



Superior Court of California County of San Benito

Tentative Decisions for July 15, 2026

Courtroom #1: Judge J. Omar Rodriguez

FL-17-00049 Barkdull, Cristina vs. Barkdull, Damon S.

Respondent's June 10, 2026, Request for Order for child support is GRANTED. The orders are effective August 1, 2026. Respondent is ordered to pay child support in the amount of \$459 per month. One-half of the payment is due on the first of each month and one-half of the payment is due on the fifteenth of each month. Each party must pay 50% of child-care costs related to employment or reasonably necessary job training. Each party must pay 50% reasonable uninsured health-care costs for the children.

The court used a printout of a computer calculation and findings, which is located below and incorporated in this order.

2026

Guideline Summary

Monthly Figures

Fixed Shares	Father	Mother	Monthly Figures		Cash Flow
Number of children	1	0	2026		Combined net spendable 18073
Percent time with NCP	0.00%	30.00%			
Filing status	MFJOUT	HH/MLA	Nets (adjusted)		Father
Number of exemptions	3	1	Father	14545	Payment cost/benefit -459
Wages and salary	18750	5462	Mother	3528	Net spendable income 14086
Self employed income	0	0	Total	18073	Federal income tax 1919
Other taxable income	250	0	Support		Federal employment tax 1225
TANF CS received	0	0	Addons	0	State income tax 666
Other nontaxable income	0	0	Guideln CS	459	State employment tax 244
New spouse income	0	0	User SS	0	Total taxes 4054
Employee 401-k contribution	0	0	Total	459	Federal filing status MFJOUT
Adjustments to income	0	0			State filing status MFJOUT
SS paid prev marriage	0	0			Mother
CS paid prev marriage	0	0			Payment cost/benefit 459
Health insurance	401	340			Net spendable income 3987
Other medical expenses	0	0			Federal income tax 312
Property tax expenses	979	0			Federal employment tax 418
Ded interest expense	3550	0			State income tax 35
Contribution deduction	0	0			State employment tax 71
Misc tax deductions	0	0			Total taxes 836
Qualified business income deduction	0	0			Federal filing status HH/MLA
Required union dues	0	153			State filing status HH/MLA
Mandatory retirement	0	605			
Hardship deduction	0	0			
Other GDL deductions	0	0			
Child care expenses	0	0			

FC 4055 checking: **ON**

Per Child Information

DOB	Timeshare	cce(F)	cce(M)	Addons Payor	Basic CS Payor	Pres CS Payor
All children	70 - 30	0	0	0 Father	459 Father	459 Father
0000-00-00	70 - 30	0	0	0 Father	459 Father	459 Father

FL-24-00257 Velarde, Jasmine vs. Mendoza, Adam

The parties are ordered to attend mediation for child custody mediation on September 01, 2026, at 9:00 a.m. at the San Benito Superior Court's Self-Help Center. The July 15, 2026, hearing is continued to September 16, 2026, at 8:30 a.m.

****Please contact Judicial Courtroom Assistant, Maria Pantoja, at (831) 636-4057 x129 or mpantoja@sanbenitocourt.org with any objections or concerns.**

Petitioner's Request for Voluntary Waiver of Respondent's Preliminary Financial Disclosure is GRANTED. In light of the full mediation agreement that the parties reached, no appearances are necessary on July 15, 2026, unless there is a request to be heard.

Petitioner's May 22, 2026, Request for Order for Spousal Support is DENIED.

"California law provides for two distinct types of spousal support—temporary and permanent. Awards of temporary spousal support do not serve the same purpose, nor are they governed by the same procedures, as awards for permanent spousal support." (*In re Marriage of Mendoza & Cuellar* (2017) 14 Cal.App.5th 939, 942.) Temporary spousal support is meant to "allow a spouse to continue to live in the manner to which he or she is accustomed during the time the dissolution action is pending." (*Id.* at 942-943.) Here, the parties continue to reside together and, consequently, the basis for temporary spousal support is not triggered because the equitable basis for a support allocation is absent when the parties continue to live under the same roof." (see *In re Marriage of Burlini* (1983) 143 Cal. App. 3d 65.)

As to Petitioner's Request for Child Support, the request is GRANTED. Respondent is ordered to pay child support at \$4,016 per month. One-half of the payment is due on the first of each month and one-half of the payment is due on the fifteenth of each month. Each party must pay 50% of child-care costs related to employment or reasonably necessary job training. Each party must pay 50% reasonable uninsured health-care costs for the children. The court used a printout of a computer calculation and findings, which is located below and incorporated in this order. The orders are effective June 1, 2026. Respondent is ordered to pay arrears in the amount of \$250 each month. One-half of the payment is due on the first of each month and one-half of the payment is due on the fifteenth of each month.

"The guideline amount of child support, which is calculated by applying a mathematical formula to the parents' incomes, is presumptively correct." (*In re Marriage of Williams* (2007) 150 Cal.App.4th 1221, 1237.) Courts recognize that it is inconsistent for a payee parent to accept direct, in-kind support from a payor parent in the context of

maintaining a shared household and then subsequently attempt to enforce a formal monetary support order for that same period. (*Helgestad v. Vargas* (2014) 231 Cal. App. 4th 719.) A spouse seeking to reduce or offset a child support obligation based on cohabitation must present specific, admissible evidence showing the exact "in-kind" contributions made to the household and the children. (*In re Marriage of Wilson* (2016) Cal. App. 5th 1011.) Here, although Respondent raises the issue of a potential offset, he fails to provide the court with specific, admissible evidence. Therefore, the Court GRANTS Petitioner's request for child support.

2026

Guideline Summary

Monthly Figures

Fixed Shares	Father	Mother	Monthly Figures		Cash Flow
Number of children	0	3	2026		Combined net spendable
Percent time with NCP	49.99%	0.00%			22096
Filing status	HH/MLA	HH/MLA	Nets (adjusted)		Father
Number of exemptions	1	4	Father	18726	Payment cost/benefit
Wages and salary	29283	2700	Mother	3370	Net spendable income
Self employed income	0	0	Total	22096	Federal income tax
Other taxable income	0	0	Support		Federal employment tax
TANF CS received	0	0	Addons	0	State income tax
Other nontaxable income	0	0	Guideln CS	4016	State employment tax
New spouse income	0	0	User SS	0	Total taxes
Employee 401-k contribution	0	0	Total	4016	Federal filing status
Adjustments to income	0	0			State filing status
SS paid prev marriage	0	0			HH/MLA
CS paid prev marriage	0	0			HH/MLA
Health insurance	137	0			Mother
Other medical expenses	0	0			Payment cost/benefit
Property tax expenses	584	0			Net spendable income
Ded interest expense	0	0			Federal income tax
Contribution deduction	0	0			Federal employment tax
Misc tax deductions	0	0			State income tax
Qualified business income deduction	0	0			State employment tax
Required union dues	0	0			Total taxes
Mandatory retirement	0	0			Federal filing status
Hardship deduction	0	0			State filing status
Other GDL deductions	0	0			HH/MLA
Child care expenses	0	0			HH/MLA

FC 4055 checking: **ON**

Per Child Information

DOB	Timeshare	cce(F)	cce(M)	Addons Payor	Basic CS Payor	Pres CS Payor
All children	50 - 50	0	0	0 Father	4,016 Father	4,016 Father
0000-00-00	49 - 51	0	0	0 Father	761 Father	761 Father
0000-00-00	49 - 51	0	0	0 Father	1,160 Father	1,160 Father
0000-00-00	49 - 51	0	0	0 Father	2,095 Father	2,095 Father

****Please contact Judicial Courtroom Assistant, Maria Pantoja, at (831) 636-4057 x129 or mpantoja@sanbenitocourt.org with any objections or concerns.**

In light of the full mediation agreement that the parties reached, no appearances are necessary on July 15, 2026, unless there is a request to be heard.

END OF TENTATIVE DECISIONS