

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
MINUTE ORDER
5/23/2018

Judge / Commissioner: ERICK L. LARSH

Dept.: C59 at

Clerk: SOPHIA BEROA

Bailiff: A. VIRGEN

Reporter: NOT PRESENT

Case Type: PARENTAGE

Case Number: 14P001222 MUNOZ V MONTRIEF

Hearing Type

File Date

Filing Party

APPEARANCES

NONE

No appearances were made.

At yesterday's hearing, the Court appointed Dr. David J. Sheffner for a custody evaluation, based upon stipulation for an evaluation. Enclosed is the Order Appointing Child Custody Evaluator form which must be signed by both parties and counsel. Additionally, paragraph 3 on page 2 of form L-0372-B must be completed.

The Court directs counsel to have this form executed and returned to Department C59 within 10-days from today's date (by Monday, 6/4/18). This form is being mailed to Respondent's counsel first, who will then forward to Petitioner's counsel.

ANNA CHRISTINE BRACE, ESQ.
901 DOVE ST STE 120
NEWPORT BEACH CA 92660

COURTNEY SHEPARD, ESQ.
BURCH COULSTON & SHEPARD LLP
20281 SW BIRCH STREET FIRST FLOOR
NEWPORT BEACH CA 92660

CERTIFICATE OF MAILING

Clerk's certificate of mailing (CCP 1013A) – I certify that I am not a party to this cause, that I am over the age of 18, and that a copy of this document was mailed first class postage prepaid in a sealed envelope

California

DAVID H. YAMAMOTO, Clerk of the Court

STATE OF CALIFORNIA

County of Santa Clara

County of Santa Clara

County of Santa Clara

County of Santa Clara

County of Santa Clara

County of Santa Clara

County of Santa Clara

County of Santa Clara

addressed as shown above. Mailing and execution of this certificate occurred on 05/23/2018 at Orange, California.

□ DAVID H. YAMASAKI, Clerk of the Court

Signed: 5/23/2018 9:18:16 AM

By: S. Beroa
Sophia Beroa

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <p style="text-align: center;">ORDER OF THE COURT</p> TELEPHONE NO. (Optional): _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): COURT ORDER	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE STREET ADDRESS: 341 The City Drive MAILING ADDRESS: P.O. Box 14170 CITY AND ZIP CODE: Orange, California 92863 BRANCH NAME: Lamoreaux Justice Center	
PETITIONER/PLAINTIFF: <i>Bliss Munoz</i> RESPONDENT/DEFENDANT: <i>Michael Montrief</i> OTHER PARTY:	
ORDER APPOINTING CHILD CUSTODY EVALUATOR	CASE NUMBER: <i>14P001222</i>

THE COURT ORDERS AS FOLLOWS:

1. The court appoints: Dr. David J. Sheffner Phone Number: 949-645-4323
- a. a local court-connected child custody evaluation service (specify):
 - b. a private child custody evaluator (specify):
 - c. family court services
 - d. other (specify):

in this matter to perform (check one):

- e. a full child custody evaluation
- f. a partial child custody evaluation

under the statutory authority of:

- g. Family Code section 3111.
- h. Family Code section 3118.
- i. Evidence Code section 730.
- j. Chapter 15 (commencing with section 2032.010) of title 4, part 4 of the Code of Civil Procedure.

Status Conference

Next Hearing Date: 8-23-18

Department: C59 Time: 8:30AM

CENTRAL JUSTICE CENTER
700 CIVIC CENTER DRIVE WEST
SANTA ANA, CA 92701

2. The names and dates of birth of the children are (specify):

See attachment.

Name	Date of birth
<i>Athlena Montrief,</i>	<i>5-15-2009</i>
<i>Solara Montrief,</i>	<i>6-1-2012</i>
<i>Dahlia Coral Montrief,</i>	<i>5-27-2013</i>
<i>Lucia Montrief,</i>	<i>5-27-2013</i>

3. The purpose and scope of the evaluation is (specify):

See attachment.

CENTRAL JUSTICE CENTER
300 CIVIC CENTER DRIVE WEST
SANTA ANA, CA 92701

PETITIONER/PLAINTIFF: <u>Bliss Munoz</u> RESPONDENT/DEFENDANT: OTHER PARTY: <u>Michael Martinef</u>	CASE NUMBER: <u>14P001222</u>
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4. DETERMINATION OF FEES AND PAYMENT

- See attached order on fees and costs.
- a. The evaluator will be compensated as follows:
 (Specify amount or rate and terms):
 The court reserves jurisdiction to determine the amount of the fees and costs for the evaluation.
- b. The court finds that the parties are able to pay the cost of the child custody evaluation. The parties are ordered to pay as follows:
 - (1) Petitioner/plaintiff must pay _____ % of the cost. Respondent/defendant must pay 100 % of the cost.
 - (2) The court reserves jurisdiction to reallocate the cost of the evaluation between the parties.
 - (3) Other:
- c. Payment will be made as follows:
 - (1) Petitioner/plaintiff must make installment payments of \$ _____ per month until the cost of the evaluation is paid or modified by court order.
 - (2) Respondent/defendant must make installment payments of \$ _____ per month until the cost of the evaluation is paid or modified by court order.
 - (3) Other:

5. NOTICE TO EVALUATOR

Within 10 court days of receipt of this order and before the evaluation, the child custody evaluator must file a *Declaration of Private Child Custody Evaluator Regarding Qualifications* (form FL-326) with the court unless the person is a court-connected employee who must annually file the *Declaration of Court-Connected Child Custody Evaluator Regarding Qualifications* (FL-325).

6. NOTICE REGARDING CONFIDENTIALITY OF EVALUATION REPORT

The child custody evaluation report is confidential. You must not make an unwarranted disclosure of the contents of the child custody evaluation report. By law, a court can order a penalty for the unwarranted disclosure of the child custody evaluation report, which can include an order that the disclosing party pay a fine and attorney fees and costs.

For more information, read Family Code section 3111 and obtain *Child Custody Evaluation Information Sheet* (form FL-329-INFO). This form is available from the office of the court clerk or online at www.courtinfo.ca.gov/forms.

7. INSTRUCTIONS FOR INITIAL CONTACT

- a. The evaluator will contact each party.
- b. Each party must contact the evaluator.
- c. Additional instructions (specify):

8. OTHER

9. Additional orders attached.

Number of pages attached: 2

Date:

 JUDGE OF THE SUPERIOR COURT

ATTACHMENT TO ORDER APPOINTING CUSTODY EVALUATOR FL-327 – PRIVATE

CASE NAME Morris v. Montriet CASE NUMBER 14P001222

This is an evaluation, investigation and assessment for the purpose of assisting the court in determining the health, safety, welfare and best interest of the minor child(ren) with regard to disputed custody and visitation issues. The scope of the evaluation is:

A full evaluation including, but not limited to:

- (1) Issues of Domestic Violence finding + its
- (2) effect upon children's visitation w/
- (3) father
- (4) _____
- (5) _____

A limited partial evaluation with regard to the limited issues only (1 to 3 issues):

- (1) _____
- (2) _____
- (3) _____

The parties are ordered to contact the appointed evaluator within three business days of the date this order is made to coordinate the process and scheduling of the evaluation.

Each party must promptly execute all releases of information demanded by the evaluator, to all hospitals, doctors, psychologists, other medical professionals, and schools so that reports, records and notes may be obtained by the evaluator.

The parties are further ordered to make themselves and the subject children available for interviewing, examination and testing as directed by the evaluator at reasonable times and places. In addition, the parties shall make their homes available for a home study as may be reasonably requested by the evaluator.

As coordinated with Dr. Sheffner.

The parties are further ordered to pay the evaluator the sum of \$ _____ with the sum of \$ _____ to be paid by the Petitioner and \$ _____ to be paid by the Respondent, on or before _____. The Court will retain jurisdiction to order reallocation of these fees at the time of the hearing on this matter. The Court will retain jurisdiction to order extraordinary fees upon showing by the evaluator of unforeseen expense, complications or circumstances. The evaluator's request by letter may be made upon fifteen days notice in writing to the court and to the parties and/or counsel of said evaluator's intent to request such fees and the grounds for the request. Upon approval of the Court, the evaluator may appear telephonically at the time of the hearing on extraordinary fees.

The evaluator must prepare a written report that contains the evaluator's protocol, examinations, findings, conclusions, and parenting plan recommendations. The report must be filed with the Court and served on the parties or their attorneys, and any counsel appointed for the child no later than 10 days prior to any hearing regarding custody. Should for any reason the report not be available for timely mailing, the evaluator must advise the Court, each party and counsel in writing of the reason for the delay 15 days prior to the hearing date.

The written report will be admissible in evidence on without further foundation at the time of the hearing subject to the right of either party to examine or cross-examine said evaluator. The parties or their counsel must give written notice to the evaluator of any hearing date wherein a report will be required or where said evaluator will be called to testify. The parties do do not stipulate that the evaluator's testimony may be taken telephonically at the option of the party requesting the right to examine or cross-examine said evaluator. The party requesting the evaluator to testify shall advance the reasonable fee prior to the hearing for such expert testimony.

Faint header text at the top of the page, possibly containing a date or reference number.

Handwritten text in the upper middle section, appearing to be a signature or a set of initials.

Faint text block in the middle of the page, possibly a paragraph of text.

Another faint text block below the middle section.

Text block in the lower middle section, continuing the document's content.

Text block in the lower section, possibly a concluding paragraph.

Text block in the lower section, possibly a concluding paragraph.

Text block in the lower section, possibly a concluding paragraph.

Faint text at the bottom of the page, possibly a footer or page number.

CASE NAME:

Mendez v. Montiel

CASE NUMBER:

14P001222

Neither party nor their attorney shall disclose the contents of the report to the children or discuss the matters contained in the report with the children except where recommended by the evaluator or by order of the Court. Neither party shall disseminate the contents of the report to third persons absent that person's need to know as part of their involvement in the litigation.

If the court determines that an unwarranted disclosure of a written confidential report has been made, the court may impose a monetary sanction against the disclosing party, pursuant to Family Code Section 3111.

The parties agree do not agree to waive any psychotherapist/patient privilege they may hold pursuant to California Evidence Code sections 1010 et seq. The parties further agree do not agree to subject themselves to drug testing, blood, urine or hair follicle as requested by the evaluator.

Other Orders: _____

The Clerk of the Court is directed to fax or serve by mail this order on the appointed evaluator.

A willful failure to comply with the provisions of this order may be a contempt of Court and may be punished by fine and imprisonment.

This is an Order of the Court made without the agreement of the parties.

The signature of the parties and their counsel, if represented, approving this form as to form and content shall evidence all stipulations and agreements to the provisions within the document.

Date:

(SIGNATURE OF PETITIONER)

**SIGNATURE BY
FACSIMILE ATTACHED**

(SIGNATURE OF RESPONDENT)

(SIGNATURE OF ATTORNEY FOR PETITIONER)

**SIGNATURE BY
FACSIMILE ATTACHED**

(SIGNATURE OF ATTORNEY FOR RESPONDENT)

(SIGNATURE OF COUNSEL FOR MINOR CHILD(REN))

CASE NAME: <i>Mason v Mantrief</i>	CASE NUMBER: <i>14P001222</i>
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Neither party nor their attorney shall disclose the contents of the report to the children or discuss the matters contained in the report with the children except where recommended by the evaluator or by order of the Court. Neither party shall disseminate the contents of the report to third persons absent that person's need to know as part of their involvement in the litigation.

If the court determines that an unwarranted disclosure of a written confidential report has been made, the court may impose a monetary sanction against the disclosing party, pursuant to Family Code Section 3111.

The parties agree do not agree to waive any psychotherapist/patient privilege they may hold pursuant to California Evidence Code sections 1010 et seq. The parties further agree do not agree to subject themselves to drug testing, blood, urine or hair follicle as requested by the evaluator.

Other Orders: _____

The Clerk of the Court is directed to fax or serve by mail this order on the appointed evaluator.

A willful failure to comply with the provisions of this order may be a contempt of Court and may be punished by fine and imprisonment.

This is an Order of the Court made without the agreement of the parties.

The signature of the parties and their counsel, if represented, approving this form as to form and content shall evidence all stipulations and agreements to the provisions within the document.

Date:

_____ (SIGNATURE OF PETITIONER)	<i>Michael Mantrief</i> _____ (SIGNATURE OF RESPONDENT)
_____ (SIGNATURE OF ATTORNEY FOR PETITIONER)	<i>[Signature]</i> _____ (SIGNATURE OF ATTORNEY FOR RESPONDENT)
_____ (SIGNATURE OF COUNSEL FOR MINOR CHILD(REN))	