

**FILED**  
Superior Court of California  
County of Los Angeles

SEP 30 2020

Sherri R. Carter, Executive Officer/Clerk

By M. Godderz, Deputy  
Martin Godderz

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

Case No. **BD 602801**

**INITIAL ORDER TO DISTRICT  
ATTORNEY PURSUANT TO FAMILY  
CODE SECTIONS 3130 – 3134.5**

Department 46  
Hon. Bruce G. Iwasaki

Hearing: November 9, 2020  
8:30 a.m.

JEAN-PIERRE GUY GILLAIN,

Petitioner,

and

ZOE DORAN McLELLAN,

Respondent.

Minor child: Sebastian Guillain

Petitioner Father Jean-Pierre Guillain and Respondent Mother Zoe McLellan are the parents of minor child Sebastian (dob October 16, 2012). The Judgment in this case, entered April 14, 2016, granted the parties joint legal custody and joint physical custody of Sebastian. Following a hearing in 2018, the Court modified the parenting schedule, but both parties continued to have joint legal and physical custody. (Minute order filed May 29, 2018 and order after hearing filed July 26, 2018.) In conjunction with Respondent's domestic violence restraining order (DVRO) request filed July 9, 2019,

**ORDER TO DISTRICT ATTORNEY**

1 of 4

1 Respondent McLellan was granted temporary sole legal custody and physical custody of  
2 Sebastian with no visitation to Petitioner Guillain. Respondent was also ordered not to  
3 move the child from California without court order.

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5 Respondent McLellan moved with minor child Sebastian to Louisiana without  
6 Court approval in violation of Family Code section 3063 and the terms of the TRO. On  
7 July 7, 2020, the Court ordered Respondent to have Sebastian physically present in court  
8 for a hearing on July 17, 2020. On July 17<sup>th</sup>, Respondent failed to appear or produce the  
9 child. The Court dissolved the temporary restraining order, ordered that the parties share  
10 joint legal custody of Sebastian, and ordered Respondent to produce to Petitioner the  
11 child's school and medical records. On September 17, 2020, the Court set a hearing date  
12 of September 29, 2020 for Respondent's July 9, 2019 DVRO request and her February  
13 14, 2019 request for orders to modify custody. Respondent was given notice of the  
14 hearing. On September 29, 2020, Respondent failed to appear. The Court received  
15 evidence and issued custody orders contained in a minute order filed September 29, 2020.

16  
17 The Court finds that Respondent appears to have intentionally violated court  
18 orders regarding custody of Sebastian. The Court finds that Respondent Mother's  
19 conduct jeopardizes the health, safety, and welfare of Sebastian. The Court finds that  
20 Respondent is not the parent likely to support frequent and continuing contact between  
21 Petitioner and Sebastian. Based on the evidence received, pending further hearing, it is in  
22 the child's best interests to award sole physical custody of Sebastian to Petitioner.

23  
24 Accordingly, **the Court finds and orders:** Petitioner Father Jean-Pierre Guy  
25 Guillain is awarded temporary sole physical custody of Sebastian. Petitioner and  
26 Respondent are awarded joint legal custody.

1           **It is further hereby ordered** that pursuant to Family Code sections 3130 through  
2 3134.5, the Office of the District Attorney for the County of Los Angeles is authorized  
3 and directed to conduct an investigation and to take all actions necessary to locate the  
4 Respondent Mother Zoe Doran McLellan and to procure compliance with the custody  
5 order in the above entitled matter by taking the following action upon locating the child:  
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7           **Take temporary custody of the child, Sebastian, and turn him over to the**  
8 **Petitioner Jean-Pierre Guy Guillain. Serve a copy of this order on Respondent Zoe**  
9 **McLellan.**  
10

11           Respondent Zoe McLellan is ordered to appear in person at the next hearing date  
12 on **November 9, 2020** at 8:30 a.m. in Dept. 46, Room 500 of the Stanley Mosk  
13 Courthouse, 111 N. Hill Street, Los Angeles. If Petitioner does not have physical custody  
14 of Sebastian, Respondent must bring Sebastian to the court for the hearing. Petitioner  
15 Father is also ordered to be present. Respondent may serve and file a responsive  
16 declaration no later than October 26, 2020. Violation of this order may subject a party to  
17 sanctions of up to \$1,500 under Code of Civil Procedure section 177.5.  
18

19           The court has made the finding that the child was born in the United States and has  
20 resided in the State of California, County of Los Angeles. This Court has jurisdiction of  
21 this matter under the Uniform Child Custody Jurisdiction and Enforcement Act.  
22

23           District Attorney investigators may contact this Court ex parte and without notice  
24 to the parties in order to obtain further orders required by any jurisdiction in which the  
25 child is found to effectuate the order. District Attorney investigators may contact the  
26 Court ex parte with notice to the party requesting this order concerning any fact the  
27 investigator believes would be material to the welfare or safety of the child as related to  
28 the enforcement of this order.



1 By copy of this order the requesting party is notified that the district Attorney's  
2 Office will investigate the requesting party in connection with carrying out this Order  
3 and, on notice given before 10 a.m. the day before any appearance before the Court, in  
4 accordance with California rules of court, Rule 3.1203 and 3.1204, may inform the Court  
5 of any facts learned in that investigation, which may bear on the welfare and safety of the  
6 child and the enforcement of this Order.

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8  
9 DATED: September 30, 2020

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13 BRUCE G. IWASAKI  
14 Judge of the Superior Court

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