

1 **Attachment 1.b. to Affidavit of Facts Constituting Contempt**

2 I, MINOUCHE KANDEL, declare:

3 1. I am a staff attorney at Bay Area Legal Aid, attorney of record for Petitioner
4 and custodial parent, JENNIFER BONILLA.

5 2. On November 29, 2004, at the conclusion of a hearing, the court ordered
6 Respondent, ROLANDO BONILLA, to pay child support for the parties' son, JOEL
7 BONILLA (born March 8, 1999), in the amount of \$252.00 per month, due on the first of
8 each month. The court put Respondent under a formal work search order. At the request
9 of Petitioner, the court set a hearing for January 31, 2005, on the issue of whether child
10 support should be based on Respondent's earning capacity. I was present at the November
11 29, 2004 hearing, and observed Mr. Bonilla to be present when these orders were made.
12 The Order After Hearing was filed on January 31, 2005, and a true and correct copy is
13 attached as Exhibit A.

14 3. At the January 31, 2005 hearing, I submitted the following evidence: that
15 Respondent had the ability to earn \$3000 per month; that he voluntarily quit his prior job;
16 that there were jobs available to Respondent in the Bay Area in his area of experience; and
17 that there was no legitimate reason Respondent could not work. At the conclusion of the
18 hearing, the court issued a new child support order in the amount of \$681.00 per month,
19 due on the first of each month. The court based this order on Respondent's earning
20 capacity. The court found that Respondent voluntarily quit his job, and that he had the
21 ability to earn \$3000 per month. The court ordered the new support amount as of February
22 16, 2005. I was present at the hearing, and observed Mr. Bonilla to be present when these
23 orders were made. The Order After Hearing was filed March 23, 2005, and a true and
24 correct copy is attached as Exhibit B.

25 4. Mr. Bonilla has not paid any child support since January 2005. In June 2005,
26 Mr. Bonilla's federal and state tax refunds were intercepted, which provided Ms. Bonilla
27 with \$1444.84 in support (\$1389.78 was applied to principal and \$55.06 was applied
28 towards interest). See San Francisco Department of Child Support Services, Account

1 Summary for Rolando Bonilla dated January 17, 2006, a true and correct copy of which is
2 attached as Exhibit C.

3 5. On August 2, 2005, I filed a motion on behalf of Petitioner to put Mr. Bonilla
4 under a formal work search order. A hearing on this motion was held on October 3, 2005.
5 At the conclusion of the hearing, Mr. Bonilla was put under a formal work search order.
6 The court ordered Respondent to: 1) apply for five jobs every two weeks; 2) provide copies
7 of his work search logs to the Department of Child Support Services at the end of each
8 month; and 3) provide copies of his work search logs to counsel for Petitioner at the end of
9 each month. I was present at the hearing, and observed Mr. Bonilla to be present when
10 these orders were made. A review date was set for January 9, 2006. The Short Form
11 Order After Hearing was filed on October 17, 2005, and a true and correct copy is attached
12 at Exhibit D.

13 6. Mr. Bonilla has never provided me with any work search orders. On November
14 15, 2005, I sent Mr. Bonilla a letter reminding him of the court's order that he provide me
15 with copies of his work search logs. A true and correct copy of this letter is attached as
16 Exhibit E.

17 7. On January 6, 2006, Lisa Saporito of the San Francisco Department of Child
18 Support Services (D.C.S.S.) kindly provided me with copies of the work search logs that
19 Mr. Bonilla had provided to D.C.S.S., as well as copies of D.C.S.S.'s efforts to verify Mr.
20 Bonilla's attempts. A true and correct copy of these records is attached as Exhibit F. As
21 of January 6, 2006, Mr. Bonilla had provided D.C.S.S. with only two work search logs,
22 each of which listed five jobs for which he had allegedly applied. (Exhibit F, pp. 2-3.)
23 D.C.S.S. received verification that at least one of these job applications was incomplete.
24 (Exhibit F, pp. 4-5.)

25 8. On January 9, 2006, there was a review hearing on this case. Both myself and
26 Respondent were present at the hearing. Prior to the hearing, I reminded Mr. Bonilla of the
27 court order which required him to provide me with copies of his work search logs. He
28 swore at me, "I don't care about that f---ing piece of paper."

1 9. Respondent has the ability to work. At the January 31, 2005 hearing, Petitioner
2 submitted evidence that there are no legitimate reasons why Respondent is not able to
3 work, and that suitable employment commensurate with Respondent's skills and abilities
4 exists in the Bay Area. Respondent has refused to seek and accept such employment.

5 10. Respondent also has the ability to comply with the order requiring him to apply
6 for five jobs every two weeks. I was present at the October 3, 2005 hearing where the
7 work search order was made. Respondent did not indicate at that hearing that there were
8 any circumstances preventing him from being able to comply with a work search order.

9 11. Respondent also has the ability to comply with the order requiring him to
10 provide counsel for Petitioner with copies of his work search logs. Bay Area Legal Aid
11 has been counsel of record for Petitioner in this case since January 24, 2002, and I have
12 been the attorney assigned by Bay Area Legal Aid to represent Ms. Bonilla since that time.
13 Mr. Bonilla has been *pro per* all this time. Over the past four years, I have sent Mr.
14 Bonilla approximately one dozen letters or pleadings which contain the address of the San
15 Francisco office of Bay Area Legal Aid. None of these letters have been returned to my
16 office as unreceived. The location of the San Francisco office of Bay Area Legal Aid has
17 not changed during this time. Most recently, on November 15, 2005, I sent Mr. Bonilla the
18 letter attached at Exhibit D.

19 12. Mr. Bonilla is also aware of where our office is located because he has been
20 here in person on at least two occasions. On January 30, 2003, I met with Mr. Bonilla in
21 person when he came to my office to sign a Stipulation for Bifurcation of Dissolution. On
22 January 13, 2005, I took Mr. Bonilla's deposition at my office. Bay Area Legal Aid is also
23 listed in the telephone book, and maintains a website which contains the address of our San
24 Francisco office.

25 13. In addition to the twelve (11) counts of contempt for failure to pay child
26 support itemized in paragraph 1 of the Affidavit, Respondent has violated the court's order
27 filed on October 17, 2005 in the following ways:
28

1 14. **Count 12:** Respondent did not apply for five jobs between October 3, 2005 –
2 October 16, 2005.

3 15. **Count 13:** Respondent did not apply for five jobs between October 17, 2005-
4 October 30, 2005.

5 16. **Count 14:** Respondent did not apply for five jobs between October 31, 2005 –
6 November 13, 2005. (He applied for two jobs during this period.)

7 17. **Count 15:** Respondent did not apply for five jobs between November 14, 2005
8 – November 27, 2005. (He applied for two jobs during this period.)

9 18. **Count 16:** Respondent did not apply for five jobs between November 28, 2005
10 – December 11, 2005.

11 19. **Count 17:** Respondent did not apply for five jobs between December 12, 2005
12 – December 25, 2005. (He applied for four jobs during this period.)

13 20. **Count 18:** Respondent did not apply for five jobs between December 26, 2005
14 – January 8, 2006. (He applied for one job during this period.)

15 21. **Count 19:** Respondent did not provide counsel for Petitioner with any work
16 search logs for October 2005.

17 22. **Count 20:** Respondent did not provide counsel for Petitioner with any work
18 search logs for November 2005.

19 23. **Count 21:** Respondent did not provide counsel for Petitioner with any work
20 search logs for December 2005.

21
22 I declare under penalty of perjury under the laws of the state of California that the
23 foregoing is true and correct.

24
25 January 18, 2006



26 Minouche Kandell
27
28

PETITIONER/PLAINTIFF: JENNIFER E. BONILLA	CASE NUMBER:
RESPONDENT/DEFENDANT: ROLANDO A. BONILLA	FL032390
OTHER XXXXXX DEPARTMENT OF CHILD SUPPORT SERVICES	

AFFIDAVIT OF FACTS CONSTITUTING CONTEMPT

Financial and Injunctive Orders

Attachment to Order to Show Cause and Affidavit for Contempt (form FL-410)

1. a. Orders for child support, spousal support, family support, attorney fees, and court and litigation costs (separately itemize each default on installment payments):

DATE DUE	TYPE OF ORDER AND DATE FILED	PAYABLE TO	AMOUNT ORDERED	AMOUNT PAID	AMOUNT DUE
1. 2-1-05	Child Support 1-31-05*	Jennifer Bonilla	466.50		466.50
2. 3-1-05	Child Support 3-23-05	Jennifer Bonilla	681.00		681.00
3. 4-1-05	Child Support 3-23-05	Jennifer Bonilla	681.00		681.00
4. 5-1-05	Child Support 3-23-05	Jennifer Bonilla	681.00		681.00
6-1-05	Child Support 3-23-05	Jennifer Bonilla	681.00	1,389.78	-708.78
5. 7-1-05	Child Support 3-23-05	Jennifer Bonilla	681.00		681.00
6. 8-1-05	Child Support 3-23-05	Jennifer Bonilla	681.00		681.00
7. 9-1-05	Child Support 3-23-05	Jennifer Bonilla	681.00		681.00
8. 10-1-05	Child Support 3-23-05	Jennifer Bonilla	681.00		681.00
9. 11-1-05	Child Support 3-23-05	Jennifer Bonilla	681.00		681.00
10. 12-1-05	Child Support 3-23-05	Jennifer Bonilla	681.00		681.00
11. 1-1-06	Child Support 3-23-05	Jennifer Bonilla	681.00		681.00
* and 3-23-05 <input type="checkbox"/> Continued on Attachment 1a.			TOTAL AMOUNT ORDERED	TOTAL AMOUNT PAID	TOTAL AMOUNT DUE
Summary of contempt counts alleged (including all attachments): Child support: 11 counts Spousal support: Family support: Attorney fees: Court and other costs: Interest as of 1-1-06			6,567.72		6,567.72
			237.74		237.74
			\$6,805.46	\$	\$6,805.46
Total					

- b. ☒ Other orders (specify which order was violated, how the order was violated, and when the violation occurred):

☒ Continued on Attachment 1b.

- c. ☒ Other material facts (specify): See attachment 1b.

☐ Continued on Attachment 1c.

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

Date: January 19, 2006

Jennifer Bonilla

(TYPE OR PRINT NAME)

(SIGNATURE)

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