DATE: 03/12/25

TIME: 9:00 A.M.

DEPT: B

CASE NO: FL1003476

PRESIDING: HON. JANET L. FRANKEL

REPORTER:

CLERK: ALEX URTON

PETITIONER:

LORI BENDER

and

RESPONDENT: GARY BENDER

NATURE OF PROCEEDINGS: PETITION – DOMESTIC VIOLENCE RESTRAINING ORDER

RULING

Appearances required.

Litigants who require the assistance of an interpreter may appear in court to access the services of a staff interpreter, or they may appear remotely. Persons who require interpreter services via remote appearance shall notify the clerk of the court in advance to schedule remote interpreter services.

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.

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.

DATE: 03/12/25

TIME: 9:00 A.M.

DEPT: B

CASE NO: FL1300944

PRESIDING: HON. JANET L. FRANKEL

REPORTER:

CLERK: ALEX URTON

PETITIONER:

KRISTA LEE PAVLINA

and

RESPONDENT: PERRY LEO PAVLINA

NATURE OF PROCEEDINGS: REQUEST FOR ORDER – SPOUSAL SUPPORT

RULING

This matter comes before the court on Respondent/Husband's Request for Order, filed November 4, 2024 (RFO), seeking termination of spousal support.

Pursuant to the parties' December 23, 2014 Judgment, Husband was ordered to pay spousal support to Wife in the amount of \$5,500 per month.

The parties modified spousal support in a September 7, 2022 Stipulation (the September 2022 Stipulation). The September 2022 Stipulation provides for a payment plan for support arrears and a modification of support to \$2,500 per month, effective September 1, 2022, modifiable upon a change in circumstances. The September 2022 Stipulation requires Husband to provide Wife with \$5,000 for her attorney's fees at the time of filing if Husband files an RFO seeking modification. (September 2022 Stipulation, 3:5-12.)

Husband's RFO alleges that he has paid an "extreme amount of alimony" since the 2014 Judgment, that he cannot afford to pay any longer, and that his support arrears continue to accumulate. Husband explains that his circumstances changed "drastically" since 2014, including the impact on COVID on his real estate investments and income.

On December 2, 2024, Husband's updated income and expense declaration includes his 2022 and 2023 tax returns. On January 9, 2025, Husband provides additional documentation of his state and federal tax debt for tax years 2017 and 2018, as well as letters advising him that three of his rental properties were in default and would be foreclosed upon.

In her Responsive Declaration, filed November 26, 2024, Wife alleges that Husband stopped paying spousal support in the amount ordered in the Judgment in early 2020. The parties then entered into the September 2022 Stipulation, and Husband made payments under that Stipulation until March 2024.

Wife alleges that Husband has failed to meet his burden to demonstrate a material change in circumstances. Wife explains that her own circumstances have not changed; she remains unable to work due to medical disability and is in need of support from Husband.

FINDINGS AND ORDER

Husband's tax debt from the years 2017 and 2018 existed at the time of the September 2022 Stipulation. Husband's income tax returns in 2022 and 2023 are largely the same, and differ only in what appears to be a sale of capital assets in 2022, resulting in capital gains. Husband has not demonstrated a change in circumstances since the September 2022 Stipulation, and on that basis his request is denied.

Husband is required, pursuant to the September 2022 Stipulation, to pay \$5,000 to Wife for her attorney's fees upon filing his RFO. Husband is ordered to pay Wife \$5,000 for her attorney's fees, payable forthwith.

Counsel for Wife is ordered to prepare the formal order after hearing.

Litigants who require the assistance of an interpreter may appear in court to access the services of a staff interpreter, or they may appear remotely. Persons who require interpreter services via remote appearance shall notify the clerk of the court in advance to schedule remote interpreter services.

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.

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.

DATE: 03/12/25

TIME: 9:00 A.M.

DEPT: B

CASE NO: FL1500976

PRESIDING: HON. JANET L. FRANKEL

REPORTER:

CLERK: ALEX URTON

PETITIONER:

ARASH SALKHI

and

RESPONDENT: NOOSHIN SALKHI

NATURE OF PROCEEDINGS: ORDER TO SHOW CAUSE – RETURN OF FUNDS ON **DEPOSIT**

RULING

This matter comes before the court on the court's own motion (Order to Show Cause), issued on February 10, 2025, regarding distribution of funds held on deposit by the court.

On May 26, 2022, Petitioner/Husband was ordered to pay attorney's fees in the amount of \$22,519 to Respondent/Wife in Family Code section 271 attorneys' fees sanctions. On June 21, 2022, Husband appealed that order and, in order to stay execution of the order pending appeal, Husband deposited \$33,778.50 with the Clerk of the Court in lieu of an appeal bond. Code of Civil Procedure section 917.1.

On March 29, 2024, the Court of Appeal, First Appellate District, filed a Remittitur affirming the May 26, 2022 order. Wife did not file a Memorandum of Costs.

Pursuant to Code of Civil Procedure section 917.1, the Clerk of the Court is directed to distribute the Deposit in Lieu of Appeal Bond made by Husband on June 21, 2022, allocated as follows:

- 1. \$22,519 to Wife.
- 2. The remainder to Husband.

Counsel for Husband is ordered to prepare the formal order after hearing.

Litigants who require the assistance of an interpreter may appear in court to access the services of a staff interpreter, or they may appear remotely. Persons who require interpreter services via remote appearance shall notify the clerk of the court in advance to schedule remote interpreter services.

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.

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.

DATE: 03/12/25

TIME: 9:00 A.M.

DEPT: B

CASE NO: FL1503674

PRESIDING: HON. JANET L. FRANKEL

REPORTER:

CLERK: ALEX URTON

PETITIONER:

RICHARD SIDERMAN

and

RESPONDENT: RUTH KAHN SIDERMAN

NATURE OF PROCEEDINGS: REQUEST FOR ORDER – OTHER: FIX AND LIQUIDATE UNREIMBURSED EXPENSES

RULING

Appearances required.

Litigants who require the assistance of an interpreter may appear in court to access the services of a staff interpreter, or they may appear remotely. Persons who require interpreter services via remote appearance shall notify the clerk of the court in advance to schedule remote interpreter services.

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.

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.

DATE: 03/12/25

TIME: 9:00 A.M.

DEPT: B

CASE NO: FL2201817

PRESIDING: HON. JANET L. FRANKEL

REPORTER:

CLERK: ALEX URTON

PETITIONER:

HEIDI K. ISERN

and

RESPONDENT:

CHARLES GIDEON

KORRELL

NATURE OF PROCEEDINGS: PETITION HEARING – FINDINGS AND ORDER TO TERMINATE RESTRAINING ORDER AFTER HEARING

RULING

Appearances required.

Litigants who require the assistance of an interpreter may appear in court to access the services of a staff interpreter, or they may appear remotely. Persons who require interpreter services via remote appearance shall notify the clerk of the court in advance to schedule remote interpreter services.

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.

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.

DATE: 03/12/25

TIME: 9:00 A.M.

DEPT: B

CASE NO: FL2300669

PRESIDING: HON. JANET L. FRANKEL

REPORTER:

CLERK: ALEX URTON

PETITIONER:

COUNTY OF MARIN

and

RESPONDENT:

TOMAS LOPEZ PUENTES

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

RULING

This matter comes before the court on the Other Parent/Mother's Request for Order (RFO), filed December 5, 2025, seeking modification of custody and visitation.

Mother seeks sole legal and physical custody of the two minor children. Mother seeks to modify the court's February 28, 2024 order granting joint legal and joint physical custody to the parents.

Mother was interviewed by the Family Court Services (FCS) child custody recommending counselor. Father did not appear for the appointment nor did Father make any contact with FCS.

Based on the information before the court, it appears that the best interests of the parties' minor children, Stephanie, born September 17, 2016, and Samantha, born February 13, 2019, will be served by the court adopting the recommendations of Family Court Services (FCS) in its report issued on March 6, 2025, as modified by the court. The court will do so, as set forth below:

- 1. Mother is awarded sole legal and sole physical custody of both children. Father shall have access to records and information concerning the children's medical, dental, and school records, pursuant to Family Code section 3025.
- 2. Father shall have visitation with the children on the same schedule as previously ordered, which is set forth again, here, for clarity:
 - a. Both girls shall continue to live primarily with Mother in Marin and shall be with Father on the following schedule (the "1st weekend of the month" is the weekend that contains the first Saturday of the month):
 - i. SCHOOL YEAR SCHEDULE: the 1st and 3rd weekend of the month from Friday at 5:00 until Sunday at 5:00. If Monday is a school holiday, then the girls shall be returned Monday at 5:00.
 - ii. SUMMER SCHEDULE: the 1st and 3rd weekend of the month from Friday at 10:00 a.m. to Monday at 5:00 p.m.

- b. Any additional time for the girls to be with Father, or any changes to the schedule, shall occur as mutually agreed upon by the parents.
- c. Father shall send a text to confirm his visit at least 48 hours prior to the start of the visit.
- 3. All other prior orders not specifically superseded by these orders shall continue to be in full force and effect.

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

Litigants who require the assistance of an interpreter may appear in court to access the services of a staff interpreter, or they may appear remotely. Persons who require interpreter services via remote appearance shall notify the clerk of the court in advance to schedule remote interpreter services.

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.

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.

DATE: 03/12/25

TIME: 9:00 A.M.

DEPT: B

CASE NO: FL0000449

PRESIDING: HON. JANET L. FRANKEL

REPORTER:

CLERK: ALEX URTON

PETITIONER:

BREEZE NAKOOKA

and

RESPONDENT: MARCUS TEMPLE

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

RULING

Appearances required.

Litigants who require the assistance of an interpreter may appear in court to access the services of a staff interpreter, or they may appear remotely. Persons who require interpreter services via remote appearance shall notify the clerk of the court in advance to schedule remote interpreter services.

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.

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.

DATE: 03/12/25

TIME: 9:00 A.M.

DEPT: B

CASE NO: FL00001319

PRESIDING: HON. JANET L. FRANKEL

REPORTER:

CLERK: ALEX URTON

PETITIONER:

RYAN MCKIM

and

RESPONDENT: RACHEL ELLYN

SHAPIRO MCKIM

NATURE OF PROCEEDINGS: 1) REQUEST FOR ORDER – OTHER: RETURN OF PROPERTY; PROTECTIVE ORDER AND MEET AND CONFER 2) CASE PROGRESS CONFERENCE

RULING

This matter comes before the court on Respondent/Mother's *ex parte* Request for Order (RFO), filed on February 14, 2025, seeking modification of the parties' January 8, 2025 Stipulation and Order regarding Substance Abuse Assessment, the return of property, a protective order, meet and confer orders, and an order shortening time.

On February 14, 2025 the court set the matter for hearing and ordered a briefing schedule.

Mother asserts that she cannot comply with the requirement that she undergo a substance abuse assessment with Dr. Kan, as stipulated in the parties' January 8, 2025 stipulation. Mother asserts that Dr. Kan is prejudiced because Petitioner/Father sent Dr. Kan photos of medications Father found in the family home.

Mother instead asks that she be permitted to rely upon the substance abuse assessment by Dr. Angella Barr. Mother explains that she voluntarily began a substance abuse assessment with Dr. Barr prior to the parties entering into their January 8, 2025 Stipulation.

Mother also seeks to modify the January 8, 2025 Stipulation which requires her to provide Petitioner/Father with a list of all of her prescribed medications. Mother asks the court to order that she is not required to comply with this requirement.

Mother also seeks an order requiring Father to sign a protective order which would limit Father's use and dissemination of Mother's medical records, an order that Father must destroy the records in his possession, and an order that Father return Mother's medications to her.

FINDINGS AND ORDER:

Father did not violate Mother's privacy by taking photographs of bottles of prescription medications Father found in various locations in the family home, garage, and vehicle. Once Mother left these prescriptions in full view and in Father's possession in various places in the family residence, garage, and vehicle, Mother waived her right to privacy. Mother's request that Father be ordered to destroy photographs or other evidence is denied.

Mother began a substance abuse assessment with Dr. Barr prior to the parties entering into their January 8, 2025 Stipulation. In the January 8, 2025 Stipulation, Mother agreed to undergo an substance abuse assessment with Dr. Kan, not Dr. Barr.

One of the terms of the parties' January 8, 2025 Stipulation was that Mother provide Father with a list of her medications. Her request that the court relieve her of that obligation is not supported by evidence and is denied.

The court notes that all parties, as well as Dr. Kan, agree to a protective order. The much-discussed protective order has yet to be presented to the court for approval. The parties are ordered to maintain the confidentiality of any information regarding prescriptions, photographs of prescriptions, any substance abuse assessment, and other documents and things related to prescription medication. Any such information and evidence may only be used for these court proceedings and shall not be disclosed to third parties (excluding court personnel) unless otherwise agreed by the parties in writing, or as needed by Dr. Kan so that he may complete his substance abuse assessment.

There is no evidence that Dr. Kan is unduly prejudiced by the photos sent to him by Father. It may have been more prudent for Father to wait to send photographs to Dr. Kan until after everyone executed the protective order, but Mother has yet to prepare that document. The fact that Dr. Kan saw the photos is not evidence of bias. The purpose of the substance abuse assessment is to allay concerns regarding these prescriptions, among other things. The photos provide relevant information for Dr. Kan, even if only as a starting point for discussion.

Mother's request to substitute Dr. Barr for Dr. Kan is denied. Any timelines requiring the completion of the substance abuse assessment by Dr. Kan will be modified to accommodate the additional time required for Dr. Kan to begin, and then complete, the assessment. The parties are ordered to meet and confer regarding that timeline.

As to Mother's request that her medications be returned to her, Father claims that it is his intent to return them once Mother provides a list of current medications, so that he can return her current prescriptions and destroy the rest. It is not up to Father to determine what Mother wishes to do with her own prescription medications, current or otherwise. Father is ordered to return to Mother all of Mother's medications which are in his possession, forthwith.

Each party is ordered to pay their own attorney's fees incurred related to Mother's RFO.

Counsel for Father is ordered to prepare the formal order after hearing.

Litigants who require the assistance of an interpreter may appear in court to access the services of a staff interpreter, or they may appear remotely. Persons who require interpreter services via remote appearance shall notify the clerk of the court in advance to schedule remote interpreter services.

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.

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.

DATE: 03/12/25

TIME: 9:00 A.M.

DEPT: B

CASE NO: FL0001345

PRESIDING: HON. JANET L. FRANKEL

REPORTER:

CLERK: ALEX URTON

PETITIONER:

ELIZABETH ANN

OLSEN

and

RESPONDENT: CHRISTOPHER

MICHAEL OLSEN

NATURE OF PROCEEDINGS: 1) REQUEST FOR ORDER - CHILD CUSTODY 2) REQUEST FOR ORDER – SPOUSAL SUPPORT

RULING

Appearances required.

Litigants who require the assistance of an interpreter may appear in court to access the services of a staff interpreter, or they may appear remotely. Persons who require interpreter services via remote appearance shall notify the clerk of the court in advance to schedule remote interpreter services.

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.

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.

DATE: 03/12/25

TIME: 9:00 A.M.

DEPT: B

CASE NO: FL0001561

PRESIDING: HON. JANET L. FRANKEL

REPORTER:

CLERK: ALEX URTON

PETITIONER:

MIRANDA JO RICO

DALBESIO

and

RESPONDENT:

SALVADOR RICO

MEDEROS

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

RULING

Appearances required.

Litigants who require the assistance of an interpreter may appear in court to access the services of a staff interpreter, or they may appear remotely. Persons who require interpreter services via remote appearance shall notify the clerk of the court in advance to schedule remote interpreter services.

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.

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.

DATE: 03/12/25

TIME: 9:00 A.M.

DEPT: B

CASE NO: FS0000110

PRESIDING: HON. JANET L. FRANKEL

REPORTER:

CLERK: ALEX URTON

PETITIONER:

COUNTY OF MARIN

and

RESPONDENT: JACKSON COLE

CURRIER

NATURE OF PROCEEDINGS: 1) CHILD CUSTODY RECOMMENDING COUNSELING 2) REQUEST FOR ORDER – ATTORNEY'S FEES AND RETURN OF PROPERTY

RULING

This matter comes before the court following a long-cause hearing on the Other Parent/Mother's Request for Domestic Violence Restraining Orders, filed September 6, 2024. At the conclusion of the hearing on February 14, 2025, the court issued restraining orders, made temporary custody and visitation orders, referred the parties to Family Court Services for child custody recommending counseling, and set it for hearing on the issues of custody and visitation, attorney's fees, and return of personal property.

The parties resolved the issue of attorney's fees by Stipulation filed March 6, 2025.

Both parents were interviewed by the Family Court Services (FCS) child custody recommending counselor. FCS did not interview either of the children.

On March 6, 2025, Father filed a Statement of Disagreement with the FCS Recommendations, which the court reviewed.

Based on the information before the court, it appears that the best interests of the parties' minor children, Lenox, born April 9, 2015, and Kili, born October 25, 2017, will be served by the court adopting the recommendations of Family Court Services (FCS) in its report issued on March 4, 2025, as modified by the court. The court will do so, as set forth below:

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

- 1. Sole legal and physical custody to Mother until further court order.
- 2. Father shall continue to have supervised visits twice a week until he completes three months of his domestic violence classes. Visits may be up to four hours in length. Visits shall be supervised by the paternal uncle, or another mutually agreed upon supervisor.
- 3. Upon completion of three months of domestic violence classes and a positive report of Father's progress in those classes, visits shall transition to unsupervised visits. Father shall have parenting time each Sunday from 9 AM to 7 PM and each Wednesday from after school through 7 PM.
- 4. After Father has successfully completed six months of domestic violence classes and upon a continued positive report of Father's progress in those classes, overnights shall commence such that Father has parenting time on alternate weekends from Friday after school through Monday morning drop off at school. Father shall continue to have a Wednesday afterschool visit concluding at 7 PM.
- 5. Transitioning to unsupervised visits as well as overnights are contingent on Father not violating the restraining order that is currently in place in addition to following all court orders including attendance at his domestic violence classes. Transitions are also contingent upon Father providing Mother with proof of completion of the requisite number of domestic violence classes and a positive report of Father's progress in those classes.
- 6. Father shall not discuss court or other adult issues with the children and shall not allow other family members or third parties to do so.
- 7. Father's girlfriend Kelsey Field shall not drive the children until further court order.
- 8. The children shall continue in therapy until no longer clinically indicated.
- 9. Neither parent shall post nude or semi-nude pictures of the children online. Any and all such photos shall be taken down.
- 10. Mother shall ensure that the children get to school on time.
- 11. Each parent shall not allow other family members or third parties to denigrate the other parent within hearing of the children.

Counsel for Mother is ordered to prepare the formal order after hearing.

Litigants who require the assistance of an interpreter may appear in court to access the services of a staff interpreter, or they may appear remotely. Persons who require interpreter services via remote appearance shall notify the clerk of the court in advance to schedule remote interpreter services.

FS0000110

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.

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.