

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 04/24/24 TIME: 9:00 A.M. DEPT: B CASE NO: FL1303851

PRESIDING: COM. JANET L. FRANKEL

REPORTER:

CLERK: ALEX URTON

PETITIONER: SONIA SOANS

and

RESPONDENT: ROBERTO ROMAN-
GRAMAJO

NATURE OF PROCEEDINGS: REVIEW HEARING – CHILD CUSTODY/VISITATION

RULING

This matter comes before the court on Petitioner/Mother’s Request for Order (RFO), filed November 13, 2023, seeking visitation time with the parties’ minor child, Sebastian, born November 2, 2010.

The first continuance of this hearing on Mother’s request was at the request of Family Court Services. After that, the court has continued the matter several times, pending resolution in the criminal court of proceedings against Mother.

Mother’s RFO is continued again, to May 22, 2024, pending resolution of Mother’s criminal proceedings.

As authorized by CRC Rule 5.125, the court will prepare the order after hearing.

TEMPORARILY, UNDER CURRENT ORDERS, LITIGANTS WHO REQUIRE THE ASSISTANCE OF A SPANISH LANGUAGE INTERPRETER ARE REQUIRED TO APPEAR IN PERSON. INTERPRETER SERVICES FOR PERSONS APPEARING VIA ZOOM ARE NOT AVAILABLE.

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, 9:00 a.m.*

Join Zoom Meeting

Zoom link Family Law Courtroom B 160 551 2932 passcode 317718

Meeting ID: 160 551 2932

Passcode: 317718

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+1-669-254-5252 US (San Jose)

Meeting ID: 160 551 2932

Passcode: 317718

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 04/24/24 TIME: 9:00 A.M. DEPT: B CASE NO: FL2100497

PRESIDING: COM. JANET L. FRANKEL

REPORTER:

CLERK: ALEX URTON

PETITIONER: LACHLAN MACLEAN

and

RESPONDENT: KIMBERLY RENE
MACLEAN

NATURE OF PROCEEDINGS: REQUEST FOR ORDER – SPOUSAL SUPPORT

RULING

In his Request for Order (RFO), filed March 12, 2024, Petitioner/Husband seeks a downward modification of the court's October 19, 2023 order for nonguideline temporary spousal support, in the amount of \$2,000 per month, payable by Husband to Wife.

Husband asserts that he retired from his long-time employment with KKMI on January 11, 2024, as planned. Husband is 66 years old and asserts that he is entitled to retire. Husband further asserts that Wife, also 66 years old, is self-supporting at her current income and should be working. Husband states Wife can earn more income if she chooses, and that she continues to be active in spite of her MS diagnosis.

In her Responsive Declaration, filed April 10, 2024, Wife asserts that she suspects Husband is not actually retired. Additionally, Wife points out that Husband failed to file and lodge the financial documentation required by MCR Fam 7.13(A-D). Wife requests an evidentiary hearing to determine Husband's income. Wife's declaration also requests, as an afterthought, an augmentation of the prior attorney's fee award.

On April 22, 2024, Husband belatedly filed some of the required financial documents, although Husband has yet to provide the required supplemental documentation required by MCR Fam 7.13(C). Notwithstanding that failure, Husband does provide sufficient information for the court to consider his request.

In his Reply, filed April 22, 2024, Husband admits that on January 23, 2024, he returned to part-time work. He states that his average income from January – April 2024 is \$9,384 per month. Most of the paystubs attached to Husband's income and expense declaration were illegibly dark.

Husband requests that the matter be set for a Bench Bar Settlement Conference. The court must deny this request, without prejudice, pursuant to MCR Fam 7.23. This matter is scheduled for a Case Progress Conference on May 10, 2024 at 9:00 AM in Department B, where Husband can appropriately address this issue.

Husband states that Wife is living in their Atherton Avenue (Novato) home, and he is residing in the parties' Bugeia Lane (Novato) home. Each of them is paying the mortgage for the residence in which they exclusively reside. Husband states that Wife's combined mortgages for Atherton and for her separate property Cotati home are less than his Bugeia mortgage. Husband states that Wife's ability to meet her expenses is superior to Husband's ability to meet his. Additionally, Wife has submitted a Workers' Compensation claim and, although she is still waiting for a decision on her claim, once that is processed, Husband expects that Wife will have additional income in the form of worker's compensation benefits.

Husband's retirement from full-time employment and his subsequent return to work on a part-time basis constitutes a change of circumstances warranting consideration of his request to modify *pendente lite* spousal support.

Based in part on Wife's application for worker's compensation benefits, which remains pending, any modification of support will continue to be subject to a reservation pursuant to *Marriage of Freitas* (2012) 209 Cal.App.4th 1059, and the court reserves jurisdiction to modify spousal support retroactive to September 1, 2023.

After consideration of the pleadings, the court makes the following findings and orders regarding *pendente lite* spousal support:

1. Husband:
 - a. \$10,400 average income from January 12, 2024 through March 17, 2024.¹
 - b. \$3,593 social security income.
 - c. Deductions:
 - i. \$356 post-tax health insurance.
 - ii. \$1,720 mortgage interest.
 - iii. \$833 property tax (the maximum deductible amount).
 - d. \$217 401(k) contribution.
2. Wife:
 - a. \$1,798 rental income.
 - b. \$1,046 trust income.
 - c. \$3,001 social security income.
 - d. Deductions:

¹ Husband's most recent legible paystub is his March 17, 2024 paystub. The March 17, 2024 paystub shows year-to-date income of \$30,153.87. Husband's January 11, 2024 paystub shows income of \$6,153.85, which is attributed to Husband's 2023 earnings, prior to Husband's retirement from full-time employment. Husband's adjusted year-to-date is therefore \$24,000, as of March 17, 2024. ($\$30,153.87 - \$6,153.85 = \$24,000$.) Husband resumed part-time work on January 23, 2024, and there are five pay periods between January 23, 2024 and March 17, 2024. ($(\$24,000 / 5 \text{ pay periods}) * (26 \text{ weeks} / 12 \text{ months}) = \$10,400$ per month.)

- i. \$164 post-tax health insurance.
- ii. \$1,930 mortgage interest
- iii. \$833 property tax (the maximum deductible amount)

Husband's request for modification of pendente lite spousal support is granted. Effective April 1, 2024, *pendente lite* spousal support in the amount of \$1,589 per month shall be payable by Husband to Wife, subject to the *Freitas* reservation of jurisdiction discussed hereinabove. (See attached DissoMaster™ calculation printout.)

Husband finally did, with his Reply, provide an income and expense declaration, paystubs, and a support calculation. These financial documents, along with the court's reservation of jurisdiction, obviates Wife's need for an evidentiary hearing. The request for an evidentiary hearing is denied.

Wife's request for an augmentation of attorney's fees is denied. The request was not included in her Responsive Declaration (see Item 6, page 2), nor was it accompanied by the required supporting declaration.

Counsel for Husband to prepare the formal order after hearing.

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*The Zoom appearance information is as follows:
April 2024, 9:00 a.m.*

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JUDICIAL OFFICER (NAME AND ADDRESS): California	TELEPHONE NO:	Superior Court Of The State of California, County of Marin COURT NAME: STREET ADDRESS: 3501 Civic Center Drive San Rafael 94903 MAILING ADDRESS: BRANCH NAME:
DISSOMASTER REPORT 2024, Monthly		CASE NUMBER:

Input Data	Lachlan	Kim	Guideline (2024)	Cash Flow Analysis	Lachlan	Kim
Number of children	0	0	Nets (adjusted)	Guideline		
% time with Second Parent	0%	0%	Lachlan	10,280	Payment (cost)/benefit	(1,441) 1,513
Filing status	MFS->	<-MFS	Kim	5,066	Net spendable income	8,691 6,655
# Federal exemptions	1*	1*	Total	15,346	% combined spendable	56.6% 43.4%
Wages + salary	10,400	0	Support (Nondeductible)	Total taxes	3,673	615
401(k) employee contrib	217	0	SS Payor	Lachlan	Comb. net spendable	15,345
Self-employment income	0	0	Marin	1,589	Proposed	
Other taxable income	3,593	5,845	Total	1,589	Payment (cost)/benefit	(1,441) 1,513
Short-term cap. gains	0	0	Proposed, tactic 9		Net spendable income	8,691 6,655
Long-term cap. gains	0	0	SS Payor	Lachlan	NSI change from gdl	0 0
Other gains (and losses)	0	0	Marin	1,589	% combined spendable	56.6% 43.4%
Ordinary dividends	0	0	Total	1,589	% of saving over gdl	0% 0%
Tax. interest received	0	0	Savings	0	Total taxes	3,673 615
Social Security received	3,593	3,001	Mother	0	Comb. net spendable	15,345
Unemployment compensation	0	0	Father	0	Percent change	0.0%
Operating losses	0	0	No releases		Default Case Settings	
Ca. operating loss adj.	0	0				
Roy, partnerships, S corp, trusts	0	1,046				
Rental income	0	1,798				
Misc ordinary tax. inc.	0	0				
Other nontaxable income	0	0				
New-spouse income	0	0				
SS paid other marriage	0	0				
CS paid other relationship	0	0				
Adj. to income (ATI)	0	0				
9.3% elective PTE payment	0	0				
Ptr Support Pd. other P'ships	0	0				
Health insurance	40	164				
Qual. Bus. Inc. Ded.	0	0				
Itemized deductions	2,553	2,763				
Other medical expenses	0	0				
Property tax expenses	833	833				
Ded. interest expense	1,720	1,930				
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				

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 04/24/24 TIME: 9:00 A.M. DEPT: B CASE NO: FL2301603

PRESIDING: COM. JANET L. FRANKEL

REPORTER:

CLERK: ALEX URTON

PETITIONER: JOHN STEVEN SCOPAZZI

and

RESPONDENT: LISA SCOPAZZI

NATURE OF PROCEEDINGS: 1) TRIAL READINESS CONFERENCE
2) REQUEST FOR ORDER – SPOUSAL SUPPORT

RULING

This matter comes before the court on Respondent/Wife’s Request for Order (RFO), filed January 18, 2024, seeking (1) *pendente lite* spousal support, (2) management of the parties’ jointly owned rental properties in Florida, (3) access to joint and business bank accounts, (3) an order that Petitioner/Husband comply with the ATROs, and (4) an award of attorney’s fees payable by Husband to Wife as sanctions.

Wife asserts that she resigned from the parties’ business “Bay Excursions” on December 22, 2023 because she disagreed with Husband’s plan to replace two engines on their boat. Wife states Bay Excursions is sometimes and interchangeably called Five Star Yacht.

Wife asserts that immediately after she resigned, Husband removed Wife’s access to the business accounts for Bay Excursions as well as from Liquid Events, even though she had not resigned from Liquid Events. Wife asserts that upon receipt of her resignation, Husband sent a frenzy of emails to Wife over the Christmas holiday, removed Wife’s access from all of their business and joint accounts, stopped payment on Wife’s last payroll check, removed Wife as beneficiary on Husband’s life insurance policy, and threatened to cut off Wife’s payments for utilities and internet.

Wife requests exclusive control over collecting the rents and managing Grant Avenue and Shady Dell, the parties’ two rental properties in Florida, with a requirement that Wife provide an accounting to Husband. Wife also requests restoral of access to all accounts, an admonition to Husband to comply with the ATROs, and sanctions in an amount to be determined at trial.

Husband agrees the parties have two rental properties in Florida and three businesses. Husband agrees that Wife may collect the rents and provide an accounting regarding the Florida properties. Husband states a court order is not needed because Wife is already doing this, although she has never provided him with an accounting. Husband explains that Wife lives in

one of the Grant Avenue units, with a rental value of \$2,050, for which Wife does not pay rent. Wife agrees she resides in one of the units, although she asserts the rental value is \$1,260.

Husband states that the parties have three businesses: Bay Excursions, Sausalito Bike Return, and Scopazzi Construction. The parties agree that Scopazzi Construction is Husband's premarital separate property business. Husband states that Sausalito Bike Return is operated by Wife, and Bay Excursions (which includes Five Star Yachts and Liquid Events) was operated jointly by the parties until Wife's resignation.

Husband asserts that he never removed Wife as a beneficiary on the life insurance policy and that he is otherwise in compliance with the ATROs.

Wife's complaint regarding her last payroll check appears to be moot, as Husband did allow the funds to clear. The court agrees that any over- or under-payment is an issue for resolution at settlement or trial.

In her Reply, Wife states she started a new business on January 1, 2024, Clean Sweep 321 LLC, earned \$1,000 in the first quarter or \$333 per month, and business is picking up. Wife expects to earn \$2,000 per month from this business going forward.

Regarding the management of the Florida properties, the court grants Wife's request. Wife shall collect the rents and manage the Florida rentals and provide Husband with an accounting at the end of each month, unless Husband agrees in writing to a different reporting schedule.

Husband states Wife told him in May 2023 that she intended to resign from Bay Excursions, and she did so on December 20, 2023. He asserts that his flurry of emails was to persuade Wife to provide him with access to the booking information needed to complete charters.

Regarding reinstatement to the joint and business accounts, Husband states that the parties agreed the business accounts would go with the corresponding business (Wife kept control of the Sausalito Bike Return business), and states that all funds have been accounted for. Without evidence of a signed agreement, the court cannot confirm Husband's assertion. However, any dispute regarding the distribution of the funds in these accounts is reserved to trial.

With respect to access to the businesses, neither party provided sufficient information for the court to determine whether Liquid Events is a separate business or part of Bay Excursions. Wife's request as to Liquid Events is therefore denied without prejudice.

As to Bay Excursions, Husband is the managing spouse. The court denies Wife's request for restoral of full access to the Bay Excursions business bank account(s). Husband is reminded of the duties and obligations set forth in Family Code section 1100, *et seq.*, including the obligation to provide equal access to all information, records, and books that pertain to the business' value and character.

As to Wife's request for *pendente lite* spousal support, the court declines to adopt Wife's proposal to consider all deposits to Husband's accounts as income, as these deposits may represent loans from Husband's father, advances on his inheritance, or something else. These are

issues best reserved to trial. The court declines to adopt Wife's proposal to impute income to Husband of \$10,000 per month.

Wife points to Husband's alternative DissoMaster™ calculation, which attributes income of \$5,580 to Husband, as evidence of his admission to additional earnings. Husband's alternative DissoMaster™ is not evidence. It is argument: Husband argues, in the alternative, that the court could consider each party's declared expenses as income if the evidence is otherwise not credible.

Husband states that he has earned an average of \$1,700 per month from Scopazzi Construction (\$5,100 for the first quarter) in 2024, because he has been working on boat repairs (engine installation) for Bay Excursions. The court will attribute \$1,700 per month to Husband as W-2 income from Scopazzi Construction.

The court agrees with Wife that Husband's Profit and Loss from Scopazzi Construction also references Owner's Draw in the amount of \$14,000 for the first quarter of 2024. This averages to \$4,667 per month, which the court will attribute as income for Husband.

Wife is currently living rent-free in one of the parties' rental units. The court will attribute \$1,260 to Wife, the rental value stated by Wife, as tax-free income to Wife. The court reserves jurisdiction over this amount pending characterization, division and assignment at trial of the rental properties, with the intention of avoiding either double-dipping or charging Wife twice for the same income.

Wife's health insurance cost is \$250, Husband's is \$500. Husband has deductions for property tax (\$300) and mortgage interest (\$1,659).

Wife started a new business on January 1, 2024, Clean Sweep 321 LLC, and her Profit and Loss shows earnings of \$1,000 in the first quarter of 2024, or \$333 per month. Wife states that business is picking up and she expects to earn \$2,000 per month going forward. The court will attribute this \$2,000 per month as income for Wife. Wife lives in Florida and has no state income tax.

Attached are two DissoMaster™ calculations. Effective January 18, 2024, Husband shall pay *pendente lite* spousal support to Wife in the amount of \$1,270 per month, due on the first of the month. (See Exhibit A.) Effective April 1, 2024, Husband shall pay *pendente lite* spousal support to Wife in the amount of \$449 per month, due on the first of each month. (See Exhibit B.)

As Wife's request for sanctions, both parties appear frustrated that they spent time and expense in mediation with no resolution. Wife has not presented sufficient evidence to persuade the court that Husband has behaved in a manner which frustrates the policy of the law to promote settlement. Wife's request is denied, without prejudice.

Counsel for Wife to prepare the formal order after hearing.

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

Input Data	Husband	Wife	Guideline (2024)	Cash Flow Analysis	Husband	Wife
Number of children	0	0	Nets (adjusted)	Guideline		
% time with Second Parent	0%	0%	Husband	4,849	Payment (cost)/benefit	(1,168) 1,270
Filing status	MFS->	<-MFS	Wife	1,343	Net spendable income	3,579 2,613
# Federal exemptions	1*	1*	Total	6,192	% combined spendable	57.8% 42.2%
Wages + salary	1,700	0	Support (Nondeductible)		Total taxes	1,018 0
401(k) employee contrib	0	0	SS Payor	Husband	Comb. net spendable	6,192
Self-employment income	0	0	Marin	1,270	Proposed	
Other taxable income	4,667	333	Total	1,270	Payment (cost)/benefit	(1,168) 1,270
Short-term cap. gains	0	0	Proposed, tactic 9		Net spendable income	3,579 2,613
Long-term cap. gains	0	0	SS Payor	Husband	NSI change from gdl	0 0
Other gains (and losses)	0	0	Marin	1,270	% combined spendable	57.8% 42.2%
Ordinary dividends	0	0	Total	1,270	% of saving over gdl	0% 0%
Tax. interest received	0	0	Savings	0	Total taxes	1,018 0
Social Security received	0	0	Mother	0	Comb. net spendable	6,192
Unemployment compensation	0	0	Father	0	Percent change	0.0%
Operating losses	0	0	No releases		1 Setting Changed	
Ca. operating loss adj.	0	0			Wife, Include State Taxes: No	
Roy, partnerships, S corp, trusts	4,667	0				
Rental income	0	0				
Misc ordinary tax. inc.	0	333				
Other nontaxable income	0	1,260				
New-spouse income	0	0				
SS paid other marriage	0	0				
CS paid other relationship	0	0				
Adj. to income (ATI)	0	0				
9.3% elective PTE payment	0	0				
Ptr Support Pd. other P'ships	0	0				
Health insurance	500	250				
Qual. Bus. Inc. Ded.	0	0				
Itemized deductions	1,959	0				
Other medical expenses	0	0				
Property tax expenses	300	0				
Ded. interest expense	1,659	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				

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

Input Data	Husband	Wife	Guideline (2024)	Cash Flow Analysis	Husband	Wife
Number of children	0	0	Nets (adjusted)	Guideline		
% time with Second Parent	0%	0%	Husband	4,783	Payment (cost)/benefit	(412) 449
Filing status	MFS->	<-MFS	Wife	2,932	Net spendable income	4,334 3,380
# Federal exemptions	1*	1*	Total	7,715	% combined spendable	56.2% 43.8%
Wages + salary	1,700	0	Support (Nondeductible)	Total taxes	1,084	78
401(k) employee contrib	0	0	SS Payor	Husband	Comb. net spendable	7,715
Self-employment income	0	0	Marin	449	Proposed	
Other taxable income	4,667	2,000	Total	449	Payment (cost)/benefit	(412) 449
Short-term cap. gains	0	0	Proposed, tactic 9		Net spendable income	4,334 3,380
Long-term cap. gains	0	0	SS Payor	Husband	NSI change from gdl	0 0
Other gains (and losses)	0	0	Marin	449	% combined spendable	56.2% 43.8%
Ordinary dividends	0	0	Total	449	% of saving over gdl	0% 0%
Tax. interest received	0	0	Savings	0	Total taxes	1,084 78
Social Security received	0	0	Mother	0	Comb. net spendable	7,715
Unemployment compensation	0	0	Father	0	Percent change	0.0%
Operating losses	0	0	No releases		1 Settling Changed	
Ca. operating loss adj.	0	0			Wife, Include State Taxes: No	
Roy, partnerships, S corp, trusts	4,667	0				
Rental income	0	0				
Misc ordinary tax. inc.	0	2,000				
Other nontaxable income	0	1,260				
New-spouse income	0	0				
SS paid other marriage	0	0				
CS paid other relationship	0	0				
Adj. to income (ATI)	0	0				
9.3% elective PTE payment	0	0				
Ptr Support Pd. other P'ships	0	0				
Health insurance	500	250				
Qual. Bus. Inc. Ded.	0	0				
Itemized deductions	1,959	0				
Other medical expenses	0	0				
Property tax expenses	300	0				
Ded. interest expense	1,659	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				

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 04/24/24 TIME: 9:00 A.M. DEPT: B CASE NO: FL0000690

PRESIDING: COM. JANET L. FRANKEL

REPORTER:

CLERK: ALEX URTON

PETITIONER: PATRICK MURRAY

and

RESPONDENT: VANESSA POWERS

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

RULING

This matter comes before the court on Petitioner/Father’s Request for Order (RFO), filed March 1, 2024 on an *ex parte* basis, for custody and visitation orders, and drug testing and substance abuse testing for Respondent/Mother. The court issued temporary emergency orders granting Father sole legal and sole physical custody of the parties’ minor child, Delilah Murray, born November 8, 2021, and set the matter for hearing. Mother has supervised visits with Delilah three times per week for up to two hours per visit, supervised by the paternal grandfather. The court set the remaining issues for hearing.

Based on the information before the court, it appears that the best interests of the minor child Delilah will be served by the court adopting the agreements of the parties as set forth in the FCS report issued on April 8, 2024, taking into consideration Father’s subsequent pleading, and by adopting the recommendations of FCS, as set forth in its report, and as revised by the court. The court will do so, and the parenting plan is set forth below.

1. All prior orders not in conflict with the below shall remain in full force and effect.
2. Father shall maintain sole legal and physical custody until further court order.
3. Mother shall not take or consume kratom or prescription medications for which she does not have a current prescription.
4. Mother shall continue with all aspects of her intensive outpatient substance abuse treatment program at Center Point including attending daily sobriety meetings. Mother shall provide verification to Father that she is participating in the outpatient treatment program at Center Point. Mother shall provide verification of her participation in the outpatient treatment program at Center Point as set forth in Item 14, hereinbelow.

5. Mother shall continue to see her individual therapist at Kaiser to address her mental health issues. Mother may also utilize the therapists available at Center Point if needed.
6. Mother shall provide Father with verification from her therapist documenting that she has been participating regularly in individual therapy to address her mental health issues.
7. Mother shall be compliant with taking all prescribed medications to treat her mental health diagnoses.
8. Mother shall continue to have supervised visits up to three times a week for up to two hours per visit. If agreed to by Father in writing, one of Mother's visits each week may transition to unsupervised time, and shall occur at a child friendly public locale such as a park, shopping mall, etc. These unsupervised visits for Mother may occur only if Mother is clean and sober, Mother is continuing with her intensive outpatient program at Center Point, Mother is continuing see her therapist regularly to address mental health issues, and Mother is continuing to attend sobriety meetings.
9. Either the paternal grandfather or the maternal grandmother may supervise visits, or another third party as agreed to by the parents in writing. A person acting as a visitation supervisor shall sign, file and serve Form FL-324(NP) prior to supervising visits.
10. Mother's visits may increase in frequency or length as agreed upon between the parents.
11. If agreed by the parents in writing, Mother's visits may transition to occur at Mother's home. This may only occur after Mother's home is childproofed and ready for Delilah to spend time there.
12. Mother shall submit to weekly random drug testing for kratom. Mother shall inquire with Center Point, Kaiser, or Quest Diagnostics or another independent lab to see if they would be able to randomly drug test her for kratom. If neither of these options are feasible, parents shall work together to utilize a home drug testing kit for the random drug tests. Mother shall promptly advise Father of a scheduled test and shall promptly provide her test results to Father. If Mother has a negative test result or fails to provide test results to Father, Father may cancel Mother's visit.
13. Father's request that Mother undergo a substance abuse assessment and psychological testing is denied, without prejudice. Father may renew this request at the continued hearing date.
14. The matter is continued to October 30, 2024 at 9:00 AM in Department B for custody review. Each party shall file and serve an update regarding Mother's compliance with and progress in her drug treatment program, and regarding Delilah's progress and reaction to the visits, by October 23, 2024.

Counsel for Father to prepare the formal order after hearing.

TEMPORARILY, UNDER CURRENT ORDERS, LITIGANTS WHO REQUIRE THE ASSISTANCE OF A SPANISH LANGUAGE INTERPRETER ARE REQUIRED TO APPEAR IN PERSON. INTERPRETER SERVICES FOR PERSONS APPEARING VIA ZOOM ARE NOT AVAILABLE.

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, 9:00 a.m.*

Join Zoom Meeting

Zoom link Family Law Courtroom B 160 551 2932 passcode 317718

Meeting ID: 160 551 2932

Passcode: 317718

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 US (San Jose)

Meeting ID: 160 551 2932

Passcode: 317718

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.