



Guardianship Calendar

Second/Final Check

Superior Court of California
County of San Bernardino
Probate Department

Probate Notes for Calendar Date: 01/10/18

The notes on the following pages were updated approximately three court days prior to the hearing to reflect newly-filed documents. Documents filed now after that update typically will not be reviewed except on the date of hearing at the judge's discretion.

Destruction of Filed Documents:

Shredding/destruction of all court documents filed and imaged before January 2011 will begin soon. All filed/imaged documents are shredded one year after filing pursuant to court policy. Any filed original documents not retrieved timely will be permanently lost. (Wills and codicils lodged into the will vault will not be affected.)

Contacting the Probate Examiners:

Probate Examiners' email address: ProbateNotes@sb-court.org

Emails must have the case identification information and hearing time/date in the subject line. No attachments will be opened. Probate Examiners can only respond to inquiries regarding the meaning of comments in the notes. Please do not email to notify that documents have been filed, to request a confirmation whether documents have been received, or to request the clearing of notes. No legal or procedural advice may be given by examiners in response to your email.

12/12/17lh; 01/05/18lh

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: STANFORD E. REICHERT

GUARDIANSHIPS

DATE: 01/10/18 TIME: 11:00 DEPT: S35G

CASE#: GAR PS1600320

VACATED

CASE NAME: MTR OF MARTIN TOMAS ZACARIAS

SEE ALSO 2 3

HEARING:

Hearing Re: OSC RE DISMISSAL OF PETITIONS FILED BY MONTOLLA

COUNSEL:

JASMINE ZACARIAS MONTOLLA

(GP)...CATALINA L GRACIA

MARTIN TOMAS ZACARIAS

(MIN)...PRO/PER

Court's discretion re OSC. See notes on following matters.

Superior Court of Calif, County of San Bernardino

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CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: STANFORD E. REICHERT

DATE: 01/10/18 TIME: 11:00 DEPT: S35G

CASE#: GAR PS1600320

VACATED

CASE NAME: MTR OF MARTIN TOMAS ZACARIAS

SEE ALSO 1 3

HEARING:

Hearing re: Petition for Appointment of Guardian

COUNSEL:

JASMINE ZACARIAS MONTOLLA

MARTIN TOMAS ZACARIAS

(GP)...CATALINA L GRACIA

(MIN)...PRO/PER

GENERAL INFORMATION:

Continued from **09/07/16** to clear probate notes.

Continued from **11/09/16** Minor, Franklin Marroquin, consents on the record to the Petition for Guardianship. Hearing cont. at request of counsel to clear notes.

Continued from 02/22/17 Court clears notes 1 re minor's consent to petition and 4. re notice to MGPs, PGP's and siblings. Referred to CI.

Continued from 06/14/17. Court notes that the minor and petitioner both reside in Riverside county; counsel to file supplemental brief as to issue of jurisdiction.

Supplemental brief to be filed by 4pm 9/20/17.

Continued from 10/18/17. No appearance. Court sets OSC re dismissal for 01/10/18. If notes are not cleared and there is no appearance by Counsel, Court will dismiss petitions. Notice given by Judicial Assistant.

THIS CASE IS SET FOR HEARING ON **OSC re Dismissal** of Petition for Appointment of Guardian, person only, by Rafael Ortiz (uncle), minor Franklin age 15 (DOB 05/20/01).

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. **Need** Notice of Hearing and Proof of Personal Service as to mother (Sonia Penante). Declaration of Due Diligence attempts filed 02/15/17. JTD
2. **Need** Child Information Attachment form (GC-210(CA)).
3. **Need brief re jurisdiction.**
4. Court Investigator Report 06/01/17.
5. Proposed form Order: 11/01/16

Revised second check notes post two court days prior to the hearing. Documents filed at least seven days prior to the hearing will be included while later documents may be delivered to the courtroom for consideration at the judge's discretion. ♦ Examiners can be contacted at ProbateNotes@sb-court.org for clarification of the notes only - no legal or procedural advice will be given.

RECOMMENDATION:

Need to clear notes 1 – 3, then Court's discretion.

(lh/sa/cs/lh)

Superior Court of Calif, County of San Bernardino

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CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: STANFORD E. REICHERT

DATE: 01/10/18 TIME: 11:00 DEPT: S35G

CASE#: GAR PS1600320

VACATED

CASE NAME: MTR OF MARTIN TOMAS ZACARIAS

SEE ALSO 1 2

HEARING:

Confidential Hearing re: Petition for Special Immigrant Juvenile Findings

COUNSEL:

JASMINE ZACARIAS MONTOLLA
MARTIN TOMAS ZACARIAS

(GP)...CATALINA L GRACIA
(MIN)...PRO/PER

GENERAL INFORMATION:

Continued from **09/07/16** at request of Counsel to clear probate notes.

Continued from 02/22/17 for probate notes to be cleared.

Continued from 06/14/17. Court dispenses with notice to mother.

Continued from 10/18/17. No appearance. Court sets OSC re dismissal for 01/10/18. If notes are not cleared and there is no appearance by Counsel, Court will dismiss petitions. Notice given by Judicial Assistant.

THIS CASE IS SET FOR HEARING ON **OSC re Dismissal** of Request for findings re: special immigrant juvenile status, **minor**, Martin is age 19 (DOB 07/27/98)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Petitioner **Jasmine Montolla** (proposed guardian of minor) requests that the court issue an order finding that minor is eligible for special immigrant juvenile status under the Special Immigrant Juvenile Status Statute (SIJS), 8 U.S.C., § 1101(a)(27)(J), which provides in relevant part as follows:
 - a. "The term 'special immigrant' means ... an immigrant who is present in the U.S. -
 - i. who has been declared dependent on a juvenile court located in the United States or whom such a court has legally committed to, or placed under the custody of, an agency or department of a State, or an individual or entity appointed by a State or juvenile court located in the United States, and whose reunification with 1 or both of the immigrant's parents is not viable due to abuse, neglect, abandonment, or a similar basis found under State law;

- ii. for whom it has been determined in administrative or judicial proceedings that it would not be in the alien's best interest to be returned to the alien's or parent's previous country of nationality or country of last habitual residence; and
 - iii. in whose case the Secretary of Homeland Security consents to the grant of special immigrant juvenile status...”
2. The specific findings required under the statutory scheme would be: (1) that minor is an immigrant placed under the custody of an individual appointed by a state court (probate guardianship); (2) that petitioner’s reunification with one or both parents is not viable due to abandonment; and (3) it is not in the petitioner’s best interest to be returned to his/her home country.
 3. Once the above findings are made, petitioner may then begin the process with the Bureau of Citizenship and Immigration Services to obtain legal permanent residence status. In other words, the findings requested are a prerequisite to filing a petition for a “green card.”
 4. State Superior Courts have jurisdiction to make factual findings of eligibility under SIJS See *N.O. v. Super. Ct. of Calif., County of Alameda*, No. A122430 at 2-3 (Cal. Ct. App. 9/25/08). Thus, under the federal legislation, any superior court judge would have jurisdiction to hear the SIJS petition
 5. Minor offers a declaration in support of the requested findings stating, inter alia, the following:
 - a. Minor was born on 7/27/98 in Guatemala and lived there with minor’s half-sister, until 06/19/2015.
 - b. Petition alleges minor’s life is at risk if he returns to Guatemala.
 - c. Minor’s declaration requests to be placed in the sole custody of his father. However, father is not requesting guardianship for the purpose of SIJS.
 6. A Petition to Extend Guardianship filed; however, guardianship has not been established.
 7. Petition for Special Immigration Juvenile findings filed 07/01/16 indicates, ward, Martin Zacarias is petitioner; however, petition is not signed by ward. **Supp 06/07/17 indicates petitioner is Jasmine Montolla.**
 8. **Notice is complete.**
 9. ~Proposed Special Immigrant Juvenile Findings: 09/07/16.

RECOMMENDATION:

COURT TO REACH ONLY IF ACCOMPANYING GUARDIANSHIP PETITION IS FIRST GRANTED, then Court’s discretion re factual findings that would support this petition.
(sa/cs/lh)

CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: STANFORD E. REICHERT

DATE: 01/10/18 TIME: 11:00 DEPT: S35G

CASE#: GAR PS1600553

CASE NAME: MTR OF DEMETRIUS SMITH ET AL

HEARING:

Hearing Re: Petition for Guardianship

COUNSEL:

VANNESA BYRD	(GPE)...PRO/PER
DEMETRIUS SMITH	(MIN)...PRO/PER
EZALL BUCKLEY	(MIN)...PRO/PER
ELEXIS BUCKLEY	(MIN)...PRO/PER
BRONIQUE CURTIS	(MIN)...PRO/PER

GENERAL INFORMATION

Ex parte order entered on 11/10/16 appointing Vanessa Byrd as temporary guardian. Court accepts Declarations of Due Diligence as to father, maternal grandfather, and paternal grandparents as to temporary and general petitions.

Court accepts oral amendment by petitioner that she's only seeking temporary and permanent guardianship of Elexis and Ezall, and not Demetrius Smith and Bronique Curtis.

Continued from 12/05/17 Temporary Guardian, Vanessa Byrd advises court she wishes to dismiss the petition for guardianship as to Ezall Buckley only. Trial set for 07/07/17. Kentruel Buckley, mother of Demetrius, objects to Petition. At Trial Setting Conference 03/03/17: Objector, Kentruel Buckley, no showed. The court deems the objections of Kentruel Buckley waived with prejudice. No further notice is necessary for Elexis Buckley. Referred to CI.

Continued from 06/21/17. Petitioner to file Notice of Change of Address with the Court. Matter continued for Court Investigator to interview petitioner and complete report.

Continued from 10/18/17. Court finds notice to mother is complete. Matters is continued for petitioner to clear probate notes as to the following issues: Life Insurance policy – need verified supplement clarifying minor's assets, including owner of policies, beneficiaries, persons insured and cash-out value; notice of hearing/proof of service as to maternal grandmother, need verified supplement regarding residence of minors for the last 5 years on UCCJEA declaration.

THIS CASE IS SET FOR HEARING ON Petition for Appointment of Guardian, person and estate, by Vanessa Byrd, aunt, minor: Elexis (12) only

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. On 11/10/16, Court accepted oral amendment by petitioner, Vanessa Byrd that she was only seeking temporary and permanent guardianship of Elexis and Ezall, and not Demetrius Smith and Bronique Curtis.
2. On 03/03/17, Court grants Petitioner, Vanessa Byrd's request to terminate the guardianship of Ezall Buckley.
3. Petitioner requests no bond; however, the reason stated Attachment 1c has no legal basis. Suggest bond of \$47,000 (includes recovery costs).
4. Petition indicates minor has \$30,000 whole life insurance policy. **Need** verified supplement clarifying minor's assets, including the owner of the policies, beneficiaries, person insured, and cash-out value.
5. CI Special Report filed 06/14/17. **CI Report filed 10/11/17.**
6. Need corrected proposed form order.

RECOMMENDATION

Need to clear note 4, then court's discretion.

(lh/cs/lh)

Superior Court of Calif, County of San Bernardino

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CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: STANFORD E. REICHERT

DATE: 01/10/18 TIME: 11:00 DEPT: S35G

CASE#: GAR PS1700481

CASE NAME: MTR OF RAVEN RENEE FIERRO AND T'IANA MAYANN HARRIS

HEARING:

Hearing re: Petition for Appointment of Guardian

COUNSEL:

CATHERINE H MATTORANO (PET)...PRO/PER
RAVEN RENEE FIERRO (MIN)...
T'IANA MAYANN HARRIS (MIN)...

GENERAL INFORMATION

Continued from 10/18/17

THIS CASE IS SET FOR HEARING ON Petition for Appointment of Guardian, person only, by Catherine Mattorano (non-relative), minors: Raven Fierro (10), T'lana Harris (2)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Consent and Waiver signed by Crystal Fierro (mother) and Richard Fierro (father/Raven).
2. Petition indicates minor has Indian ancestry with **Santa Rosa Band of Cahuilla Indians**. Notification of rights under Indian Child Welfare Act (ICWA) must be served.
 - a. ICWA-030 form is to be completed by the petitioner to the best of their ability and must be signed and dated. As petitioner is not represented by an attorney, service will be done by the clerk of the court **once the form is completed and submitted by petitioner**. The ICWA-030 and a copy of the petition with attachments must be served on the parents. **Need signed return receipt card from Crystal Fierro and Richard Fierro (parents)**.
 - b. Notice must be given as to all subsequent hearings unless or until such time as it is determined that the act does not apply to the case.
 - c. If no response is received from the tribe within a reasonable time (not less than 60 days) from the tribe the court may determine that the act does not apply.

- d. If the tribe intervenes service of the ICWA-30 form is no longer required and subsequent notices will be in the standard form contained in the Probate Code for service of notice.
 - e. Notice in the manner described above must be served in addition to all notices required by the Probate Code.
 - f. **No proceeding shall be held until at least 10 days after receipt of notice by the parent, Indian custodian, the tribe or the Bureau of Indian Affairs per Pr.C.§1460.2(e).**
3. Parental Notification of Indian Status filed.
 4. If a Court Investigator and/or DCS is appointed, then the investigator must consult with the Indian child's tribe per Pr.C. §1513(h).
 5. Request to Excuse Notice with Due Diligence Declaration as to Antonio Harris (father/T'lana) filed 01/02/18 indicates father may be in prison. JTD
 6. Request to Excuse Notice with Due Diligence Declarations filed as to Sonnie and Frances (maternal grandparents); Jennie Espinoza (pgm/Raven); unknown paternal grandfather of Raven; Anthonia Harris (pgf/T'iana). JTD.
 7. ~Proposed form Order: 09/13/17

RECOMMENDATION

Need to clear probate note 2, then Court's discretion.

(lh)

Superior Court of Calif, County of San Bernardino

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CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: STANFORD E. REICHERT

DATE: 01/10/18 TIME: 11:00 DEPT: S35G

CASE#: GAR PS1700631

CASE NAME: MTR OF LITZI MARIAM PEREZ DELGADO

SEE ALSO 7

HEARING:

Hearing re: Petition for Appointment of Guardian

COUNSEL:

LITZI MARIAM PEREZ DELGADO (PET)...IMMIGRANT DEFENDERS LAW CNTR

JOSE JESUS DELGADO (GP)...PRO/PER

LITZI MARIAM PEREZ DELGADO (MIN)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for Appointment of Guardian, person only, by minor Litzi Delgado (age 17) to appoint Jose Delgado (uncle)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. **Consent and Waiver of Notice signed by Maria Torres, (mother), Miguel Barragan (father), Pablo Delgado (brother), Hermalinda Tabares (mgm), and J. Jesus Terrones (mgf).**
2. **Need** Notice of Hearing and proof of mailed service as to Ermelinda Delgado, and Guadalupe Delgado (if 12 years+).
3. Upon Court referral, need CI Report.
4. ~Proposed form Order: 12/04/17

RECOMMENDATION

Court's discretion.

(lh)

CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: STANFORD E. REICHERT

DATE: 01/10/18 TIME: 11:00 DEPT: S35G

CASE#: GAR PS1700631

CASE NAME: MTR OF LITZI MARIAM PEREZ DELGADO

SEE ALSO 6

HEARING:

Confidential Hearing re: Petition for Special Immigrant Juvenile Findings

COUNSEL:

LITZI MARIAM PEREZ DELGADO (PET)...IMMIGRANT DEFENDERS LAW CNTR

JOSE JESUS DELGADO (GP)...PRO/PER

LITZI MARIAM PEREZ DELGADO (MIN)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Request for findings re: special immigrant juvenile status (minor Litzi is 17; DOB: 01/22/00)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED

1. Petitioner, Litzi Delgado, a minor age 17, requests that the court issue an order finding that minor is eligible for special immigrant juvenile status under the Special Immigrant Juvenile Status Statute (SIJS), 8 U.S.C., § 1101(a)(27)(J), which provides in relevant part as follows:
 - a. "The term 'special immigrant' means ... an immigrant who is present in the U.S. –
 - i. who has been declared dependent on a juvenile court located in the United States or whom such a court has legally committed to, or placed under the custody of, an agency or department of a State, or an individual or entity appointed by a State or juvenile court located in the United States, and whose reunification with 1 or both of the immigrant's parents is not viable due to abuse, neglect, abandonment, or a similar basis found under State law;
 - ii. for whom it has been determined in administrative or judicial proceedings that it would not be in the alien's best interest to be returned to the alien's or parent's previous country of nationality or country of last habitual residence; and
 - iii. in whose case the Secretary of Homeland Security consents to the grant of special immigrant juvenile status..."

2. The specific findings required under the statutory scheme would be: (1) that petitioner is an immigrant placed under the custody of an individual appointed by a state court (probate guardianship); (2) that petitioner's reunification with one or both parents is not viable due to abandonment; and (3) it is not in the petitioner's best interest to be returned to his/her home country.
3. Once the above findings are made, petitioner may then begin the process with the Bureau of Citizenship and Immigration Services to obtain legal permanent residence status. In other words, the findings requested are a prerequisite to filing a petition for a "green card."
4. State Superior Courts have jurisdiction to make factual findings of eligibility under SIJS See *N.O. v. Super. Ct. of Calif.*, County of Alameda, No. A122430 at 2-3 (Cal. Ct. App. 9/25/08). Thus, under the federal legislation, any superior court judge would have jurisdiction to hear the SIJS petition
5. Minor, Litz Delgado, offers a declaration in support of the requested findings stating, inter alia, the following:
 - a. Minor was born on 01/22/00 in Mexico and lived there with minor's parents until minor was 2 years old at which time, minor moved with her mother to the United States to reunite with family. Minor moved around with her parents periodically throughout her childhood and has not had any stability in her life until she lived with her uncle/ proposed guardian.
 - b. Minor's father was negligent and an alcoholic. He was deported to Mexico after being caught driving under the influence three times.
 - c. Minor's mother moved back to Mexico to live with her husband and left minor behind to live stay with Jose Delgado, minor's uncle.
 - d. Minor does not believe she can return to minor's parents because minor finally has stability with her uncle, is a part of a family environment, and is excelling in school. Minor has lived in the United States for a majority of her life and it would be detrimental to minor to be forced to move back with her parents to Mexico, which is essentially a foreign country to minor.
6. Per the statutory scheme, this petition is to proceed only if guardianship of the minor is granted pursuant to the accompanying petition.
7. **Notice given.**

RECOMMENDATION

COURT TO REACH ONLY IF ACCOMPANYING GUARDIANSHIP PETITION IS FIRST GRANTED, and then Court's discretion re factual findings that would support this petition.

(lh)

Superior Court of Calif, County of San Bernardino

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CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: STANFORD E. REICHERT

DATE: 01/10/18 TIME: 11:00 DEPT: S35G

CASE#: GAR SS1500112

CASE NAME: LE'ILA DESTINY ANN MASEULI

HEARING:

Petition for Visitation filed by Natasia Dei Maseuli , mother

COUNSEL:

VALERIE ANN MASEULI (GP)...PRO/PER
LE'ILA DESTINY MASEULI (MIN)...
NATASIA DEI MASEULI (PET)...PRO/PER

Waiver of Court Fees and Costs filed by LE'ILA DESTINY MASEULI is GRANTED

Future Hearing: 4/10/18: Hearing Re: Petition for Termination of Guardianship

No notes – visitation only

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JAMES MICHAEL WELCH

GUARDIANSHIPS

DATE: 01/10/18 TIME: 11:00 DEPT: S36G

CASE#: GAR PS1600334

CASE NAME: JOSIE MA

HEARING:

Accounting Review

COUNSEL:

BIN HAO

(GP)...PRO/PER

JOSIE MA

(MIN)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Court appointed Bin Hai guardian of the estate of Jose Ma (DOB 015/13/00) on 11/02/16
2. **Need** final Inventory and Appraisal with supporting financial statements per Local Rule 20-908.
3. No accounting or status report of administration. **Need** same.

RECOMMENDATION

Inquire status.

(lh)

Superior Court of Calif, County of San Bernardino

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CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JAMES MICHAEL WELCH

DATE: 01/10/18 TIME: 11:00 DEPT: S36G

CASE#: GAR PS1700066

CASE NAME: DIANA JAYLEEN HERNANDEZ

HEARING:

Hearing re: Petition for Appointment of Guardian

COUNSEL:

GABRIELA LOPEZ (PET)...PRO/PER
MARTIN DAVID DELGADO (PET)...PRO/PER
DIANA JAYLEEN HERNANDEZ (MIN)...

GENERAL INFORMATION:

Temporary Orders denied on 02/16/17.

Continued from 03/29/17. Father is unknown, petitioner to file copy of Birth Certificate.

Continued from 07/12/17. Court excuses notice to Ernesto Hernandez Naranjo (mgf).

Matter continued by Court. Court refers matter to DCFS for investigation and report as petitioner is a non-family member.

Continued from 10/04/17. Court accepts Due Diligence Declaration as to unknown paternal grandparents. Petitioner informs Court minor lives with petitioner, and there are no adverse interest claims in this matter. Court continues matter to allow DCFS to complete investigation.

THIS CASE SET FOR HEARING ON Petition for Appointment of Guardian, of the person only, by Gabriela Lopez and Martin Delgado (non-relatives), minor: Diana, 3

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Diana Hernandez (mother) signed Nomination, Consent and Waiver filed 04/20/17.
2. Ana Portillo (mgm) signed Consent and Waiver. Filed 04/20/17.
3. Copy of Birth Certificate filed 04/20/17 [Declaration, 04/20/17, LFp.3].
4. **Need** DCFS report as Petitioner is non-relative per Pr.C. §1513(g).
5. Petitioner seeks power to apply for and receive any public benefits, social security & SSI benefits the minor child(ren) may be entitled to receive. Recommend order reflect that if accumulated principal exceeds \$15,000 on account, Petitioner to file for estate powers as PC 2628(a)(1) will require an accounting.
6. ~Proposed form Order: 02/09/17

Revised second check notes post two court days prior to the hearing. Documents filed at least seven days prior to the hearing will be included while later documents may be delivered to the courtroom for consideration at the judge's discretion. ♦ Examiners can be contacted at ProbateNotes@sb-court.org for clarification of the notes only - no legal or procedural advice will be given.

RECOMMENDATION:

Need to clear note 4, then Court's discretion.

(cs/lh)

Superior Court of Calif, County of San Bernardino

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CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JAMES MICHAEL WELCH

DATE: 01/10/18 TIME: 11:00 DEPT: S36G

CASE#: GAR PS1700286

CASE NAME: MTR OF SEQUOIA WALKER THAMES

HEARING:
PROBATE/CONSERVATORSHIP MANAGEMENT CONFERENCE

COUNSEL:

KEIAUNA R. SCOTT (GP)...PRO/PER
SEQUOIA WALKER THAMES (MIN)...

GENERAL INFORMATION

Continued from 07/12/17. No appearance. Court notes this matter was transferred from Riverside County. Guardian Keiuana R. Scott is ordered to prepare amended letters and file Post Move Change of Address with Proof of Service. Additionally, Court orders guardian Keiauna R. Scott to appear at next hearing. Notice given by Judicial Assistant.
Continued from 10/04/17.

THIS CASE IS SET FOR HEARING ON Conservatorship Management Conference

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Keiauna R Scott (maternal aunt) appointed guardian, person only, on 10/27/15 in Riverside County, minor Sequoia, now age 11.
2. Matter was transferred from Riverside County Court as the guardian and minor now reside in Rialto, San Bernardino County.
3. **Need** amended Letters to reflect this county.

RECOMMENDATION

Need to clear note #3.

(lh)

Superior Court of Calif, County of San Bernardino

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CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JAMES MICHAEL WELCH

DATE: 01/10/18 TIME: 11:00 DEPT: S36G

CASE#: GAR PS1700624

CASE NAME: MTR OF MADILYN AND RYAN BERNASCONI

HEARING:

Hearing re: Petition for Appointment of Guardian

COUNSEL:

ANNA BERNASCONI (GP)...PRO/PER
MADILYN A BERNASCONI (MIN)...
RYAN J BERNASCONI (MIN)...

x-ref: CIVDS1722297

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for Appointment of Guardian, person only, by Anna Bernasconi (pgm), minors: Madilyn (10) and Ryan (6).

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. **Need** Notice of Hearing and Proof of Personal Service as to Matthew Bernasconi (father).
2. **Need** Notice of Hearing and Proof of Personal Service as to Susan Fisher (mother).
3. **Need** Notice of Hearing and proof of mailed service as to Danny Bueno (pgf), and unknown maternal grandparents, or file Due Diligence Declaration(s).
4. Minors currently reside with their father.
5. Petitioner indicates CPS involvement [petition, LFpg3]. Question if there are pending juvenile proceedings? Court to inquire.
6. UCCJEA Declaration filed 11/29/17 provides two years residential history. JTD
7. Upon Court referral, need CI report.
8. ~Proposed form Order: 11/29/17

RECOMMENDATION

Need to clear notes 1-3, then Court's discretion.

(lh)

Superior Court of Calif, County of San Bernardino

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CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JAMES MICHAEL WELCH

DATE: 01/10/18 TIME: 11:00 DEPT: S36G

CASE#: GAR PS1700634

CASE NAME: JAIME ANDRES LOPEZ TERCERO

SEE ALSO 6

HEARING:

Hearing re: Petition for Appointment of Guardian

COUNSEL:

HELEODORA VICTORIANA TERCERO FUNES (PET)...MARCUS GOMEZ
JAIME ANDRES LOPEZ TERCERO (PET/MIN)...MARCUS GOMEZ

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for Appointment of Guardian, person only, by Heleodora Funes (maternal aunt) and Jaime Tercero (former minor 10/25/97)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. **Need** Notice of Hearing and Proof of Personal Service as to Leticia Funez (mother) and Anastacio Ramos (father). Alternatively, as parents reside in Guatemala: either by **a) international registered mail, return receipt**; b) service by agent (typically an attorney in Guatemala); c) service by Letters Rogatory; or (d) service via the Guatemala Ministry of Foreign Affairs. CCP section 413.10(c); Pr. C. §1511; In re Alyssa F. (2003) 112 Cal. App. 4th 846, 885, fn. 10; Convention on the "Service Abroad of Judicial and Extrajudicial Documents" in Civil or Commercial Matters, Nov. 15, 1965, 20 U.S.T. 361, T.I.A.S. No. 6638 (Hague Service Convention).
2. **Need** Due Diligence Declarations as to unknown paternal grandparents and unknown maternal grandparents.
3. **Need CII referral form.**
4. **See next matter #6 re Petition for SIJS.**
5. Upon Court referral, need CI report.
6. ~Proposed form Order: 12/06/17

RECOMMENDATION

Need to clear notes 1-3, then Court's discretion.

(lh)

CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JAMES MICHAEL WELCH

DATE: 01/10/18 TIME: 11:00 DEPT: S36G

CASE#: GAR PS1700634

CASE NAME: JAIME ANDRES LOPEZ TERCERO

SEE ALSO 5

HEARING:

Petition for SPECIAL IMMIGRANT JUVENILE FINDINGS

COUNSEL:

HELEODORA VICTORIANA TERCERO FUNES (PET)...MARCUS GOMEZ
JAIME ANDRES LOPEZ TERCERO (PET/MIN)...MARCUS GOMEZ

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Request for findings re: special immigrant juvenile status (former minor: Jaime Tercero, age 20)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED

6. Petitioner, **Jaime Tercero**, former minor, age 20, requests that the court issue an order finding that minor is eligible for special immigrant juvenile status under the Special Immigrant Juvenile Status Statute (SIJS), 8 U.S.C., § 1101(a)(27)(J), which provides in relevant part as follows:
 - a. "The term 'special immigrant' means ... an immigrant who is present in the U.S. –
 - i. who has been declared dependent on a juvenile court located in the United States or whom such a court has legally committed to, or placed under the custody of, an agency or department of a State, or an individual or entity appointed by a State or juvenile court located in the United States, and whose reunification with 1 or both of the immigrant's parents is not viable due to abuse, neglect, abandonment, or a similar basis found under State law;
 - ii. for whom it has been determined in administrative or judicial proceedings that it would not be in the alien's best interest to be returned to the alien's or parent's previous country of nationality or country of last habitual residence; and
 - iii. in whose case the Secretary of Homeland Security consents to the grant of special immigrant juvenile status..."

7. The specific findings required under the statutory scheme would be: (1) that petitioner is an immigrant placed under the custody of an individual appointed by a state court (probate guardianship); (2) that petitioner's reunification with one or both parents is not viable due to abandonment; and (3) it is not in the petitioner's best interest to be returned to his/her home country.
8. Once the above findings are made, petitioner may then begin the process with the Bureau of Citizenship and Immigration Services to obtain legal permanent residence status. In other words, the findings requested are a prerequisite to filing a petition for a "green card."
4. State Superior Courts have jurisdiction to make factual findings of eligibility under SIJS See *N.O. v. Super. Ct. of Calif., County of Alameda*, No. A122430 at 2-3 (Cal. Ct. App. 9/25/08). Thus, under the federal legislation, any superior court judge would have jurisdiction to hear the SIJS petition
5. Petitioner, Jaime, offers a declaration in support of the requested findings stating, inter alia, the following:
 - a. Former minor was born on **10/25/97**, in **Guatemala** and lived there with minor's parents until **November, 2015**.
 - b. Minor was forced to move to the United States to escape forced gang recruitment when he was approached by gang members of the "MS-13" gang to steal from his parents, or else risk death.
 - c. Minor does not believe he can return to Guatemala because he fears for his life from "MS-13" gang.
8. Per the statutory scheme, this petition is to proceed only if guardianship of the minor is granted pursuant to the accompanying petition.
9. **Need notice of hearing and proof of service to persons indicated in matter #5.**

RECOMMENDATION

Need notice. Court to reach only if accompanying guardianship petition is first granted, then Court's discretion re factual findings that would support this petition.

(lh)

Superior Court of Calif, County of San Bernardino

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CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JAMES MICHAEL WELCH

DATE: 01/10/18 TIME: 11:00 DEPT: S36G

CASE#: GAR RS1300045

CASE NAME: TATIANA MARIE LUBANKO

HEARING:
Hearing re Final Discharge

COUNSEL:

TISHA LUBANKO	(PET/GE)...SPECTRUM LAW GROUP
TATIANA MARIE LUBANKO	(MIN)...
MITCHELL I ROTH	(GAL)...MITCHELL I ROTH

GENERAL INFORMATION

Continued from 09/12/17. No appearances. Notice by Judicial Assistant.
Continued from 11/14/17 to file final discharge.

THIS CASE IS SET FOR HEARING ON Final Discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Order approving Third and Final Account and Report entered 09/06/16.
2. Receipt filed.
3. **Need** Ex Parte Petition for Final Discharge and Order.

RECOMMENDATION

Inquire status.
(lh/nb/lh)

CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JAMES MICHAEL WELCH

DATE: 01/10/18 TIME: 11:00 DEPT: S36G

CASE#: GAR RS700055

CASE NAME: CARLEY D MCCORMICK

SEE ALSO 9

HEARING:

Petition for PETITION FOR APPT OF GUARDIAN OF CARLY & KAYLA BY
DON & BARBARA NEFF

COUNSEL:

JAMES RHODES	(PET)...THOMAS V PRATT
TINA CONNER	(PET)...THOMAS V PRATT
CARLY D MCCORMICK	(MIN)...
DON NEFF	(GP)...PRO/PER
BARBARA NEFF	(GP)...PRO/PER

GENERAL INFORMATION

Ex parte orders denied 08/31/17. No emergency. Parties represent there are no objections and all parties have reached an agreement regarding guardianship. Court encourages James Rhoses, Tina Conner and Barbara Neff to confer and submit a written agreement to Court by next hearing date.

Continued from 10/04/17. Court deems father served and dispensed with notice. After discussion on the record, current guardian Tina Conner resigns as guardian as to Carly D. McCormick, only. Court appoints in her place Don Neff and Barbara Neff as co-guardians of the minor of Carly D. McCormick. Court continues matter as to minor Kayla K. McCormick, only.

THIS CASE IS SET FOR HEARING ON Petition for Successor Guardianship by Barbara Neff (great aunt) and Don Neff (spouse of great aunt), minor: Kayla (11)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Minor Kayla does not currently reside with petitioners.
2. Mother is deceased.
3. Tina Conner (pgm) was appointed guardian of minors Carley and Kayla. **No current vacancy. Need to file petition for removal of guardian per Pr. C. §2651, or obtain signed resignation from current guardian per Pr. C. §2660.**
4. **Need** Notice of Hearing and Proof of Personal Service on Michael McCormick (father). Alternatively, as father is incarcerated, notice may be served in accordance with Local Rule 20-1317.

5. **Need** Notice of Hearing and proof of mailed service as to unknown paternal grandfather, or file Due Diligence Declaration.
6. Petitioner indicates she is the great-great aunt of minors. Court may wish to clarify petitioners' relationship to minors.
7. See confidential Guardian Screening Form by Barbara Neff filed 08/25/17, LFpg4.
8. Upon Court referral, need CI report.
9. ~Proposed form Order: 08/25/17

RECOMMENDATION

Need vacancy prior to appointment.

Need to clear notes 3-5, then Court's discretion.

(lh)

CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JAMES MICHAEL WELCH

DATE: 01/10/18 TIME: 11:00 DEPT: S36G

CASE#: GAR RS700055

CASE NAME: CARLEY D MCCORMICK

SEE ALSO 8

HEARING:

Hearing re: Petition for Termination of Guardianship

COUNSEL:

JAMES RHODES	(PET)...THOMAS V PRATT
TINA CONNER	(PET)...THOMAS V PRATT
CARLY D MCCORMICK	(MIN)...
DON NEFF	(GP)...PRO/PER
BARBARA NEFF	(GP)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for Termination of Guardianship by Barbara Neff (great, great aunt) and Don Neff (spouse of great, great aunt), minor: Kayla

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Tina Conner (paternal grandmother) appointed Guardian of the person of minor Carley McCormick on 01/15/08 and of Kayla McCormick on 07/24/10.
2. Petitioners Barbara (great aunt) and Don Neff (spouse of great aunt) are seeking termination of guardianship and allege current guardian had a stroke, can barely take care of herself, and James Rhodes (purported grandfather) is residing with guardian and minors.
3. Petitioners are proposed successor guardians. See notes on prior matter.
4. It appears petitioners do not have standing to file petition for termination. **Need proper petition for removal of guardian per Pr. C. §2651.**
5. **Need** Notice of Hearing and proof of mailed service as to Michael McCormick (father), Brenda Hoover (mgm), minor Carley, and sibling Krista Neff.
6. ~Proposed order: 08/25/17

RECOMMENDATION

Need to file proper petition for removal and notice.

(lh)

CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JAMES MICHAEL WELCH

DATE: 01/10/18 TIME: 11:00 DEPT: S36G

CASE#: GAR SS1500500

CASE NAME: ISAAC MATIAS RODRIGUEZ-SOLIS JR. ET AL

HEARING:
Petition for GUARDIANSHIP OF THE PERSON

COUNSEL:

ISABEL YBARRA	(GP)...PRO/PER
ISAAC MATIAS RODRIGUEZ-SOLIS JR	(MIN)...
ISAIAH ALLEN RODRIGUEZ-SOLIS	(MIN)...
DA'MYA ISABELLA RODRIGUEZ-SOLIS	(MIN)...

GENERAL INFORMATION:

Temporary orders denied on 02/10/17

Previous petition for guardianship was filed on 11/20/15 and was later dismissed at request of Petitioner on 09/12/16 due to she did not want to prosecute.

Continued from **03/20/17** to clear probate notes and give proper notice.

Continued from 07/10/17 Written objections are to be filed and served by 07/21/17. Court notes Sandra Toscano withdraws consent to guardianship and indicates she was trying to compromise with petitioner. Referred to CI.

Continued from 11/20/17. Matter is contested.

THIS CASE IS SET FOR HEARING ON Petition for Guardianship, person only, by Isabel Ybarra (paternal grandmother), minors: Isaac (10), Isaiah (5), and Da'Mya (2)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Proof of personal service form filed 06/21/17 on Isaac Solis (father) and Sandra Toscano (mother); however, **need** mandatory Notice of Hearing form GC-020 form.
2. Request to Excuse Notice with Due Diligence Declarations filed 06/21/17 as to unknown maternal grandparents; however form is not dated at signature line. JTD
3. Petition alleges CPS involvement, LF p 20. Court to review CPS documents filed 02/09/17.
4. Petitioner seeks broad medical/dental powers. Recommend order to reflect that requested medical/dental powers are subject to PC 2353(b).
5. Petitioner seeks power to apply for and receive any public benefits, social security & SSI benefits the minor child(ren) may be entitled to receive. Recommend order

reflect that if accumulated principal exceeds \$15,000 on account, Petitioner to file for estate powers as PC 2628(a)(1) will require an accounting.

6. CI report filed 11/01/17.
7. As of review of this file, objections have not been filed.
8. ~Proposed form Order: 02/06/17

RECOMMENDATION:

Matter is contested. Note: no written objections on file.

Need to clear note 1.

(cs/ww/lh)

Superior Court of Calif, County of San Bernardino
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CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JAMES MICHAEL WELCH

DATE: 01/10/18 TIME: 11:00 DEPT: S36G

CASE#: GAR VS900224

CASE NAME: MATTER OF MATTHEW SALGADO AND JOELEE SANDOVAL

HEARING: Hearing re: Petition for Termination of Guardianship

COUNSEL:

REINA T SALGADO	(PET)...PRO/PER
MATTHEW I SALGADO	(MIN)...
JOELEE R SANDOVAL	(MIN)...
STEVIE SALGADO	(PET)...PRO/PER

GENERAL INFORMATION:

Continued from 08/21/17. Referred to CI.

Continued from 12/18/17. Parties to attend mediation.

THIS CASE SET FOR HEARING ON Termination of Guardianship, by Stevie Salgado (mother), minors: Matthew, 16 and Joelee, 13

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Reina Salgado, maternal aunt, appointed, of the person, of minors on 04/23/10.
2. Mother is petitioning for termination of guardianship on the basis that she has held a stable home since 2013 and can provide all necessities required.
3. Pricilla Hartnell (maternal grandmother) signed consent and waivers.
4. Request to Excuse Notice with Due Diligence Declaration filed 08/01/17 as to Reina Salgado (guardian). **JTD**
5. Declarations in support of termination of guardianship attached to petition, [LF pgs. 5-7].
6. **Need** Notice of Hearing and Proof of Service by Mail (form GC-020) or file Due Diligence Declaration(s) to minors (Matthew and Joelee), George Medina (father), Ramon Salgado (maternal grandfather); Francisco and Maria Medina (paternal grandparents) and siblings over age 12+.
7. **Need** CI report.
8. ~Proposed form Order: 07/10/17

RECOMMENDATION:

Need CI report and to clear note 6, then Court's discretion.

(cs/ww/lh)

Revised second check notes post two court days prior to the hearing. Documents filed at least seven days prior to the hearing will be included while later documents may be delivered to the courtroom for consideration at the judge's discretion. ♦ Examiners can be contacted at ProbateNotes@sb-court.org for clarification of the notes only - no legal or procedural advice will be given.

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: TARA REILLY

GUARDIANSHIPS

DATE: 01/10/18 TIME: 11:00 DEPT: S37G

CASE#: GAR PS1700380

CASE NAME: MTR OF VALERIA AGUINA ET AL

HEARING:

Hearing re: Petition for Appointment of Guardian

COUNSEL:

NORA A MONTERROSA (GP)...PRO/PER
VALERIA AGUINA (MIN)...
NICOLAS AGUINA HERNANDEZ (MIN)...

GENERAL INFORMATION

Continued from 09/06/17. Referred to Court Investigator for investigation and report.

THIS CASE IS SET FOR HEARING ON Petition for Appointment of Guardian, person only, by Nora Monterrosa (paternal aunt), minors Valeria (12) and Nicolas (7)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Otilio Arreola (father) and Valentina Federico (mother) reside in Mexico. **Need notice of hearing and proof of service either by a) international registered mail, return of signed receipt; b) service by agent (typically an attorney in Mexico); c) service by Letters Rogatory; or (d) service via the Mexico Ministry of Foreign Affairs. CCP section 413.10(c); Pr. C. §1511; In re Alyssa F. (2003) 112 Cal. App. 4th 846, 885, fn. 10; Convention on the "Service Abroad of Judicial and Extrajudicial Documents" in Civil or Commercial Matters, Nov. 15, 1965, 20 U.S.T. 361, T.I.A.S. No. 6638 (Hague Service Convention).**
2. **Need** Notice of Hearing and Proof of ***Personal*** Service as to minor Valeria.
3. **Need** Notice of Hearing and proof of mailed service as to Otilio Aguina (pgf), Maria De Aguina (pgm), Alicia Herndandez (mgm), and Magali Aguina (sibling, if 12 years+).
4. **Need** CI Report. **Request to continue to 03/14/18 sent to department on 01/02/18. JTD**
5. **Request to Excuse Notice with Due Diligence Declaration as to unknown maternal grandfather filed 09/06/17. JTD**
6. ~Proposed form Order: 07/24/17

Revised second check notes post two court days prior to the hearing. Documents filed at least seven days prior to the hearing will be included while later documents may be delivered to the courtroom for consideration at the judge's discretion. ♦ Examiners can be contacted at ProbateNotes@sb-court.org for clarification of the notes only - no legal or procedural advice will be given.

RECOMMENDATION

Court's discretion re continuance to 03/14/18.

Need to clear notes 1-4.

(lh)

CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: TARA REILLY

DATE: 01/10/18 TIME: 11:00 DEPT: S37G

CASE#: GAR PS1700387

CASE NAME: MTR OF JAYDEN MOCK AND WYATT WESTON

HEARING:

Hearing re: Petition for Appointment of Guardian

COUNSEL:

JOHN WESTON	(GP)...KINER LEGAL GROUP
KAY WESTON	(GP)...KINER LEGAL GROUP
JAYDEN MOCK	(MIN)...
WYATT WESTON	(MIN)...

GENERAL INFORMATION

Ex parte orders granted on 08/01/17. Court appointed John Weston and Kay West as temporary guardians of the person.

Continued from 09/06/17. Mother, father, maternal grandmother present. Court deems Ahtayna Palmer and Rena Palmer served due to their appearance this date. Mother is given a copy of petition in open Court. Minor to be served. Referred to Court Investigator for investigation and report.

THIS CASE IS SET FOR HEARING ON Petition for Appointment of Guardian, person only, by John and Kay Weston, minors Jayden (14) and Wyatt (8)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. **Need** Notice of Hearing and Proof of ***Personal*** Service as to minor Jayden.
2. **Need CI report. Request to continue to 03/14/18 sent to department on 01/02/18. JTD**
3. Child Information attachment as to minor Jayden is incomplete as to name and address of person with legal custody, and the name and address of person whom child resides with [Petition, LFpg11]. However, it is clear parents have legal custody and children reside with petitioners.
4. Court to see attachment 8 to petition regarding allegations against parents. [Petition, 07/25/17, LFpg6-9].
5. ~Proposed form Order: 07/25/17

RECOMMENDATION

Court's discretion re continuance to 03/14/18.

Need to clear notes 1-2, then Court's discretion.

(lh)

CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: TARA REILLY

DATE: 01/10/18 TIME: 11:00 DEPT: S37G

CASE#: GAR PS1700398

CASE NAME: AWBREE LYNN GLEASON

HEARING:

Hearing re: Petition for Appointment of Guardian

COUNSEL:

MICHAEL ANDREW REED (PET)...PRO/PER
LORI LYNN KREBS (PET)...PRO/PER
AWBREE LYNN GLEASON (MIN)...

GENERAL INFORMATION

Ex parte orders granted on 08/08/17. Michael Andrew Reed and Lori Lynn Krebs appointed temporary guardians.

Continued from 09/06/17 at request of Court to clear probate notes. Referred to Court Investigator for investigation and report. All existing orders to remain in full force and effect. Court advises

THIS CASE IS SET FOR HEARING ON Petition for Appointment of Guardian, person only, by Michael Reed (mgf) and Lori Krebs (mgf spouse), minor Aubree (6)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Father is deceased.
2. UCCJEA Declaration filed 08/01/17 is incomplete at item 4 as to whether child has been a part of any custody/visitation proceedings. Court to inquire.
3. **CI Report filed 12/27/17.**
4. ~Proposed form Order: 08/01/17

RECOMMENDATION

Court's discretion.

(lh)

Superior Court of Calif, County of San Bernardino

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CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: TARA REILLY

DATE: 01/10/18 TIME: 11:00 DEPT: S37G

CASE#: GAR PS1700577

CASE NAME: MTR OF JUANA GRASIELITA SANCHEZ CANAY

SEE ALSO 5

HEARING:

Hearing re: Petition for Appointment of Guardian

COUNSEL:

FLORENCE CRITTENTON SERVICES (GP)...IMMIGRANT DEFENDERS LAW
JUANA GRASIELITA SANCHEZ CANAY (MIN)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for Appointment of Guardian, person only, by Juana Canay, minor (14) to appoint Florence Crittenton Services

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. **Due Diligence Declaration filed 01/03/18 as to Juan Sanchez Caba (father), Juana Olivia (mother), and siblings: Silvia, Juana Olivia, Domingo, Maria, Mateo, Domingo, and Angel Canay. JTD.**
2. **Notice** of Hearing and Proof of Service filed 01/03/18 as to Dept of Social Services and DCFS.
3. **Need** Notice of Hearing and proof of mailed service as to Juana and Maria del Carmen Perez (foster parents); unknown maternal grandparents; unknown paternal grandparents, or file Due Diligence Declarations.
4. Petitioner Juana Canay requests Court dispense with notice to persons named in Attachment 10; however, form not attached. **Need** verified supplement.
5. Guardian Screening form is incomplete at item #13. **Need** verified supplement.
6. Upon Court referral, need CI report.
7. ~Proposed form Order: 10/31/17

RECOMMENDATION

Need to clear notes 3-4, then court's discretion.

(lh)

Revised second check notes post two court days prior to the hearing. Documents filed at least seven days prior to the hearing will be included while later documents may be delivered to the courtroom for consideration at the judge's discretion. ♦ Examiners can be contacted at ProbateNotes@sb-court.org for clarification of the notes only - no legal or procedural advice will be given.

Superior Court of Calif, County of San Bernardino

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CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: TARA REILLY

DATE: 01/10/18 TIME: 11:00 DEPT: S37G

CASE#: GAR PS1700577

CASE NAME: MTR OF JUANA GRASIELITA SANCHEZ CANAY

SEE ALSO 4

HEARING:

Confidential Hearing re: Petition for Special Immigrant Juvenile
Findings

COUNSEL:

FLORENCE CRITTENTON SERVICES (GP)...IMMIGRANT DEFENDERS LAW
JUANA GRASIELITA SANCHEZ CANAY (MIN)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Request for findings re: special immigrant
juvenile status by minor Juana Canay (01/20/03)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED

1. **Petitioner Jauna Canay, minor**, requests that the court issue an order finding that minor is eligible for special immigrant juvenile status under the Special Immigrant Juvenile Status Statute (SIJS), 8 U.S.C., § 1101(a)(27)(J), which provides in relevant part as follows:
 - a. "The term 'special immigrant' means ... an immigrant who is present in the U.S. –
 - i. who has been declared dependent on a juvenile court located in the United States or whom such a court has legally committed to, or placed under the custody of, an agency or department of a State, or an individual or entity appointed by a State or juvenile court located in the United States, and whose reunification with 1 or both of the immigrant's parents is not viable due to abuse, neglect, abandonment, or a similar basis found under State law;
 - ii. for whom it has been determined in administrative or judicial proceedings that it would not be in the alien's best interest to be returned to the alien's or parent's previous country of nationality or country of last habitual residence; and
 - iii. in whose case the Secretary of Homeland Security consents to the grant of special immigrant juvenile status..."

2. The specific findings required under the statutory scheme would be: (1) that petitioner is an immigrant placed under the custody of an individual appointed by a state court (probate guardianship); (2) that petitioner's reunification with one or both parents is not viable due to abandonment; and (3) it is not in the petitioner's best interest to be returned to his/her home country.
3. Once the above findings are made, petitioner may then begin the process with the Bureau of Citizenship and Immigration Services to obtain legal permanent residence status. In other words, the findings requested are a prerequisite to filing a petition for a "green card."
4. State Superior Courts have jurisdiction to make factual findings of eligibility under SIJS See *N.O. v. Super. Ct. of Calif.*, County of Alameda, No. A122430 at 2-3 (Cal. Ct. App. 9/25/08). Thus, under the federal legislation, any superior court judge would have jurisdiction to hear the SIJS petition
5. **Petitioner, Jauna Canay**, offers a declaration in support of the requested findings stating, inter alia, the following:
 - a. Minor was born on **01/20/03** in **Guatemala** and lived there with minor's parents until
 - b. Minor was neglected by her parents as they lived in extreme poverty, did not have adequate clothing or food, could not afford to go to school, and lived in a dangerous area.
 - c. Minor went to the United States when she was approximately 13 years of age to reside with a foster family where her basic needs are met.
 - d. Minor does not believe he/she can return to minor's parents because she will not be able to continue with school or receive basic care.
6. Per the statutory scheme, this petition is to proceed only if guardianship of the minor is granted pursuant to the accompanying petition.
7. **Need** notice of hearing and proof of service to persons in prior matter. Court's discretion re Due Diligence Declaration filed as to father, mother and siblings.
8. **~Proposed form Order: 10/31/17**

RECOMMENDATION

Need notice. Court to reach only if accompanying guardianship petition is first granted, then Court's discretion re factual findings that would support this petition.

(lh)

CIVPRO Rancho District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: TARA REILLY

DATE: 01/10/18 TIME: 11:00 DEPT: S37G

CASE#: GAR RS700047

CASE NAME: JORDAN THOMAS

HEARING:

Hearing Re: CONFIRMATION OF FLORIDA GUARDIANSHIP

COUNSEL:

DONNELL HARDING (PET)...PRO/PER
JORDAN THOMAS (MIN)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Confirmation of Florida Guardianship

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter set on 06/14/17, wherein, Court granted petition to fix residence outside of California. Guardian ordered to register California guardianship with Florida, or file a new guardianship in the state of Florida. Court was advised the move will occur on 07/01/17. Minor to be in therapy in Florida. Mother to be given therapists' information and may participate in therapy, if needed. Minor to have an eye examination and be tested for learning disability in Florida. Mother may have supervised telephone contact if she is in Florida, with 30 days' notice given to guardian.
2. **Need** proof of guardianship in Florida.

RECOMMENDATION

Inquire status.

(lh)

Superior Court of Calif, County of San Bernardino

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CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: TARA REILLY

DATE: 01/10/18 TIME: 11:00 DEPT: S37G

CASE#: GAR SS1500029

CASE NAME: URIAH ROCHA AND CARLOS ROCHA

SEE ALSO 8

HEARING:

Hearing Re: VISITATION

COUNSEL:

KARINA I VALADEZ	(PG)...PRO/PER
URIAH ROCHA	(MIN)...
CARLOS ROCHA	(MIN)...
SHAUANA MARTIN	(MOT)...PRO/PER

Waiver of Court Fees and Costs filed by KARINA I VALADEZ is GRANTED

No notes – Visitation

CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: TARA REILLY

DATE: 01/10/18 TIME: 11:00 DEPT: S37G

CASE#: GAR SS1500029

CASE NAME: URIAH ROCHA AND CARLOS ROCHA

SEE ALSO 7

HEARING:

Hearing re: Petition for Termination of Guardianship

COUNSEL:

KARINA I VALADEZ	(PG)...PRO/PER
URIAH ROCHA	(MIN)...
CARLOS ROCHA	(MIN)...
SHAUANA MARTIN	(MOT)...PRO/PER

GENERAL INFORMATION

Continued from 09/07/17. Karina Valdez deemed served by appearance this date. Petitioner was advised probate notes are to be cleared. Referred to Court Investigator for investigation and report. Referred to Family Court Services.

THIS CASE IS SET FOR HEARING ON Petition for Termination of Guardianship as to minors Uriah (12) and Carlos (age 11), by Shauana Martin, mother.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED

1. Karina Valdez, paternal aunt, appointed guardian of person only on 04/23/15.
2. Petitioner Shauana Martin, mother, is seeking termination of guardianship but reasons were not given in section 5. **Need** verified supplement.
3. **Need** Notice of Hearing and Proof of Service by Mail as to Uriah, minor; Carlos Rocha, father; Rene Sulsona, maternal grandmother; and Rosa Rocha aka Rosa Walton, paternal grandmother, or file Request to Excuse Notice with Due Diligence Declaration (local form).
4. See Parent Questionnaire form filed 07/31/17, LF pg 5.
5. **CI Report filed 12/14/17.**
6. ~Proposed Form Order: 07/31/17

RECOMMENDATION

Need to clear notes 2 & 3, then Court's discretion.

(ww/lh)

CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: TARA REILLY

DATE: 01/10/18 TIME: 11:00 DEPT: S37G

CASE#: GAR SS1500518

CASE NAME: JESSE DELGADILLO

HEARING:

Probate status report filed.

COUNSEL:

OLIVIA ACUNA DE VASQUEZ (PET)...FRED HANASSAB
JESSE DELGADILLO (MIN)...MARK J. FLORY
MARIA DELGADILLO (OBJ)...PRO/PER

GENERAL INFORMATION

Accounting review hearing held 09/06/17. Matter continued to 10/04/17.

Continued from 10/04/17 at request of attorney. Worker's Comp still pending/bankruptcy has been filed. Notice to be given by Mr. Hanassab.

THIS CASE IS SET FOR HEARING ON Status Report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of Guardianship of the person and estate issued to Olivia Acuna de Vasquez on 09/13/16, no bond.
2. Guardian alleges the only assets received by the ward are public benefits and social security benefits used for support and maintenance of ward.
 - a. Question status of worker's compensation case mentioned in minute order on 09/06/17? **Need** verified supplement.
3. **Need** Notice of Hearing and proof of service in accord with Pr.C. § 12201. Whenever a status report is filed without an accounting, notice must indicate a right to an accounting in accord with Pr.C. § 10950. **This form of notice is mandatory.**
4. No proposed Order submitted.

RECOMMENDATION

Need to clear notes 2-3. If approved, Court to continue to 09/11/18.

(lh)

CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: TARA REILLY

DATE: 01/10/18 TIME: 11:00 DEPT: S37G

CASE#: GAR VS1300039

CASE NAME: MATTER OF KATRINA SHAW

HEARING:

SECOND Account and Report of SARA ROCHELLE REA and Petition for allowance of fees filed.

COUNSEL:

SARA ROCHELLE REA	(PET)...PRO/PER
KATRINA MARIE SHAW	(MIN)...
SARA ROCHELLE REA	(PET)...PRO/PER
LAURA BRANSCOME SHAW	(OBJ)...PRO/PER

GENERAL INFORMATION

Continued from 08/16/17. No appearance. Petitioner informed the Court that she believed the matter was scheduled for 08/15/17 and would not be available for today's hearing. If the only assets of the estate are in a blocked account, Court will only need to see the opening and ending statements for accounting to be approved.

Continued from 10/18/17 to clear notes. Court will accept the opening bank statement for the blocked account and the closing statement for the period ending 08/31/17. Court will also accept a transaction history if filed along with a declaration explaining the blocked account is actually a CD account and why petitioner is unable to provide proper bank statements.

THIS CASE IS SET FOR HEARING ON Second Accounting Report by Sara Rea, minor Katrina (age 15, DOB 09/22/01)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Order to dispense with first account for period 07/24/13 to 09/03/14 entered 09/12/14.
2. No accounting period stated. **Need** same.
3. Assets on hand not stated. However, attached US Bank Transaction History indicates cash on hand as of 04/28/17 is \$44,430.06.
4. No disbursements have been made since last accounting period.
5. **Need** Summary of Account on mandatory form GC-400(sum)/GC-405(sum).
6. **Need** Schedule of receipts and Assets on Hand at End of Account Period.
7. Report is not verified per Pr. C. §1021. **Need** same.

Revised second check notes post two court days prior to the hearing. Documents filed at least seven days prior to the hearing will be included while later documents may be delivered to the courtroom for consideration at the judge's discretion. ♦ Examiners can be contacted at ProbateNotes@sb-court.org for clarification of the notes only - no legal or procedural advice will be given.

8. Report does not comply with Pr. C. §1061-1064. **Need** amended accounting.
9. **Need** Notice of Hearing and Proof of Service.
10. **Supplemental Inventory and Appraisal filed 12/08/17**; however, form should be marked either “partial” or “final” as no other I&A has been filed. Form is incomplete at item #4 re probate referee; item #8 statement regarding bond; attachment #1 is missing bank account information (name of bank/account number). **Need corrected final Inventory and Appraisal.**
11. **Need opening bank statement for blocked account and closing statement for period ending 08/31/17, along with declaration re blocked account per minute order dated 10/18/17.**
12. **Notice of change of address filed on 07/12/17 does not include proof of service. Need complete form.**
13. No proposed Order submitted.

RECOMMENDATION

Need to clear notes. If approved, Court to set next accounting period for **06/20/18** (if one year) and **06/19/19** (if two years). Any accounting to be filed 30 days in advance per Local Rule 20-901. Note requirements of Local Rules.

(lh/nb/lh)