

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 04/18/24 TIME: 9:00 A.M. DEPT: L CASE NO: FL1400715

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JORDENNE FERENCZI

PETITIONER: JOSEPH ELLIOTT

and

RESPONDENT: EBRU ELLIOTT

NATURE OF PROCEEDINGS: REQUEST FOR ORDER – CHILD
CUSTODY/VISITATION; OTHER: MOVE AWAY

RULING

Petitioner Joseph Elliot (“Father”) filed a Request for Order (“RFO”) on March 19, 2024, seeking modification to custody and visitation orders and approval to move his children out of the State of California so his son can play club soccer in France. Father filed an address verification on March 20, 2024. There is no proof of service to indicate that Respondent Ebru Elliott was served with the papers. However, she filed a change of address form with the court on March 28, 2024.

The parents were referred to Marin Family Court Services (“FCS”) for mediation and counseling on the issues raised by Father. [Marin is a recommending county. (Family Code §3183; Marin County Rules, Family 7.17.A.)]. While Mother did not file a responsive declaration, she was interviewed with FCS, which is an indication that she was made aware of Father’s request. Both parents were interviewed.

Together, these parents have two children. Ayla is 15; Erhan is 14.

Father wants to move his children to Nantes, France so his son can play soccer. He does not seek academic pursuits for his child, this is about soccer. He folds his daughter in with this request, although she has no plans to play soccer. Aside from Father’s desire to watch his son play soccer, he provides not additional rationale for his desire to move to France, aside from a claim that he can no longer afford to live in Marin County. He advised FCS that he was moving out of Marin County on April 18.

Erhan is an 8th grader at Mill Valley Middle School and Ayla is a sophomore at Tam High School. Both parents live in Mill Valley and work as software engineers.

Father would like for his son to stay in France 5-23-24 through 5-30-24 (the week following his soccer tournament in France, which is scheduled for 5-13-24 to 5-23-24, and already agreed upon by the parents). Father would also like for Ayla to visit him in France from 6-20-24 to 7-10-24.

Mother does not agree with the children moving to France.

Custody and Visitation.

The court is uncomfortable with uprooting these children from their home in Marin so that an 8th grader can pursue his dreams to be a professional soccer player. The court has reviewed the RFO filed by Father, which is light on details regarding Father's ties to France. The court has also reviewed the report issued by FCS on April 15, 2024, and finds that there is not enough information available to support Father's requested move-away.

Good cause appearing, the court finds it is in the best interest of the children to adopt the FCS recommendations as follows:

Parental Responsibilities

1. The parents shall continue to share joint legal custody of both children. The parents shall share in the responsibility and confer in good faith on matters concerning the children's health, and welfare. Both parents shall have access to the children's school, medical, mental health, and dental records and the right to consult with professionals who are providing services to the child.
2. Mother shall have sole legal custody on decisions regarding education and school enrollment.
3. The parents shall continue to share joint physical custody of both children.

Collateral Issues

4. Neither parent shall change either child's residence from Mill Valley without court order.
5. Both children shall complete the 2023-2024 school year at their current schools (Mill Valley Middle and Tam High School)
6. Erhan shall be allowed to be in France from 5-13-24 to 5-30-24 to play in the tournament. Father shall explain to him that he will not participate in soccer trials because he will continue his education in California, living with his Mother.
7. Ayla is permitted to visit her father in France from 6-20-24 to 7-10- 24.
8. Neither parent shall make any disparaging comments about the other parent in the presence of the children or allow others to do so. Father choose to leave the state. She shall not disparage Mother for remaining here with her children, where they attend school.
9. Neither parent shall expose the children to their conflicts or put them in the middle.
10. Mother shall keep possession of the children's passports.
11. Neither parent shall share this report, or any information from this report, with either child.

Litigants who require the assistance of an interpreter shall appear in person. Interpreter services via video technology are not available.

As authorized by CRC 5.125, the court will prepare the Findings and Order After Hearing.

Parties must comply with Marin County Superior Court Local Rules, Rule 7.12(B), (C), which provide that If a party wants to present oral argument, the party must contact the Court at (415) 444-7046 and all opposing parties by 4:00 p.m. the court day preceding the scheduled hearing. Notice may be by telephone or in person to all other parties that argument is being requested (i.e., it is not necessary to speak with counsel or parties directly.) Unless the Court and all parties have been notified of a request to present oral argument, no oral argument will be permitted except by order of the Court. In the event no party requests oral argument in accordance with Rule 7.12(C), the tentative ruling shall become the order of the court.

IT IS ORDERED that video appearances though Zoom are permitted unless a party is ordered to appear in court. In-person appearances are also permitted. Evidentiary hearings shall be in-person in Department L. The parties may access Department L for video conference via a link on the court website.

FURTHER ORDERED that the parties are responsible for ensuring that they have a good connection and that they are available for the hearing. If the connection is inadequate, the Court may proceed with the hearing in the party's absence.

Any party contesting the ruling and requesting oral argument shall appear in person or remotely through Zoom either by video or telephone. Please follow the guidelines set forth on the court website at www.marin.courts.ca.gov

***The Zoom appearance information is as follows:
April 2024, 09:00 AM
Join Zoom Meeting***

***<https://www.zoomgov.com/j/1610321093?pwd=YW5DaGY2ekZsSUFNbE51T1JsRTMvZz09>
Meeting ID: 161 032 1093
Passcode: 991058***

If you are only able to appear by phone you may dial the phone number below, follow the prompts and enter the meeting ID and passcode.

***+1-669-254-5252
Meeting ID: 161 032 1093
Passcode: 991058***

If a party and/or counsel elects to appear over Zoom they must follow proper Zoom etiquette. This includes joining the call five minutes early, speaking only one at a time, avoiding disruptions, and wearing proper attire appropriate for a court environment. Parties must act and speak in a professional and respectful manner as though they are in an actual courtroom. If a party or counsel is unable to follow proper Zoom etiquette, the court may halt the hearing and order the parties to return in person.

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 04/18/24 TIME: 9:00 A.M. DEPT: L CASE NO: FL2000700

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JORDENNE FERENCZI

PETITIONER: REBECCA POLLACK

and

RESPONDENT: EUGENE DOMINIC
LAICO

NATURE OF PROCEEDINGS: REQUEST FOR ORDER – OTHER: FORCE SALE OF
PROPERTY

RULING

This matter was called as regularly scheduled in this department on April 11, 2024. The hearing was continued to April 18, 2024, at the request of Petitioner Rebecca Pollack (“Wife”) to provide Respondent Eugene Laico (“Husband”) with notice of argument. The tentative is repeated as follows:

Wife filed a Request for Order (“RFO”) on March 7, 2024, seeking to force the sale of property due to the failure to timely make a mortgage payment. Proof of service indicates that Respondent Eugene Laico (“Husband”) was served by mail with the moving papers. He did not file an opposition to the motion.

Marin Local Rule (Family) 7.8.F requires the moving party to file an address verification in all post judgment RFOs filed. Here, while Wife did not file an Address Verification form, the subject of the RFO is the home where Husband currently resides. He was served at his house by mail. The court finds Wife’s failure to file the correct form to be harmless error. Should Husband object to the hearing on this basis, the court will continue the hearing to a date convenient for Husband.

The judgment was entered on December 14, 2022. The Marital Settlement Agreement states that husband may possess the family residence located at 600 Miller Creek Rd. in San Rafael CA. However, if he misses one mortgage payment or is unable to obtain a mortgage, wife shall be entitled to force husband to refinance the home to remove her from the mortgage, or to force a sale of the residence. Husband missed the January 2024 mortgage payment. Wife seeks to enforce the contract.

Husband's non-action to the RFO after receiving proper notice of this hearing is viewed as a concession to Wife's request. See, Calton v Quint (2000) 77 Cal.App.4th 690, 697 (failure to file and serve a written opposition to a motion can be construed as an admission that the motion has merit.)

Wife's request is granted. Husband and Wife shall cooperate with the sale of the property and follow paragraph 13 of the MSA regarding the timely "Execution of Instruments". In the alternative, Wife's request to have her name removed from the mortgage associated with the residence, and for payment of \$115,500 as an equalizing payment for settlement of the property is granted.

TEMPORARILY, under current orders, litigants who require the assistance of a Spanish language interpreter shall appear in person. Interpreter services via video technology are not available.

As authorized by CRC 5.25, the court will prepare the Findings and Order After Hearing.

Parties must comply with Marin County Superior Court Local Rules, Rule 7.12(B), (C), which provide that If a party wants to present oral argument, the party must contact the Court at (415) 444-7046 and all opposing parties by 4:00 p.m. the court day preceding the scheduled hearing. Notice may be by telephone or in person to all other parties that argument is being requested (i.e., it is not necessary to speak with counsel or parties directly.) Unless the Court and all parties have been notified of a request to present oral argument, no oral argument will be permitted except by order of the Court. In the event no party requests oral argument in accordance with Rule 7.12(C), the tentative ruling shall become the order of the court.

IT IS ORDERED that video appearances though Zoom are permitted unless a party is ordered to appear in court. In-person appearances are also permitted. Evidentiary hearings shall be in-person in Department L. The parties may access Department L for video conference via a link on the court website.

FURTHER ORDERED that the parties are responsible for ensuring that they have a good connection and that they are available for the hearing. If the connection is inadequate, the Court may proceed with the hearing in the party's absence.

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 04/18/24 TIME: 9:00 A.M. DEPT: L CASE NO: FL2100063

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JORDENNE FERENCZI

PETITIONER: JANA MOHR

and

RESPONDENT: TIMOTHY MOHR

NATURE OF PROCEEDINGS: REVIEW HEARING – CHILD CUSTODY/VISITATION

RULING

Custody and visitation orders were entered on January 25, 2024. This matter is on calendar to check on Father’s sobriety and compliance with those orders. Father filed a supplemental declaration on April 16, 2024, which has been reviewed.

Respondent Timothy Mohr (“Father”) filed a Request for Order (“RFO”) on October 20, 2023, seeking to modify custody and visitation orders. Petitioner Jana Mohr (“Mother”) filed a responsive declaration on November 14, 2023.

Together, these parents have two children. Jules is 6. Jayden is 4.

Appearances are required.

TEMPORARILY, under current orders, litigants who require the assistance of a Spanish language interpreter shall appear in person. Interpreter services via video technology are not available.

As authorized by CRC 5.25, the court will prepare the Findings and Order After Hearing.

Parties must comply with Marin County Superior Court Local Rules, Rule 7.12(B), (C), which provide that If a party wants to present oral argument, the party must contact the Court at (415) 444-7046 and all opposing parties by 4:00 p.m. the court day preceding the scheduled hearing. Notice may be by telephone or in person to all other parties that argument is being requested (i.e., it is not necessary to speak with counsel or parties directly.) Unless the Court and all parties have been notified of a request to present oral argument, no oral argument will be permitted except by order of the Court. In the event no party requests oral argument in accordance with Rule 7.12(C), the tentative ruling shall become the order of the court.

IT IS ORDERED that video appearances though Zoom are permitted unless a party is ordered to appear in court. In-person appearances are also permitted. Evidentiary hearings shall be in-person in Department L. The parties may access Department L for video conference via a link on the court website.

FURTHER ORDERED that the parties are responsible for ensuring that they have a good connection and that they are available for the hearing. If the connection is inadequate, the Court may proceed with the hearing in the party's absence.

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 04/18/24 TIME: 9:00 A.M. DEPT: L CASE NO: FL2104012

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JORDENNE FERENCZI

PETITIONER: PATRICK JAMES
QUIGLEY

and

RESPONDENT: JAMIE DEBORAH
QUIGLEY

NATURE OF PROCEEDINGS: 1) REQUEST FOR ORDER –OTHER: ENFORCEMENT OF ORDER; REQUEST FOR SANCTIONS FROM RESPONDENTS (FCSS 270,271); EACH PARTY TO COMPLETE 5-PANEL DRUG & ALCOHOL TEST; DISCLOSE CHILDREN’S ADDRESS

2) CASE MANAGEMENT CONFERENCE

RULING

This matter is continued at the last-minute request of the parties to May 2, 2024. The court’s tentative ruling is as follows:

Respondent Jamie Deborah Quigley (“Mother”) is the protected party associated with a 5-year Domestic Violence Restraining Order (“DVRO”) with Petitioner Patrick James Quigley (“Father”) as the restrained party. The DVRO was issued on October 10, 2022, and expires in 2027. The DVRO also protects the parents’ two children Kya (8) and Skylar (4) from Father. Father was ordered to participate in a 52-week batterer’s intervention program.

Father filed a RFO on February 1, 2024, seeking to enforce custody and visitation orders, sanctions, and orders that Mother undergoes drug treatment. Proof of service indicates that counsel for Mother, Carl Siganporia was served with the papers via email on February 6, 2024. No response was filed by Mother.

Father’s moving papers are tone-deaf to the reasons why this family fled the State of California to seek safety in New Jersey, where the children currently reside. His declaration concedes that he was not the best husband, but he fails to recognize the trauma he inflicted on his ex-wife and two daughters.

The court has ordered that the children be in therapy to address past instances of physical abuse.

On the other hand, Mother has been reluctant to facilitate court-ordered communication between the children and their Father. Separation of the children from their Father by a continent is not an excuse for Mother to disregard prior orders. Custody and visitation orders issued on November 22, 2022, require Mother to make efforts to support Father's relationship with the children with the goal of Father resuming regular visits with the children via FaceTime or zoom. In person visits may also be available provided that Father continues in returning sober, employed and law abiding.

Father is likely not to disappear from the children's lives. He has been persistent with this desire to see his children.

Appearances are required to provide Mother with the opportunity to explain her steps taken to facilitate child visitation with Father.

Father's request for sanctions is denied.

Father's request that Mother should be drug tested is denied and may impinge on the court's prior order which requires both not to harass mother as part of the Domestic Violence Restraining Order currently in place.

TEMPORARILY, under current orders, litigants who require the assistance of a Spanish language interpreter shall appear in person. Interpreter services via video technology are not available.

As authorized by CRC 5.25, the court will prepare the Findings and Order After Hearing.

Parties must comply with Marin County Superior Court Local Rules, Rule 7.12(B), (C), which provide that If a party wants to present oral argument, the party must contact the Court at (415) 444-7046 and all opposing parties by 4:00 p.m. the court day preceding the scheduled hearing. Notice may be by telephone or in person to all other parties that argument is being requested (i.e., it is not necessary to speak with counsel or parties directly.) Unless the Court and all parties have been notified of a request to present oral argument, no oral argument will be permitted except by order of the Court. In the event no party requests oral argument in accordance with Rule 7.12(C), the tentative ruling shall become the order of the court.

IT IS ORDERED that video appearances though Zoom are permitted unless a party is ordered to appear in court. In-person appearances are also permitted. Evidentiary hearings shall be in-person in Department L. The parties may access Department L for video conference via a link on the court website.

FURTHER ORDERED that the parties are responsible for ensuring that they have a good connection and that they are available for the hearing. If the connection is inadequate, the Court may proceed with the hearing in the party's absence.

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 04/18/24 TIME: 9:00 A.M. DEPT: L CASE NO: FL2202679

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JORDENNE FERENCZI

PETITIONER: SACHIN RAJ SABHLOK

and

RESPONDENT: ARTHI MERRA
SUBRAMANIAN

NATURE OF PROCEEDINGS: REQUEST FOR ORDER – CHILD SUPPORT/VISITATION;
OTHER: PLEASE SEE ITEM 8

RULING

This matter was last called in court on February 29, 2024, as regularly scheduled. It was continued at the request of the parties to April 18, 2024.

Petitioner Sachin Raj Sabhlok (“Father”) filed this Request for Order on January 15, 2024, seeking changes to child support and custody orders. Respondent Arthi Merra Subramanian (“Mother”) filed a responsive declaration on February 5, 2024. Father filed an untimely reply declaration on February 27, 2024, which has been considered. Both parties filed income and expense declarations, however the financial information was not supported by current tax filings.

Together these parents have two children. Kavi is 5 years old. Zava is 2 years old.

Child Support

Generally, gross income includes income from any source, except income derived from child support payments and public assistance programs. Family Code §4057(a), (c). This includes trust income, interest and monetary gifts from the payer’s parents. *Marriage of Alter* (2009) 171 Cal.App.4th 1492. Petitioner’s income projections do not include income provided by his parents. Petitioner states that he earns an average of \$3,575 in wages per month. He argues in his declaration filed with this January 15 RFO, that his hourly wage is approximately \$27 gross. He also discloses that he earns approximately \$750 in dividends and interest. The court, in calculating the gross income, as discretion to consider these other sources of income such as his inheritance.

Father is currently unemployed and living on his inheritance. Current child support is being paid by Father from his investment accounts and not his income and wages.

Family Code Sec. 2102 imposes on the parties an on ongoing duty of disclosure about activities that impact assets and liabilities of the other party. This duty continues from the date of separation to the date of distribution of all assets.

Family Code §4011 provides:

Payment of child support ordered by the court shall be made by the person owing the support payment before payment of any debts owed to creditors.

“Family law court is a court of equity.” *In re Marriage of Calcaterra & Badakhsh* (2005) 132 Cal.App.4th 28, 38. “Family law cases ‘are equitable proceedings in which the court must have the ability to exercise discretion to achieve fairness and equity’.” [Citation.] *In re Marriage of Egedi* (2001) 88 Cal.App.4th 17, 22-23. Father does not disclose any of this investment income disclosed on Form 1040 for tax year 2023 in his support calculation. He deducts \$107,959 in “Capital Loss Carryover” on line 6 of the Schedule D, without an explanation regarding the loss. The court may impute Father with this deduction as unaccounted income. Father’s declaration shows a lack of candor on the record in court, and the fact that California public policy prioritizes the payment of child support before all other obligations, the court takes a dim view of Father’s willingness to argue that he is a low wage earner who struggles for a living in Marin County, when his tax return paints a different picture.

When a party has refused to cooperate with discovery requests or the court believes a party has committed perjury on the IED provided, the court may rely on other evidence to determine the party’s income. *IRMO Calcaterra and Badakhsh* (2005) 132 Cal.App.4th 28. Due to Father’s unexplained gap in income and spending, the court will adopt the income projections provided by Mother when calculating support. *Id.* (when income and expense declarations, which are executed under penalty of perjury, “just don’t ‘add up’” when compared to spending, a family law court can determine which declarations have the “ring of truth” and which do not.) Husband’s IED is also unreliable. Simply put, Father’s numbers do not add up.

Mother is now employed, although it is parttime. While fulltime work would be ideal if Mother hopes to genuinely contribute to support her family, parttime work is great given Mother’s history of unemployment. She earns \$31 per hour, of \$2,687 gross per month.

Petitioner requests reimbursement for his separate property investment of \$620,000 for the purchase of the family home and agrees that Mother will receive half of the equity net proceeds after sale. Fam. Code §2640

Child Custody and Visitation

The parents were referred to meet with Marin Family Court Services (“FCS”) for mediation and counseling on the issues raised by Father. [Marin is a recommending county. (Family Code §3183; Marin County Rules, Family 6.17.A.)]. Both parents were interviewed separately on February 6. Late in the afternoon of February 27, 2024, Mother filed a statement of disagreement to the FCS Report also issued on February 27. The statement was reviewed and considered.

Unfortunately, these young parents are in constant conflict. The war is not over. They have called the California Department of Children and Family Services on the other parent a total of two times, each. These reports were deemed by CFS as inconclusive, unfounded, and “not-investigated”. The court certainly hopes that the parents will not choose to selfishly battle each other for the next 16 years, or until Zara is 18 years old. Their children, watching and learning, are caught in the middle of this struggle. Both children are likely soon to begin to show signs of acting-out behavior as a result of their parent’s conduct.

Father is quick to anger and blame Mother – making unreasonable demands on Mother regarding school choice, for example. He does not believe that long drives to and from school adversely impacts these young children. He comes off in his declaration as aggressive and even competitive with Mother. During the last hearing, he discussed his required “Man Cave” time.

Mother, who is unemployed, values her sleep. The prior order entered on October 13, 2022, mentions the court’s discomfort with Mother’s scheduled nap times. Unfortunately, during one of Mother’s naps on December 30, 2023, one of the children was viciously attacked by the family dog while they were unsupervised. She was taken to the E.R.

As stated in the prior order, “parenthood is about putting the children first. The court hopes these orders will help the parents prioritize their children over their own needs as they move forward.” There is no evidence that things have gotten any better, unfortunately. Facetime with the children is not a competition. A balanced timeshare is not a tool to avoid paying child support.

Ideally, both parents will work together to co-parent.

The court has also reviewed the statement of disagreement filed by Mother, and in consideration of the FCS Report issued on February 27, 2024, the court finds good cause to adopt those orders as follows:

Parental Responsibilities

1. The parents shall share joint legal custody of both children. The parents shall share in the responsibility and confer in good faith on matters concerning the children’s health, education and welfare. Both parents shall have access to the children’s school, medical, mental health, and dental records and the right to consult with professionals who are providing services to the child.
2. The parents shall share joint physical custody of both children.

Timeshare schedule

Both children shall continue to live primarily with Mother, and shall be with Father during the following times:

3. Continuing as ordered on 10-13-22:
 - Every Monday at 2:30 to Tuesday at 5:00

- Every Friday at 2:30 to Saturday at 5:00
- 4. Any additional time for either child to be with either parent, or any changes to the schedule, shall occur as mutually agreed upon by the parents.
- 5. Exchanges shall be at Mother's home, curbside, when the exchanges are not at the school.

Collateral Issues

6. Neither parent shall consume any alcohol or use any drugs while the children are in their care.
7. The parents should consider engaging a therapist to perform a Custody Evaluation.
8. Both parents shall continue in their own individual counseling.
9. The children shall be exposed to peaceful contact *only* between the parents and any other adults.
10. Neither parent shall make any disparaging comments about the other parent in the presence of the children or allow others to do so.
11. The children shall not be exposed to any verbal or physical abuse.
12. The parents shall continue in co-parent counseling with an agreed upon therapist. If the parents cannot agree upon a therapist, then the court shall appoint one. The parties are to be prepared with the CVs of prospective therapists during the hearing.
13. Kavi shall continue at Lu Sutton Elementary for the remainder of the 2023-2024 school year. The parents shall continue to address the issue of school placement for both children in co-parent counseling.
14. If either parent is unable to care for the children overnight during their custodial time, then they shall give the other parent the right of first refusal to care for them.
15. The parents shall use the Our Family Wizard app to communicate.
16. Both parents shall ensure the children are properly supervised and cared for.
17. Neither parent shall expose the children to any adult information or court issues.
18. Both children shall sleep in their own beds in both homes.
19. Holidays
 - Thanksgiving: the children shall be with the custodial parent from Thursday (Thanksgiving) at 9:00 a.m. until Sunday at 5:00 p.m. The children shall be with Mother in the odd numbered years and with Father in the even years.
 - Winter Break. Shall be with Father on even years, starting on Saturday at noon, through the following Sunday at 5 p.m.; alternating each year.
 - Spring Break: Shall be with Mother on even years, starting on Saturday at noon, through the following Sunday at 5 p.m.; alternating each year.
 - Children's birthdays (April 10th and July 18th): the children shall be with the custodial parent from 9:00 a.m. on the child's birthday to 9:00 a.m. the following day. The children shall be with Mother on April 10th in the even years and with Father in the odd years. The children shall be with Father on July 18th in the even years, and with Mother in the odd years.
 - Parents' birthdays (January 4th and July 11th): the children shall remain on the regular custodial schedule, unless otherwise agreed upon by the parents.

Appearances are required for Mother to provide a supported estimate regarding Father's monthly income.

TEMPORARILY, under current orders, litigants who require the assistance of an interpreter shall appear in person. Interpreter services via video technology are not available.

As authorized by CRC 5.125, the court will prepare the Findings and Order After Hearing.

Parties must comply with Marin County Superior Court Local Rules, Rule 7.12(B), (C), which provide that If a party wants to present oral argument, the party must contact the Court at (415) 444-7046 and all opposing parties by 4:00 p.m. the court day preceding the scheduled hearing. Notice may be by telephone or in person to all other parties that argument is being requested (i.e., it is not necessary to speak with counsel or parties directly.) Unless the Court and all parties have been notified of a request to present oral argument, no oral argument will be permitted except by order of the Court. In the event no party requests oral argument in accordance with Rule 7.12(C), the tentative ruling shall become the order of the court.

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FURTHER ORDERED that the parties are responsible for ensuring that they have a good connection and that they are available for the hearing. If the connection is inadequate, the Court may proceed with the hearing in the party's absence.

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***The Zoom appearance information is as follows:
April 2024, 09:00 AM
Join Zoom Meeting***

***<https://www.zoomgov.com/j/1610321093?pwd=YW5DaGY2ekZsSUFNbE51T1JsRTMvZz09>
Meeting ID: 161 032 1093
Passcode: 991058***

If you are only able to appear by phone you may dial the phone number below, follow the prompts and enter the meeting ID and passcode.

***+1-669-254-5252
Meeting ID: 161 032 1093
Passcode: 991058***

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 04/18/24 TIME: 9:00 A.M. DEPT: L CASE NO: FL0000246

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JORDENNE FERENCZI

PETITIONER: STEPHANIE MCNAIR

and

RESPONDENT: MICHAEL MCNAIR

NATURE OF PROCEEDINGS: REQUEST FOR ORDER – ATTORNEY’S FEES; SPOUSAL FEES; OTHER: SPOUSAL SUPPORT SECURITY UNDER FAMILY CODE SECTION 4360

RULING

Appearances are required by the parties.

Parties must comply with Marin County Superior Court Local Rules, Rule 7.12(B), (C), which provide that If a party wants to present oral argument, the party must contact the Court at (415) 444-7046 and all opposing parties by 4:00 p.m. the court day preceding the scheduled hearing. Notice may be by telephone or in person to all other parties that argument is being requested (i.e., it is not necessary to speak with counsel or parties directly.) Unless the Court and all parties have been notified of a request to present oral argument, no oral argument will be permitted except by order of the Court. In the event no party requests oral argument in accordance with Rule 7.12(C), the tentative ruling shall become the order of the court.

IT IS ORDERED that video appearances though Zoom are permitted unless a party is ordered to appear in court. In-person appearances are also permitted. Evidentiary hearings shall be in-person in Department L. The parties may access Department L for video conference via a link on the court website.

FURTHER ORDERED that the parties are responsible for ensuring that they have a good connection and that they are available for the hearing. If the connection is inadequate, the Court may proceed with the hearing in the party’s absence.

Any party contesting the ruling and requesting oral argument shall appear in person or remotely through Zoom either by video or telephone. Please follow the guidelines set forth on the court website at www.marin.courts.ca.gov

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 04/18/24 TIME: 9:00 A.M. DEPT: L CASE NO: FL0000477

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JORDENNE FERENCZI

PETITIONER: LARA GRAHAM WOO

and

RESPONDENT: CASEY SNOWN WOO

NATURE OF PROCEEDINGS: 1) REQUEST FOR ORDER – CHILD CUSTODY/VISITATION
2) CASE PROGRESS CONFERENCE

RULING

Petitioner Lara Graham Woo (“Mother”) filed a Request for Order (“RFO”) on February 26, 2024, for custody and visitation orders. Proof of service indicates that Petitioner Casey Shawn Woo (“Father”) was served by email with the moving papers. He filed a responsive declaration on March 22, 2024. Mother filed a reply declaration and memorandum of points and authorities on March 26.

The parents were referred to Marin Family Court Services (“FCS”) for mediation and counseling on the issues raised by Mother. [Marin is a recommending county. (Family Code §3183; Marin County Rules, Family 7.17.A.)]. Both parents were interviewed on or about April 9.

Together, these parents have three children: Henning is 7, Bates is 5 and Vayda is 3.

FCS reports that these parents are currently practicing a nesting arrangement where the children remain in the family home and parents rotate in and out of the home during their custodial time. The children are in Father’s custody on alternate weekends (concluding Sunday evening) in addition to Mondays and Wednesdays for overnights. The children are in Mother’s custody for alternate weekends (including Sunday overnights) and Tuesdays and Thursdays for overnights. The noncustodial parent stays at the studio apartment in San Francisco owned by the parents when it is not their custody time.

These parents are in the early throws of separation. With Vayda a young 3 years old, they must now decide whether they will become one of those families that involve their children in police custody exchanges, and who comfortably hurl insults and accusations at the other parent. These parents have 15 years to co-parent together; until their youngest 18. If they choose to continue to battle with each other, their children will continue to likely suffer. If they choose to put their

feelings aside for the sake of their children and simply get along, their children will likely thrive. That is the choice they face.

Father's concern about the success of the parent's current nesting arrangement shows good insight. Given the fact that police have been involved because of parental communications, and there is already one referral to the California Department of Children and Family Service to investigate the fitness of the parents, the court concludes that contact between the parents should be minimized. Child exchanges should be peaceful, with the parents exchanging polite pleasantries if they must talk at all, to set an example for the children regarding how adults communicate.

Mother's anger towards Father radiates from her papers, which is not good for the family. Successful co-parenting involves two parents working together. The parent who is not willing to work with the other is the parent who will likely have more restrictions regarding custody, because children need stability.

Moreover, there have been no findings of domestic violence with this family. Mother appears to threaten to pursue the issuance of a DVRO in order to gain an advantage in family court.

Children in this situation want desperately to see their parents get along.

Custody and Visitation.

The court hopes the parents will try harder for the sake of the children to work together. Attempts by one parent to micro-manage the other parent's parenting style will likely fail. The parents must begin to trust that when the children are with the other parent, they are safe because that parent has the good judgment necessary to raise the children they created, together.

The court has reviewed the moving, responsive and reply declarations filed by both parents; has also studied the thorough FCS report issued on April 9, 2024, and has also reviewed the Statements of disagreement filed by both parents on April 16, 2024, finds that it is in the best interest of the children to adopt those recommendations, in part, as follows:

Custody

1. Joint legal custody. Parents shall share in the responsibility and confer in good faith on matters concerning the health, education, and welfare of the children. Each parent shall have access to the children's school, medical, mental health, and dental records and the right to consult with professionals who are providing services to them.
2. Joint physical custody.

Timeshare

3. The following timeshares shall be implemented regardless of whether parents are continuing to nest or whether they have established separate residences.
 - a. Until the parents complete a parenting class, the children shall be in Father's custody on alternate weekends from Friday after school through Monday morning and each Wednesday from after school through Thursday morning. The children shall be in Mother's custody at all other times when not in Father's custody.
 - b. Once both parents complete parenting classes, the children shall be on a 2/2/3 schedule until Vayda turns five years old. In week number one, the children shall

be in Mother's custody from Monday morning through Wednesday morning, in Father's custody from Wednesday morning through Friday morning, and then in Mother's custody for the weekend from Friday after school through Monday morning. In week number two, the children shall be in Father's custody from Monday morning through Wednesday morning, in Mother's custody from Wednesday morning through Friday morning, and then in Father's custody from Friday after school through Monday morning.

- c. Once Vayda turns five years old, parents shall transition to a 2/2/5 schedule. Parents shall alternate weekends with a weekend defined as from Friday after school through Monday morning drop off at school. Father shall have custody from Monday morning through Wednesday morning each week while Mother shall have custody from Wednesday morning through Friday morning each week.
4. If Father will be traveling for work and is not able to care directly for the children for a period of one overnight or more, he shall offer Mother first right of refusal to care for the children. If she is unable to do so, it shall be Father's responsibility to find appropriate alternative childcare. If Father's work travel schedule begins to impact his ability to consistently exercise a 50-50 custody schedule, the custody schedule shall be modified so that the children are cared for by a parent who is available to consistently care for them.
5. Parents shall take a coparenting class.
6. Parents shall take a parenting class focused on raising young children.
7. There shall be no corporal punishment.
8. The parents should trust that the other parent is feeding the children with nutritious meals and shall not micromanage the foodstuffs contained in the other parent's pantry. Mother shall not interrogate the children about meals fed by Father during Father's time.
9. All recreational legal drugs, tobacco and alcohol shall be kept secured and away from the children so that they do not have access to them.
10. Both parents shall drive safely with the children and follow state law regarding car-seats, with age-appropriate car seats until they no longer are legally required to do so.
11. The children shall be properly supervised at all times and shall not be left unattended when in or around bodies of water.
12. Parents shall be civil and respectful with one another at exchanges of the children and at all other times in the presence of the children. Parents shall not speak to one another in a disrespectful manner or engage in parental conflict in the presence of the children.
13. Parents shall not expose the children to domestic violence and shall not engage in acts of domestic violence toward one another.
14. Communications shall be with Our Family Wizard.
15. Parents shall use their good judgment when introducing the children to dating partners.
16. The parents shall consider retaining a co-parenting coordinator to assist with parenting disputes.
- 17.

Litigants who require the assistance of an interpreter shall appear in person. Interpreter services via video technology are not available.

As authorized by CRC 5.125, the court will prepare the Findings and Order After Hearing.

Parties must comply with Marin County Superior Court Local Rules, Rule 7.12(B), (C), which provide that If a party wants to present oral argument, the party must contact the Court at (415) 444-7046 and all opposing parties by 4:00 p.m. the court day preceding the scheduled hearing. Notice may be by telephone or in person to all other parties that argument is being requested (i.e., it is not necessary to speak with counsel or parties directly.) Unless the Court and all parties have been notified of a request to present oral argument, no oral argument will be permitted except by order of the Court. In the event no party requests oral argument in accordance with Rule 7.12(C), the tentative ruling shall become the order of the court.

IT IS ORDERED that video appearances though Zoom are permitted unless a party is ordered to appear in court. In-person appearances are also permitted. Evidentiary hearings shall be in-person in Department L. The parties may access Department L for video conference via a link on the court website.

FURTHER ORDERED that the parties are responsible for ensuring that they have a good connection and that they are available for the hearing. If the connection is inadequate, the Court may proceed with the hearing in the party's absence.

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 04/18/24 TIME: 9:00 A.M. DEPT: L CASE NO: FL0000685

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JORDENNE FERENCZI

PETITIONER: NANETTE LONG

and

RESPONDENT: MARIE BLACK MICAH
LONG

NATURE OF PROCEEDINGS: REQUEST FOR ORDER – VISITATION

RULING

Petitioner Nanette Long (“Grandmother”) filed a Petition for Grandparent Visitation on February 22, 2024, seeking court ordered visitation time with her granddaughter Aurelia Long, age 3. She is the Paternal Grandmother. Proof of service indicates that Respondent Marie Dewhurst Black (“Mother”) was served with the paperwork on March 14, 2024. There is no proof of service to indicate that Respondent Micah Long (“Father”) was served. No other documents were received by the parties.

The Grandmother and parents were referred to Marin Family Court Services (“FCS”) for mediation and counseling on the issues raised. [Marin is a recommending county. (Family Code §3183; Marin County Rules, Family 7.17.A.)]. All three parties were interviewed on April 9. This is an indication that Father was served with the papers.

The court presided over a hearing regarding a Domestic Violence Restraining Order, case FL0000673, in which both parents filed restraining orders against the other parent. The restraining orders were dismissed. During the hearing, Grandmother testified in support of issuance of the restraining order.

Mother testified during the hearing that Grandmother often makes life difficult for her and the child. She gave an example of when Grandmother took the child from Mother on Christmas Day. She also explained that she cares for two individuals with cancer. During the birthday celebration involving those two individuals and the child, for example, Mother hosted a party with the requirement that participants be vaccinated against the COVID virus. Grandmother objected and harassed Mother about her attempts to keep everyone at the party safe from infection by requiring attendants to be vaccinated.

This is an odd case in which a grandparent is attempting to intervene with the parenting relationship. In a marital action filed in court, the court may award reasonable visitation rights to a grandparent of a minor child of a party to the marriage. Family Code § 3103(a). The section permits a grandparent to petition for visitation if a dissolution proceeding is pending in which custody is already at issue. In this case, there is no petition pending. Therefore, Grandmother's petition is not properly before this court.

A grandparent may also petition for visitation with her grandchild *if* the parents are not married to one another. Family Code §3104(b). *Marriage of Harris*, 2004 34 Cal 4th 210, 211. Grandmother's request for forced visitation faces a steep climb. If there is no allegation or finding that apparent is unfit, a visitation schedule ordered by a court for a grandparent over the parents' objection infringes on that parents' fundamental right to make decisions about care, custody, and control over her children. *Punsly v Ho*, (2001) 87 Cal.App.4th 1009. A fit parent is entitled to deference in making decisions about the amount of grandparent visitation. *Kyly O. v. Donald R.*, (2000) 85 Cal.App. 4th 848, 863.

As the court instructed Grandmother during the hearing on the DVRO, she must try harder to get along the parents and be respectful of their right to parent the child. There's no entitlement to visitation for grandparents. Father apparently does not have an issue with Grandmother and his daughter spending time together. He may facilitate visitation time, as is customary.

There is no parentage action before the court. The court therefore is unable to grant Grandmother's request. Based on the information available to the court and in consideration of testimony on the record during the DVRO hearing, it is doubtful the court would grant such a request, because it is opposed by Mother.

Because Grandmother's request infringes on the parents' rights, it is DENIED.

Litigants who require the assistance of an interpreter shall appear in person. Interpreter services via video technology are not available.

As authorized by CRC 5.125, the court will prepare the Findings and Order After Hearing.

Parties must comply with Marin County Superior Court Local Rules, Rule 7.12(B), (C), which provide that If a party wants to present oral argument, the party must contact the Court at (415) 444-7046 and all opposing parties by 4:00 p.m. the court day preceding the scheduled hearing. Notice may be by telephone or in person to all other parties that argument is being requested (i.e., it is not necessary to speak with counsel or parties directly.) Unless the Court and all parties have been notified of a request to present oral argument, no oral argument will be permitted except by order of the Court. In the event no party requests oral argument in accordance with Rule 7.12(C), the tentative ruling shall become the order of the court.

IT IS ORDERED that video appearances though Zoom are permitted unless a party is ordered to appear in court. In-person appearances are also permitted. Evidentiary hearings shall be in-person in Department L. The parties may access Department L for video conference via a link on the court website.

FURTHER ORDERED that the parties are responsible for ensuring that they have a good connection and that they are available for the hearing. If the connection is inadequate, the Court may proceed with the hearing in the party's absence.

Any party contesting the ruling and requesting oral argument shall appear in person or remotely through Zoom either by video or telephone. Please follow the guidelines set forth on the court website at www.marin.courts.ca.gov

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 04/18/24 TIME: 9:00 A.M. DEPT: L CASE NO: FL0000749

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JORDENNE FERENCZI

PETITIONER: LEONARD WYNN
BROOKS, JR.

and

RESPONDENT: JAQUANA MOSES

NATURE OF PROCEEDINGS: REQUEST FOR ORDER – CHILD
CUSTODY/VISITATION; OTHER: ADJUDICATE PARENTAGE

RULING

Respondent Jaquana Moses' ("Mother") request for a Domestic Violence Restraining Order was DENIED after an evidentiary hearing on April 8, 2024. The request was filed one day after Petitioner Leonard Wynn Brooks ("Father") filed a parentage petition on March 13, 2024. Father also filed a Request for Order ("RFO") for custody and visitation orders on March 13. No additional papers were filed by Mother after the hearing.

The court issued temporary emergency orders regarding custody and visitation after the hearing on April 8, and referred the parents to Marin Family Court Services ("FCS") for mediation and counseling on the issues raised by Father. [Marin is a recommending county. (Family Code §3183; Marin County Rules, Family 7.17.A.)]. Father was interviewed on April 2. Mother was interviewed on April 12.

Together, these parents have one child. Jasmine is 3.

Custody and Visitation

The court is concerned that Mother may have fabricated sexual abuse allegations in retaliation of Father's filing his parenting petition. Making false allegations like that against another parent will rapidly disintegrate the parental relationship.

The court has reviewed the declaration in support of the RFO filed by Father, and in consideration of the testimony of the parents presented during the hearing, and after review of the Report issued by FCS on April 12, 2024, the court finds good cause to adopt those recommendations as follows:

Parental Responsibilities

1. The parents shall share joint legal custody of Jasmine. The parents shall share in the responsibility and confer in good faith on matters concerning the child's health, education and welfare. Both parents shall have access to the child's school, medical, mental health, and dental records and the right to consult with professionals who are providing services to the child.
2. The parents shall share joint physical custody of Jasmine.

Timeshare Schedule

3. During the school year, Jasmine shall live primarily with Jaquana and shall be with Leonard during the following times (the 1st weekend of the month is the weekend which contains the first Saturday of the month):
 - The 1st and 3rd weekend of the month from Friday at 9:00 a.m. to Sunday at 6:00 p.m.
 - Every Wednesday and Thursday for drop off and picks up from school, if he is available.
4. During the summer months, Jasmine shall live primarily with Jaquana and shall be with Leonard during the following times:
 - Every 1st, 2nd, and 3rd weekend of the month from Friday at 9:00 to Sunday at 6:00.
 - Any additional time agreed upon by the parents.
5. Any changes to the schedule, or any additional time for Jasmine to be with either parent, shall occur as mutually agreed upon by the parents.

Collateral Issues

6. Leonard shall ensure that he is available to supervise Jasmine when she is in his care. She may not stay overnight with Father and left in someone else's care if he is scheduled to work.
7. Jasmine shall be exposed to peaceful contact only between her parents.
8. Neither parent shall expose Jasmine to any verbal or physical abuse.
9. Neither parent shall make any disparaging comments about the other parent in the presence of Jasmine or allow others to do so.

10. Both parents shall ensure that Jasmine gets to school on time and has good attendance.
11. Neither parent shall use any illegal drugs while caring for Jasmine.
12. Both parents shall ensure that any medications are inaccessible to Jasmine.
13. Both parents shall be law-abiding.
14. Both parents shall take a co-parenting class.

TEMPORARILY, under current orders, litigants who require the assistance of a Spanish language interpreter shall appear in person. Interpreter services via video technology are not available.

As authorized by CRC 5.25, the court will prepare the Findings and Order After Hearing.

Parties must comply with Marin County Superior Court Local Rules, Rule 7.12(B), (C), which provide that If a party wants to present oral argument, the party must contact the Court at (415) 444-7046 and all opposing parties by 4:00 p.m. the court day preceding the scheduled hearing. Notice may be by telephone or in person to all other parties that argument is being requested (i.e., it is not necessary to speak with counsel or parties directly.) Unless the Court and all parties have been notified of a request to present oral argument, no oral argument will be permitted except by order of the Court. In the event no party requests oral argument in accordance with Rule 7.12(C), the tentative ruling shall become the order of the court.

IT IS ORDERED that video appearances though Zoom are permitted unless a party is ordered to appear in court. In-person appearances are also permitted. Evidentiary hearings shall be in-person in Department L. The parties may access Department L for video conference via a link on the court website.

FURTHER ORDERED that the parties are responsible for ensuring that they have a good connection and that they are available for the hearing. If the connection is inadequate, the Court may proceed with the hearing in the party's absence.

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 04/18/24 TIME: 9:00 A.M. DEPT: L CASE NO: FL0000775

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JORDENNE FERENCZI

PETITIONER: ANGELINA MICHELLE
TORRES

and

RESPONDENT: DEVIN DILLINGHAM

NATURE OF PROCEEDINGS: REQUEST FOR ORDER – CHILD CUSTODY/VISITATION

RULING

A petition to establish parenting was filed on March 20, 2024, by Petitioner Angelina Michelle Torres (“Mother”), who also filed a Request for Order (“RFO”) on the same day, seeking modification to custody and visitation orders. Proof of service of summons filed on March 29, 2024, indicates that Respondent Devin Dillingham (“Father”) was personally served with the Petition and RFO on March 29, 2024. He did not file a Responsive declaration.

The parents were referred to Marin Family Court Services (“FCS”) for mediation and counseling on the issues raised by Mother. [Marin is a recommending county. (Family Code §3183; Marin County Rules, Family 7.17.A.)]. Mother was interviewed by FCS on or about April 9, 2024. Father did not communicate with FCS.

Together, these parents have one child. Nevaeh Dillingham is 5 years old.

It would be helpful to understand Father’s position regarding his desire to visit with his daughter. Should Father appear at the hearing, the court will likely grant his request for a re-referral to FCS. Father may also file a responsive declaration with the court, to better explain his position.

Custody and Visitation

The court has reviewed the declaration in support of the RFO filed by Mother, and in consideration of the Report issued by FCS on April 19, 2024, the court finds good cause to adopt those recommendations as follows:

1. Sole legal and physical custody to Mother.
 2. Father shall have parenting time with Nevaeh at Mother’s discretion.
-

3. Father shall provide at least one-week advance notice to Mother for any visits he wishes to have with Nevaeh.
4. Father shall not take Nevaeh out-of-state without written consent from Mother.
5. Nevaeh shall not be exposed to third-hand cigarette or marijuana smoke. Father shall not smoke in his car if Nevaeh is present or if her car seat is installed in the car.
6. Father shall attend to Nevaeh's hygiene including brushing her hair and teeth and ensuring that she is showered or bathed when she is in his care.
7. Father shall not expose Nevaeh to domestic violence. Future violations of this provision shall be grounds for a reduction in Father's custodial time including possible supervised visits.
8. Father shall not expose Nevaeh to adult conflict between him and his girlfriend.
9. Father may request for this matter to be re-referred to FCS.

TEMPORARILY, under current orders, litigants who require the assistance of a Spanish language interpreter shall appear in person. Interpreter services via video technology are not available.

As authorized by CRC 5.25, the court will prepare the Findings and Order After Hearing.

Parties must comply with Marin County Superior Court Local Rules, Rule 7.12(B), (C), which provide that If a party wants to present oral argument, the party must contact the Court at (415) 444-7046 and all opposing parties by 4:00 p.m. the court day preceding the scheduled hearing. Notice may be by telephone or in person to all other parties that argument is being requested (i.e., it is not necessary to speak with counsel or parties directly.) Unless the Court and all parties have been notified of a request to present oral argument, no oral argument will be permitted except by order of the Court. In the event no party requests oral argument in accordance with Rule 7.12(C), the tentative ruling shall become the order of the court.

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