

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MARIN**

DATE: 04/25/24      TIME: 9:00 A.M.      DEPT: L      CASE NO: FL2203743

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JORDENNE FERENCZI

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PETITIONER:      RAFAEL ARELLANO  
FLORES

and

RESPONDENT:      MARIANA MONTERO

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NATURE OF PROCEEDINGS: 1) CASE PROGRESS CONFERENCE  
2) REQUEST FOR ORDER – CHILD SUPPORT

**RULING**

This matter is on for review of custody and visitation orders, and support orders following a hearing held on March 28, 2024.

On March 1, 2024, Petitioner Marina Montero filed a Request for Order (“RFO”) seeking spousal and child support. Both parents exchanged financial information. Father filed on RFO on January 8, 2024, seeking changes to Custody and Visitation in case FL 2201098. The court granted Mother’s request to continue the matter, and she filed a responsive declaration on January 26, 2024. The court consolidated the cases into case FL 2203743.

These parents have three children. Fatima is 17, Leonardo is 14, and Saira is 10 years old.

**Child Custody and Visitation**

During the hearing, the parents agreed to the following schedule:

1. Father has visitation every other weekend from Friday after school until Sunday at 6:30 PM beginning the weekend of March 29.
2. During the summer, this schedule will continue.
3. Fatima may choose to reside with either parent when she wishes.
4. Father will continue to have parenting time with the children on Tuesday and Thursday from 4:00 PM to 6:30 PM.
5. The parents can agree to change this schedule in writing.
6. Father shall not enter mother's home and the parents will engage in peaceful contact.

The parties are ordered to appear to discuss the status of visitation.

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The court will enter Findings and Orders After Hearing once the final visitation schedule is set.

### **Child Support**

Moreover, the court indicated at the hearing that Mother's request for support would be denied because the support calculation zeroed-out based on the parents' relatively equal income levels. Mother works on the janitorial staff at Kaiser. She earns \$5,172 gross per month. She has minimal checking and savings. Her employer provides health insurance, and she pays approximately \$1,000 in pre-tax medical premiums. She contributes \$116 per month to retirement. She pays \$85 per month in union dues. Father is self-employed and reports \$4,875 gross per month in wages, as reported in his Income and Expense Declaration. He pays \$125 per month for healthcare. He claims to pay \$419.87 for Mother's car payments, and \$200 per month for her car insurance. The parents were to meet and confer regarding support. No additional papers regarding income were filed.

Mother filed an at-issue memorandum.

Appearances are required.

Litigants who require the assistance of a language 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](http://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

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Passcode: 991058

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**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MARIN**

DATE: 04/25/24      TIME: 9:00 A.M.      DEPT: L      CASE NO: FL2300443

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JORDENNE FERENCZI

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PETITIONER:      JEXIRI RUBI GARCIA

and

RESPONDENT:      MARK ANTHONY  
CELESTIAL

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NATURE OF PROCEEDINGS: REQUEST FOR ORDER – OTHER: HEALTH INSURANCE

**RULING**

Petitioner Jexiri Rubi Garcia (“Mother”) is the protected party in a 3-year Domestic Violence Restraining Order (“DVRO”) issued on April 11, 2023, with Respondent Mark Anthony Celestial as the restrained party.

The court issued custody and visitation orders on March 18, 2023, granting Mother sole legal and physical custody over their child. Findings and Order After Hearing (“FOAH”) entered on December 7, 2023, clarified child visitation, and did not alter sole custody to Mother.

Mother filed a Request for Order on March 22, 2024, seeking to remove their child from Father’s Kaiser health insurance, because it interferes with Mother’s elected treatment plan for their child, who has special medical needs. Mother also seeks an award of child support arrears. Proof of service indicates that Father was served by email on March 22. He did not file a response.

Together, these parents have one child. Danika is 10 years old.

**Custody and Visitation**

Father did not file an opposition to the RFO after receiving proper notice. His non-action after receiving proper notice of this hearing maybe viewed as a concession to Mother’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.)

**Child Support**

The court issued orders on August 24, 2023, regarding Father’s owed and unpaid child support. Mother reports that of the total arrearage awarded of \$17,900, Father has paid \$9,713.080. Mother calculates Father owes \$8,186.60 pursuant to the order.

The court notes that the FOAH entered on September 29, 2023, awards \$7,000 in fees to Mother. It is unclear whether this payment has been satisfied.

The support orders referenced in Mother's declaration filed in support of the RFO are not in the file (Case no FL 2300443.)

**Department of Child Support Service**

The support issues raised in this case by Mother are currently set on the Department of Child Support Services calendar. Mother's request is continued to June 13, 2024, at 9 a.m. before Commissioner Janet Frankel.

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*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: 04/25/24      TIME: 9:00 A.M.      DEPT: L      CASE NO: FL2300898

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JORDENNE FERENCZI

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PETITIONER:    LUCIA VIOLETA  
SALDARRIAGA CHERO

and

RESPONDENT: EDWARD ARMANDO  
CARDENAS FERNANDEZ

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

**RULING**

The court issued Findings and Orders After Hearing (“FOAH”) on April 2, 2024, and continued the case with a referral for the children to meet with Marin Family Court Service (“FCS”). The matter was continued to April 24, 2024. [Marin is a recommending county. (Family Code §3183; Marin County Rules, Family 7.17.A.)]. Both parents were interviewed.

The parents appeared in court on March 28, 2024, and were sworn. Respondent Edward A Cardenas Fernandez (“Father”) filed a Request for Order on January 25, 2024, seeking changes to custody and visitation orders. Petitioner Lucia Violeta Saldarriaga Chero (“Mother”) filed a responsive declaration on February 20, 2024. Father filed a reply declaration on March 15.

Together, these parents have two children. Brissa is 14. Larissa is 11. The children were interviewed by FCS on April 18.

Father has been convicted of 7 DUIs. He recently got out of the Salvation Army program in January after he was released from jail. He reports that he is working full-time in restaurants from 8:00 to 4:30 and living both in Fairfax and at his sister’s home in Corte Madera.

A 3-year restraining order protecting Lucia is in place, set to expire on June 21, 2026. There are also orders from August 1, 2023, for Mother to have sole legal and physical custody of both girls, with no visits to Father.

The parents have agreed, since after Father’s release from jail, that he may have video calls with the children. Mother believes the calls are excessive, in that Father calls the children up to 3 times per day.

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It was clear from Father's testimony during the the hearing on March 28, 2024, is that Father has impulse control issues. He is also obsessive with this believe that he needs to talk and communicate with the children by phone multiple times throughout the day.

### **Custody and Visitation**

The court has reviewed the Report issued by FCS on April 22, 2024. The court has also reviewed the Father's declaration in support of the RFO, and Mother's response, and inconsideration of the prior report issued by FCS on March 22, 2024, the court finds good cause and that it is in the best interest of the children to adopt the FCS recommendations as follows:

1. Mother shall continue to have sole legal and physical custody.
2. The children shall be exposed to peaceful contact only between the parents.
3. Neither parent shall make any disparaging comments about the other parent in the presence of the children or allow others to do so.
4. The children shall not be exposed to any verbal or physical abuse.
5. Father shall maintain his sobriety.
6. Both parents shall be law-abiding and follow all court orders.
7. Both children shall be permitted to speak with Father on the phone.
8. Visits with Father shall be supervised by a family member who completes FL 324 for a non-professional supervisor selected by Mother. If the parties cannot agree to a family member to supervise, visits shall be at Rally Family Visitation Services.
9. Brissa shall be in counseling.
10. The parents shall not share information regarding this case with the children.

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.***

***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: 04/25/24      TIME: 9:00 A.M.      DEPT: L      CASE NO: FL0000486

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JORDENNE FERENCZI

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PETITIONER:      HENRY ESCOBAR

and

RESPONDENT:      MELISSA CANAS

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NATURE OF PROCEEDINGS: 1) REQUEST FOR ORDER – CHILD SUPPORT  
2) CASE PROGRESS CONFERENCE

**RULING**

Petitioner Henry Escobar (“Father”) filed a Request for Order (“RFO”) on December 7, 2023, to establish child support and custody and visitation orders. Proof of service of summons indicates that Melissa Canas (“Mother”) was personally served with Father’s petition and RFO on December 23. She did not file an opposition. Father filed financial information in support of the RFO on March 4, 2024. Mother filed her financials, including an income and expense declaration on April 18.

The court issued tentative custody orders on February 27, 2024, and scheduled an Interdisciplinary Settlement Conference at the request of Father. The ISC was concluded on March 27, 2024, and custody orders were entered on April 9, 2024.

Together, these parents have two children. Mikayla is 14. David turns 12 on April 28. Both children were interviewed by FCS.

**CHILD SUPPORT**

Father’s Income and Expense Declaration provides that he is self-employed and operates a tree service business. He earns an average of \$20,548 gross per month, or \$246,576 annually. He has \$20,000 in checking; \$0 in stocks; and \$551,300 in real and personal property. Father testified during the April 7, 2024, hearing that he earned \$90,000 in gross annual income in 2022-2023, or \$7,500 gross per month, and estimated that he will earn the same in 2024.

Father’s schedule C for 2022 reports gross annual business income of \$946,626 gross (or \$78,886 per month), with \$481,295 (\$40,108 per month) in expenses, for a net gain of \$255,577, or \$21,296 gross per month.

Mother cuts hair from her home, and reports and monthly gross income of \$1,200 per month. Her 2022 Form 1040 reports \$22,070 gross annual income.

Neither parent reports making health insurance payments.

The timeshare is 50%/50%.

Based on the above assumptions set forth in the attached *DissoMaster* calculation, commencing January 1, 2024. Father shall pay to Mother monthly child support in the amount of \$3,724 payable one-half on the 1<sup>st</sup> and one-half on the 15<sup>th</sup> day of each month, and continuing until further court orders, or until the children marry, pass away, are emancipated, reach age 19, or reach age 18 and are not a full-time high school students, whichever occurs first.

The parties shall share equally all reasonable uninsured medical and dental expenses incurred on behalf of their minor children, and childcare costs related to either party's employment or reasonably necessary education or training for employment skills. The parties are ordered to comply with the provisions of Family Code §4063 in seeking reimbursement for uninsured medical and dental expenses, and a copy of the *NOTICE OF RIGHTS AND RESPONSIBILITIES – Health-Care Costs and Reimbursement Procedures* shall be attached to the *ORDER AFTER HEARING*. These provisions shall apply to reimbursement for childcare expenses as well. Regarding medical add-ons, the parents are directed to Family Code Section 4063(1), which provides that the parents shall arrange to use medical providers who are in the insurance network. If providers are used outside of network, the parent who arranged the medical and/or therapy appointment is obligated to pay the difference.

The parents are expected to share equally the costs of extracurricular activities for the children. The activities are to be agreed upon in advance, in writing, and the children's participation is not to be unreasonably withheld. It is reasonable for the parents to share equally in the costs of tutoring, sports, musical equipment rentals, and similar activity costs.

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

Counsel for Father shall prepare the Findings and Order After Hearing.

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JUDICIAL OFFICER (NAME AND ADDRESS): <b>Marin County Superior Court</b> <b>California</b>	TELEPHONE NO:	Superior Court Of The State of California, County of Marin COURT NAME: Marin County Superior Court STREET ADDRESS: 3501 Civic Center, Vera Schultz Dr San Rafael 94903 MAILING ADDRESS: BRANCH NAME:
DISSOMASTER REPORT 2024, Monthly		CASE NUMBER: <b>FL 0000486</b>

Input Data	Henry	Melissa	Guideline (2024)	Cash Flow Analysis	Henry	Melissa
Number of children	1	1	<b>Nets (adjusted)</b>	<b>Guideline</b>		
% time with Second Parent	50%	50%	Henry	22,048	Payment (cost)/benefit	(3,724) 3,724
Filing status	HH/MLA	HH/MLA	Melissa	1,830	Net spendable income	18,324 5,554
# Federal exemptions	2*	2*	Total	23,878	% combined spendable	76.7% 23.3%
Wages + salary	0	0	<b>Support</b>		Total taxes	7,111 (284)
401(k) employee contrib	0	0	CS Payor	Henry	Comb. net spendable	23,878
Self-employment income	21,296	1,546	Presumed	3,724	<b>Proposed</b>	
Other taxable income	0	0	Basic CS	3,724	Payment (cost)/benefit	(3,785) 3,785
Short-term cap. gains	0	0	Add-ons	0	Net spendable income	18,464 5,474
Long-term cap. gains	0	0	Presumed Per Kid		NSI change from gdl	140 (80)
Other gains (and losses)	0	0	Mikayla	1,329	% combined spendable	77.1% 22.9%
Ordinary dividends	0	0	David	2,395	% of saving over gdl	234% -134%
Tax. interest received	0	0	Spousal support	blocked	Total taxes	6,909 (142)
Social Security received	0	0	Total	3,724	Comb. net spendable	23,938
Unemployment compensation	0	0	<b>Proposed, tactic 9</b>		Percent change	0.3%
Operating losses	0	0	CS Payor	Henry	Default Case Settings	
Ca. operating loss adj.	0	0	Presumed	3,785		
Roy, partnerships, S corp, trusts	0	0	Basic CS	3,785		
Rental income	0	0	Add-ons	0		
Misc ordinary tax. inc.	0	0	Presumed Per Kid			
Other nontaxable income	7,863	0	Mikayla	1,390		
New-spouse income	0	0	David	2,395		
SS paid other marriage	0	0	Spousal support	blocked		
CS paid other relationship	0	0	Total	3,785		
Adj. to income (ATI)	0	0	Savings	60		
Ptr Support Pd. other P'ships	0	0	Total releases to Henry	1		
Health insurance	0	0				
Qual. Bus. Inc. Ded.	0	0				
Itemized deductions	2,333	0				
Other medical expenses	0	0				
Property tax expenses	833	0				
Ded. interest expense	1,500	0				
Charitable contribution	0	0				
Miscellaneous itemized	0	0				
State sales tax paid	0	0				
Required union dues	0	0				
Cr. for Pd. Sick and Fam. L.	0	0				
Mandatory retirement	0	0				
Hardship deduction	0*	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				