably infers that the Out of County Verification of Attorney along with the several attachments is the Supplemental Declaration noted in the Proof of Electronic Service and finds good cause to consider it.

On October 22, 2021, the court received the report from the CASA advocates, served electronically on the parties that same day. The report notes that the children are requesting weekend overnight visitation plus one dinner time visit during the week.

Having reviewed the filings including the CASA report, the court finds that an increase to overnight visitation as requested by Petitioner is in the children's best interest. The court

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grants Petitioner unsupervised visits on every other weekend from Saturday at 8 a.m. to Sunday at 6 p.m. The court further orders Respondent to pay for Petitioner's drug tests if the test is negative.

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

TENTATIVE RULING #10: THE COURT GRANTS PETITIONER UNSUPERVISED VISITS ON EVERY OTHER WEEKEND FROM SATURDAY AT 8 A.M. TO SUNDAY AT 6 P.M. THE COURT FURTHER ORDERS RESPONDENT TO PAY FOR PETITIONER'S DRUG TESTS IF THE TEST IS NEGATIVE. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.

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12. JENNIFER COWLES V. BENJAMIN COWLES

PFL20180808

On August 26, 2021, Petitioner filed a Request for Order (RFO) requesting the court to issue sanctions against Respondent under Family Code 271 for his failure to amend his response from a legal separation to a dissolution. On September 23, 2021, Respondent was served with the RFO.

On August 26, 2021, Respondent filed two Proof of Service forms indicating service by mail of his Amended Response on Petitioner and Minor's Counsel. Upon review of the file, the court finds that there is no Amended Response filed with the court.

On October 14, 2021, Petitioner filed a Supplemental Filing to Motion to Amend Pleadings for Sanctions, served electronically on Respondent that same day.

The court notes that there is a hearing set on December 9, 2021. The court continues this matter to that hearing date for judicial economy and also to allow the parties to meet and confer to determine whether the issue of the Amended Response has been resolved.

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

TENTATIVE RULING #12: THE COURT CONTINUES THIS MATTER TO THE DECEMBER 9, 2021 HEARING FOR JUDICIAL ECONOMY AND ALSO TO ALLOW THE PARTIES TO MEET AND CONFER TO DETERMINE WHETHER THE ISSUE OF THE AMENDED RESPONSE HAS BEEN RESOLVED. PETITIONER IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.

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13. JOHN ABATE V. AMANDA CARROLL

PFL20180902

On August 17, 2021, Petitioner filed an ex parte application requesting the court to order the child to be re-enrolled in his prior school in Sacramento County, to award primary custody to Petitioner, to order Respondent to be responsible for all custody exchanges, and to reserve jurisdiction over attorney's fees and sanctions.

On August 17, 2021, Respondent filed a Responsive Declaration and supporting declaration, served electronically on Petitioner that same day, in which she objects to the ex parte request.

On August 18, 2021, the court granted the ex parte request in part, ordering the child to be re-enrolled in his prior school in Sacramento County, ordering that exchanges take place at the child's school or Petitioner's residence if school is not in session, and reserving jurisdiction over Petitioner's attorney's fees and sanctions requests. The court further ordered neither party to change the child's school without court order and referred the parties to a CCRC session on September 15, 2021 with a hearing on the underlying Request for Order (RFO) on October 28, 2021.

On August 18, 2021, the RFO and Temporary Orders were served on Respondent by mail, with the Temporary Orders also served on her electronically.

On August 31, 2021, Respondent filed an ex parte application with supporting declarations requesting the court to order that the child return the Placerville school pending the hearing, as the child could not yet be re-enrolled in his prior school at that time. On August 31, 2021, Petitioner filed a Declaration objected to the ex parte relief and requesting sanctions. On September 1, 2021, the court granted the ex parte request and reserved over Petitioner's request for sanctions.

On September 7, 2021, Counsel for Respondent filed a Motion to be Relieved as Counsel with a supporting declaration. On October 20, 2021, Respondent filed a Substitution of Attorney, substituting her counsel out of the case. As such, this issue is moot.

On September 9, 2021, Respondent filed an RFO request Family Code 271 sanctions and that Respondent be ordered to participate in a vocational evaluation. That same day, Respondent's Counsel was served by mail with the RFO.

Upon review of the file, the court finds that Respondent has not filed a Responsive Declaration to Petitioner's September 9, 2021 RFO. It is not clear to the court whether Respondent has actual notice of this RFO, as the RFO was served on Respondent's attorney of record who is seeking to be relieved from the case and per Respondent's declarations with the

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court did not appear to be in regular communication with Respondent around the time of service. The court continues the request for a vocational evaluation and sanctions to the trial set on November 16, 2021. The court finds that this will ensure that Respondent has notice of Petitioner's request and can respond to them by pleading and at the trial, so that the issues can be resolved on their merits.

Both parties attended the CCRC session and reached several agreements but not on the actual parenting plan or the school for the child to attend. A CCRC report was issued on September 27, 2021 with copies mailed to the parties the following day.

The report notes that Petitioner recommends that the child attend a school about halfway between the parties' homes, which he requests be in El Dorado Hills, Folsom, or Rancho Cordova. The court reasonably infers from the statements from Respondent per the CCRC report and her prior declarations that Respondent requests that the child continue to attend his current school in Placerville.

The CCRC report that if the parties share custody equally, which is one of its recommendations, that the child attend school in Sacramento County in Petitioner's school district. If the court does not grant Petitioner an equal parenting schedule, the report recommends that the child continue to attend school in Placerville.

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 interest of the minor and adopts them as the orders of the court with the following modifications. Respondent shall have parenting time from Fridays at 4 p.m. to Sundays at 6 p.m., with the exception of the second weekend of the month which includes a Saturday during which Petitioner's parenting time will end at 4 p.m. on Saturday, and on every Wednesday from 4 p.m. to 7 p.m. If Petitioner notifies Respondent by the prior Friday that he wishes to keep the child overnight on Wednesday, his visit shall extend to Thursday morning with the exchange taking place at the agreed upon location at the Prairie City exit at least 45 minutes prior to the start of the school day. The child shall continue to attend his current school in Placerville.

The court finds these orders to be in the minor's best interest for the following reasons. Petitioner requests that the child attend school in El Dorado Hills, Folsom, or Rancho Cordova, but it is not clear to the court whether the child legally can attend school at any of these locations, given neither party resides there. The child has begun to establish himself at the Placerville school and maintaining this stability is in his best interest. For logistical reasons, the court finds it in the child's interest to be with Respondent during the school week with the exception of the midweek visit. The above parenting plan also affords Respondent some weekend time, while giving Petitioner the majority of it.

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Regarding Petitioner's request for sanctions under Family Code 271, the court finds that Respondent changing the child's school without a court order frustrated the policy of the law to promote settlement and unnecessarily increased the costs of the litigation. As such, the court finds this conduct warrants an attorney's fees award as a sanction. The court orders Respondent to pay Petitioner \$500 in attorney's fees as a sanction under Family Code 271. This amount shall be paid by Petitioner deducting \$500 from the attorney's fees ordered to be paid to Respondent. If these fees have already been paid, in order to not impose an unreasonable financial burden on Respondent, the court will determine how to have this amount paid at the November 16, 2021 trial date.

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

TENTATIVE RULING #13: THE COURT FINDS THAT RESPONDENT HAS SIGNED THE SUBSTITUTION OF ATTORNEY FOR HER COUNSEL, AND THEREFORE THE MOTION TO BE RELIEVED AS COUNSEL IS MOOT. THE COURT CONTINUES THE REQUEST FOR A VOCATIONAL EVALUATION AND SANCTIONS TO THE TRIAL SET ON NOVEMBER 16, 2021. THE AGREEMENTS AND RECOMMENDATIONS CONTAINED WITHIN THE CCRC REPORT ARE ADOPTED AS THE ORDERS OF THE COURT WITH THE FOLLOWING MODIFICATIONS. RESPONDENT SHALL HAVE PARENTING TIME FROM FRIDAYS AT 4 P.M. TO SUNDAYS AT 6 P.M., WITH THE EXCEPTION OF THE SECOND WEEKEND OF THE MONTH WHICH INCLUDES A SATURDAY DURING WHICH PETITIONER'S PARENTING TIME WILL END AT 4 P.M. ON SATURDAY, AND ON EVERY WEDNESDAY FROM 4 P.M. TO 7 P.M. IF PETITIONER NOTIFIES RESPONDENT BY THE PRIOR FRIDAY THAT HE WISHES TO KEEP THE CHILD OVERNIGHT ON WEDNESDAY, HIS VISIT SHALL EXTEND TO THURSDAY MORNING WITH THE EXCHANGE TAKING PLACE AT THE AGREED UPON LOCATION AT THE PRAIRIE CITY EXIT AT LEAST 45 MINUTES PRIOR TO THE START OF THE SCHOOL DAY. THE CHILD SHALL CONTINUE TO ATTEND HIS CURRENT SCHOOL IN PLACERVILLE. THE COURT ORDERS RESPONDENT TO PAY PETITIONER \$500 IN ATTORNEY'S FEES AS A SANCTION UNDER FAMILY CODE 271. THIS AMOUNT SHALL BE PAID BY PETITIONER DEDUCTING \$500 FROM THE ATTORNEY'S FEES ORDERED PAID TO RESPONDENT. IF THESE FEES HAVE ALREADY BEEN PAID, IN ORDER TO NOT IMPOSE AN UNREASONABLE FINANCIAL BURDEN ON RESPONDENT, THE COURT WILL DETERMINE HOW TO HAVE THIS AMOUNT AT THE NOVEMBER 16, 2021 TRIAL DATE. PETITIONER IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.

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14. KEVIN GALLAGHER V. JENNIFER MARTIN

PFL20210244

On September 8, 2021, Petitioner filed a Request for Order (RFO) requesting the court address the issue of child support and reassess arrears. On September 8, 2021, Respondent was served with the RFO and a Response was filed on October 12, 2021.

On August 26, 2021, the court made orders regarding child support and child support arrears after Respondent filed a RFO on the issue of child support on June 8, 2021. No response was filed at that time.

In the current RFO, Petitioner states he did not receive the prior RFO, was not aware of the filing and is requesting to revisit the arrears ordered by the court.

The court finds that proper service was made in the prior RFO filed June 8, 2021. The Proof of Service filed with the court shows the RFO, Income and Expense Declaration as well as blank documents and Response paperwork were mailed to Petitioner at his current address on June 22, 2021. It is the same address that is listed on Petitioner's current paystubs. Service is deemed complete once mailed and the court is without any competent evidence that the documents were returned to Respondent. Therefore, the court finds Petitioner had notice of the prior proceedings and orders and reaffirms the August 26, 2021 orders.

As to the current RFO, both parties have provided the court with updated income information. Based on that information, the court finds as follows:

Petitioner's base income is **\$3,702/month** plus an additional \$948/month in regular overtime earnings. The court took an average from all eight (8) paystubs provided by Petitioner and found he averages 26.70 regular hours per week at \$32/hour for \$854.40/week. That weekly amount multiplied by 52 and divided by 12 arrives at the monthly base amount. Further, the court finds that Petitioner regularly works and receives overtime pay and has included that as income at the rate of **\$948/month**. Petitioner averages 4.56 hours of overtime per week at \$48/hour for a weekly average of \$218.88. Multiplied by 52 and divided by 12 equals the monthly amount. Additionally, it appears Petitioner pays \$74.42/week for child support for another relationship for a monthly deduction of \$322 which the court has included.

Respondent's base income has changed as well since she is no longer receiving unemployment per her response. The court calculated her monthly income at her new hourly wage of \$18.31 x 24 hours/week = \$439.44. Multiplied by 52, divided by 12 results in monthly income of **\$1,904**. Respondent pays dues of \$35 per month and health insurance of \$48/month.

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The above information was inputted into the DissoMaster™ program using the same 19% parenting to Petitioner and results in Petitioner owing Respondent monthly child support in the amount of \$701/month (See attached printout). The court makes the order effective September 15, 2021 and continuing every month until further order of the court. Any overpayments for September and October may be deducted from the total arrears balance previously ordered by the court. Assuming Petitioner has been paying regular child support as ordered by the court on August 26, 2021, the court would find he has overpaid for September in the amount of \$41.50 and for October in the amount of \$83, resulting in a total overpayment of \$124.50.

All previous orders remain in full force and effect. Petitioner is ordered to prepare and file the Findings and Order After hearing.

TENTATIVE RULING #14: THE COURT'S PREVIOUS ORDER OF AUGUST 26, 2021 IS AFFIRMED. EFFECTIVE SEPTEMBER 15, 2021, THE COURT ORDERS CHILD SUPPORT MODIFIED AND PAYABLE BY PETITIONER TO RESPONDENT IN THE AMOUNT OF \$701/MONTH. THE COURT'S PREVIOUS ORDERS REGARDING ARREARS IS AFFIRMED. ANY OVERPAYMENTS FOR SEPTEMBER AND OCTOBER 2021 SHALL BE DEDUCTED FROM PREVIOUSLY ORDERED ARREARS AMOUNT. CHILD SUPPORT SHALL BE PAID ON THE 1ST OF EVERY MONTH AND CONTINUES UNTIL FURTHER ORDER OF THE COURT OR UNTIL THE MINOR CHILD REACHES THE AGE OF 18 AND IS NO LONGER A FULL-TIME HIGH SCHOOL STUDENT. ALL PREVIOUS ORDERS NOT IN CONFLICT REMAIN IN FULL FORCE AND EFFECT.

14. GALLAGHER V. MARTIN

ATTORNEY (NAME AND ADDRESS): California		TELEPHONE NO:	Superior Court Of The State of California, County of
ATTORNEY FOR: Father			COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
DISSOMASTER REPORT 2021, Monthly			CASE NUMBER:

Input Data	Father	Mother	Guideline (2021)	Cash Flow Analysis	Father	Mother
Number of children	0	1	Nets (adjusted)	Guideline		
% time with NCP	19%	0%	Father	3,412	Payment (cost)/benefit	(701) 701
Filing status	Single	HH/MLA	Mother	2,141	Net spendable income	2,711 2,843
# Federal exemptions	1*	2*	Total	5,553	% combined spendable	48.8% 51.2%
Wages + salary	3,702	1,904	Support		Total taxes	916 (320)
401(k) employee contrib	0	0	CS Payor	Father	# WHA	0 4
Self-employment income	0	0	Presumed	701	Net wage paycheck/mo	2,875 1,713
Other taxable income	948	0	Basic CS	701	Comb. net spendable	5,553
Other nontaxable income	0	0	Add-ons	0	Proposed	
New-spouse income	0	0	Presumed Per Kid		Payment (cost)/benefit	(783) 783
Wages + salary	0	0	Child 1	701	Net spendable income	2,911 2,675
Self-employment income	0	0	Spousal support	blocked	NSI change from gdl	200 (168)
Misc ordinary tax. inc.	0	0	Total	701	% combined spendable	52.1% 47.9%
SS paid other marriage	0	0	Proposed, tactic 9		% of saving over gdl	612.2% -512.2%
Retirement contrib if ATI	0	0	CS Payor	Father	Total taxes	633 (70)
Required union dues	0	0	Presumed	783	# WHA	4 3
Nec job-related exp.	0	0	Basic CS	783	Net wage paycheck/mo	3,083 1,679
Adj. to income (ATI)	0	0	Add-ons	0	Comb. net spendable	5,586
SS paid other marriage	0	0	Presumed Per Kid		Percent change	0.6%
CS paid other relationship	322	0	Child 1	783	Default Case Settings	
Qual. Bus. Inc. Ded.	0	0	Spousal support	blocked		
Health insurance	0	48	Total	783		
Itemized deductions	0	0	Savings	33		
Other medical expenses	0	0	Total releases to	1		
Property tax expenses	0	0	Father			
Ded. interest expense	0	0				
Charitable contribution	0	0				
Miscellaneous itemized	0	0				
Required union dues	0	35				
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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15. MARY MCQUINN V. MICHAEL MCQUINN

PFL20170332

On March 23, 2021, Petitioner filed an application for ex parte orders requesting the court grant Respondent only supervised visits. The following day, the court granted the ex parte request in part, granting Petitioner temporary sole physical custody, joint legal custody, and supervised visits for Respondent twice per week for 2 hours per visit. On April 1, 2021, Respondent was served by mail with the RFO and ex parte orders.

On April 15, 2021, Respondent filed a Responsive Declaration, served by mail on Petitioner the day prior.

At the hearing on the RFO on April 29, 2021, the court adopted the recommendations within the CCRC report as modified and continued the matter to August 12, 2021.

On June 14, 2021, Respondent filed an RFO requesting the court allow him to move with the minors to Georgia. In its tentative ruling for the August 12, 2021 hearing, the court found that although there was no proof of service for the RFO, Petitioner filed a Responsive Declaration which referenced the requests in the RFO and did not object to the lack of service.

After considering all the filings, the court referred the parties a CCRC session on September 10, 2021 and set a review hearing on October 28, 2021. Pending the hearing, Respondent was ordered to give one-week advance notice of where he intended to exercise his parenting time and was ordered to advance the costs for the minor's therapy and supervised exchanges subject to reallocation.

On October 22, 2021, Petitioner filed a Supplemental Declaration,

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

The report recommends that Respondent not be allowed to move with the children to Georgia. If Respondent does move to Georgia, the report recommends that his parenting time take place in El Dorado County and that it step-up, starting with Respondent visiting with one child at a time and progressing to having all children at the same time.

On October 22, 2021, Petitioner filed a Supplemental Declaration, served electronically on Respondent that same day. Petitioner requests that Respondent be ordered to give more than a one-week advance notice regarding his intended visits, that the court decline to set a trial on the move away request until Respondent provides more details regarding the proposed move, that Respondent be ordered to participate in individual counseling (as the co-parenting counselors have indicated this is a prerequisite for them starting the co-parenting counseling), that the holiday visits with all three children not begin until the children's therapist deems its appropriate for all three children to be at the visit at the same time, that Respondent's visits

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take place in El Dorado County, and that the rest of the CCRC recommendations not inconsistent with the above be adopted.

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 children and are adopted as the orders of the court with the clarifications and modifications as noted below. Respondent's request to move to Georgia with the minor children is denied. Respondent's parenting time shall take place in El Dorado County. Respondent shall provide at least two weeks advance notice of his intent to have his scheduled visits with the children. Respondent is ordered to participate in individual counseling. The holiday visits with all three children shall not commence until the therapist deems it is appropriate for the visits to occur with all three children.

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

TENTATIVE RULING #15: THE RECOMMENDATIONS CONTAINED WITHIN THE CCRC REPORT ARE ADOPTED AS THE ORDERS OF THE COURT WITH THE CLARIFICATIONS AND MODIFICATIONS AS NOTED BELOW. RESPONDENT'S REQUEST TO MOVE TO GEORGIA WITH THE MINOR CHILDREN IS DENIED. RESPONDENT'S PARENTING TIME SHALL TAKE PLACE IN EL DORADO COUNTY. RESPONDENT SHALL PROVIDE AT LEAST TWO WEEKS ADVANCE NOTICE OF HIS INTENT TO HAVE HIS SCHEDULED VISITS WITH THE CHILDREN. RESPONDENT IS ORDERED TO PARTICIPATE IN INDIVIDUAL COUNSELING. THE HOLIDAY VISITS WITH ALL THREE CHILDREN SHALL NOT COMMENCE UNTIL THE THERAPIST DEEMS IT IS APPROPRIATE FOR THE VISITS TO OCCUR WITH ALL THREE CHILDREN. PETITIONER IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.

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16. ROBIN NEER v. NATHAN NEER

PFL20210208

On May 4, 2021 Respondent filed a Request for Order (RFO) requesting the court make custody and visitation orders, order the sale of the marital residence, order Respondent's name removed from the utilities and for division of the household items and property. Finally, Respondent requested attorney's fees in the amount of \$10,000. Respondent filed an Income and Expense Declaration concurrently with the RFO. The parties were referred to CCRC and the hearing was set on the law and motion calendar on July 29, 2021. On May 5, 2021 Respondent filed a Proof of Electronic Service showing service upon Petitioner on May 5, 2021 and May 11, 2021.

On August 25, 2021 Petitioner filed an Income and Expense Declaration and a Proof of Electronic Service showing service upon Respondent the same day. On August 27, 2021 Petitioner filed a Responsive Declaration to the RFO and a Proof of Electronic Service showing service upon Respondent on August 25, 2021.

At the initial hearing on the RFO on September 9, 2021, the court made orders resolving all the requests in the RFO except for Respondent's attorney's fees request. The court found that the request for attorney's fees was a request under Family Code section 2030. Respondent submitted an FL-158 and indicated in his declaration that there is a disparity in income between the parties. Additionally, Respondent's former Attorney's Declaration reflects a request under Family Code section 2030. The court noted that Respondent's Income and Expense Declaration is not current and reflects "TBD" in items "11a" and "b." The court found that although the value of the parties' real property is not yet determined, Petitioner reasonably should be able to provide the court with information as required in items "11a" and "b" for the court's consideration of each parties' access to funds.

Therefore, the court ordered the request for attorney's fees continued to October 28, 2021 at 8:30 am in Department 5 and ordered Respondent to file and serve a current, and complete, Income and Expense Declaration.

Upon review of the file, Respondent has not filed an updated Income and Expense Declaration. As such, the court drops the matter from its calendar.

TENTATIVE RULING #16: MATTER DROPPED FROM THE COURT'S CALENDAR

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

17. TINA STRICKLAND V. MATTHEW STRICKLAND

PFL20190792

On August 13, 2021, Petitioner filed an application for ex parte orders requesting sole legal custody with no visitation to Respondent, as Petitioner alleged that Respondent was likely to be incarcerated in late August due a recent conviction. On August 16, 2021, the court denied the request and set a CCRC session on September 16, 2021 with a hearing on the underlying Request for Order (RFO) set for October 28, 2021.

On August 16, 2021, Respondent was served by mail with the RFO and referral to CCRC.

Only Petitioner appeared at the CCRC session. Petitioner reported that Respondent has a sentencing hearing on October 1, 2021 and that Respondent violated the Criminal Protective Order protecting her by sending her a threatening text message. A CCRC report was issued on September 16, 2021 with copies mailed to the parties that same day. The report contained no recommendations as only one party appeared.

The court has received no additional information regarding Respondent's sentencing. The court notes that per Petitioner's declaration Respondent last saw the minor at the beginning of 2021. Given the absence from her life and the child's young age, the court finds it in the best interest of the child for the visits to be suspended pending further order of the court. Respondent can file an RFO when he seeks to reinstate visitation at which time the court can determine what level of contact is appropriate.

As such, the court orders that Petitioner shall have sole legal and physical custody of the minor with no visits to Respondent pending further order of the court.

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

TENTATIVE RULING #17: THE COURT ORDERS THAT PETITIONER SHALL HAVE SOLE LEGAL AND PHYSICAL CUSTODY OF THE MINOR WITH NO VISITS TO RESPONDENT PENDING FURTHER ORDER OF THE COURT. PETITIONER IS ORDERED TO PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.