

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 23, 2024

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

1. ANDREW SELLEN V. REBECCA SELLEN

22FL0615

Petitioner filed a Request for Order (RFO) on February 15, 2024; it was mail served on March 22nd. Respondent filed and served her Responsive Declaration to Request for Order on May 9th.

Petitioner brings his RFO requesting an immediate listing of the marital property located at 3021 Knollwood Dr., Cameron Park, ensuring equal participation from both parties. Such participation to include jointly addressing any recommended repairs or improvements suggested by the realtor, equally sharing in all closing costs and fees necessary for listing and the equal division of the sale proceeds. Petitioner further requests an order directing Respondent to actively seek full-time employment by submitting five job applications per week and providing Petitioner with evidence thereof.

According to Respondent, she agreed to sell the marital property and, as of the date of her responsive declaration, the property was in escrow and due to close in two weeks. She requests the proceeds of the sale be held in Respondent's attorney's trust account until there is an agreement as to how the proceeds are to be divided. Respondent opposes the request for a seek work order as she claims she is already employed working 25-30 hours a week which she states is the highest capacity she is able to work for the time being.

After reviewing the filings of the parties, it appears Petitioner's request for an order to sell the marital residence is moot therefore the court declines to rule on it. The court does order the proceeds of the sale of the marital property to be held in Respondent's counsel's trust account until the parties reach a written agreement on the distribution of the proceeds or until further court order.

Regarding the request for a seek work order, the request is denied without prejudice. The parties share six children, the youngest of which are seven and five. Respondent is currently working in a part-time capacity and taking classes to increase her employability. Therefore, under the circumstances the court does not find that Respondent has the ability to work a full-time job on top of childcare and ongoing coding classes.

Petitioner shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #1: THE COURT DECLINES TO RULE ON PETITIONER'S REQUEST FOR AN ORDER DIRECTING THE SALE OF THE MARITAL PROPERTY AS THE REQUEST IS MOOT. THE PROCEEDS OF THE SALE OF THE MARITAL PROPERTY SHALL BE HELD IN RESPONDENT'S COUNSEL'S TRUST ACCOUNT UNTIL THE PARTIES REACH A WRITTEN AGREEMENT ON THE DISTRIBUTION OF THE PROCEEDS OR UNTIL FURTHER COURT ORDER. REGARDING THE REQUEST FOR A SEEK WORK ORDER, THE REQUEST IS

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DENIED WITHOUT PREJUDICE. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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2. EUGENE COREY SALMINA V. CASSIDY MERCEDES SALMINA

22FL0644

On February 28, 2024, Respondent filed a Request for Order (RFO) along with an Income and Expense Declaration and Respondent's Declaration in Support. All documents were served on March 25th. Petitioner filed his Income and Expense Declaration on May 10, 2024, though there is no Proof of Service for this document. There is a Proof of Service indicating a 170.6 motion was served, though the court is not in possession of that motion.

The parties are ordered to appear for the hearing to address whether Respondent timely received Respondent's Income and Expense Declaration and whether she waives the potential defect in service.

TENTATIVE RULING #2: THE PARTIES ARE ORDERED TO APPEAR FOR THE HEARING TO ADDRESS WHETHER RESPONDENT TIMELY RECEIVED RESPONDENT'S INCOME AND EXPENSE DECLARATION AND WHETHER SHE WAIVES THE POTENTIAL DEFECT IN SERVICE.

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3. JASON HARDOUIN V. JENAE NORELL

22FL0118

On March 8, 2024, Petitioner filed a Request for Order (RFO) seeking Family Code section 271 sanctions along with attorney's fees. She requests the hearing on the RFO be calendared for the same date as the March 21st Child Custody Recommending Counseling (CCRC) review hearing. The CCRC review has since been continued to June 20, 2024.

This matter is continued to join with the hearing currently set for June 20, 2024 at 1:30pm in Department 5.

TENTATIVE RULING #3: THIS MATTER IS CONTINUED TO JOIN WITH THE HEARING CURRENTLY SET FOR JUNE 20, 2024 AT 1:30PM IN DEPARTMENT 5.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; *SEE ALSO LEWIS V. SUPERIOR COURT*, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.

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4. JOEY SELBY V. PAUL JUDGE

23FL0851

Respondent filed a Request for Order (RFO) on November 20, 2023, requesting to set aside the parties' August 29, 2023 Stipulation Re Property Distribution. Respondent concurrently filed a Memorandum of Points and Authorities with his RFO. Petitioner was served by mail on December 22, 2023. Petitioner filed and served a Responsive Declaration to Request for Order on January 9, 2024.

Respondent's RFO came before the court for hearing on February 29, 2024, at which time the court noted that the stipulation was submitted to the court for signature on the same day the Summons was issued. The Summons not served on Respondent until August 31, 2023, therefore the court did not have jurisdiction to sign the stipulation on August 29th. The court initially ordered the parties to re-file the stipulation though, after oral argument, the court continued the matter to the present date and set a briefing schedule.

In accordance with the briefing schedule Respondent filed and served his Memorandum of Points and Authorities in Support of Respondent's Contention of the Validity of the "Agreement" Provided by Petitioner on April 2nd. Petitioner's Memorandum of Points and Authorities Regarding the Validity of the Parties' Agreement was filed and served on May 2nd. Respondent's Reply Brief Regarding the Validity of the "Agreement" Provided by Petitioner was filed on May 16th. The reply was filed concurrently with a Declaration of Beau Judge and a Declaration of Jackie Judge. All documents were served on the 16th.

This matter is continued to May 30, 2024 at 8:30 am in Department 5.

TENTATIVE RULING #4: THIS MATTER IS CONTINUED TO MAY 30, 2024 AT 8:30 AM IN DEPARTMENT 5.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.

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5. JOHN CRISAFULLI V. ANITA CRISAFULLI

22FL1192

On May 13, 2024, Petitioner filed for ex parte orders to continue the trial date to November or December, Respondent to enroll Chase Anna in counseling by a date certain, and an order allowing John Berner to address the court pursuant to Family Code § 3042.

Respondent filed her Responsive Declaration to Request for Order and a Memorandum of Points and Authorities on May 13th. Minor's Counsel also filed a Responsive Declaration to Request for Order on May 13th.

The requests were denied on an ex parte basis and a hearing was set for the present date.

Petitioner filed two reply declarations on May 20th. The court finds these to be late filed pursuant to Civil Procedure section 1005(b) which states all reply papers are to be filed at least five court days before the hearing date. Section 12c states, "[w]here any law requires an act to be performed no later than a specified number of days before a hearing date, the last day to perform that act shall be determined by counting backward from the hearing date, *excluding the day of the hearing* as provided by Section 12." Cal. Civ. Pro. § 12c. Section 1005(b) in conjunction with Section 12c would have made May 16th the last day for filing. Therefore, these documents are late filed and have not been considered by the court.

The parties are ordered to appear for the hearing on this issue.

On May 21, 2024, Minor's Counsel filed for emergency ex parte orders or, in the alternative, an order shortening time to be heard on her request for third party placement of the minor John Berner. The order shortening time was granted and the matter was set to be heard on the present date. The parties are ordered to appear for the hearing on this issue.

TENTATIVE RULING #5: THE PARTIES ARE ORDERED TO APPEAR.

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6. RACHEL OSBORN V. MATTHEW OSBORN

23FL0134

Respondent filed a Request for Order (RFO) on March 12, 2024. It was personally served on April 24th, though the Proof of Service does not indicate that an Income and Expense Declaration, a blank FL-320, or the Notice of Posting Tentative Ruling were served with the RFO. Additionally, the proof indicates that only Petitioner was served, not the Department of Child Support Services (DCSS) which is a party to the case.

Petitioner filed her Income and Expense Declaration and her Responsive Declaration to Request for Order on May 10th. Both documents were served on Respondent and on DCSS.

DCSS filed a late Responsive Declaration to Request for Order on May 16, 2024. However, given that it is unclear if DCSS was served with the initial RFO the court finds good cause to consider the late filed document.

Respondent brings his RFO requesting custody and visitation orders for the parties' three minor children. He also requests child and spousal support orders. Finally, he is requesting a set aside of the judgment entered on November 2, 2023 pursuant to Civil Procedure § 473. Respondent has not provided any basis for the requested set aside other than the fact that he has recently retained counsel.

Petitioner opposes all of Respondent's requests. She asks that the terms of the judgment remain in full force and effect.

Civil Procedure Section 473(b) governs the circumstances in which a party may be relieved of the terms of a judgment, dismissal, order, or other proceeding in instances of mistake, inadvertence, or excusable neglect. Cal. Civ. Pro. § 473(b). Respondent has not made the requisite showing of mistake, inadvertence, or excusable neglect therefore his request to set aside the November 2, 2023 judgment is denied.

Regarding the requested custody orders, the court notes, on December 11, 2024 Respondent filed a RFO seeking custody and visitation orders as well as child support, spousal support, and set aside of the judgment entered on November 2, 2023. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on January 18th and a hearing was set for March 7, 2024. Neither Petitioner nor Respondent appeared for the CCRC appointment. On March 7, 2024, the court adopted its tentative ruling dropping the matter from calendar, due to the failure to serve DCSS. However, the court could have also denied Respondent's request to modify child custody and parenting plan orders due to his failure to appear for CCRC. When Respondent refiled his requests in the instant motion the parties were not referred to CCRC as they had been referred within

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the prior six months. Upon review of the court file, the court notes the parties have never attended CCRC. Therefore, the court finds good cause to rerefer the parties to CCRC. Parties are to attend CCRC on 7/5/2024 at 9:00 AM with Rebecca Nelson and return for a review hearing on 8/22/2024 at 8:30 AM in Department 5.

In addition to the custody orders, Respondent is requesting guideline child support and spousal support. “For all hearings involving child, spousal, or domestic partner support, both parties must complete, file, and serve a current Income and Expense Declaration.” Cal. Rule Ct. 5.260(1); *See also* Cal. Fam. Code §2100. “‘Current’ means the form has been completed within the past three months providing no facts have changed.” Cal. Rule Ct. 5.260(3). Here, Respondent, as the moving party, has failed to file an Income and Expense Declaration with his moving papers therefore his request for support orders is denied.

Additionally, where there is a post-judgment request for support orders the moving party must show that there has been a material change in circumstances to warrant a change in support. *In re Marriage of Kuppinger*, 48 Cal. App. 3d 628 (1975). Respondent has failed to establish any change in circumstances that would warrant a change in support orders which were made as part of the court’s November 2, 2023 judgment. Respondent’s requests for child support and spousal support are therefore denied.

Respondent shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #6: RESPONDENT’S REQUEST TO SET ASIDE THE NOVEMBER 2, 2023 JUDGMENT IS DENIED AS RESPONDENT HAS FAILED TO ESTABLISH MISTAKE, INADVERTENCE, OR EXCUSABLE NEGLECT. THE COURT FINDS GOOD CAUSE TO REREFER THE PARTIES TO CCRC. PARTIES ARE TO ATTEND CCRC ON 7/5/2024 AT 9:00 AM WITH REBECCA NELSON AND RETURN FOR A REVIEW HEARING ON 8/22/2024 AT 8:30 AM IN DEPARTMENT 5. RESPONDENT’S REQUESTS FOR POST-JUDGMENT MODIFICATION OF SUPPORT ORDERS ARE DENIED AS RESPONDENT HAS FAILED TO ESTABLISH CHANGED CIRCUMSTANCES AND HE HAS FAILED TO FILE HIS INCOME AND EXPENSE DECLARATION. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT’S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; *SEE ALSO LEWIS V. SUPERIOR COURT*, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS

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8. WILLIAM THOMPSON V. KELLY THOMPSON

PFL20190103

Petitioner filed a Request for Order (RFO) on March 7, 2024, seeking a post-judgment request for modification of spousal support. Given that the request is being made post-judgment, the RFO was personally served in accordance with Family Code § 215 on March 14th. An Income and Expense Declaration was concurrently filed and served therewith.

Respondent filed and served her Responsive Declaration to Request for Order and her Income and Expense Declaration on May 3, 2024. Petitioner filed and served an MC-030 Declaration on May 8th.

Petitioner brings his RFO requesting the court decrease spousal support in order to allow him to retire. This would be a change in the current order of \$4,500. Respondent opposes the request and argues that there is no change in circumstances to warrant a change in support.

Generally speaking, the court is required to take evidence on, and address the Family Code § 4320 factors when ruling on a post-judgment request for modification of spousal support. However, as a threshold issue to that, the moving party must show that there has been a material change in circumstances to warrant a change in support. *In re Marriage of Kuppinger* (1975) 48 Cal. App. 3d 628.

Here, the court does not find that a change in circumstances has actually occurred at this point. Petitioner requests the decrease in support based on his intention to retire, however, he has not actually retired nor notified his employer of his intent to do so with a date certain. Thus, no change in circumstances has actually occurred and Petitioner's request is denied without prejudice.

Respondent shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #8: PETITIONER'S REQUEST IS DENIED WITHOUT PREJUDICE AS THE COURT CANNOT FIND THAT A CHANGE IN CIRCUMSTANCES HAS OCCURRED WHICH WOULD WARRANT THE CHANGE IN SUPPORT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS

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BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.

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8a. ZACHARY MOODY V. SAMANTHA ESCOBAR

23FL0805

This matter is before the court for a review hearing to address the parties' compliance with custody orders which were made on November 16, 2023. The review hearing was previously set for May 9th, however, given Respondent's then pending request for a Domestic Violence Restraining Order (DVRO) and the potential application of Family Code § 3044, the court continued the matter to join with the May 13th DVRO hearing. The DVRO request was ultimately denied and the review hearing was continued to the present date.

Petitioner's Supplemental Declaration was filed on May 15, 2024. It was electronically served on May 14th. Respondent's Updated Supplemental Declaration Re Custody was filed and electronically served on May 16th.

Petitioner is renewing his request for sole legal and sole physical custody of the three minor children. He asks the court to order Respondent's parenting time to occur on the 1st, 3rd, and 5th, weekends of the month from Friday at 5:00 pm until Sunday at 5:00 pm. He also renews his prior request for the court to order Respondent to participate in mental health services, including psychiatric care and individual therapy and to follow the treatment recommendations of her providers. He further requests the court specify the time, length, and duration of Facetime or other online methods of communication between Respondent and the children. Finally, he is requesting the court to schedule an additional review hearing for late August or early September to address the potential expansion of Respondent's parenting time.

Respondent opposes Petitioner's requests. She asks that the children be appointed Minor's Counsel to represent the children's interests in court.

After reviewing the filings of the parties, the court finds the current orders remain in the best interests of the children. Petitioner's requests for Respondent to attend psychiatric and therapy are denied. Additionally, the court is not inclined to limit electronic communications between Respondent and the children while in Petitioner's care therefore, that request is likewise denied. A review hearing is not being set as there are no additional orders being made today. The prior orders remain in the best interests of the children. In the event circumstances, and therefore, the best interests of the children, change in the future an FL-300 may be filed.

The court declines to rule on Respondent's request for Minor's Counsel as it is a new issue and is therefore, not properly before the court.

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All prior orders remain in full force and effect. Petitioner shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #8A: THE COURT FINDS THE CURRENT ORDERS REMAIN IN THE BEST INTERESTS OF THE CHILDREN. PETITIONER'S REQUESTS FOR RESPONDENT TO ATTEND PSYCHIATRIC AND THERAPY ARE DENIED. ADDITIONALLY, THE COURT IS NOT INCLINED TO LIMIT ELECTRONIC COMMUNICATIONS BETWEEN RESPONDENT AND THE CHILDREN WHILE IN PETITIONER'S CARE THEREFORE THAT REQUEST IS LIKEWISE DENIED. A REVIEW HEARING IS NOT BEING SET AS THERE ARE NO ADDITIONAL ORDERS BEING MADE TODAY.

THE COURT DECLINES TO RULE ON RESPONDENT'S REQUEST FOR MINOR'S COUNSEL AS IT IS A NEW ISSUE AND IS THEREFORE NOT PROPERLY BEFORE THE COURT.

ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; *SEE ALSO LEWIS V. SUPERIOR COURT*, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.

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9. DENIS VONSCHHELL V. ANDY ELBON

24FL0214

Petitioner filed a Petition for Grandparent Visitation and Request for Order requesting Grandparent Visitation on March 7, 2024. A Summons was issued the same day. Proof of Service shows Respondent was personally served on March 18, 2024. Petitioner is requesting frequent contact with the minors.

Respondent filed a Responsive Declaration on April 11, 2024. Proof of Service shows Petitioner was personally served on May 7, 2024. Respondent is opposed to court ordered visitation with Petitioner. Respondent asserts there has been visitation in the past which has led to the minors acting out. Further, Petitioner is unwilling and/or unable to abide by the rules Respondent sets for the minors.

If either parent of an unemancipated minor dies, the deceased parent's children, siblings, parents, and grandparents "may be granted reasonable visitation" rights during the child's minority upon a finding visitation would be in the child's best interest. (Family Code section 3102(a); *Ian J. v. Peter M.* (2013) 213 Cal. App. 4th 189,203) The parent's death does not instill the grandparents with the deceased parent's parental rights; nor does it diminish the surviving parent's parental rights. "Nothing in the unfortunate circumstance of one biological parent's death affects the surviving parent's (constitutionally protected) fundamental right to make parenting decisions concerning their child's contact with grandparents." (*Kyle O. v. Donald R.* (2000) 85 Cal. App. 4th 848, 863.) Therefore, courts ordinarily defer to the surviving parent's constitutional right to determine the child's care, custody, and control, where there is no evidence of the surviving parent's "unfitness" as a parent, and they are not seeking to cut off grandparent visitation completely. The nonparent petitioners bear a heavy burden of rebutting the presumption favoring a fit parent's visitation decisions. (*Kyle O. v. Donald R.*, supra, 85 Cal. App. 4th at 863-864.) To overcome the presumption that a fit parent will act in the best interests of their child, a grandparent has the burden of proving by clear and convincing evidence that denial of visitation is not in the best interests of the child, that is, that denying visitation would be detrimental to the child. (*Ian J. v. Peter M.* (2013) 213 Cal. App. 4th 189,203.) "To adequately protect a fit sole surviving parent's constitutional right to raise a child, a 'mere preponderance' burden as to 'best interest' is not sufficient. The 'clear and convincing' burden...promotes a parent's constitutionally protected 'first' choice. The higher evidentiary burden preserves the constitutionality of Family Code section 3102 and insures against erroneous fact finding. (*Rich v. Thatcher* (2011) 200 Cal. App. 4th 1176, 1181.)

The court finds, Petitioner has failed to establish Respondent is not a fit parent. Further, Petitioner has not established by clear and convincing evidence that denying

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visitation would be detrimental to the minor. Therefore, the denies Petitioner's request for court ordered grandparent visitation.

Petitioner shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #9: THE COURT FINDS, PETITIONER HAS FAILED TO ESTABLISH RESPONDENT IS NOT A FIT PARENT. FURTHER, PETITIONER HAS NOT ESTABLISHED BY CLEAR AND CONVINCING EVIDENCE THAT DENYING VISITATION WOULD BE DETRIMENTAL TO THE MINOR. THEREFORE, THE DENIES PETITIONER'S REQUEST FOR COURT ORDERED GRANDPARENT VISITATION. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

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10. DESTINE RENYOLDS V. AARON FERRANTINO

24FL0192

Petitioner filed a Petition for Custody and Support on March 4, 2024. A Summons was issued the same day. Petitioner filed a Request for Order (RFO) concurrently with the Petition, requesting the court make orders as to child custody. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on April 4, 2024 and a review hearing on May 23, 2024. Upon review of the court file, there is Proof of Service showing Respondent was served with the RFO and other necessary documents, however, there is no Proof of Service of the Summons.

Petitioner filed an ex parte application for emergency custody orders on March 11, 2024. The court denied the ex parte application as there were no exigent circumstances and the Summons and Petition had not been served on Respondent.

Only Petitioner appeared for the CCRC appointment on April 4, 2024, as Respondent is currently incarcerated. As such, a single parent report was filed with the court on April 4, 2024, and mailed to the parties the same day.

Respondent has not filed a Response or a Responsive Declaration.

The court does not have jurisdiction to proceed with this matter as Respondent has not been properly served with the Petition and Summons. Therefore, the matter is dropped from calendar.

TENTATIVE RULING #10: THE COURT DROPS THE MATTER FROM CALENDAR DUE TO THE COURT'S LACK OF JURISDICTION DUE TO THE FAILURE TO SERVE RESPONDENT WITH THE PETITION AND SUMMONS.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.

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11. DIONNE UZES V. KURT CLICKENER

23FL1186

Petitioner filed a Petition for Custody and Support on December 4, 2023. A Summons was issued the same day. Petitioner concurrently filed a Request for Order (RFO) requesting child custody and support orders. Petitioner filed an Income and Expense Declaration on December 5, 2023. Parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on January 17, 2024, and a review hearing on March 7, 2024.

Proof of Service shows Respondent was served by certified mail with return receipt on December 12, 2023. However, there are several deficiencies with the Proof of Service. It does not show the Respondent was served with a copy of the Income and Expense Declaration. It does not show that Respondent was served with the CCRC referral. It also does not show Respondent was served with the notice of tentative ruling procedure.

Only Petitioner appeared for the CCRC appointment on January 17, 2024. As such, a single parent report was filed with the court on February 22, 2024. Copies were mailed to the parties on February 22, 2024.

Parties submitted a Stipulation and Order regarding Child Custody and Parenting Time on March 6, 2024. The court signed and adopted the parties' Stipulation as its order.

The court ordered parties to appear for the hearing on March 7, 2024, however, only Petitioner appeared. The court noted that Respondent had failed to file either a Responsive Declaration or an Income and Expense Declaration. The court continued the support portion of the hearing and ordered both parties to file updated Income and Expense Declarations no later than 10 days prior to the next hearing.

Respondent filed an Income and Expense Declaration on April 8, 2024. There is no Proof of Service for this document, therefore, the court cannot consider it.

Petitioner filed an Income and Expense Declaration on May 13, 2023. Proof of Service shows Respondent was served by mail on April 26, 2024.

As the court cannot consider Respondent's Income and Expense Declaration, the parties are ordered to appear, for Petitioner to potentially waive any defect in notice.

TENTATIVE RULING #11: PARTIES ARE ORDERED TO APPEAR.

LAW & MOTION TENTATIVE RULINGS

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May 23, 2024

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

12. GEORGIA WANLAND V. DONALD WANLAND

PFL20190812

Petitioner filed an Order to Show Cause and Affidavit for Contempt (OSC) on January 12, 2024, alleging Respondent has violated the temporary guideline spousal support order on 37 occasions for failure to pay. Respondent was personally served on January 23, 2024.

Parties were ordered to appear for the arraignment on March 28, 2024. Only Petitioner appeared. The court found Respondent had been properly noticed and issued a bench warrant and continued the arraignment to May 23, 2024. The court stayed the bench warrant pending the continued arraignment hearing.

Proof of Service shows Respondent was personally served with a notice of the bench warrant as well as the continued hearing date for the arraignment on the OSC on April 14, 2024.

Parties are ordered to appear for arraignment.

TENTATIVE RULING #12: PARTIES ARE ORDERED TO APPEAR FOR ARRAIGNMENT.

LAW & MOTION TENTATIVE RULINGS
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May 23, 2024
8:30 a.m./1:30 p.m.

14. JORDAN HARDT V. AARON WORTHEN

23FL0850

Petitioner filed a Petition to Establish a Parental Relationship on August 29, 2023. A Summons was issued the same day.

Petitioner previously filed a Request for Order (RFO) which the court ruled on December 7, 2023.

Petitioner filed the current RFO on January 18, 2024, requesting child custody, parenting plan, child support, and name change orders. Parties were not rereferred to Child Custody Recommending Counseling (CCRC) as there had been a referral within the last six months. Petitioner concurrently filed an Income and Expense Declaration.

Petitioner appeared for the hearing on March 28, 2024 and requested the matter be continued to allow additional time to have Respondent properly served.

Proof of Service shows Respondent was personally served with all the necessary documents on April 29, 2024.

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

Petitioner's Income and Expense Declaration is out of date.

Parties are ordered to appear for the hearing.

TENTATIVE RULING #14: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 23, 2024

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

15. KYRA MCAFFE V. MAXWELL MCAFFE (CLAIMANT: BRIAN AND CORINNE BUNCH)

PFL20210499

Claimants filed a Motion for Joinder and Request for Order (RFO) requesting grandparent visitation on March 13, 2024. Petitioner and Respondent were personally served on March 15, 2024. Claimants assert they have a preexisting relationship with the minors which has engendered a bond such that visitation is in the best interest of the minors. Claimants are seeking visitation from Sunday evening until Monday evening weekly. Claimants assert they are entitled to this visitation, as there is a right of first refusal in the underlying custody orders which applies to Petitioner and Respondent's need for caretaking for more than eight hours which is not work related.

Respondent filed a Responsive Declaration to the Motion for Joinder and to the RFO on March 18, 2024. There is no Proof of Service for these documents, and therefore, the court cannot consider them.

Petitioner filed a Responsive Declaration to the Motion for Joinder and to the RFO on March 28, 2024. Respondent and Claimants were personally served on April 30, 2024. Petitioner objects to the Claimants being joined as parties to this action. Petitioner objects to the Claimants having court ordered visitation. Petitioner refutes Claimant's assertions about the time spent parenting the minors.

The court finds that, while the parties have a judgment which address the issues of child custody and parenting time, it is not a final custody order. Therefore, custody proceedings remain before the court between Petitioner and Respondent. As such, Family Code section 3103 is applicable, and the court considers Claimant's request pursuant to that code section. Under Family Code section 3103, the court may grant a grandparent reasonable visitation provided the court finds that it is in the minor's best interest. (Family Code § 3103, subd. (a).) The statutory limitations under Family Code section 3103 are not applicable in this matter.

Turning to the merits of the request for joinder. The court must give special weight to a fit parent's objection to visitation. (*Ian J. v. Peter M.* (2013) 213 Cal.App.4th 189, 205-206.) In this matter, the court finds that Petitioner is a fit parent, and no evidence has been presented to the contrary. Petitioner is objecting to court-ordered visitation with Claimants and provides several examples of Claimants inability to abide by Petitioner's rules and boundaries as well as the impact of Claimants' behaviors on the minors. Additionally, the court is concerned about Claimants' mistaken belief that they are entitled to visitation through the right of first refusal.

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Although it is very clear to the court that Claimants love the minors, the information set forth in their moving papers is historical in nature, and there is no information as to the current bond between the minors and Claimants.

The court finds it needs additional information to determine whether to grant the motion for joinder. The court, therefore, refers the parties to Child Custody Recommending Counseling (CCRC) for an appointment on 7/5/2024 at 1:00 PM with Rebecca Nelson and sets a further review hearing for 8/22/2024 at 1:30 PM in Department 5. The minors are to be interviewed by the CCRC counselor specifically to determine whether there is a close bond to Claimants, such that visitation would be in the minors' best interests, and if so, how that visitation should take place. Any Supplemental Declarations are due at least 10 days prior to the next hearing.

All prior orders not in conflict with this order remain in full force and effect. Claimants shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #15: THE COURT, REFERS THE PARTIES TO CHILD CUSTODY RECOMMENDING COUNSELING (CCRC) FOR AN APPOINTMENT ON 7/5/2024 AT 1:00 PM WITH REBECCA NELSON AND SETS A FURTHER REVIEW HEARING FOR 8/22/2024 AT 1:30 PM IN DEPARTMENT 5. THE MINORS ARE TO BE INTERVIEWED BY THE CCRC COUNSELOR SPECIFICALLY TO DETERMINE WHETHER THERE IS A CLOSE BOND TO CLAIMANTS, SUCH THAT VISITATION WOULD BE IN THE MINORS' BEST INTERESTS, AND IF SO, HOW THAT VISITATION SHOULD TAKE PLACE. ANY SUPPLEMENTAL DECLARATIONS ARE DUE AT LEAST 10 DAYS PRIOR TO THE NEXT HEARING. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. CLAIMANTS SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.

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

16. MACHAELA MELROSE V. SHAWN SANTELIO

23FL1121

Respondent filed a Request for Order (RFO) on March 21, 2024, requesting the court modify the child custody orders. The parties were not referred to Child Custody Recommending Counseling (CCRC) as they had attended within the prior six months. Upon review of the court file, there is a Proof of Unsuccessful Personal Service on Petitioner filed on April 9, 2024. Respondent subsequently served Petitioner via mail on April 9, 2024. Respondent requests unsupervised parenting time from Friday evening to Sunday evening every weekend.

Petitioner filed an ex parte application for emergency custody orders on April 5, 2024. On April 8, 2024, the court denied the ex parte application, finding there were no exigent circumstances. Petitioner filed a RFO on April 8, 2024, making the same requests as set forth in her ex parte application. Proof of Service shows Respondent was served on April 10, 2024. Petitioner is requesting professionally supervised parenting time for Respondent.

Respondent filed a Responsive Declaration to Petitioner's RFO on May 2, 2024. Petitioner was served on May 2, 2024. Respondent objects to the request that his parenting time be supervised. Respondent agrees with Petitioner's position that Petitioner should not be providing supervision. Respondent asserts the parties' agreement is vague as to supervision and it was not his belief that Petitioner should be supervising his parenting time, nor that supervision is necessary. Respondent proposes a Step-Up plan for his parenting time.

Petitioner filed a Responsive Declaration to Respondent's RFO on May 14, 2024. Respondent was served on May 14, 2024. The court finds this to be late filed. However, Respondent filed a Reply Declaration on May 16, 2024, and therefore, the court will consider it. Petitioner reiterates her concerns raised in her RFO about the need for Respondent to have professionally supervised visitation. Petitioner requests the court deny Respondent's RFO.

Respondent filed a Reply Declaration on May 16, 2024. Petitioner was served on May 16, 2024. Respondent refutes Petitioner's assertions. Respondent reiterates his request for a Step-Up plan. Respondent requests Family Code section 271 sanctions for Petitioner's failure to comply with the current court ordered parenting plan by cancelling multiple visits and failing to make the visits up.

The court has read and considered the filings as outlined above. The court has reviewed the parties' January 17, 2024 Stipulation and Order. The court concurs that the terms of Respondent's parenting time are vague and open to broad interpretation. The

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agreement is that Petitioner will accompany the minor for Respondent's parenting time. The court does not find this to be a term requiring supervision. The court grants Respondent's request to modify the prior order. The court denies Petitioner's request for professional supervision. The court does not find professional supervision to be necessary.

The court adopts Respondent's proposed Step-Up plan as set forth in the May 2, 2024 Responsive Declaration. The parties shall continue to have joint legal custody. Respondent shall have parenting time starting May 26, 2024 every Sunday from 8:30 AM to 6:00 PM through June 30th. Starting July 7th, Respondent shall have parenting time from Saturday at 6:00 PM until Sunday at 6:00 PM. Parties are to meet at Pioneer Park in Somerset for all exchanges. Prior to progressing to Step 3, the court is setting a review hearing for August 15, 2024, at 1:30 PM, to determine how Respondent's parenting time has been progressing and each party's compliance with the court's orders. The court reserves jurisdiction on Respondent's request for Family Code section 271 sanctions to the review hearing. Petitioner is directed to file and serve an Income and Expense Declaration at least 10 days prior to the review hearing. Supplemental Declarations are due at least 10 days prior to the review hearing.

All prior orders not in conflict with this order remain in full force and effect. Respondent shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #16: THE COURT GRANTS RESPONDENT'S REQUEST TO MODIFY THE PRIOR ORDER. THE COURT DENIES PETITIONER'S REQUEST FOR PROFESSIONAL SUPERVISION. THE COURT DOES NOT FIND PROFESSIONAL SUPERVISION TO BE NECESSARY. THE COURT ADOPTS RESPONDENT'S PROPOSED STEP-UP PLAN AS SET FORTH IN THE MAY 2, 2024 RESPONSIVE DECLARATION. THE PARTIES SHALL CONTINUE TO HAVE JOINT LEGAL CUSTODY. RESPONDENT SHALL HAVE PARENTING TIME STARTING MAY 26, 2024 EVERY SUNDAY FROM 8:30 AM TO 6:00 PM THROUGH JUNE 30TH. STARTING JULY 7TH, RESPONDENT SHALL HAVE PARENTING TIME FROM SATURDAY AT 6:00 PM UNTIL SUNDAY AT 6:00 PM. PARTIES ARE TO MEET AT PIONEER PARK IN SOMERSET FOR ALL EXCHANGES. PRIOR TO PROGRESSING TO STEP 3, THE COURT IS SETTING A REVIEW HEARING FOR AUGUST 15, 2024, AT 1:30 PM, TO DETERMINE HOW RESPONDENT'S PARENTING TIME HAS BEEN PROGRESSING AND EACH PARTY'S COMPLIANCE WITH THE COURT'S ORDERS. THE COURT RESERVES JURISDICTION ON RESPONDENT'S REQUEST FOR FAMILY CODE SECTION 271 SANCTIONS TO THE REVIEW HEARING. PETITIONER IS DIRECTED TO FILE AND SERVE AN INCOME AND EXPENSE DECLARATION AT LEAST 10 DAYS PRIOR TO THE REVIEW HEARING. SUPPLEMENTAL DECLARATIONS ARE DUE AT LEAST 10 DAYS PRIOR TO THE REVIEW HEARING. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN

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IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.

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May 23, 2024

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

17. MADISON VIERBOOM V. MATHUS VIERBOOM

PFL20190688

Petitioner filed a Request for Order (RFO) on March 7, 2024, requesting the court modify the current child custody and parenting plan orders. The parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on April 4, 2024. Upon review of the court file, there is no Proof of Service showing Respondent was properly served with the RFO and referral to CCRC.

Neither party appeared for the CCRC appointment on April 4, 2024.

Respondent filed a Responsive Declaration on May 6, 2024. Petitioner was served on May 13, 2024 personally and on May 6th by mail. Respondent asserts in his declaration that he was not served with the RFO and CCRC referral until May 3, 2024, which is less than 16 court days prior to the hearing. Respondent was unable to attend CCRC as he was unaware of the appointment. Respondent requests the parties attend CCRC to come to agreements or receive recommendations as to custody and parenting time.

The court finds good cause to rerefer the parties to CCRC and set a further review hearing date. Parties are to attend CCRC on 7/3/2024 at 9:00 AM with Norman Labat) and a further review hearing on 8/22/2024 at 1:30 PM in department 5. Petitioner is directed to file a Proof of Service for serving Respondent. Any Supplemental Declarations are due at least 10 days prior to the next hearing.

All prior orders remain in full force and effect. Petitioner shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #17: THE COURT FINDS GOOD CAUSE TO REREFER THE PARTIES TO CCRC AND SET A FURTHER REVIEW HEARING DATE. PARTIES ARE TO ATTEND CCRC ON 7/3/2024 AT 9:00 AM WITH NORMAN LABAT AND A FURTHER REVIEW HEARING ON 8/22/2024 AT 1:30 PM IN DEPARTMENT 5. PETITIONER IS DIRECTED TO FILE A PROOF OF SERVICE FOR SERVING RESPONDENT. ANY SUPPLEMENTAL DECLARATIONS ARE DUE AT LEAST 10 DAYS PRIOR TO THE NEXT HEARING. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS

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

BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.

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May 23, 2024

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

18. ROB GRONEWOLD V. KATHERINE GRONEWOLD

PFL20190313

Petitioner filed a Request for Order (RFO) on March 6, 2024, requesting enforcement of the order to sell the former marital residence. Upon review of the court file, there is no Proof of Service showing Respondent was properly served with the RFO.

The matter is dropped from calendar due to lack of proper service.

TENTATIVE RULING #18: THE MATTER IS DROPPED FROM CALENDAR DUE TO LACK PROPER SERVICE.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

May 23, 2024

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

19. ROBERT RICHARDSON V. TAMARA STEWART

24FL0012

Petitioner filed a Petitioner for Nullity of Marriage on January 4, 2024. A Summons was issued the same day. Proof of Service shows Respondent was personally served on January 5, 2024.

Default was entered on February 20, 2024.

Petitioner filed a Request to Set an Uncontested Matter for a prove up hearing on the nullity on February 28, 2024. Upon review of the court file, there is no Proof of Service showing Respondent was properly served with the Request.

The matter is dropped from calendar due to the lack of proper service.

TENTATIVE RULING #19: THE MATTER IS DROPPED FROM CALENDAR DUE TO LACK OF PROPER SERVICE.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.

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May 23, 2024

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

20. THERESA NEUSTADTER V. BRANDON NEUSTADTER

24FL0106

Respondent filed a Request for Order (RFO) on March 7, 2024, requesting the court make child custody and parenting plan orders. The court referred the parties to Child Custody Recommending Counseling (CCRC) for an appointment on April 5, 2024, and a review hearing on May 23, 2024. Petitioner was served on March 7, 2024. Respondent is requesting joint physical and legal custody of the minor.

Petitioner requested and was granted a Temporary Domestic Violence Restraining Order (TRO) on February 27, 2024. That matter is currently pending trial on June 10, 2024, in Department 5.

Both parties attended CCRC on April 5, 2024, and were unable to reach any agreements. A report with recommendations was filed with the court on April 10, 2024, and mailed to the parties the same day.

Petitioner filed a Responsive Declaration on May 16, 2023. Respondent was served on May 15th. The court finds this document to be late filed and therefore, has not considered it.

The court finds the outcome of the Domestic Violence Restraining Order trial will impact the child custody and parenting plan orders as the Family Code section 3044 presumptions may apply. Therefore, the court on its own motion continues this matter to join with the trial currently set for June 10, 2024.

All prior orders remain in full force and effect. Respondent shall prepare and file the Findings and Orders After Hearing.

TENTATIVE RULING #20: THE COURT FINDS THE OUTCOME OF THE DOMESTIC VIOLENCE RESTRAINING ORDER TRIAL WILL IMPACT THE CHILD CUSTODY AND PARENTING PLAN ORDERS AS THE FAMILY CODE SECTION 3044 PRESUMPTIONS MAY APPLY. THEREFORE, THE COURT ON ITS OWN MOTION CONTINUES THIS MATTER TO JOIN WITH THE TRIAL CURRENTLY SET FOR JUNE 10, 2024. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.

NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY TELEPHONE TO THE COURT AT (530) 621-6725 BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07; SEE ALSO LEWIS V. SUPERIOR COURT, 19 CAL.4TH 1232, 1247 (1999). NOTICE TO ALL PARTIES OF A REQUEST FOR ORAL ARGUMENT AND THE GROUNDS UPON WHICH ARGUMENT IS

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BEING REQUESTED MUST BE MADE BY TELEPHONE OR IN PERSON BY 4:00 P.M. ON THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE 8.05.07.