

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 05/16/18 TIME: 9:00 A.M. DEPT: L CASE NO: FL1204890

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JENN CHARIFA

PETITIONER: COUNTY OF MARIN

and

RESPONDENT: ELIJAH VICTOR VACA

NATURE OF PROCEEDINGS: VISITATION – REQUEST FOR MOVE AWAY; SUSPEND VISITATION TO MOTHER [RESP] ELIJAH VICTOR VACA

RULING

This matter was called on Wednesday, May 2, 2018, but continued at Rosemary A. Bohman’s (“Mother”) request to permit her time to consult with counsel.

The court’s tentative ruling is provided here for convenience to the parties:

Respondent Elijah Victor Vaca (“Father”) filed his request for emergency orders on March 10, 2018, seeking both to suspend Mother’s continued unsupervised visitation with the parents’ child Issa (age 7 years), and also for the court to permit Father to move Issa from the State of California to Las Vegas, Nevada. Mother filed a Request for Order on March 29, 2018 seeking both full custody and visitation orders. This hearing follows those two filings. The parents met with Marin Family Court Services (“FCS”) in anticipation of this hearing.

On March 12, 2018, Mother was again placed on supervised visits after she was caught shoplifting with Issa in her custody. Mother was once again placed on supervised visits following her second incident of theft while she had Issa in her custody. After the first incident in January 2017, over the course of eight months Mother transitioned to unsupervised visitation in August 2017. The court is concerned with Mother’s pattern of providing a stable environment for her child, then reverting back to supervised visitation due to some sort of illegal conduct.

With respect to the move-away request, Father requests permission to move Issa to Las Vegas as he is getting married in June 2018, and his fiancé has a job in Nevada. Father anticipates he will have an inter-job transfer to Las Vegas within six months.

The court has reviewed the file, including prior FCS reports dated March 10, 2017 and April 1, 2016, as well as the report issued on April 27, 2018, and good cause appearing finds it is in the best interest of Issa to GRANT Father's move-away request.

The court rules as follows:

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

1. Issa shall be granted permission to move with Father to Las Vegas, Nevada.
2. Mother shall continue to have supervised visits with Issa. Mother may visit with Issa in Las Vegas up to two weekends a month. Mother's visits on the weekends shall be day visits up to six hours in length provided that there is a supervisor present for these visits. Supervised visits shall remain in place for a minimum of at least two years or until further court order.
3. Father shall be required to bring Issa to Marin County at least once every three months to visit with Mother.
4. Mother shall continue in individual therapy.
5. Per previous orders, Mother shall not engage in criminal activity when Issa is in her custody.
6. Mother shall submit to random drug testing for a period of six months.
7. Father shall follow all recommendations resulting from the recent Contra Costa County CFS investigation.
8. Father shall not utilize corporal punishment of any kind on Issa including spanking.

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 6.12(B), (C) to contest the tentative decision. In the event no party requests oral argument in accordance with Rule 6.12(C), the tentative ruling shall become the order of the court.

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 05/16/18 TIME: 9:00 A.M. DEPT: L CASE NO: FL1701879

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JENN CHARIFA

PETITIONER: MARIO GIOVANNI
WATERS, SR.

and

RESPONDENT: MELISSA WATERS

NATURE OF PROCEEDINGS: 1) NOTICE OF MOTION – AND DECLARATION OF
JOINDER FILED BY GERALDINE WATERS
2) OTHER – VISITATION WITH PATERNAL GRANDPARENTS FILED BY GERALDINE
WATERS

RULING

This matter was called on May 2, 2018 at 9:00 a.m. in this Department for hearing on Geraldine A Waters' ("Grandmother") Request for Order ("RFO") filed on March 16, 2018, to request court ordered grandparent visitation of Marlee (5 years old) and Mario (3 years old). Grandmother also filed a motion for joinder in this matter, seeking standing to request court ordered visitation. Proof of service in the court file indicates that both parents were served by mail on March 18. Both matters were continued to May 16, 2018 for hearing to allow Petitioner Mario Giovanni Waters ("Father") to serve notice to Respondent Melissa Waters ("Mother") of his intent to contest the tentative ruling.

The substantive content of the court's tentative ruling is repeated here:

Father filed a Domestic Violence Restraining Order on April 3, 2018 against Mother, seeking emergency custody of the children pending Mother's return from rehab. At the hearing, the court received sworn testimony from Grandmother regarding her relationship with the children, and the fitness of the parents. The DVRO was dissolved following the hearing, with the court granting Father's request for full custody of the children, and the court established a supervised visitation schedule for Mother.

As a preliminary matter, the court finds that Grandmother's notice to the parents is defective. [Notice must be given by postage prepaid certified mail, return receipt requested, to the parent's last known address or to their attorney of record. Family Code Sec. 3103(c).]

In 2017, Grandmother was awarded guardianship custody over both children in case number PR 1602553 because of the parents' inability to adequately care and safeguard the children due to substance abuse. On February 20, 2018, the Probate Court entered an order terminating the Guardianship, finding at that time both that it was in the best interest of the children to return them to the parents, and that it was in the best interest of the children to permit continued visitation between the children and the grandparents. The Probate Court's order expressly vests this court with discretion to establish a visitation schedule once the matter was transferred to the Marin County Unified Family Court.

Mother filed a response on April 23, 2018, objecting to the motion regarding joinder, but consenting to granting Grandmother visitation with the children.

Grandmother's request for Joinder is DENIED on procedural grounds as the notice was defective and the RFO is premature, and inconsistent with the Probate Court's prior order.

Generally, Family Code Sec. 3103(a) provides that grandparent visitation is discretionary with the court so long as the visitation is in the best interest of the children.

The court has reviewed the file, and in consideration of the prior family and probate orders, and after hearing testimony of the Grandmother, finds it is in the best interest of the children to keep regular visitation with the grandparents. As of April 3, Father lived with the children in Grandmother's home. In the event Father finds housing, the court will grant Grandmother with visitation weekly, from Friday morning at 9:00 a.m., through Sunday morning at 10:00 a.m. on the first and third weekends every month.

The family court mediator will be available in court should the parents wish to discuss an alternative weekly visitation schedule for the Grandmother.

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 6.12(B), (C) to contest the tentative decision. In the event no party requests oral argument in accordance with Rule 6.12(C), the tentative ruling shall become the order of the court.

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 05/16/18 TIME: 10:30 A.M. DEPT: G CASE NO: FL1201412

PRESIDING: HON. BEVERLY WOOD

REPORTER:

CLERK: GINA COMPTON

IN THE MATTER OF:

THEO BIXBY J.

NATURE OF PROCEEDINGS: MODIFICATION – VISITATION [MOTH] VIOLET
BLOOMFIELD

RULING

Based on the information before the court it appears that the best interests of the parties' minor child, Theo, born August 31, 2011, 2012, will be served by the court adopting the recommendations of Family Court Services in their report issued on May 7, 2018, as augmented by the court. The court will do so and the parenting plan is set forth below:

1. Keith shall continue to have sole legal and sole physical custody of Theo.
2. Violet shall have professionally supervised visits with Theo up to two times each week for up to two hours each visit. Visits shall take place at Rally in San Rafael or with a private professional supervisor, unless otherwise agreed upon by the parents. Rally may be contacted at (415) 353-6595 to set up an appointment and for directions to the center in San Rafael.
3. Violet shall be completely clean and sober.
4. Violet shall participate in random drug testing a minimum of two times each month to provide a proven track record of her sobriety.
5. Both parents shall remain law-abiding.
6. The parents shall follow any recommendations from Theo's school counselor in regards to any counseling for Theo.
7. All other orders not in conflict herein shall remain in effect.

As authorized by CRC 5.125, the court will prepare the formal findings and order after hearing.

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 05/16/18 TIME: 1:30 P.M. DEPT: B CASE NO. FL1700957

PRESIDING: HON. ROY O. CHERNUS

REPORTER:

CLERK: CHRISTINA ASLESON

PETITIONER: GUDMUNDA HRUND
 GISLADOTTIR

vs.

RESPONDENT: DARYL SMITH

NATURE OF PROCEEDINGS: CHILD CUSTODY – VISITATION/COMPEL ENTRY OF JUDGMENT PURSUANT TO CCP 664.6 OF CUSTODY AGREEMENTS STATE ON THE RECORD [RESP] DARYL SMITH

RULING

Good cause appearing, Petitioner's unopposed Request for Order to Compel Entry of Judgment of Custody Agreements and Other Custody Related Provisions Pursuant to CCP § 664.6 is granted.

Parties must comply with Marin County Superior Court Local Rules, Rule 1.10(B) to contest the tentative decision. In the event that no party requests oral argument in accordance with Rule 1.10(B), the prevailing party shall prepare an order consistent with the announced ruling as required by Marin County Superior Court Local Rules, Rule 1.11.