

PETITIONER/PLAINTIFF: MICHELE LALLY	CASE NUMBER
RESPONDENT/DEFENDANT: CLIFFORD L. ROEPKE	D472021

CHILD CUSTODY AND VISITATION ORDER ATTACHMENT

Attachment to ☒ Findings and Order After Hearing ☐ Judgment ☐ Restraining Order After Hearing (CLETS)
☐ Order to Show Cause and Temporary Restraining Order ☐ Other

1. ☒ **CUSTODY** Custody of the minor children of the parties is awarded as follows:

<u>Child's name</u>	<u>Child's birth date</u>	<u>Legal custody to (name)</u>	<u>Physical custody to (name)</u>
OLIVER J. LALLY-ROEPKE	06/30/95	see attachment 2.c.	see attachment 2.c.

2. ☒ **VISITATION**

- a. ☐ No visitation.
 b. ☐ Reasonable right of visitation to the party without physical custody. (Not appropriate in cases involving domestic violence.)
 c. ☒ As set forth in the attached custody and visitation agreement, recommendation, or schedule consisting of (number): four pages, dated: 11/14/2002 as amended
 d. ☐ The parties are referred to court-affiliated mandatory mediation forthwith. The address and telephone number are (specify):
 e. ☐ Pending further order of the court, specific visitation as follows:

(i) ☐ **WEEKENDS** (specify starting date): _____
 Father ☐ Mother ☐ shall have the children with him/her:
☐ First weekend of the month (specify day(s) and time): _____ from _____ at _____ a.m. _____ p.m.
☐ Second weekend of the month (specify day(s) and time): _____ from _____ at _____ a.m. _____ p.m.
☐ Third weekend of the month (specify day(s) and time): _____ from _____ at _____ a.m. _____ p.m.
☐ Fourth weekend of the month (specify day(s) and time): _____ from _____ at _____ a.m. _____ p.m.
☐ Fifth weekend of the month (specify day(s) and time): _____ from _____ at _____ a.m. _____ p.m.

(ii) ☐ **ALTERNATE WEEKENDS** (specify starting date): _____
 Father ☐ Mother ☐ shall have the children with him/her (specify day(s) and time): from _____ at _____ a.m. _____ p.m. to _____ at _____ a.m. _____ p.m.

(iii) ☐ **MID-WEEK**
 Father ☐ Mother ☐ shall have the children with him/her (specify day(s) and time): from _____ at _____ a.m. _____ p.m. to _____ at _____ a.m. _____ p.m.

(iv) ☐ **Other** (specify day(s) and time(s) as well as any additional restrictions): ☐ See Attachment 2e(iv).

3. ☐ **SUPERVISED VISITATION** ☐ See Attachment 1296.31A(1)

until ☐ further order of the court ☐ other

☐ Father ☐ Mother shall have the supervised visitation with the minor children according to the schedule set forth in item 2 above. The visits shall be supervised by (name):

The supervisor's phone number is:

Costs for supervision shall be paid as follows: Father: _____ %, Mother: _____ %

4. ☐ **TRANSPORTATION FOR VISITATION AND PLACE OF EXCHANGE**

- a. ☐ Transportation to the visits shall be provided by ☐ Father ☐ Mother ☐ Other (specify):
 b. ☐ Transportation from the visits shall be provided by ☐ Father ☐ Mother ☐ Other (specify):

- c. ☐ The exchange of the children shall occur at (specify location):
 d. ☐ Other (specify):

5. ☐ **THE MINOR CHILD SHALL NOT BE REMOVED BY** ☐ Father ☐ Mother

- a. ☐ from the State of California
 b. ☐ from the following counties:
 c. ☐ other (specify):

without the written consent of the other parent or order of court, except as specified in this order.

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3 The parties enter into the following partial stipulation:

4 **1. CUSTODY AND VISITATION.** The parties stipulate to all the recommendations of the
5 Family Court Services mediation report dated November 14, 2002, which will become
6 orders of the Court, with the exception of the following:

7 a. Paragraphs 5.a. and 5.b. are deleted.

8 b. Paragraph 6.a.: the third and fourth sentences are changed to the following: "Beginning
9 in 2003, in odd years Oliver shall be with his father for the week containing New Year's
10 Eve and New Year Day, and with his mother for the week containing Christmas Eve
11 and Christmas Day. In even-numbered years, this schedule shall reverse."

12 c. Paragraphs 6.c.: The following sentence is added following "...by the holiday.": "The
13 respective parent's time shall begin on Saturday at 5:00 p.m. the day prior the holiday
14 and continue until the holiday Sunday at 7:00 p.m."

15 d. Paragraph 6.d.: The two operative sentences are deleted and replaced by the following:
16 "In odd-numbered years the child shall be with the mother from 12 noon until 10:00
17 p.m. In even-numbered years he shall be with his father for the same time period."

18 e. The parents agree to submit any future custody/visitation disputes to Penny Angel-Levy
19 acting as private mediator in lieu of attending Family Court Services mediation in
20 accordance with the provisions of San Diego Superior Court Rules, Rule 5.59 of
21 Division V. The parties further agree that such private mediator shall make a
22 recommendation to the Court in the event that the parties cannot agree on the exact
23 terms and conditions of the parenting plan issue or issues raised by either party. It is
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3 further agreed that the private mediator's recommendation shall have the same force and
4 effect as a recommendation prepared by Family Court Services, and that the Court, if
5 requested, shall make orders it deems appropriate and/or necessary for the best interest
6 of the minor child of the parties. Each party shall pay one half of the fees of the private
7 mediator. The contact information for Penny Angel-Levy is as follows:

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9 i. Address: 5060 Shoreham Place, Suite 200, San Diego, CA 92122
10 ii. Telephone: 858 458-5878
11 iii. Email address: penny@angel-levy.com
12 iv. Website: www.angel-levy.com

13 f. It is further stipulated that the minor child's name for all purposes shall be Oliver Lally-
14 Roepke.

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16 Upon considering the matters submitted to the Court and hearing the argument of the
17 parties, the Court made the following findings and orders.

18 g. Paragraph 5: The following is inserted as paragraph 5: "The parenting of the child shall
19 be shared as follows: Oliver shall be with his father in San Diego on the third weekend
20 (determined by the Friday date) of every month from Thursday after school until
21 Monday morning. The father may also visit Oliver from after school until 7:00 p.m. on
22 the Wednesday evening prior to the third weekend."

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24 h. Paragraph 7: The following sentence is added at the end of the paragraph: "Should
25 father's exercise of this summer visitation involve travel for himself or the child, such
26 travel expense shall be borne by father."

- 3 i. Paragraph 8 is amended in the following particulars only: The first sentence is amended
4 to read as follows: "Either parent may take traveling vacations with the child each year
5 of up to three weeks however no vacation shall be for a period greater than two
6 consecutive weeks...."
- 7 j. Paragraph 16: because the Court found no demonstrated history of alcohol abuse by
8 father nor any indication of danger to the minor child, the court does not order
9 paragraph 16 of the mediator's recommendation. However, the Court orders that neither
10 parent drive or operate a motor vehicle while having physical custody of the minor child
11 with an amount of alcohol measured at a level that would impair driving.
- 12 k. Father shall not call the cell phone provided by mother to the child to communicate with
13 the minor child.
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