

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 26, 2024

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

**2. BEAU FREIDENFELT V. JENNA CAHILL**

**23FL1050**

On June 21, 2024, Respondent filed a Request for Order (RFO), along with a declaration of Attorney Joshua Stutz in Support of Respondent's Request for Attorneys' Fees and Costs. Both documents, along with all other required documents, were mail served on June 26<sup>th</sup>.

Petitioner filed his Responsive Declaration to Request for Order and his Memorandum of Points and Authorities Re Disentitlement Doctrine on September 16<sup>th</sup>. Both were mail served on the 14<sup>th</sup>.

Respondent filed his RFO requesting the following orders: (1) bar Petitioner from presenting evidence on issues that should have been covered in the declaration of disclosure; (2) Grant a waiver of receipt of Petitioner's disclosures, and/or (3) Sanctions in the amount of \$1,000. According to Respondent, she served her Preliminary Declaration of Disclosure (PDD) on April 17, 2024. She sent a letter the same day requesting Petitioner's PDD. As of the date of her RFO, Respondent states she had not received Petitioner's PDD, despite numerous requests for the same.

Petitioner objects to all of the requests on the basis that he has served his PDD. He requests \$1,200 in sanctions pursuant to Family Code sections 271 and 2107(c). Finally, Petitioner asks that the court not even hear Respondent's RFO on the merits pursuant to the Disentitlement Doctrine.

Family Code section 2104 imposes on each party the obligation of making a preliminary disclosure of assets within the timeframe specified. For the Petitioner, the disclosure is due either concurrently with the filing of the petition or within 60 days of filing the same. Where a party fails to comply with Section 2104, the complying party may, among other things, file a motion to compel and seek sanctions against the noncomplying party. Fam. Code § 2107(b)(1). "...[T]he court shall...impose monetary sanctions against the noncomplying party. Sanctions shall be in an amount sufficient to deter repetition of the conduct or comparable conduct, and shall include reasonable attorney's fees, costs incurred, or both, unless the court finds that the noncomplying party acted with substantial justification or that other circumstances make the imposition of the sanction unjust." Fam. Code § 2107(c).

Respondent's requests for evidentiary sanctions and a waiver of the PDD are denied as Petitioner has already served his completed PDD. Her request for sanctions is likewise denied as only a party who is in compliance with the disclosure requirements can seek relief under Family Code § 2107. Given the deficiencies in Respondent's PDD, the court

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does not find that she is the complying party and therefore the imposition of monetary sanctions would be unjust. The request is denied.

Petitioner's requests for sanctions are also denied. Petitioner argues that Respondent filed the motion solely to harass and increase the cost of litigation. However, at the time of filing the RFO, Petitioner was in violation of his statutory duty to provide his PDD. The Petition for Dissolution was filed in October of 2023, his PDD was not served until June 26, 2024. And, while a letter was sent on June 20<sup>th</sup> informing Respondent that he intended to comply, Respondent had been requesting the PDD since April. For this reason, the court does not find that the motion was filed with the intention of increasing litigation costs and therefore sanctions are not warranted under Family Code § 271. Additionally, the court finds the imposition of monetary sanctions under Family Code § 2107 to be unjust under the circumstances where Petitioner's PDD was approximately 6 months late. Petitioner's requests for monetary sanctions are denied.

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

**TENTATIVE RULING #2: RESPONDENT'S RFO IS DENIED IN FULL. PETITIONER'S REQUESTS FOR MONETARY SANCTIONS ARE DENIED. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

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**4. CASEY HECTOR V. DEVIN HECTOR**

**23FL0242**

On January 16, 2024, this matter came before the court for hearing on Respondent's request for a Domestic Violence Restraining Order (DVRO). The DVRO was granted, and the parties were referred to Child Custody Recommending Counseling (CCRC). A review hearing was held on March 28<sup>th</sup> at which time the court made a variety of custody and visitation orders and set a review hearing for the present date to address whether Petitioner has rebutted the Section 3044 presumption and whether an increase in visitation is warranted.

Petitioner filed and served a Certificate of Completion on September 18, 2024, evidencing completion of a 52-week batterer's intervention program.

Respondent has not filed a Supplemental Declaration.

Section 3044 gives rise to a rebuttable presumption that an award of sole or joint physical or legal custody to an individual who has perpetrated domestic violence is not in the best interest of the child. *Id.* "This presumption may only be rebutted by a preponderance of the evidence." *Id.* To overcome the presumption, the perpetrator bears the burden of proving (1) giving sole or joint legal or physical custody to the perpetrator is in the best interest of the child; and (2) a balancing of the factors listed in Section 3044(b)(2) supports the legislative findings in Section 3020. Fam. Code § 3044(b). Among the factors to be considered are the following: completion of a batterer's treatment program, completion of a parenting class, and whether or not further acts of domestic violence have occurred. *Id.*

Here, the court has already found the Section 3044 presumption to be applicable. While Petitioner did file evidence of completion of a batterer's intervention program, she has not provided any evidence to address any of the other 3044 factors or to establish that increasing visitation would be in the best interests of the minor. Therefore, the court finds that Petitioner has not met her burden of proof to rebut the Section 3044 presumption. As such, all prior orders remain in full force and effect.

**TENTATIVE RULING #4: ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT.**

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**5. CHRISTOPHER STARR V. LEILANI STARR**

**21FL0124**

This matter is before the court for hearing on a Request for Order (RFO) filed by Respondent as well as a short cause trial on the issue of property division. The trial has been stayed due to Respondent's pending bankruptcy. Neither party has updated the court with a status of the stay therefore, trial setting for the short cause trial on the issue of property division is continued to March 25, 2025 at 1:15 PM in Department 5. The parties are ordered to file declarations updating the court as to the status of the bankruptcy no later than 10 days prior to the next hearing date.

Regarding the RFO, on January 11, 2024, Respondent filed an RFO seeking a modification of custody and visitation. The matter came before the court for hearing on March 28, 2024, at which time the court adopted the recommendations as stated in the February 7, 2024 CCRC report. A review hearing was set for the present date to assess Respondent's adherence to the visitation schedule and determine whether an increase in visits is warranted. The parties were ordered to file supplemental declarations no later than 10 days prior to the hearing date. Neither party has filed a Supplemental Declaration.

Petitioner filed an Ex Parte Application and Declaration for Orders and Notice on June 26<sup>th</sup>. The motion was denied on an ex parte basis as the court found that no exigent circumstances existed. Respondent then filed a Request for Order (RFO) on June 28<sup>th</sup>. There is no Proof of Service for the RFO therefore the matter is dropped from calendar.

All prior orders remain in full force and effect.

**TENTATIVE RULING #5: TRIAL SETTING FOR THE SHORT CAUSE TRIAL ON THE ISSUE OF PROPERTY DIVISION IS CONTINUED TO MARCH 25, 2025 AT 1:15 PM IN DEPARTMENT 5. THE PARTIES ARE ORDERED TO FILE DECLARATIONS UPDATING THE COURT AS TO THE STATUS OF THE BANKRUPTCY NO LATER THAN 10 DAYS PRIOR TO THE NEXT HEARING DATE. PETITIONER'S JUNE 28<sup>TH</sup> RFO IS DROPPED FROM CALENDAR DUE TO LACK OF PROPER SERVICE. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT.**

**NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY PHONE CALL 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 PHONE CALL 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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**6. EMILY TROWE V. RICHARD MULLOCK, III**

**23FL1046**

Respondent filed a Request for Order (RFO) on July 3, 2024. The RFO and all other required documents were mail served on July 8<sup>th</sup>. Petitioner filed a Responsive Declaration to Request for Order on September 12<sup>th</sup>. It was mail served on the 6<sup>th</sup>. The Supplemental Declaration of Respondent Father was filed and served on September 13<sup>th</sup>.

Respondent brings his RFO requesting parenting time with the minor child on his off-work days. He asks for the court to allow his parenting time to occur in any county in California. Additionally, Respondent requests the court vacate its prior order that Respondent's significant other, Teresa Kudrle, not be present for visits. He asks that all other orders not in conflict with these orders remain in full force and effect.

Petitioner asks that the court allow Respondent's visits to take place in Sacramento, but to maintain the current order that precludes Ms. Kudrle from being present during visits. In the event the court allows Teresa to be present during visits, Petitioner proposes a number of requirements to be followed by Respondent and Ms. Kudrle. She also asks that the court set pick-up and drop-off times and locations and asks for an order directing the parties to communicate through an approved communication application. Finally, she asks that the parties agree upon any visits that do not take place in Sacramento.

The parties attended Child Custody Recommending Counseling (CCRC) on July 3<sup>rd</sup>. They were unable to reach any agreements therefore a report with recommendations was prepared on September 12, 2024. It was mailed to the parties the next day. The court has reviewed the CCRC report and finds the recommendations contained therein to be in the best interests of the minor, therefore, they are hereby adopted as the orders of the court.

All 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 #6: THE COURT HAS REVIEWED THE SEPTEMBER 12, 2024 CCRC REPORT AND FINDS THE RECOMMENDATIONS CONTAINED THEREIN TO BE IN THE BEST INTERESTS OF THE MINOR, THEREFORE, THEY ARE HEREBY ADOPTED AS THE ORDERS OF THE COURT. ALL ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

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**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 PHONE CALL 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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**7. KELLI JEANCOQ V. RAYMOND LONERGAN**

**PFL20190708**

Respondent filed a Request for Order (RFO) on January 16, 2024, requesting a modification of the current child custody, parenting plan, and domestic violence restraining orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on February 15, 2024 and a review hearing on April 4, 2024. Petitioner was served by mail on January 25, 2024. Respondent is requesting joint legal and physical custody and that the court vacate the existing Domestic Violence Restraining Order (DVRO). While Respondent did not check the box to modify child support on the caption of the FL-300, in the body of the FL-300 he is requesting the court order child support at \$125 per month. Respondent did not file an Income and Expense Declaration concurrently with the RFO.

On March 14, 2024, Respondent filed an FL-155, Financial Statement Simplified. There is no Proof of Service for this document, therefore, the court cannot consider it.

Respondent filed a Declaration regarding parenting classes on March 15, 2024. Petitioner was served on March 11, 2024.

Both parties attended CCRC and were able to reach some agreements. A report with the parties' agreements and further recommendations was filed with the court on March 19, 2024. Copies were mailed to the parties the same day.

Petitioner filed a Responsive Declaration on March 20, 2024. Respondent was served March 20, 2024.

On September 17<sup>th</sup>, a long cause trial was held on the Petition to Terminate Parental Rights. The petition was granted, and Respondent's parental rights were terminated.

Given the termination of Respondent's parental rights, the RFO is denied in its entirety. Respondent shall prepare and file the Findings and Orders After Hearing.

**TENTATIVE RULING #7: GIVEN THE TERMINATION OF RESPONDENT'S PARENTAL RIGHTS, THE RFO IS DENIED IN ITS ENTIRETY. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

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**8. KELLY SPENCER V. MATTHEW SPENCER**

**23FL0529**

On July 8, 2024, this matter came before the court for hearing on Petitioner's request for a domestic violence restraining order (DVRO). At that time, Petitioner agreed to drop her DVRO request, and the parties made several agreements regarding temporary custody orders. The parties were referred to Child Custody Recommending Counseling (CCRC) and a review hearing was set for the present date.

Only Petitioner appeared for the CCRC appointment therefore CCRC could not make recommendations. A single parent report was prepared and mailed to the parties.

The parties are ordered to appear for the hearing to address Respondent's failure to attend CCRC.

**TENTATIVE RULING #8: THE PARTIES ARE ORDERED TO APPEAR FOR THE HEARING TO ADDRESS RESPONDENT'S FAILURE TO ATTEND CCRC.**

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**9. KENNETH JOHN CROMPTON V. DAYNA CROMPTON**

**23FL0321**

On June 28, 2024, the parties appeared for a short cause trial on Petitioner's request for a domestic violence restraining order (DVRO). The DVRO was granted. Petitioner requested attorney's fees as the victorious party. Hearing on the request was set for the present date. The parties were ordered to file Supplemental Declarations and Income and Expense Declarations no later than 10 days prior to the hearing date.

Petitioner filed his Income and Expense Declaration and an Updated Declaration of Attorney Layla Cordero Re: Fees and Costs on September 17<sup>th</sup>. Both documents were mail served on September 9<sup>th</sup>.

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

According to counsel for Petitioner, she charged a total of \$7,164.50 from September 12, 2023 through June 28, 2024. This entire amount is for work done on the DVRO request. She estimates an additional \$1,287.84 to be incurred. Thus, Petitioner requests a total of \$8,452.34 as and for attorney's fees.

Family Code section 6344 is the mechanism by which a prevailing party on a DVRO request may recover their attorney's fees and costs. If the prevailing party was the party that filed for the DVRO then, "[a]fter notice and a hearing, a court, upon request *shall issue and order for the payment of attorney's fees and costs.*" Cal. Fam. Code § 6344 (a). However, "[b]efore a court awards attorney's fees and costs pursuant to this section, the court shall first determine pursuant to Section 270 that the party ordered to pay has, or is reasonably likely to have, the ability to pay." *Id.* at (c).

Here, it does appear that Respondent has, or is reasonably likely to have, the ability to pay Petitioner's attorney fees. While Respondent did not file an Income and Expense Declaration of her own, Petitioner estimates her monthly income to be \$5,531, which is an estimate derived from Respondent's paysubs provided with her last Income and Expense Declaration. As such, Petitioner is awarded \$8,452.34 as and for attorney's fees. This amount may be paid in one lump sum or in monthly increments of \$234.78 commencing on October 1, 2024 and continuing until paid in full (approximately 36 months). If any payment is missed or late the total amount shall become immediately due and payable.

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

**TENTATIVE RULING #9: PETITIONER IS AWARDED \$8,452.34 AS AND FOR ATTORNEY'S FEES. THIS AMOUNT MAY BE PAID IN ONE LUMP SUM OR IN MONTHLY INCREMENTS OF \$234.78 COMMENCING ON OCTOBER 1, 2024 AND CONTINUING UNTIL PAID IN**

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**FULL (APPROXIMATELY 36 MONTHS). IF ANY PAYMENT IS MISSED OR LATE THE TOTAL AMOUNT SHALL BECOME IMMEDIATELY DUE AND PAYABLE. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

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**10. LISA THOMASON V. LOUIS MOLAKIDES**

**PFL20210494**

The parties appeared before the court on June 13, 2024 for a review hearing to address the status of visitation and the step-up plan, the minor's schooling, receipt of Petitioner's substance abuse assessment and the status of professionally supervised visits for Mr. Whitaker. At the hearing the court made custody and visitation orders and referred the parties to Child Custody Recommending Counseling (CCRC). The parties were ordered to discuss the issue of school choice at the CCRC session, and a review hearing was set for the present date.

The parties attended CCRC on July 24<sup>th</sup>. A report with recommendations was prepared and mailed to the parties on September 13<sup>th</sup>. Petitioner filed a Supplemental Declaration of Petitioner on September 23<sup>rd</sup>, the court finds this to be late filed and therefore it has not been read or considered. Respondent has not filed a response to the CCRC report.

In reviewing the CCRC report, it appears the parties did not address the issue of school choice at CCRC. Therefore, the children are ordered to remain at their current schools. The rest of the recommendations contained in the CCRC report are found to be in the best interests of the children and they are hereby adopted as the orders of the court.

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

**TENTATIVE RULING #10: THE CHILDREN ARE ORDERED TO REMAIN AT THEIR CURRENT SCHOOLS. THE RECOMMENDATIONS CONTAINED IN THE SEPTEMBER 13, 2024 CCRC REPORT ARE FOUND TO BE IN THE BEST INTERESTS OF THE CHILDREN AND ARE ADOPTED AS THE ORDERS OF THE COURT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

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**11. ALISSA COLBERG V. JOSHUA CLARK**

**23FL1032**

Petitioner filed a Request for Order (RFO) on August 9, 2024, requesting the court make orders as to child custody and a parenting plan. The parties were not referred to Child Custody Recommending Counseling (CCRC) as they had been referred within the prior six months. Proof of Service shows Respondent was served by posting from August 12, 2024 to September 13, 2024. Petitioner is requesting sole legal and physical custody of the minors. Petitioner additionally requests a no visitation order. According to Petitioner, Respondent has not had contact with the minors in the prior four years.

Respondent has not filed a Responsive Declaration.

The court grants Petitioner's RFO as plead. Petitioner shall have sole legal and physical custody of the minors, with no visitation to Respondent. The court finds this to be in the minors' best interests as Respondent has abandoned the minors, in that he has failed to contact the minors for approximately four years.

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

**TENTATIVE RULING #11: THE COURT GRANTS PETITIONER'S RFO. PETITIONER SHALL HAVE SOLE LEGAL AND PHYSICAL CUSTODY OF THE MINORS, WITH NO VISITATION TO RESPONDENT. THE COURT FINDS THIS TO BE IN THE MINORS' BEST INTERESTS AS RESPONDENT HAS ABANDONED THE MINORS, IN THAT HE HAS FAILED TO CONTACT THE MINORS FOR APPROXIMATELY FOUR YEARS. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

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**12. CHARMIN BLAND V. CODY BLAND**

**23FL0364**

On May 30, 2023, Respondent filed and served a Request for Order (RFO) along with a Declaration of Cody A. Bland in Support of Request for Order, a Declaration of Attorney Shannon Ramos in Support of Attorney's Fees Request, and an Income and Expense Declaration.

Petitioner filed her Responsive Declaration to Request for Order and her Income and Expense Declaration on September 21<sup>st</sup>. Both were electronically served on August 2<sup>nd</sup>.

Respondent filed his RFO requesting guideline spousal support, attorney's fees in the amount of \$10,000 pursuant to Family Code § 2030, and sanctions in the amount of \$3,000 pursuant to Family Code § 271. Respondent states that he is disabled and Petitioner is earning substantially more than he is. Given his decreased earning capacity he argues he is unable to maintain the marital standard of living without assistance and there is a disparity in income leading to unequal access to legal counsel. He bases his request for sanctions on the fact that Petitioner previously filed an RFO for property control orders. He states that the RFO was filed without meeting and conferring and if Petitioner had met and conferred prior to filing he would have agreed to the requested orders.

Petitioner opposes the request for support arguing that Respondent has not provided any evidence regarding his alleged disability and his resulting inability to maintain gainful employment. Petitioner requests the matter be continued to a date after Respondent's discovery responses have been received and reviewed. If the court is inclined to rule on support, she asks that the court base the marital standard of living on the standard set prior to Petitioner's pay increase which only occurred a year and a half prior to separation. Petitioner also requests the court issue a *Gavron* Warning and direct Respondent to undergo a vocational evaluation with Vocational Economic, Inc. Petitioner agrees to pay the costs of the evaluation, subject to reallocation. She further asks that each party be ordered to pay their own attorney's fees and costs and that the court deny Respondent's request for Section 271 sanctions.

On October 12, 2023, the court adopted its tentative ruling with modifications. The court granted temporary guideline spousal support in the amount of \$776 per month and ordered Respondent to participate in a vocational evaluation and set a review hearing for April 11, 2024.

On April 1, 2024, parties submitted a Stipulation and Order to continue the April hearing to June 20, 2024.

On June 17, 2024, parties Stipulated to continue the hearing to September 26, 2024.



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Respondent filed a Declaration on September 16, 2024. Petitioner was served on the same day. Respondent references the vocational evaluation in his Declaration; however, the vocational evaluation has not been filed with the court. Respondent continues to assert that he is disabled and therefore, unable to work.

Petitioner has not filed a Supplemental Declaration.

Parties are ordered to appear for the hearing.

**TENTATIVE RULING #12: PARTIES ARE ORDERED TO APPEAR FOR THE HEARING.**

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**13. DERRICK MILBURN-HARSHA V. ALYSSA DUMAS-BRONNER**

**PFL20190741**

Counsel for Respondent filed a Notice of Motion and Motion to be Relieved as Counsel and supporting declaration on June 10, 2024. Petitioner was mail served with the motion on June 12<sup>th</sup>. Upon review of the court's file, there is no Proof of Service showing Respondent was properly served with the Motion to be Relieved.

On August 29, 2024, the court continued the matter to allow Respondent's counsel additional time to serve Respondent.

On August 29, 2024, Respondent signed a Substitution of Attorney. As such, the court finds this request to be moot and drops the matter from calendar.

**TENTATIVE RULING #13: RESPONDENT SIGNED A SUBSTITUTION OF ATTORNEY. AS SUCH, THE COURT FINDS THIS REQUEST TO BE MOOT AND DROPS THE MATTER FROM CALENDAR.**

**NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY PHONE CALL 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 PHONE CALL 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  
September 26, 2024  
8:30 a.m./1:30 p.m.

**14. DUSTY SIMMONS V. ERIN SIMMONS**

**23FL0201**

Petitioner filed a Request for Order (RFO) on July 22, 2024, requesting a release of liability for the Pacific Gas and Electric (PG&E) bill from Respondent, for Respondent to pay the remaining PG&E bill, and for the clerk of the court to act as elisor should Respondent fail to comply. Respondent was personally served on August 1, 2024.

Petitioner asserts Respondent has not paid his portion of the PG&E bill. Petitioner asserts the PG&E bill is in Respondent's name; however, he is refusing to pay.

Respondent has not filed a Responsive Declaration.

The court finds it needs additional information from the parties prior to being able to rule on the RFO. Therefore, the 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  
September 26, 2024  
8:30 a.m./1:30 p.m.

**15. DYLAN HUMBIRD V. PAYTON PADILLA**

**23FL0847**

On August 1, 2024, the court stayed its tentative ruling pending the continued hearing dates. As such, the court is reissuing its prior tentative ruling with updated filings included.

On May 1, 2024, Respondent filed a Request for Order (RFO) seeking custody and visitation orders, child support, and a variety of other orders. The RFO and all other required documents were personally served on May 13<sup>th</sup>. Petitioner filed and served his Responsive Declaration to Request for Order and his Income and Expense Declaration on July 10<sup>th</sup>. They were electronically served, and mail served on July 11<sup>th</sup> and personally served on July 15<sup>th</sup>. Respondent filed and served her Income and Expense Declaration on July 19<sup>th</sup>.

Respondent brings her RFO requesting the following orders: (1) Joint legal custody and primary physical custody of the minor child with Petitioner to have parenting time every other weekend from Friday at 6:00 pm to Sunday at 6:00 pm, as well as two additional 48 hour visits twice per month on dates and times as agreed upon by the parties; (2) Right of first refusal for overnight childcare; (3) Guideline child support; (4) The parties to alternate claiming the child as a dependent for tax purposes; (5) the parties to equally split any out-of-pocket medical, childcare, and extra-curricular expenses; (6) Each party to notify the other immediately if the minor is injured while in his or her care; and (7) The parties be ordered to give one another at least 48-hours advance notice prior to traveling outside of El Dorado, Placer, or Sacramento County with the minor.

Petitioner asks that the current custody orders remain in place. According to Petitioner, once he is able to obtain local employment, the parties are to implement a 2-2-3 parenting plan. He asks that exchanges occur at 200 Industrial Drive in Placerville. He agrees to a first right of refusal if either parent is not able to care for the child overnight and immediate notification of the other party if the minor becomes ill or injured. He also agrees to an order requiring the parties to notify one another prior to traveling outside of Sacramento, El Dorado, or Placer County with the minor. He asks that each party be allotted 14 vacation days per year to be taken not less than 3 days at a time and not more than 7 days at a time unless otherwise agreed by the parties. He asks that the parties be ordered to give one another 30 days' notice of the vacation. He also consents to guideline child support and alternating dependent tax status for the minor. He agrees to split extracurricular activities and uncovered medical costs for the minor but does not agree to splitting childcare costs.

LAW & MOTION TENTATIVE RULINGS  
DEPARTMENT 5  
September 26, 2024  
8:30 a.m./1:30 p.m.

The parties attended Child Custody Recommending Counseling (CCRC) on May 30<sup>th</sup>. They were unable to reach any agreements and therefore a report with recommendations was prepared on July 19<sup>th</sup> and mailed to the parties on July 22<sup>nd</sup>.

Respondent filed a Reply Declaration to the CCRC report on August 21, 2024. Petitioner was served on the same day. Respondent asserts the parties were able to reach agreements in CCRC and requests the parties be rereferred to CCRC with a direction to the CCRC counselor to take detailed written notes.

Petitioner filed a Reply Declaration on September 4, 2024. It was served on Respondent on September 3, 2024. Petitioner agrees with being rereferred to CCRC. Petitioner concurs that the CCRC report does not accurately reflect what happened in the appointment.

The court has reviewed the filings as outlined above and finds that the current parenting schedule remains in the best interests of the minor. Therefore, the current orders remain in full force and effect. Parties are rereferred to CCRC with an appointment on October 7, 2024 at 9:00am with Norman Labat and a further review hearing on January 2, 2025 at 8:30 AM in Department 5.

Regarding child support, the court finds that child support is \$536 per month. See attached DissoMaster report. The court adopts the attached DissoMaster report and orders Petitioner to pay Respondent \$536 per month as and for child support, payable on the 1st of the month until further order of the court or legal termination. This child support order is effective as of May 1, 2024.

The court finds the above order results in arrears in the amount of \$2,680 through and including September 1, 2024. The court orders Petitioner to pay Respondent \$206.15 on the 15th of each month commencing October 15, 2024 and continuing until paid in full (approximately 13 months). If any payment is late or missed the remaining balance is due in full with legal interest within five (5) days.

The court further finds Respondent routinely earns overtime pay and therefore, has included an overtime table with the DissoMaster. Petitioner is to pay Respondent a true up of any overtime earned no later than fourteen days from the date the overtime payment is received.

The parties are ordered to alternate claiming the minor as a dependent for tax purposes. Respondent shall claim the minor on years ending in an even number, while Petitioner is to claim the dependent on odd numbered years.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 26, 2024

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

Family Code § 4062 states, in pertinent part, “[t]he court *shall* order the following as additional child support (1) Childcare costs related to employment or to reasonably necessary education or training for employment skills,” and reasonable uninsured health care costs. Fam. Code § 4062(a) (emphasis added). Given the mandatory directive of Section 4062, the court is required to order the parties to share equally in childcare costs related to employment. Therefore, the parties are ordered to equally split the cost of employment related childcare expenses. The parties are further ordered to equally share the costs of agreed upon extracurricular activities for the minor as well as any and all out-of-pocket healthcare costs. The parties shall follow the notice and reimbursement procedures set forth in the Health-Care Costs and Reimbursement Procedures Section of the attached FL-192.

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 #15: THE COURT HAS REVIEWED THE FILINGS AS OUTLINED ABOVE AND FINDS THAT THE CURRENT PARENTING SCHEDULE REMAINS IN THE BEST INTERESTS OF THE MINOR. THEREFORE, THE CURRENT ORDERS REMAIN IN FULL FORCE AND EFFECT. PARTIES ARE REREFERRED TO CCRC WITH AN APPOINTMENT ON OCTOBER 7, 2024 AT 9:00AM WITH NORMAN LABAT AND A FURTHER REVIEW HEARING ON JANUARY 2, 2025 AT 8:30 AM IN DEPARTMENT 5.**

**REGARDING CHILD SUPPORT, THE COURT FINDS THAT CHILD SUPPORT IS \$536 PER MONTH. SEE ATTACHED DISSOMASTER REPORT. THE COURT ADOPTS THE ATTACHED DISSOMASTER REPORT AND ORDERS PETITIONER TO PAY RESPONDENT \$536 PER MONTH AS AND FOR CHILD SUPPORT, PAYABLE ON THE 1ST OF THE MONTH UNTIL FURTHER ORDER OF THE COURT OR LEGAL TERMINATION. THIS CHILD SUPPORT ORDER IS EFFECTIVE AS OF MAY 1, 2024.**

**THE COURT FINDS THE ABOVE ORDER RESULTS IN ARREARS IN THE AMOUNT OF \$2,680 THROUGH AND INCLUDING SEPTEMBER 1, 2024. THE COURT ORDERS PETITIONER TO PAY RESPONDENT \$206.15 ON THE 15TH OF EACH MONTH COMMENCING OCTOBER 15, 2024 AND CONTINUING UNTIL PAID IN FULL (APPROXIMATELY 13 MONTHS). IF ANY PAYMENT IS LATE OR MISSED THE REMAINING BALANCE IS DUE IN FULL WITH LEGAL INTEREST WITHIN FIVE (5) DAYS.**

**THE COURT FURTHER FINDS RESPONDENT ROUTINELY EARNS OVERTIME PAY AND THEREFORE, HAS INCLUDED AN OVERTIME TABLE WITH THE DISSOMASTER. PETITIONER IS TO PAY RESPONDENT A TRUE UP OF ANY OVERTIME EARNED NO LATER THAN FOURTEEN DAYS FROM THE DATE THE OVERTIME PAYMENT IS RECEIVED.**

LAW & MOTION TENTATIVE RULINGS  
DEPARTMENT 5  
September 26, 2024  
8:30 a.m./1:30 p.m.

**THE PARTIES ARE ORDERED TO ALTERNATE CLAIMING THE MINOR AS A DEPENDENT FOR TAX PURPOSES. RESPONDENT SHALL CLAIM THE MINOR ON YEARS ENDING IN AN EVEN NUMBER, WHILE PETITIONER IS TO CLAIM THE DEPENDENT ON ODD NUMBERED YEARS.**

**FAMILY CODE § 4062 STATES, IN PERTINENT PART, “[T]HE COURT SHALL ORDER THE FOLLOWING AS ADDITIONAL CHILD SUPPORT (1) CHILDCARE COSTS RELATED TO EMPLOYMENT OR TO REASONABLY NECESSARY EDUCATION OR TRAINING FOR EMPLOYMENT SKILLS,” AND REASONABLE UNINSURED HEALTH CARE COSTS. FAM. CODE § 4062(A) (EMPHASIS ADDED). GIVEN THE MANDATORY DIRECTIVE OF SECTION 4062, THE COURT IS REQUIRED TO ORDER THE PARTIES TO SHARE EQUALLY IN CHILDCARE COSTS RELATED TO EMPLOYMENT. THEREFORE, THE PARTIES ARE ORDERED TO EQUALLY SPLIT THE COST OF EMPLOYMENT RELATED CHILDCARE EXPENSES. THE PARTIES ARE FURTHER ORDERED TO EQUALLY SHARE THE COSTS OF AGREED UPON EXTRACURRICULAR ACTIVITIES FOR THE MINOR AS WELL AS ANY AND ALL OUT-OF-POCKET HEALTHCARE COSTS. THE PARTIES SHALL FOLLOW THE NOTICE AND REIMBURSEMENT PROCEDURES SET FORTH IN THE HEALTH-CARE COSTS AND REIMBURSEMENT PROCEDURES SECTION OF THE ATTACHED FL-192.**

**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.**

**NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT’S WEBSITE OR BY PHONE CALL 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 PHONE CALL 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.**

ATTORNEY (NAME AND ADDRESS):  <b>California</b>	TELEPHONE NO:	Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
ATTORNEY FOR: <b>Father</b>	DISSOMASTER REPORT 2024, Monthly	
		CASE NUMBER:

Input Data	Father	Mother	Guideline (2024)	Cash Flow Analysis	Father	Mother
Number of children	0	1	<b>Nets (adjusted)</b>	<b>Guideline</b>		
% time with Second Parent	50%	0%	Father	4,757	Payment (cost)/benefit	(536) 536
Filing status	Single	Single	Mother	1,896	Net spendable income	4,220 2,433
# Federal exemptions	2*	2*	Total	6,653	% combined spendable	63.4% 36.6%
Wages + salary	6,967	1,528	<b>Support</b>		Total taxes	1,013 (369)
401(k) employee contrib	40	0	CS Payor	Father	Comb. net spendable	6,653
Self-employment income	0	0	Presumed	536	<b>Proposed</b>	
Other taxable income	0	0	Basic CS	536	Payment (cost)/benefit	(536) 536
Short-term cap. gains	0	0	Add-ons	0	Net spendable income	4,220 2,433
Long-term cap. gains	0	0	Presumed Per Kid		NSI change from gdl	0 0
Other gains (and losses)	0	0	Child 1	536	% combined spendable	63.4% 36.6%
Ordinary dividends	0	0	Spousal support	blocked	% of saving over gdl	0% 0%
Tax. interest received	0	0	Total	536	Total taxes	1,013 (369)
Social Security received	0	0	<b>Proposed, tactic 9</b>		Comb. net spendable	6,653
Unemployment compensation	0	0	CS Payor	Father	Percent change	0.0%
Operating losses	0	0	Presumed	536	<b>Default Case Settings</b>	
Ca. operating loss adj.	0	0	Basic CS	536		
Roy, partnerships, S corp, trusts	0	0	Add-ons	0		
Rental income	0	0	Presumed Per Kid			
Misc ordinary tax. inc.	0	0	Child 1	536		
Other nontaxable income	0	0	Spousal support	blocked		
New-spouse income	0	0	Total	536		
SS paid other marriage	0	0	Savings	0		
CS paid other relationship	0	0	No releases			
Adj. to income (ATI)	0	0				
Ptr Support Pd. other P'ships	0	0				
Health insurance	425	0				
Qual. Bus. Inc. Ded.	0	0				
Itemized deductions	2,464	0				
Other medical expenses	0	0				
Property tax expenses	724	0				
Ded. interest expense	1,740	0				
Charitable contribution	0	0				
Miscellaneous itemized	0	0				
State sales tax paid	0	0				
Required union dues	236	0				
Cr. for Pd. Sick and Fam. L.	0	0				
Mandatory retirement	0	0				
Hardship deduction	536*	0*				
Other gdl. adjustments	0	0				
AMT info (IRS Form 6251)	0	0				
Child support add-ons	0	0				
TANF, SSI and CS received	0	0				



ATTORNEY (NAME AND ADDRESS):  <b>California</b>	TELEPHONE NO:	Superior Court Of The State of California, County of COURT NAME: STREET ADDRESS: MAILING ADDRESS: BRANCH NAME:
ATTORNEY FOR: <b>Father</b>	Father Monthly Overtime Wages Report 2024 Monthly	
		CASE NUMBER:

"R" denotes that Father is a recipient for the corresponding support  
"CS%" is the percentage of Overtime paid as additional Child Support  
"SS%" is the percentage of Overtime paid as additional Spousal Support

Father's Gross Overtime	Basic CS%	Basic CS	Alameda SS%	Alameda SS	Total Basic CS	Total SS	Total Support CS+SS
0	0.00	0	0.00	0	536	0	536
100	8.51	9	0.00	0	545	0	545
200	8.20	16	0.00	0	553	0	553
300	8.08	24	0.00	0	561	0	561
400	8.00	32	0.00	0	568	0	568
500	7.95	40	0.00	0	576	0	576
600	7.90	47	0.00	0	584	0	584
700	7.86	55	0.00	0	591	0	591
800	7.83	63	0.00	0	599	0	599
900	7.79	70	0.00	0	606	0	606
1,000	7.74	77	0.00	0	614	0	614
1,100	7.70	85	0.00	0	621	0	621
1,200	7.66	92	0.00	0	628	0	628
1,300	7.63	99	0.00	0	635	0	635
1,400	7.60	106	0.00	0	643	0	643
1,500	7.56	113	0.00	0	650	0	650
1,600	7.53	121	0.00	0	657	0	657
1,700	7.49	127	0.00	0	664	0	664
1,800	7.45	134	0.00	0	670	0	670
1,900	7.41	141	0.00	0	677	0	677
2,000	7.38	148	0.00	0	684	0	684
2,100	7.34	154	0.00	0	690	0	690
2,200	7.31	161	0.00	0	697	0	697
2,300	7.27	167	0.00	0	704	0	704
2,400	7.24	174	0.00	0	710	0	710
2,500	7.20	180	0.00	0	716	0	716
2,600	7.17	186	0.00	0	723	0	723
2,700	7.14	193	0.00	0	729	0	729
2,800	7.11	199	0.00	0	735	0	735
2,900	7.08	205	0.00	0	742	0	742
3,000	7.05	212	0.00	0	748	0	748
3,100	7.02	218	0.00	0	754	0	754
3,200	7.00	224	0.00	0	760	0	760
3,300	6.97	230	0.00	0	766	0	766
3,400	6.95	236	0.00	0	773	0	773
3,500	6.93	242	0.00	0	779	0	779



PETITIONER:	CASE NUMBER:
RESPONDENT:	

### Father Monthly Overtime Wages Report, cont'd

Father's Gross Overtime	Basic CS%	Basic CS	Alameda SS%	Alameda SS	Total Basic CS	Total SS	Total Support CS+SS
3,600	6.90	249	0.00	0	785	0	785
3,700	6.88	255	0.00	0	791	0	791
3,800	6.86	261	0.00	0	797	0	797
3,900	6.84	267	0.00	0	803	0	803
4,000	6.82	273	0.00	0	809	0	809
4,100	6.80	279	0.00	0	815	0	815
4,200	6.78	285	0.00	0	821	0	821
4,300	6.76	291	0.00	0	827	0	827
4,400	6.73	296	0.00	0	833	0	833
4,500	6.71	302	0.00	0	838	0	838
4,600	6.69	308	0.00	0	844	0	844
4,700	6.67	313	0.00	0	850	0	850
4,800	6.65	319	0.00	0	855	0	855
4,900	6.63	325	0.00	0	861	0	861
5,000	6.61	330	0.00	0	867	0	867



# NOTICE OF RIGHTS AND RESPONSIBILITIES

## Health-Care Costs and Reimbursement Procedures

If you have a child support order that includes a provision for the reimbursement of a portion of the child's or children's health-care costs and those costs are not paid by insurance, the **law says**:

**1. Notice.** You must give the other parent an itemized statement of the charges that have been billed for any health-care costs not paid by insurance. You must give this statement to the other parent within a reasonable time, but no more than 30 days after those costs were given to you.

**2. Proof of full payment.** If you have already paid all of the uninsured costs, you must (1) give the other parent proof that you paid them and (2) ask for reimbursement for the other parent's court-ordered share of those costs.

**3. Proof of partial payment.** If you have paid only your share of the uninsured costs, you must (1) give the other parent proof that you paid your share, (2) ask that the other parent pay his or her share of the costs directly to the health-care provider, and (3) give the other parent the information necessary for that parent to be able to pay the bill.

**4. Payment by notified parent.** If you receive notice from a parent that an uninsured health-care cost has been incurred, you must pay your share of that cost within the time the court orders; or if the court has not specified a period of time, you must make payment (1) within 30 days from the time you were given notice of the amount due, (2) according to any payment schedule set by the health-care provider, (3) according to a schedule agreed to in writing by you and the other parent, or (4) according to a schedule adopted by the court.

**5. Going to court.** Sometimes parents get into disagreements about health-care costs. If you and the other parent cannot resolve the situation after talking about it, you can request that the court make a decision.

**a. Disputed charges.** If you dispute a charge made by the other parent, you may file a request for the court to resolve the dispute, but only if you pay that charge before filing your request.

**b. Nonpayment.** If you claim that the other parent has failed to pay you back for a payment, or they have failed to make a payment to the provider after proper notice, you may file a request for the court to resolve the dispute. The court will presume that if uninsured costs have been paid, those costs were reasonable.

**c. Attorney's fees.** If the court decides one parent has been unreasonable, it can order that parent to pay the other parent's attorney's fees and costs.

**d. Court forms.** Use forms [FL-300](#) and [FL-490](#) to get a court date. See form [FL-300-INFO](#) for information about completing, filing, and serving your court papers.

**6. Court-ordered insurance coverage.** If a parent provides health-care insurance as ordered by the court, that insurance must be used at all times to the extent that it is available for health-care costs.

**a. Burden to prove.** The parent claiming that the coverage is inadequate to meet the child's needs has the burden of proving that to the court.

**b. Cost of additional coverage.** If a parent purchases health-care insurance in addition to that ordered by the court, that parent must pay all the costs of the additional coverage. In addition, if a parent uses alternative coverage that costs more than the coverage provided by court order, that parent must pay the difference.

**7. Preferred health providers.** If the court-ordered coverage designates a preferred health-care provider, that provider must be used at all times consistent with the terms of the health insurance policy. When any parent uses a health-care provider other than the preferred provider, any health-care costs that would have been paid by the preferred health provider if that provider had been used must be the sole responsibility of the parent incurring those costs.

## Information About Child Support for Incarcerated or Confined Parents

**1. Child support.** As of September 27, 2022, child support automatically stops if the parent who has to pay is confined against their will for more than 90 days in a row in jail, prison, juvenile detention, a mental health facility, or other institution.

**Exception.** Child support does not automatically stop if the parent who has to pay has money available to pay child support.

**2. Past confinement.** Child support also stops during past confinement if it was ordered from October 8, 2015, through December 31, 2019, or January 1, 2021, through September 26, 2022, and the parent who has to pay was confined for more than 90 days in a row during the same time frame.

**Exceptions for past confinement.** Child support does not automatically stop if the parent who has to pay was in jail or prison for failing to pay child support or for domestic violence against the other parent or the child, or if they had money available to pay support.

**3. Timing.** Child support automatically restarts the first day of the first full month after the parent is released. If you need to change your child support order, see page 2.

**4. More info.** For more information about child support and incarcerated parents, see [Family Code section 4007.5](#) or go to <https://selfhelp.courts.ca.gov/child-support/incarcerated-parent>.

# NOTICE OF RIGHTS AND RESPONSIBILITIES

## Information Sheet on Changing a Child Support Order

### General Info

The court has made a child support order in your case. This order will remain the same unless one of the parents requests that the support be changed (modified). An order for child support can be modified by filing a request to change child support and serving the other parent. If both parents agree on a new child support amount, they can complete, sign, and file with the court a *Stipulation to Establish or Modify Child Support and Order* (form FL-350). (**Note:** If the local child support agency is involved in your case, it must be served with any request to change child support and approve any agreement.)

### Online Self-Help Guide

For more information about how child support works, visit: <https://selfhelp.courts.ca.gov/child-support>.

### When a Child Support Order May Be Changed

The court considers several things when ordering the payment of child support.

- First, the number of children is considered, along with the percentage of time each parent has physical custody of the children.
- Next, the net disposable incomes of both parents are determined (which is how much money is left each month after taxes and certain other items like health insurance, union dues, or other child support ordered and paid are subtracted from a parent's paycheck). The court can also look at earning ability if a parent is not working.
- The court considers both parents' tax filing status and may consider hardships, such as the cost of raising a child of another relationship who lives with a parent.

A parent can request to change an existing order for child support when circumstances change significantly. For example if the net disposable income of one of the parents changes, parenting time changes, or a new child is born.

### Examples

- You have been ordered to pay \$500 per month in child support. You lose your job. You will continue to owe \$500 per month, plus 10 percent interest on any unpaid support, unless you file a motion to modify your child support to a lower amount and the court orders a reduction.
- You are currently receiving \$300 per month in child support from the other parent, whose net income has just increased substantially. You will continue to receive \$300 per month unless you file a motion to modify your child support to a higher amount and the court orders an increase.
- You are paying child support based upon having physical custody of your children 30 percent of the time. After several months it turns out that you actually have physical custody of the children 50 percent of the time. You may file a motion to modify child support to a lower amount.

### How to Change a Child Support Order

To change a child support order, you must file papers with the court. **Remember:** You must follow the order you have now.

### What forms do I need?

If you are asking to change a child support order, you must fill out one of these forms:

- [Form FL-300](#), *Request for Order* or
- [Form FL-390](#), *Notice of Motion and Motion for Simplified Modification of Order for Child, Spousal, or Family Support*

You must also fill out one of these forms, and attach proof of income for the past two months (like your paycheck stubs):

- [Form FL-150](#), *Income and Expense Declaration* or
- [Form FL-155](#), *Financial Statement (Simplified)*

### What if I am not sure which forms to fill out?

Contact the family law facilitator in your county. You can find them here: <https://www.courts.ca.gov/selfhelp-facilitators.htm>.

**After you fill out the forms**, file them with the court clerk and ask for a hearing date. Write the hearing date on the form.

The clerk may ask you to pay a filing fee. If you cannot afford the fee, fill out these forms, too:

- [Form FW-001](#), *Request to Waive Court Fees* and
- [Form FW-003](#), *Order on Court Fee Waiver (Superior Court)*

**You must serve the other parent.** If the local child support agency is involved, serve it too.

- This means someone 18 or over—not you—must deliver copies of your filed court forms to the other parent, at least **16 court days** before the hearing. Add **5 calendar days** if delivered by mail within California (see Code of Civil Procedure section 1005 for other situations).
- **Court days** are weekdays when the court is open for business (Monday through Friday except court holidays). **Calendar days** include all days of the month, including weekends and holidays. To find court holidays, go to [www.courts.ca.gov/holidays.htm](http://www.courts.ca.gov/holidays.htm).

Blank copies of both of these forms must also be served:

- [Form FL-320](#), *Responsive Declaration to Request for Order*
- [Form FL-150](#), *Income and Expense Declaration*

Then the server fills out and signs a *Proof of Service*. Take this form, plus one copy, to the clerk and file it at least one week before your hearing.

**Go to your hearing and ask the judge to change the support.** Bring your tax returns from the last two years and your last two months' pay stubs. The judge will look at your information, listen to both parents, and make an order. After the hearing, fill out:

- [Form FL-340](#), *Findings and Order After Hearing* and
- [Form FL-342](#), *Child Support Information and Order*

### Need help?

Contact the [family law facilitator](#) in your county or call your county's bar association and ask for an experienced family lawyer.

LAW & MOTION TENTATIVE RULINGS  
DEPARTMENT 5  
September 26, 2024  
8:30 a.m./1:30 p.m.

**17. JESSICA WISE V. WILLIAM WELLMAN**

**24FL0705**

Petitioner filed a Petition to Establish a Parental Relationship on July 11, 2024. A summons was issued the same day. Petitioner concurrently filed a Request for Order (RFO). Upon review of the court file there is no Proof of Service of the petition and Summons. The parties were referred to Child Custody Recommending Counseling with an appointment on August 8, 2024, and a review hearing on September 26th. Upon review of the court file there is no Proof of Service of the RFO or the referral to CCRC and the other necessary documents.

Neither party appeared for the CCRC appointment on August 8th.

The court drops the matter from calendar due to the failure to serve the petition, Summons, RFO, and other necessary paperwork.

**TENTATIVE RULING #17: THE COURT DROPS THE MATTER FROM CALENDAR DUE TO THE FAILURE TO SERVE THE PETITION, SUMMONS, RFO, AND OTHER NECESSARY PAPERWORK.**

**NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY PHONE CALL 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 PHONE CALL 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  
September 26, 2024  
8:30 a.m./1:30 p.m.

**18. JOSEPH GARCIA V. MEGAN MARTINEZ**

**24FL0353**

Petitioner filed a Petition to Establish a Parental Relationship on April 16, 2024. A Summons was issued the same day. Proof of Service shows Respondent was personally served on April 17, 2024.

Petitioner filed an ex parte application for emergency orders on April 19, 2024. The court denied the ex parte request on April 22, 2024. Petitioner thereafter filed a Request for Order (RFO) requesting child custody and parenting time orders. The parties were referred to Child Custody Recommending Counseling (CCRC) with an appointment on May 20, 2024 and a review hearing on July 11, 2024. Respondent was personally served with the RFO and other necessary documents on April 22, 2024.

Only Petitioner appeared for the CCRC appointment. Respondent contacted the clerk's office to inform the CCRC counselor that she was unable to attend due to a sick child. As such, a single parent report was filed with the court on May 20, 2024. It was mailed to the parties the same day.

Only July 11, 2024, Petitioner appeared for the hearing. The court found Petitioner to be the parent of the minor pursuant to Family Code section 7611(d). The court rereferred the parties to CCRC with an appointment on August 12, 2024, and a further review hearing on September 26, 2024.

Petitioner filed a second ex parte application of emergency custody orders on August 1, 2024. The court denied the request for custody orders, however, did authorize Petitioner to enroll the minor in daycare without Respondent's authorization. Petitioner filed a second RFO on August 5<sup>th</sup>, requesting the same orders as set forth in the ex parte application. There is no Proof of Service showing Respondent was served with the ex parte orders or the RFO. As such, Petitioner's August 5<sup>th</sup> RFO is dropped from calendar.

Both parties attended CCRC on August 12<sup>th</sup> and reached a full agreement. The parties submitted a stipulation to the court with their agreement. The court signed and adopted the parties' agreement as its order on August 14, 2024. The stipulation did not request to vacate the September 26<sup>th</sup> hearing.

The court finds the parties stipulation has resolved the RFO. The court drops the matter from calendar as moot.

All prior orders remain in full force and effect.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 26, 2024

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

**TENTATIVE RULING #18: THE APRIL 22<sup>ND</sup> RFO IS DROPPED FROM CALENDAR AS MOOT. THE AUGUST 5<sup>TH</sup> RFO IS DROPPED FROM CALENDAR DUE TO LACK OF SERVICE. ALL PRIOR ORDERS REMAIN IN FULL FORCE AND EFFECT.**

**NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY PHONE CALL 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 PHONE CALL 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  
September 26, 2024  
8:30 a.m./1:30 p.m.

**19. ROB GRONEWOLD V. KATHERINE GRONEWOLD**

**PFL2090313**

Petitioner filed an Order to Show Cause and Affidavit for Contempt (OSC) on January 30, 2024, asserting Respondent has violated the December 1, 2021 orders regarding the parental exchange location, providing a list of counselors within 10 days of the order, completion of a co-parenting class, and refinancing the mortgage into her name by November 1, 2023. Proof of Service shows Respondent was personally served on February 9, 2024.

Petitioner filed a second OSC on May 21, 2024, alleged three additional counts of contempt for violations of court orders made on January 18, 2024. Proof of Service shows Respondent was personally served on May 30, 2024.

Petitioner filed a Request for Order (RFO) on May 22, 2024, requesting enforcement of the Judgement that the property at 5957 Pony Express Trail in Pollock Pine California be sold if it was not placed in Respondent's name solely on or before November 2023. Proof of Service shows Respondent was personally served with the RFO on May 30, 2024.

Parties appeared on the RFO and OSCs on August 8, 2024. The court appointed the Public Defender's Office to represent Respondent and continued the matter to September 26, 2024 for further arraignment.

The court orders parties to appear for hearing on the RFO and for arraignment on the OSCs.

**TENTATIVE RULING #19: THE COURT ORDERS PARTIES TO APPEAR FOR HEARING ON THE RFO AND FOR ARRAIGNMENT ON THE OSCS.**



LAW & MOTION TENTATIVE RULINGS  
DEPARTMENT 5  
September 26, 2024  
8:30 a.m./1:30 p.m.

**20. RUDY PAVIA V. CARLA PEREZ**

**24FL0031**

Respondent filed a request for an Order Shortening Time (OST) and Request for Order (RFO) on September 17, 2024. The court granted the OST, setting the hearing for September 26, 2024. The court directed Respondent to serve Petitioner by close of business September 17<sup>th</sup>. Respondent is requesting temporary guideline spousal support as well as Family Code section 2030 attorney's fees. Respondent filed an Income and Expense Declaration on September 17<sup>th</sup>.

Upon review of the court file, there is no Proof of Service showing Petitioner was properly served.

Petitioner filed a Responsive Declaration and Income and Expense Declaration on September 23, 2024. Respondent was served by mail on September 20, 2024 and electronically on September 23, 2024. Although stamped "Late Filed" the court finds the filing to be timely, as this matter was set on an OST and the court allowed Petitioner until September 24, 2024 to file the Responsive Declaration. The court finds good cause to proceed on the merits despite the lack of Proof of Service filed by Respondent as Petitioner has filed a Responsive Declaration which addresses the requests made by Respondent.

Petitioner objects to the court ordering temporary guideline spousal support. Petitioner asserts this was a marriage of short duration, approximately one year, and even shorter when taking into consideration Respondent resided in Argentina for a substantial portion of the marriage. Petitioner also asserts he has little to no income and is on the verge of filing bankruptcy.

The court has reviewed Petitioner's Income and Expense Declaration including the Profit and Loss statements attached. The court finds it needs additional information from Petitioner as to how he is paying his rent and living expenses. Therefore, the parties are ordered to appear for the hearing.

**TENTATIVE RULING #20: PARTIES ARE ORDERED TO APPEAR FOR THE 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 PHONE CALL 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 PHONE CALL OR IN PERSON BY 4:00 P.M. ON**

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 26, 2024

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

**THE DAY THE TENTATIVE RULING IS ISSUED. CAL. RULE CT. 3.1308; LOCAL RULE  
8.05.07.**

LAW & MOTION TENTATIVE RULINGS  
DEPARTMENT 5  
September 26, 2024  
8:30 a.m./1:30 p.m.

**21. TRAVIS KENNEDY V. JESSI ANNE CONNORS**

**22FL1174**

Petitioner filed a Request for Order (RFO) on July 10, 2024, requesting the court compel Respondent to serve Petitioner with a copy of her Preliminary Declaration of Disclosure (PDD). Petitioner is requesting sanctions for Respondent's failure to comply with Family Code section 2104. Proof of Service shows Respondent was mail served on August 28, 2024.

Petitioner filed a Petition for Dissolution on December 13, 2022. Respondent was served on January 5, 2023. Respondent filed a Response on January 24, 2024. Petitioner filed Proof of Service showing Respondent was served with PDDs on May 9, 2023. Upon review of the court file, there is no Proof of Service showing Respondent served Petitioner with PDDs.

Parties to divorce proceedings are under the obligation to produce initial declarations of disclosure. Fam. Code § 2104. Where a party fails to comply with Section 2104, the complying party may, among other things, file a motion to compel and seek sanctions against the noncomplying party. Fam. Code § 2107(b)(1). Petitioner has established that he has complied with the requirements of Section 2104 and therefore, Respondent is required to do the same. As such, Respondent is ordered to produce her full and complete preliminary declaration of disclosure no later than October 10, 2024.

Pursuant to Family Code section 2107(c) the court shall impose sanctions for failure to comply with disclosure requirements. The amount of the money sanctions should be sufficient to deter him or her from repeating the conduct or comparable conduct. The awarded amount is also to include reasonable attorney's fees, costs incurred, or both, unless the court finds that the non-complying party acted within substantial justification or that other circumstances make the imposition of the sanction unjust.

Here Petitioner has not requested a specific amount in sanctions for Respondent's failure to comply with the requirements of Section 2104. Petitioner has not included a declaration from counsel setting forth the attorney's fees and/or costs incurred in pursuing this matter, although Petitioner includes a statement that he spent thousands of dollars in attorneys' fees.

Further, in the present matter the court does not have an Income and Expense Declaration from Respondent. Therefore, the court is unaware of her financial circumstances. As such, the court is imposing monetary sanctions of \$60 for the filing fee, incurred for filing this motion. Respondent shall pay Petitioner \$60 on or before October 10, 2023. However, should Respondent continue to fail to make her disclosure requirements the court will impose additional sanctions in the future.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

September 26, 2024

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

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

**TENTATIVE RULING #21: PETITIONER'S MOTION TO COMPEL IS GRANTED. RESPONDENT IS ORDERED TO PRODUCE HER FULL AND COMPLETE PRELIMINARY DECLARATION OF DISCLOSURE NO LATER THAN OCTOBER 10, 2024. FOR THE REASONS SET FORTH ABOVE, THE COURT IS IMPOSING MONETARY SANCTIONS OF \$60 FOR THE FILING FEE, INCURRED FOR FILING THIS MOTION. RESPONDENT SHALL PAY PETITIONER \$60 ON OR BEFORE OCTOBER 10, 2023. HOWEVER, SHOULD RESPONDENT CONTINUE TO FAIL TO MAKE HER DISCLOSURE REQUIREMENTS THE COURT WILL IMPOSE ADDITIONAL SANCTIONS IN THE FUTURE. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

**NO HEARING ON THIS MATTER WILL BE HELD UNLESS A REQUEST FOR ORAL ARGUMENT IS TRANSMITTED ELECTRONICALLY THROUGH THE COURT'S WEBSITE OR BY PHONE CALL 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 PHONE CALL 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.**