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8 Attorneys for Petitioner GEORGE PETROUTSAS

FILED

JAN 25 2006

ALEX CALVO, CLERK
BY
DEPUTY, SANTA CRUZ COUNTY

9 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 IN AND FOR THE COUNTY OF SANTA CRUZ

11 GEORGE PETROUTSAS)

CASE NO. FL 022605

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12) Petitioner,
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FINDINGS AND ORDER AFTER
HEARING

DESPINA ASVESTA PETROUTSAS,

Respondent.

FINDINGS AND ORDER AFTER HEARING

18 This proceeding was heard on January 25, 2006, at 1:30 p.m. in department 4 by Judge
19 Irwin Joseph. Petitioner, his attorney and the Respondent's attorney were all present.

THE COURT FINDS AND ORDERS:

21 1) The Court finds that, Santa Cruz County, California in the United States Of America is
22 the habitual residence of Andonios Petroutsas, son of George and Despina Petroutsas.

24 2) The Court finds that, Santa Cruz County, California in the United States Of America is
25 the proper jurisdiction to hear this matter.

1 3) The Court finds that, Despina Petroutsas has not returned to the United States of
2 America with the child of the parties after representing to George Petroutsas that she
3 would return from Greece on December 1, 2005. As such Despina Petroutsas has
4 removed Andonios Petroutsas from his place of habitual residence. The Court orders that
5 upon return to the United States, her movement be free and unrestrained.

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7 4) The Court finds that, Despina Petroutsas has been represented in these proceedings by
8 attorney George C. Kasolas since January 3, 2006.

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10 5) The Court makes a Permanent Modifiable order of, Sole Legal Custody and Sole
11 Physical Custody of the minor child, Andonios Petroutsas, to George Petroutsas.

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13 6) "Permanent Modifiable" means that, this order is a final judicial custody determination
14 and may be changed only if there were a significant change of circumstances shown.
15 (Montenegro v. Diaz (2001) 26 Cal 4th 249, 256.)

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17 7) "Sole Legal Custody" means that, one parent, here George Petroutsas, now has the
18 right and the responsibility to make the decisions relating to the health, education, and
19 welfare of a child. (California Family Law Code §3006.)


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21 8) "Sole Physical Custody" means that, the child shall reside with and be under the
22 supervision of one parent, here George Petroutsas, subject to the power of the court to
23 order visitation. (California Family Law Code §3007.)

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25 9) The Court orders Despina Petroutsas, or any agency with the proper authority, to return
26 the minor child, Andonios Petroutsas, to George Petroutsas immediately.

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10) Respondent shall appear personally in department 4, Santa Cruz Superior Court, on February 10, 2006, at 8:30 A.M.

IT IS SO ORDERED



Irwin Joseph, Judge of the Superior
Court of California, County of Santa Cruz

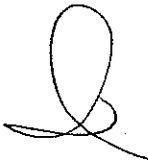
Dated: 1-25-06

1 All previous orders remain in effect, including the Order for the immediate return of
2 the minor child to his place of residence in Santa Cruz County, California. That Order is
3 enforceable now and has been enforceable since its first issuance. No further Court hearings
4 or Court orders are necessary for enforcement.

5 The matter is set for further review on April 24, 2006.

6 The Order to Show Cause regarding request for release of community funds,
7 currently set for April 10, 2006, is continued to April 24, 2006.

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10 Dated: March 10, 2006

3/21/06 

JUDGE OF THE SUPERIOR COURT
IRWIN H. JOSEPH

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In re the marriage of PETROUTSAS
Case Number FL 022605
Order After Hearing

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FILED
JAN - 4 2005
ALEX CALVO, CLERK
BY _____
DEPUTY, SANTA CRUZ COUNTY

Attorneys for Petitioner GEORGE PETROUTSAS

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA CRUZ

GEORGE PETROUTSAS
Petitioner,
and
DESPINA ASVESTA PETROUTSAS,
Respondent.

CASE NO. FL 022605
ORDER OF THE COURT
Next Court Date: January 25, 2005

ORDER

The Court makes the following orders and findings pendente lite :

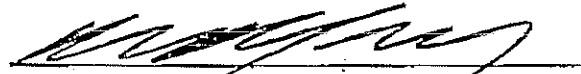
- 1) Respondent, Despina Asvesta Petroutsas, is ordered to return the minor child, Andonios Giorgios Petroutsas, to the United States and specifically she is ordered to return the child to the petitioner, George Petroutsas.
- 2) Petitioner, George Petroutsas, is given *temporary* sole legal and physical custody of the minor child, Andonios Giorgios Petroutsas, until further court order.
- 3) The court finds that sole legal and physical custody in this instance means that the minor child, Andonios Giorgios Petroutsas, shall reside with and be under the supervision of

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George Petroutsas. It also means that George Petroutsas will have legal possession of the child and shall have the right and the responsibility to make the decisions relating to the health and welfare of the child. (California Family Code §3006 and §3007.)

4) It is ordered that George Petroutsas' right to custody is subject to Despina Asvesta Petroutsas' rights to reasonable visitation as mediated.

BY THE COURT,



William M. Kelsay, Judge of the Superior Court of California, County of Santa Cruz

Dated: 1-4-06

The foregoing instrument is a correct copy of the original on file in this office

JAN 04 2006

Alex Galvo
Clerk of the Superior Court of the State of California in and for the County of Santa Cruz
By:  Deputy

1 NAME, ADDRESS; AND PHONE NUMBER:

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4 SANTA CRUZ, CA 95060
5 831-429-9966

FILED

DEC 27 2005

ALEX CALVO, CLERK
~~BY~~
DEPUTY, SANTA CRUZ COUNTY

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CRUZ

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GEORGE PETROUTSAS
PLAINTIFF/PETITIONER,

CASE NO. FLO22605

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vs.

TITLE: ORDER

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DESPINA ASVESTA PETROUTSAS
DEFENDANT/RESPONDENT,

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In re the marriage of:

Petitioner: George Petroutsas

and

Case Number No. FL 022605

Respondent: Despina Asvesta Petroutsas

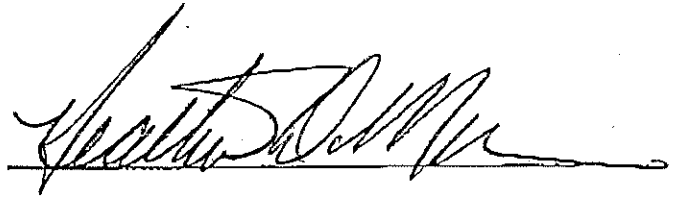
ORDER

The Court makes the following preliminary findings of fact, pursuant to Articles 3 and 15 of the Hague Convention on Civil Aspects of International Child abduction:

- 1) The child known as Andonios Giorgios Petroutsas, who was born on May 21, 2005, was habitually a resident in the United States, and specifically in the State of California in and before November 8, 2005.
- 2) The child appears to have been removed, by his mother Despina Asvesta Petroutsas to Greece, which is a signatory of the Hague Convention on Civil Aspects of International Child Abductions.
- 3) Mr. George Petroutsas has rights to custody as defined by California Law. California Family Law Code section 3010 provides that the father, as defined by California Family Law Code section 7611, and mother have equal rights to custody of a minor child. Mr. George Petroutsas is the father of Andonios Giorgios Petroutsas under California Family

Law Code section 7611(c)(1) as he was legally married to the child's mother before, during and after the child's birth and was, with his consent, named as the child's father on the child's birth certificate. Therefore, the removal of the child by the mother to Greece was wrongful, as the Court understands Article 3 of the Hague Convention on Civil Aspects of International Child Abduction.

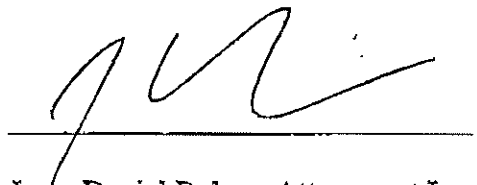
BY THE COURT,



Heather Morse, Presiding Judge of the
Superior Court of California, County of
Santa Cruz

Dated: 12/27/05

Prepared By:



Jesse Daniel Ruben, Attorney at Law
Page, Salisbury & Dudley
Attorneys for George Petroutsas

Dated: 12/27/05