

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 10/05/23 TIME: 9:00 A.M. DEPT: L CASE NO: FL1702167

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JORDENNE FERENCZI

PETITIONER: KELLY LAHEY HUFF

and

RESPONDENT: MICHAEL HUFF

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

RULING

Parties must comply with Marin County Superior Court Local Rules, Rule 7.12(B), (C) to contest the tentative decision. 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 due to Covid-19, you are directed to the court's website, for information on how to access the court virtually. Video appearances 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.

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

Petitioner Kelly Lahey Huff ("Mother") filed a Request for Order ("RFO") on September 6, 2023, seeking changes to custody and visitation orders. She also seeks modifications to child support and orders regarding add-ons. Respondent Michael Huff ("Father") was served on September 12. Father filed an untimely declaration in opposition to the moving papers on October 3. The court has also received and reviewed a declaration submitted by Emily Nusbaum, PhD, regarding the care of one of the children, dated October 2, 2023.

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 by FCS. The parents reached agreement with the assistance of FCS on some issues raised. Mother filed a statement of disagreement to the FCS report on October 3.

Together, these parents have two special needs children. Liam is 15 and Katrina is almost 12.

Custody and Visitation.

The care of special needs children often results in tremendous stress and anxiety on the family. Issues such as healthcare costs and educational needs are compounded exponentially, which is why it is important for the parents to work together and be on the same page. Father’s decision, for example, to switch insurance providers without consulting Mother is not okay.

In cases like this, when parents are not interested in working together to solve problems, a request for sole custody relative to specific issues makes sense. Special needs children require one voice to advocate when seeking accommodations within the public education framework. Usually, that one voice is the result of unified parents. Here, because the parents are unable to agree on educational issues, the court will GRANT Mother’s request for sole decision making authority for educational issues for the children.

Mother’s request in her Statement of Disagreement for an award of sanctions is DENIED.

After review of the moving papers submitted by Mother in support of her request, and in consideration of the Family Court Services Report issued on October 2, 2023, the court finds good cause to approve the agreement reached by the parents with the assistance of FCS as follows:

Timeshare Schedule

1. Both children shall be with Michael on the following schedule (and with Kelly the remainder of the time):
 - Every Tuesday and Thursday from after school until they are returned to school the following morning.
 - Alternate weekends from Friday after school until Sunday at 6:30 p.m.
2. Any changes to the schedule, or any additional time for either child to be with either parent, shall occur as mutually agreed upon by the parents.

With respect to the remaining custody and visitation issues, the court finds good cause will adopt in part those recommendations as follows:

Parental Responsibilities

3. The parents shall continue to share joint legal custody of both children regarding healthcare and general welfare of the children. Mother shall have sole legal custody of the children for issues regarding educational choices. The parents shall share meet 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.
4. The parents shall continue to share joint physical custody of both children.

Collateral Issues

5. The parents shall engage in co-parent counseling with an agreed upon counselor.

Child Support.

Father did not file a timely declaration to the RFO to oppose Mother's request for modified child support and add-on payments. His non-action after receiving proper notice of this hearing is 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.)

California Rule of Court 5.92(b)(3)(A) and (B) and Marin County Rules, Family 6.13.A and D require the parties to submit a fully completed Income and Expense Declaration with all moving and responsive papers involving requests for child and spousal support. That did not happen here as Father reported to FCS that he was in receipt of Mother's RFO, however he had no intention of responding to it. The court requires information regarding his finances to calculate support.

Father filed his financial papers and income and expense declaration on October 3, 2023. The court notes that both parties did not file profit and loss statements. A preliminary review of Father's late filed opposition results in an \$87 dollar *de minimis* increase in child support, to \$1,248. The request for modified support is DENIED.

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.

The Zoom appearance information is as follows:

October 2023, 09:00 AM

Join Zoom Meeting

<https://www.zoomgov.com/j/1610321093?pwd=YW5DaGY2ekZsSUFNbE51T1JsRTMvZz09>

Meeting ID: 161 032 1093

Passcode: 991058

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+1-669-254-5252

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 10/05/23 TIME: 9:00 A.M. DEPT: L CASE NO: FL2200570

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JORDENNE FERENCZI

PETITIONER: LIAM GERARD HEADD

and

RESPONDENT: ALMA MARIE KELLY

NATURE OF PROCEEDINGS: REQUEST FOR ORDER – OTHER: BIFURCATION OF STATUS OF MARRIAGE

RULING

Parties must comply with Marin County Superior Court Local Rules, Rule 7.12(B), (C) to contest the tentative decision. 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 due to Covid-19, you are directed to the court's website, for information on how to access the court virtually. Video appearances 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.

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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Petitioner Liam Headd ("Husband") filed a Request for Order ("RFO") August 23, 2023, seeking a status only judgment because he is planning to get remarried. Respondent Alma Kelly ("Wife") filed a responsive declaration in opposition to the request because she has not seen the proposed judgment. She also disputes husband's assertion that community property has been equally divided. She also complains that he is not paying child support.

Husband shall provide the proposed judgment to Wife prior to the hearing.

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.

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 10/05/23 TIME: 9:00 A.M. DEPT: L CASE NO: FL2202072

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JORDENNE FERENCZI

PETITIONER: SARAH SANTOS

and

RESPONDENT: YORDY RAMOS

NATURE OF PROCEEDINGS: REQUEST FOR ORDER – VISITATION

RULING

Parties must comply with Marin County Superior Court Local Rules, Rule 7.12(B), (C) to contest the tentative decision. 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 due to Covid-19, you are directed to the court's website, for information on how to access the court virtually. Video appearances 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.

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

Petitioner Sarah Santos ("Mother") is the protected party in a 3-year Domestic Violence Restraining Order ("DVRO") issued on August 1, 2023, with Respondent Yordy Ramos as the restrained party. After the DVRO hearing, 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 by FCS on or about .

No additional papers were filed by either party, who together have one child – April who is 3 years old. Father did not file an opposition to the RFO. His non-action after receiving proper notice of this hearing is 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.)

Father's record as a parent is not good. Since September 2022, Mother has had sole legal and physical custody of April as a result of charged child abuse. On July 24, 2023, a three-year Criminal Protective Order was issued with April as the protected party. On August 7, 2023, Father was convicted of child abuse for physically abusing April. There is also a DVRO in effect with April as the protected party that is set to expire August 1, 2025.

Rather than taking responsibility, Father believes his conduct does not justify the conviction. He also permitted his parents, the paternal grandparent, to violate the DVRO and CPO by allowing his visitation in violation of prior orders.

Custody Orders issued on September 19, 2022, give Mother sole legal and physical custody, providing Father with an opportunity to establish a consistent routine of regular visits. Father reports that he cannot recall the last time he visited with his child.

Mother's partner has educational opportunities to pursue as well as a scholarship to assist the family pursue those aspirations in New Mexico. Mother's requested move away is GRANTED.

Custody and Visitation

The court has reviewed the moving papers filed by Mother, and in consideration of the report issued by FCS on September 20, 2023, the court finds good cause to adopt those recommendations as follows:

All prior orders not in conflict with the below shall remain in full force and effect with the following modifications.

1. Mother shall maintain sole legal and physical custody.
2. April shall have permission to move with Mother to New Mexico.
3. Father shall have video calls with April every Friday at 7 PM or another mutually agreed upon time. Father may have additional video or phone calls per mutual parental agreement. These video calls shall be monitored by Mother who has authority to terminate the calls if Father engages in any inappropriate conversation with April.
4. Father shall comply with all terms and conditions of his probation including completion of a one-year child abuse 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.

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 10/05/23 TIME: 9:00 A.M. DEPT: L CASE NO: FL2204156

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JORDENNE FERENCZI

PETITIONER: RODRIGO DELGADO
RIOJAS

and

RESPONDENT: SAYRA DELGADO
GARCIA

NATURE OF PROCEEDINGS: REQUEST FOR ORDER – CHILD/SPOUSAL SUPPORT;
OTHER: SUPPORT TO BE RETROACTIVE TO 5/18/23

RULING

Parties must comply with Marin County Superior Court Local Rules, Rule 7.12(B), (C) to contest the tentative decision. 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 due to Covid-19, you are directed to the court's website, for information on how to access the court virtually. Video appearances 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.

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

Respondent Sayra Delgado Garcia ("Mother") filed a Request for Order ("RFO") on August 23, 2023, seeking child support orders. Petitioner Rodrigo Delgado Riojas ("Father") filed his timely responsive declaration on September 12, 2023. No additional papers were filed.

The court issued custody and visitation orders regarding this family on August 17, 2023.

Mother is an in-home care giver and Father is currently unemployed.

Appearances are required. The court will make the court facilitator available to assist the parties resolve the child support issue.

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.

The Zoom appearance information is as follows:

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 10/05/23 TIME: 9:00 A.M. DEPT: L CASE NO: FL2300561

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JORDENNE FERENCZI

PETITIONER: SANDRA LETICIA
SAJCHE RAMOS

and

RESPONDENT: ARTURO ANGELES
GARCIA

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

RULING

Parties must comply with Marin County Superior Court Local Rules, Rule 7.12(B), (C) to contest the tentative decision. 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 due to Covid-19, you are directed to the court's website, for information on how to access the court virtually. Video appearances 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.

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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This is a paternity matter. Respondent Arturo Garcia ("Father") appeared in court on August 17, 2023, to request a re-referral to Marin Family Court Services ("FCS") to be interviewed regarding his Request for Order ("RFO") filed on July 26, 2023, seeking custody and visitation orders. Respondent Sandra Sajche ("Mother") has not filed an opposition, nor is there a Proof of Service in the file as proof that she was served with the RFO and other papers.

The court issued custody orders regarding this family on May 5, 2023, granting Mother sole legal and physical custody. Father contests that ruling.

The parents were referred to 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 there is no Proof of Service, Mother did attend an appointment with FCS, which is evidence that she was aware of Father's request. While this is his motion, he again failed make his appointment.

All prior orders issued on May 2, 2023, not in conflict with the below shall remain in full force and effect with the following modifications.

1. If Father still wishes to pursue his RFO, he should be re-referred to FCS.
2. No changes to the 5/2/23 orders until Father provides the court with more information regarding his request.

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.

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 10/05/23 TIME: 9:00 A.M. DEPT: L CASE NO: FL0000167

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JORDENNE FERENCZI

PETITIONER: PATRICIA ROSARIO
MACARIO VASQUEZ

and

RESPONDENT: CRISTOBAL LUIZ
CRESENCIO CHAN SAQUIC

NATURE OF PROCEEDINGS: MOTION – CHILD CUSTODY/VISITATION AND
RECEIPT OF FAMILY COURT SERVICES REPORT FOLLOWING DVRO HEARING

RULING

Parties must comply with Marin County Superior Court Local Rules, Rule 7.12(B), (C) to contest the tentative decision. 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 due to Covid-19, you are directed to the court's website, for information on how to access the court virtually. Video appearances 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.

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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Petitioner Patricia Rosario Macario Vasquez ("Mother") is the protected party in a 3-year Domestic Violence Restraining Order ("DVRO") issued on August 28, 2023, with Respondent Cristobal Luis Cresencio as the restrained party. At the DVRO hearing, 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 missed their FCS interview.

Appearances are required. The parents may request a re-referral to FCS if they would wish further modifications to the current custody orders, which authorize supervised family visit through Rally Family Services.

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.

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 10/05/23 TIME: 10:30 A.M. DEPT: L CASE NO: FL1704083

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JORDENNE FERENCZI

PETITIONER: JOHN ORDWAY

and

RESPONDENT: LESLIE ORDWAY

NATURE OF PROCEEDINGS: HEARING – OTHER: ON PETITIONER’S OBJECTION TO JUDGMENT PREPARED BY THE COURT

RULING

Parties must comply with Marin County Superior Court Local Rules, Rule 7.12(B), (C) to contest the tentative decision. 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 due to Covid-19, you are directed to the court’s website, for information on how to access the court virtually. Video appearances 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.

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Appearances are required.

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