

THEIR COPY
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FL-300

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Desiree Capuano 9153 N. 84th Dr Peoria, AZ 85345 TELEPHONE NO.: 623-249-5431 FAX NO. (Optional): E-MAIL ADDRESS (Optional): desiree.capuano@gmail.com ATTORNEY FOR (Name):		FOR COURT USE ONLY RECEIVED JAN 10 2013 SOUTH CENTRAL DISTRICT OFFICE AND COURT STAFF
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 200 West Compton Blvd MAILING ADDRESS: 200 West Compton Blvd CITY AND ZIP CODE: Compton, CA 90220 BRANCH NAME: South Central Branch		
PETITIONER/PLAINTIFF: Richard Riess RESPONDENT/DEFENDANT: Desiree Capuano OTHER PARENT/PARTY:		
REQUEST FOR ORDER <input type="checkbox"/> Child Custody <input type="checkbox"/> Child Support <input type="checkbox"/> Attorney Fees and Costs <input type="checkbox"/> MODIFICATION <input type="checkbox"/> Visitation <input type="checkbox"/> Spousal Support <input checked="" type="checkbox"/> Temporary Emergency Court Order <input checked="" type="checkbox"/> Other (specify): <i>Ex Parte</i> <i>ru Hen #8</i>		
		CASE NUMBER: TD 035397

1. TO (name): Richard Riess
2. A hearing on this Request for Order will be held as follows: If child custody or visitation is an issue in this proceeding, Family Code section 3170 requires mediation before or at the same time as the hearing (see item 7.)

a. Date:	Time:	<input type="checkbox"/> Dept.:	<input type="checkbox"/> Room.:
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b. Address of court ☒ same as noted above ☐ other (specify):

3. Attachments to be served with this Request for Order:
- | | |
|---|---|
| a. A blank Responsive Declaration (form FL-320) | c. <input type="checkbox"/> Completed Financial Statement (Simplified) (form FL-155) and a blank Financial Statement (Simplified) |
| b. <input type="checkbox"/> Completed Income and Expense Declaration (form FL-150) and a blank Income and Expense Declaration | d. <input type="checkbox"/> Points and authorities |
| | e. <input type="checkbox"/> Other (specify): |

Date: 1-14-13 Desiree Capuano Binni Capuano
(TYPE OR PRINT NAME) (SIGNATURE)

☐ COURT ORDER

4. ☐ YOU ARE ORDERED TO APPEAR IN COURT AT THE DATE AND TIME LISTED IN ITEM 2 TO GIVE ANY LEGAL REASON WHY THE ORDERS REQUESTED SHOULD NOT BE GRANTED.
5. ☐ Time for ☐ service ☐ hearing is shortened. Service must be on or before (date):
6. Any responsive declaration must be served on or before (date):
7. The parties are ordered to attend mandatory custody services as follows:
8. ☐ You are ordered to comply with the Temporary Emergency Court Orders (form FL-305) attached.
9. ☐ Other (specify):

Date: _____ JUDICIAL OFFICER

To the person who received this Request for Order: If you wish to respond to this Request for Order, you must file a Responsive Declaration to Request for Order (form FL-320) and serve a copy on the other parties at least nine court days before the hearing date unless the court has ordered a shorter period of time. You do not have to pay a filing fee to file the Responsive Declaration to Request for Order (form FL-320) or any other declaration including an Income and Expense Declaration (form FL-150) or Financial Statement (Simplified) (form FL-155).

PETITIONER/PLAINTIFF: Richard Riess RESPONDENT/DEFENDANT: Desiree Capuano OTHER PARENT/PARTY:	CASE NUMBER: TD035397
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REQUEST FOR ORDER AND SUPPORTING DECLARATION

☐ Petitioner ☒ Respondent ☐ Other Parent/Party requests the following orders:

1. ☒ CHILD CUSTODY☐ To be ordered pending the hearinga. Child's name and ageb. Legal custody to (name of person who
makes decisions about health, education, etc.)c. Physical custody to (name of
person with whom child will live)

G [redacted] Riess, 12

Desiree Capuano

Desiree Capuano

- d. ☐ As requested in form ☐ Child Custody and Visitation Application Attachment (form FL-311)
☐ Request for Child Abduction Prevention Orders (form FL-312)
☐ Children's Holiday Schedule Attachment (form FL-341(C))
☐ Additional Provisions—Physical Custody Attachment (form FL-341(D))
☐ Joint Legal Custody Attachment (form FL-341(E))
☐ Other (Attachment 1d)

e. ☒ Modify existing order

(1) filed on (date): 2/14/12

(2) ordering (specify):

Joint legal custody and sole physical custody to
Petitioner/Father.2. ☐ CHILD VISITATION (PARENTING TIME)☐ To be ordered pending the hearing

- a. As requested in: (1) ☐ Attachment 2a (2) ☐ Child Custody and Visitation Application Attachment (form FL-311)
(3) ☐ Other (specify):

b. ☐ Modify existing order

(1) filed on (date):

(2) ordering (specify):

- c. ☐ One or more domestic violence restraining/protective orders are now in effect. (Attach a copy of the orders if you
have one.) The orders are from the following court or courts (specify county and state):

(1) ☐ Criminal: County/state:
Case No. (if known):(3) ☐ Juvenile: County/state:
Case No. (if known):(2) ☐ Family: County/state:
Case No. (if known):(4) ☐ Other: County/state:
Case No. (if known):3. ☐ CHILD SUPPORT (An earnings assignment order may be issued.)a. Child's name and ageb. ☐ I request support based on the
child support guidelinesc. Monthly amount requested (if not by guideline)
\$d. ☐ Modify existing order

(1) filed on (date):

(2) ordering (specify):

Notice: The court is required to order child support based on the income of both parents. It normally continues until the child is 18. You must supply the court with information about your finances by filing an *Income and Expense Declaration* (form FL-150) or a *Financial Statement (Simplified)* (form FL-155). Otherwise, the child support order will be based on information about your income that the court receives from other sources, including the other parent.

PETITIONER/PLAINTIFF: Richard Riess RESPONDENT/DEFENDANT: Desiree Capuano OTHER PARENT/PARTY:	CASE NUMBER: TD035397
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4. ☐ SPOUSAL OR PARTNER SUPPORT (*An earnings assignment order may be issued.*)
- a. ☐ Amount requested (*monthly*): \$
- b. ☐ Terminate existing order
(1) filed on (*date*):
(2) ordering (*specify*):
- c. ☐ Modify existing order
(1) filed on (*date*):
(2) ordering (*specify*):
- d. ☐ The *Spousal or Partner Support Declaration Attachment* (form FL-157) is attached (*for modification of spousal or partner support after judgment only*)
- e. An *Income and Expense Declaration* (form FL-150) must be attached
5. ☐ ATTORNEY FEES AND COSTS are requested on *Request for Attorney Fees and Costs Order Attachment* (form FL-319) or a declaration that addresses the factors covered in that form. An *Income and Expense Declaration* (form FL-150) must be attached. A *Supporting Declaration for Attorney Fees and Costs Order Attachment* (form FL-158) or a declaration that addresses the factors covered in that form must also be attached.
6. ☐ PROPERTY RESTRAINT ☐ To be ordered pending the hearing
- a. The ☐ petitioner ☐ respondent ☐ claimant is restrained from transferring, encumbering, hypothecating, concealing, or in any way disposing of any property, real or personal, whether community, quasi-community, or separate, except in the usual course of business or for the necessities of life.
☐ The applicant will be notified at least five business days before any proposed extraordinary expenditures, and an accounting of such will be made to the court.
- b. ☐ Both parties are restrained and enjoined from cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of any insurance or other coverage, including life, health, automobile, and disability, held for the benefit of the parties or their minor children.
- c. ☐ Neither party may incur any debts or liabilities for which the other may be held responsible, other than in the ordinary course of business or for the necessities of life.
7. ☐ PROPERTY CONTROL ☐ To be ordered pending the hearing
- a. ☐ The petitioner ☐ respondent is given the exclusive temporary use, possession, and control of the following property that we own or are buying (*specify*):
- b. ☐ The petitioner ☐ respondent is ordered to make the following payments on liens and encumbrances coming due while the order is in effect:
- | <u>Debt</u> | <u>Amount of payment</u> | <u>Pay to</u> |
|-------------|--------------------------|---------------|
| | | |
8. ☒ OTHER RELIEF (*specify*): No communication between Petitioner and child temporarily.

NOTE: To obtain domestic violence restraining orders, you must use the forms *Request for Order (Domestic Violence Prevention)* (form DV-100), *Temporary Restraining Order (Domestic Violence)* (form DV-110), and *Notice of Court Hearing (Domestic Violence)* (form DV-109).

PETITIONER/PLAINTIFF: Richard Riess RESPONDENT/DEFENDANT: Desiree Capuano OTHER PARENT/PARTY:	CASE NUMBER: TD035397
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9. ☐ I request that time for service of the *Request for Order* and accompanying papers be shortened so that these documents may be served no less than (specify number): _____ days before the time set for the hearing. I need to have this order shortening time because of the facts specified in item 10 or the attached declaration.
10. ☒ FACTS IN SUPPORT of orders requested and change of circumstances for any modification are (specify):
☒ Contained in the attached declaration. (You may use Attached Declaration (form MC-031) for this purpose. The attached declaration must not exceed 10 pages in length unless permission to file a longer declaration has been obtained from the court.)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 1-14-13

Desiree Capuano
 (TYPE OR PRINT NAME)


 (SIGNATURE OF APPLICANT)



Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the proceeding. Contact the clerk's office or go to www.courts.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Response* (form MC-410). (Civil Code, § 54.8.)

Desiree Capuano
9153 N. 84th Dr
Peoria, AZ 85345
480-455-2086

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

Richard Riess,
Petitioner,

v.

Desiree Capuano,
Respondent

Case No: TD 035397

DECLARATION OF DESIREE
CAPUANO IN SUPPORT OF
REQUEST TO MODIFY
CUSTODY AGREEMENT

Requesting Party: RESPONDENT, Desiree Capuano

Responding Party: PETITIONER, Richard Riess

I, Desiree Capuano, hereby declare under penalty of perjury that I am the Respondent in the captioned matter and that all statements made herein are true and correct to the best of my knowledge, and that such statements are based on facts and information made known to me on and around January 2nd, 2013.

1. G [REDACTED] Riess was picked up by me on December 16th, 2012 for the court scheduled winter break.
2. A return plane ticket was purchased on December 31st, 2012 for a flight on January 5th, 2013.

3. On January 2nd, 2013 I was contacted by L [REDACTED] Munoz informing me that the Petitioner, Richard Riess, had been taken into custody by Homeland Security, Immigration and Deportation (Exhibit 1)
4. G [REDACTED] Riess' return flight was cancelled on Friday, January 4th, 2013 (Exhibit 2)
5. G [REDACTED] Riess remains in my care currently.
6. Kristopher Lauchner was arrested by the Glendale Police on October 2nd, 2012. I have had no contact with him since this happened.
7. Kristopher Lauchner has already been removed from my health care policy.
8. CPS has already conducted an in-home evaluation at my current residence and has no concerns for the children (Exhibit 3)
9. CPS required both a urine and hair sample drug test which I have passed.
10. My previous TASC requirements were completed successfully in August 2012 (Exhibit 4)
11. All charges from the state of Arizona against me have been dropped (Exhibit 5)
12. I do not now, nor have I ever had, a drug problem.
13. I am still gainfully employed with the same company and in the past 3 months have received 2 separate outstanding achievement awards for excellent work (Exhibit 6)
14. The petitioner mailed G [REDACTED] a letter giving the false impression that he was never guilty of anything and that G [REDACTED] will be returned to his care. In this letter he also puts all blame on me and continues to attempt to poison my son against me. (Exhibit 7)
15. Based on the fathers' incarceration with orders for removal and my documented stability, I am requesting that custody be at least temporarily modified to allow me to enroll G [REDACTED] Riess in school and not return him to California.

16. I also ask the court to prevent communication between the petitioner and G [REDACTED] Riess for now to avoid confusing and adding more stress on the child while he tries to adjust to the new situation.

1-14-13
(Date)

Desiree Capuano
(Name)

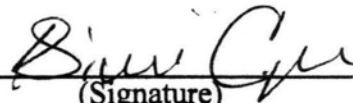

(Signature)

EXHIBIT 1



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Enforcement & Removal > Online Detainee Locator System

Search Results

A-Number	Name	Country of Birth	Status	Current Detention Facility	State
1. 088664582	RICHARD STEVEN RIESS	Canada	In Custody	SANTA ANA CITY JAIL	CA

Results: 1



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Finding the status of a case

Immigration Court

For information about a matter before the immigration court, you may call 1-800-898-7180 to speak with them directly. Applications for relief from removal, and other applications requested by the immigration judge must be filed directly with the immigration court. See also: <http://www.justice.gov/eoir/npr.htm>.

Board of Immigration Appeals (BIA)

For information about a matter before the Board of Immigration Appeals (BIA), you may call (703) 605-1007 where you can obtain automated information or speak with a live representative during office hours.

EXHIBIT 2



Desiree Capuano <desiree.capuano@gmail.com>

Southwest Airlines Cancellation Confirmation-RIESS/G [REDACTED]-Confirmation: GSAJKD

1 message

Southwest Airlines <SouthwestAirlines@luv.southwest.com>
Reply-To: Southwest Airlines <no-reply@luv.southwest.com>
To: DESIREE.CAPUANO@gmail.com

Fri, Jan 4, 2013 at 7:24 PM

You're all set for your trip!



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Your reservation has been cancelled.



AIR Itinerary

AIR Confirmation: GSAJKD

Confirmation Date: 01/4/2013

Passenger(s)	Rapid Rewards #	Ticket #	Expiration	Est. Points Earned
RIESS/GABRIEL	00020092195292	5262488229250	Dec 31, 2013	786

Date	Flight	Departure/Arrival
Sat Jan 5	3080	Depart PHOENIX AZ (PHX) at 8:20 PM Arrive in LOS ANGELES INTL (LAX) at 8:45 PM Travel Time 1 hrs 25 mins

Air Cost: 141.80

Carry-on Items: 1 Bag + small personal item are free see full details. Checked Items: First and second bags are free, size and weight limits apply.

Fare Rule(s): 5262488229250: NONREF/NONTRANSFERABLE/STANDBY REQ UPGRADE TO Y.
Valid only on Southwest Airlines. All travel involving funds from this Confirmation Number must be completed by the expiration date. Unused travel funds may only be applied toward the purchase of future travel for the individual named on the ticket. Any changes to this itinerary may result in a fare increase.

PHX WN LAX121.86RLN0WNR 121.86 END ZPPHX XT2.50AY4.50XFFHX4.5

Cost and Payment Summary



AIR - GSAJKD

Base Fare

\$ 121.86 **Payment Information**

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Excise Taxes	\$ 9.14	Payment Type: Visa XXXXXXXXXXXX7768
Segment Fee	\$ 3.80	Date: Dec 31, 2012
Passenger Facility Charge	\$ 4.50	Payment Amount: \$141.80
September 11th Security Fee	\$ 2.50	
Total Air Cost	\$ 141.80	



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¹ All travel involving funds from this Confirmation Number must be completed by the expiration date.

² Security Fee is the government-imposed September 11th Security Fee.

See [Southwest Airlines Co. Notice of Incorporation](#)
See Southwest Airlines Limit of Liability

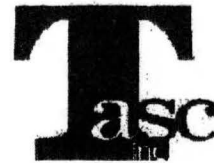
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Dallas, TX 75235

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EXHIBIT 3

EXHIBIT 4



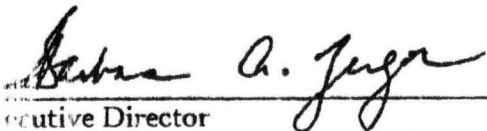
This certifies that

DESIREE CAPUANO

has successfully completed

***The Maricopa County Attorney/TASC
Adult Deferred Prosecution Program***

Presented on August 10, 2012


Executive Director

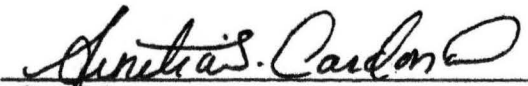

Case Manager

EXHIBIT 5

WILLIAM G MONTGOMERY
MARICOPA COUNTY ATTORNEY

Janet K McNaughton
Deputy County Attorney
Bar Id #: 006001
301 West Jefferson, 8th Floor
Phoenix, AZ 85003
Telephone: (602) 372-0048
Mcaoptd@mcao.Maricopa.Gov
MCAO Firm #: 00032000
Attorney for Plaintiff

MICHAEL K. JEANES, CLERK
BY *L. Franco* DEP
FILED

12 SEP 19 PM 3:43

ORIGINAL

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

THE STATE OF ARIZONA,

Plaintiff,

VS.

DESIREE YVONNE CAPUANO,

Defendant.

CR2012-103751-001

ORDER OF DISMISSAL

Having read the foregoing Motion to Dismiss with Prejudice, the court hereby finds that the County Attorney has stated good cause; therefore, the Defendant having successfully completed the requirement of the Maricopa County Attorney/TASC Drug Diversion Program, and

IT IS ORDERED that the case be dismissed with prejudice.

DONE IN OPEN COURT September 14, 2012.

R. J. Woodburn
JUDGE/COMMISSIONER OF THE SUPERIOR COURT

HON. R. JEFFREY WOODBURN

EXHIBIT 6



Above and Beyond

A celebration of our performers at Apollo Group

Desiree Capuano

In appreciation and recognition of your extraordinary effort, to complete the award process, go to <http://redemption.apollogroup.com> and enter your access code. If you need assistance while ordering your award, please contact customer service at 1-800-822-8282.

Please redeem your access code within 90 days.

Marvelous Merit

The Student-Facing Release team has taken great strides over the past year with the setup of AES and Classroom Vendors, projects emailed countless war room hours and many late nights and weekends. In addition, with reporting changes, we have 120+ Windows applications and the team has been motivated to learn how to deploy to these different technologies.

Access Code: <http://redemption.apollogroup.com>
Expiration Date: Mar 18, 2013

AWARD CATEGORIES

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Give
Green
Live
Play
Relax
Tech
Travel
Wear
Well-Being
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FEATURED SELECTIONS

FAVORITES

A message from Todd Feuerherm

I wanted to personally thank each and every one of you for your hard work and dedication towards making our team successful. In terms of coordination, Kyle, Desiree, and Forbes should wear capes to work for their heroic efforts organizing the emergency, off-cycle, and standard release windows flawlessly. Thank you all for contributing to release excellence.

A message from Mary Morgan

Thank you for your excellent level of service. Your efforts are definitely noticed and we'd like to provide this acknowledgement of your work.

Description of your achievement

The Student-Facing Release team has taken great strides over the past year with the setup of A&S and Classroom environments. Both projects entailed countless war room hours and many late nights and weekends. In addition, with recent org changes, we have taken on 120+ Windows applications and the team has been motivated to learn how to deploy to these different technologies.

Print page



Above and Beyond

A celebration of our performers at Apollo Group

Desiree Capuano

In appreciation and recognition of your extraordinary effort. To complete the award process, go to myapollogroup.com and enter your access code. If you need assistance while ordering your award, please contact customer service at 1-800-447-7777.

Please redeem your access code within 60 days.

Marvelous Merit

The Front-End Platform, as a horizontal platform that services multiple client-facing applications, has a unique role in the Apollo Group. Unlike most traditional applications, Releases are frequent, constantly moving, and challenging to manage. Apollo Group's Front-End team, with the Front-End team's initiatives to scale/support a variety of application groups. There have been many times when the team has been required to deploy new releases on very short notice. The leadership of Todd's team has been very diligent in ensuring that short-notice requests, while diligently ensuring that audit requirements are fulfilled. The Release Team, supported by the Front-End team, of AES production releases. The AES demands are not easy to meet, and require loyal dedication to the company's mission and organization. The Release Team has performed brilliantly under pressure and with a great deal of patience for the development team. They consistently make themselves a...

Access Code: 666gwa9a7K
Expiration Date: Feb 7, 2013

Exhibit 7

Jan 4, 2013

Dear Gabriel:

I hope this letter finds you. I can't remember if Desiree's address is 9153 or 9135. Also I don't know her home number.

Anyway, here's the situation: ICE came to Liz's place claiming they were looking for a fugitive. They said they received a tip that an illegal alien had illegally re-entered the U.S. and was using that address. One of them later told me that the tip came from my ex-wife. They interrogated me for a couple of hours. When they first arrested me they charged me with illegal re-entry and false claim of U.S. Citizenship. After interrogating me and speaking with ICE's attorney, guess what? They dropped all the charges and said they were going to release me. Unfortunately, though, they say they have to verify my birth certificate and that should take a few weeks. It sounds like bull. They can verify it in 5 minutes with one call to Florida Dept of Vital Statistics - and I'm sure they already have. Keeping me locked up for 2-3 weeks is just a way to save face.

Also the ICE officers knew about things I had only said to Desiree. Therefore, it had to have been her that called them.

So, they're holding me at the Santa Ana City Jail in Orange County. It's not the worst place I've been at. And I don't think it will be for more than 4 weeks. It will be interesting to hear in court, though, how Desiree justified filing a false claim against me with ICE just to get me locked up or, in her hopes, deported.

Now, about Liz: she's very freaked out about Desiree calling ICE on me and is afraid that if she gets involved that Desiree might do that to her. For that reason she said that she can't get involved. In other words, she isn't willing to take care of you until I'm released. I can't say that I blame her - it's pretty clear now that Desiree will do anything to get what SHE wants - even if it means ruining other people's lives with false allegations.

Next topic: if Desiree enrolls you in school there, before I get out, then I may have to wait until the end of the school year before I can bring you back. However, if I can convince the court that she called ICE on me, deliberately, to create this situation then I think the Court will order your immediate return - like they did in November 2011.

Then there's the issue of going to Canada. One thing I don't want is to spend another year being broke and dependant on Liz. If the Court says you must stay in Arizona until the end of the school year then I think it's best that I take one of the positions in Canada, so I can hire an attorney and build up some stability, then at the end of the school year I can bring you up there. Of course, my preference would be that the Court order your immediate return.

Anyway, if you get this letter please write back ASAP so I know you got it. Honestly, I'm afraid Desiree is going to intercept our communication and not give this to you.

My address here is:

Richard Riess
13000000 19
P.O. Box 22003
SAJ 3A10
Santa Ana, CA
92702

Note: there are 6 ~~0~~ zeroes in the number below my name.

Also, please provide Desiree's home number. I can only call collect from here, though, so I may not be able to call on it if her phone doesn't accept collect calls.

Now, one last thing I need to say: I think this latest ordeal is the final test of my faith and that things are going to get much better once I pass it. God knows that you're the most important thing to me, and the one thing that I would never compromise or turn my back on (other than God, himself, of course), so, I believe if I remain loyal and faithful after losing you, and everything else, then I believe God will be satisfied with my faith and loyalty. So, hang in there, Sen, and don't let this shake your faith in God. Remember, sometimes his tests are hard ~~0~~ but when we pass them He always rewards us appropriately. I believe all of this will be over soon and we can get back to living the good life.

Talk to you soon,



P.S. I haven't been able to get ahold of Liz since the morning of 1-3-12. And her answering machine is full. I'm a little bit concerned. Anyway, don't worry, no matter what happens, I'll find you and everything's going to be alright.

PETITIONER/PLAINTIFF: Richard Riess
 RESPONDENT/DEFENDANT: Desiree Capuano
 OTHER PARENT/PARTY:

CASE NUMBER:
 TD 035397

TEMPORARY EMERGENCY COURT ORDERS

Attachment to Request for Order (FL-300)

The court makes the following orders, which are effective immediately and until the hearing:

1. ☐ PROPERTY RESTRAINT

- a. ☐ Petitioner ☐ Respondent ☐ Claimant is restrained from transferring, encumbering, hypothecating, concealing, or in any way disposing of any property, real or personal, whether community, quasi-community, or separate, except in the usual course of business or for the necessities of life.
☐ The other party is to be notified of any proposed extraordinary expenditures, and an accounting of such is to be made to the court.
- b. ☐ Both parties are restrained and enjoined from cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of any insurance or other coverage, including life, health, automobile, and disability, held for the benefit of the parties or their minor child or children.
- c. ☐ Neither party may incur any debts or liabilities for which the other may be held responsible, other than in the ordinary course of business or for the necessities of life.

2. ☐ PROPERTY CONTROL

- a. ☐ Petitioner ☐ Respondent is given the exclusive temporary use, possession, and control of the following property that the parties own or are buying (*specify*):
- b. ☐ Petitioner ☐ Respondent is ordered to make the following payments on liens and encumbrances coming due while the order is in effect:
- | <u>Debt</u> | <u>Amount of payment</u> | <u>Pay to</u> |
|-------------|--------------------------|---------------|
|-------------|--------------------------|---------------|

3. ☒ MINOR CHILDREN

- a. ☐ Petitioner ☒ Respondent will have the temporary physical custody, care, and control of the minor children of the parties ☐ subject to the other party's rights of visitation as follows:
- b. ☐ Petitioner ☐ Respondent must not remove the minor child or children of the parties
- (1) ☐ from the state of California.
 - (2) ☐ from the following counties (*specify*):
 - (3) ☐ other (*specify*):
- c. ☐ Child abduction prevention orders are attached (see form FL-341(B)).
- d. (1) Jurisdiction: This court has jurisdiction to make child custody orders in this case under the Uniform Child Custody Jurisdiction and Enforcement Act (part 3 of the California Family Code, commencing with section 3400).
- (2) Notice and opportunity to be heard: The responding party was given notice and an opportunity to be heard as provided by the laws of the State of California.
- (3) Country of habitual residence: The country of habitual residence of the child or children is
☒ the United States of America ☐ other (*specify*):
- (4) Penalties for violating this order: If you violate this order, you may be subject to civil or criminal penalties or both.

4. ☐ OTHER ORDERS (*specify*):

☐ Additional orders are listed on Attachment 4.

Date:

JUDGE OF THE SUPERIOR COURT

5. The date of the court hearing is (*insert date when known*):

CLERK'S CERTIFICATE

[SEAL]

I certify that the foregoing is a true and correct copy of the original on file in my office.

Date:

Clerk, by _____, Deputy

Page 1 of 1

NAME, ADDRESS AND TELEPHONE NUMBER OF ATTORNEY OR PARTY WITHOUT ATTORNEY: Desiree Capuano 9153 N. 84th Dr Peoria, AZ 85345		STATE BAR NUMBER	Reserved for Clerk's File Stamp
ATTORNEY FOR (NAME): Desiree Capuano			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURT HOUSE ADDRESS: 200 West Compton Blvd			
PETITIONER / PLAINTIFF: Richard Riess			
RESPONDENT / DEFENDANT: Desiree Capuano			
CHILD'S NAME: Ge [redacted] Riess	CHILD'S DATE OF BIRTH: 09-27-2000	CASE NUMBER: TD 035397	
DECLARATION RE: NOTICE OF EX PARTE REQUEST (NO NOTICE GIVEN) (Temporary Restraining Order)			RELATED CASES (IF ANY):

I, Desiree Capuano, declare that:
(PRINT NAME)

1) I did not give notice to the other party in this action because:

- ☐ I was afraid that the violence would reoccur when I gave notice that I was asking for these orders.
- ☐ I was afraid that the other party would take the children out of the area before the order could be granted and served.
- ☐ I believe that giving notice would make the orders useless because the other party would:

2) I attempted and was unable to inform Richard Riess or his/her attorney _____
that I would be seeking a temporary restraining order. My attempts included Email, phone

3) Other reason:

Richard Riess is currently in the custody of Homeland Security Immigration and Deportation.

I declare that the above is true and correct, and that I executed this declaration at Compton, California

1-14-13 Desiree Capuano
DATE

Bilal Cyber
SIGNATURE OF DECLARANT:

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): Self-Represented	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PETITIONER/PLAINTIFF: _____ RESPONDENT/DEFENDANT: _____ OTHER PARTY: _____	
RESPONSIVE DECLARATION TO REQUEST FOR ORDER	
HEARING DATE: _____ TIME: _____ DEPARTMENT OR ROOM: _____	CASE NUMBER: _____

1. ☐ CHILD CUSTODY
 - a. ☐ I consent to the order requested.
 - b. ☐ I do not consent to the order requested, but I consent to the following order:
 ___ as attached on FL-311

2. ☐ CHILD VISITATION (PARENTING TIME)
 - a. ☐ I consent to the order requested.
 - b. ☐ I do not consent to the order requested, but I consent to the following order:
 ___ as attached on FL-311

3. ☐ CHILD SUPPORT
 - a. ☐ I consent to the order requested.
 - b. ☐ I consent to guideline support.
 - c. ☐ I do not consent to the order requested, but I consent to the following order:
 - (1) ☐ Guideline
 - (2) ☐ Other (specify): _____

4. ☐ SPOUSAL OR PARTNER SUPPORT
 - a. ☐ I consent to the order requested.
 - b. ☐ I do not consent to the order requested.
 - c. ☐ I consent to the following order: _____

PETITIONER/PLAINTIFF:	CASE NUMBER:
RESPONDENT/DEFENDANT:	

CHILD CUSTODY AND VISITATION APPLICATION ATTACHMENT

- TO ☒ Petition, Response, Application for Order or Responsive Declaration ☐ Other (specify):
☐ To be ordered now and effective until the hearing

1. ☐ **Custody.** Custody of the minor children of the parties is requested as follows:

<u>Child's Name</u>	<u>Date of Birth</u>	<u>Legal Custody to</u> (person who makes decisions about health, education, etc.)	<u>Physical Custody to</u> (person with whom the child lives)
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2. ☐ **Visitation.**

- a. ☐ Reasonable right of visitation to the party without physical custody (not appropriate in cases involving domestic violence)
b. ☐ See the attached _____-page document dated (specify date):
c. ☐ The parties will go to mediation at (specify location):
d. ☐ No visitation
e. ☐ Visitation for the ☐ petitioner ☐ respondent will be as follows:

- (1) ☐ **Weekends starting (date):**

(The first weekend of the month is the first weekend with a Saturday.)

☐ 1st ☐ 2nd ☐ 3rd ☐ 4th ☐ 5th weekend of the month

from _____ at _____ ☐ a.m. ☐ p.m.
(day of week) (time)

to _____ at _____ ☐ a.m. ☐ p.m.
(day of week) (time)

- (a) ☐ The parents will alternate the fifth weekends, with the ☐ petitioner ☐ respondent having the initial fifth weekend, which starts (date):

- (b) ☐ The petitioner will have fifth weekends in ☐ odd ☐ even months.

- (2) ☐ **Alternate weekends starting (date):**

The ☐ petitioner ☐ respondent will have the children with him or her during the period

from _____ at _____ ☐ a.m. ☐ p.m.
(day of week) (time)

to _____ at _____ ☐ a.m. ☐ p.m.
(day of week) (time)

- (3) ☐ **Weekdays starting (date):**

The ☐ petitioner ☐ respondent will have the children with him or her during the period

from _____ at _____ ☐ a.m. ☐ p.m.
(day of week) (time)

to _____ at _____ ☐ a.m. ☐ p.m.
(day of week) (time)

- (4) ☐ **Other (specify days and times as well as any additional restrictions):**

☐ See Attachment 2e(4).

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ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): 					
TELEPHONE NO.: FAX NO. (<i>Optional</i>): E-MAIL ADDRESS (<i>Optional</i>): ATTORNEY FOR (<i>Name</i>): Self-Represented SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:					
PETITIONER/PLOINTIFF:			CASE NUMBER:		
RESPONDENT/DEFENDANT:			(If applicable, provide):		
OTHER PARENT/PARTY:			HEARING DATE:		
PROOF OF SERVICE BY MAIL			HEARING TIME:		
			DEPT.:		

NOTICE: To serve temporary restraining orders you must use personal service (see form FL-330).

1. I am at least 18 years of age, not a party to this action, and I am a resident of or employed in the county where the mailing took place.
2. My residence or business address is:

3. I served a copy of the following documents (*specify*):
Responsive Declaration to Request for Order

by enclosing them in an envelope AND

- a. ☒ **depositing** the sealed envelope with the United States Postal Service with the postage fully prepaid.
- b. ☐ **placing** the envelope for collection and mailing on the date and at the place shown in item 4 following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

4. The envelope was addressed and mailed as follows:

- a. Name of person served:
- b. Address:
- c. Date mailed:
- d. Place of mailing (*city and state*):

5. ☐ I served a request to modify a child custody, visitation, or child support judgment or permanent order which included an address verification declaration. (*Declaration Regarding Address Verification—Postjudgment Request to Modify a Child Custody, Visitation, or Child Support Order* (form FL-334) may be used for this purpose.)

6. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF PERSON COMPLETING THIS FORM)