

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MARIN**

DATE: 05/06/24 TIME: 9:00 A.M. DEPT: L CASE NO: FL1900469

PRESIDING: HON. MARK A. TALAMANTES

REPORTER:

CLERK: JORDENNE FERENCZI

PETITIONER: MICHAEL WOLF

and

RESPONDENT: LAURA PUCCI

NATURE OF PROCEEDINGS: 1) PETITION – TRO/DOMESTIC VIOLENCE
2) REQUEST FOR ORDER - VISITATION

RULING

This matter is set for hearing on a Domestic Violence Restraining Order on May 6, 2024, with Petitioner Michael Wolf (“Father”) as the protected party. Father’s Temporary Restraining Order was filed on April 17, 2024. On April 18, 2018, a 3-year DVRO was put in place protecting Father and he was granted sole legal and sole physical custody of their child. It was recommended and ordered for Respondent Laura Pucci (“Mother”) to have a psychological evaluation.

Father’s Request for Order (“RFO”), which was originally filed on November 15, 2023, was originally set for hearing on December 23, 2023. On February 16, Father filed an amended RFO, requesting additional custody and visitation orders. The RFO was last called for hearing on March 21, 2024, and continued to April 25, to provide Mother with more time to meet with Marin Family Court Services (“FCS”) to be interviewed on the issues raised by Father. The RFO was continued again from April 25, to May 6, so it would be heard contemporaneously with the DVRO hearing. Father seeks modification to custody and visitation orders.

Upon the filing of the RFO, 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.)) Father was interviewed by FCS on December 13, 2023, and April 16, 2024. Mother was not interviewed, despite the fact that the court accommodated her numerous requests for more time to meet with FCS. Father filed a statement of agreement on March 19.

Aside from the *Ex Parte* request filed by Mother on January 18, 2024, seeking to continue the hearing, she filed no other papers.

Together, these parents have one child. Bodhi is 6.

There have been 7 referrals to the California Department of Children and Family services regarding the welfare of Brodie. All 7 referrals were evaluated out.

Father states that Bodhi is routinely absent and tardy from school when he is in his mother's care. In support, he provided a letter issued by the Lagunitas School District dated December 22, 2022, that expresses concern about the child's absences.

Without information from Mother regarding her ability to care for the child, independently, and given the fact that the RFO was originally set in November, the court's best option is to precede and take the statements provide by Father regarding Mother's ongoing struggles with her mental health as true.

Custody and Visitation

In consideration of the report and recommendation of FCS, and after review of the RFOs filed by Father, and a review of Father's requested DVRO against Mother, and after review of Mother's *ex parte* papers filed on January 18, 2024, the court finds it is in the best interest of the child to adopt in full the recommendations of FCS. Mother has elected not to participate in this process:

Custody

1. Father shall continue to have sole legal custody of Bodhi. Father has the responsibility concerning the child's health, education and welfare. Both parents shall have access to his school, medical, mental health, and dental records and the right to consult with professionals who are providing services to Bodhi.
2. Father shall maintain sole physical custody the child.
3. Mother shall have visitation time after school on Wednesday from 2 p.m. to 6 p.m. The visits shall be professionally supervised.
4. All exchanges shall occur at a police station selected by Father.

Collateral Issues

5. Mother shall complete the psychological assessment and follow all recommendations from the assessment, as currently ordered.
6. The parents shall engage in peaceful contact only in the presence of Bodhi.
7. Bodhi shall not be exposed to any verbal or physical abuse.
8. Neither parent shall expose Bodhi to any cigarette smoke.
9. Neither parent shall use any illegal drugs while Bodhi is in their care, or 12 hours prior.
10. Neither parent shall take any prescription drugs beyond their prescribed amount while caring for Bodhi.
11. Mother shall not consume any alcohol while caring for Bodhi, or 12 hours prior.

12. Neither parent shall change Bodhi's residence from the 9 Bay Area counties without written permission from the other parent, or court order.
13. Neither parent shall remove Bodhi from the United States without written permission from the other parent, or court order.
14. All other orders not in conflict herein shall remain in effect.

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.

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:

May 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.

FL1900469

+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.