



Guardianship Calendar

Second/Final Check

Superior Court of California
County of San Bernardino
Probate Department

Probate Notes for Calendar Date: 03/22/18

All corrections/supplements addressing these notes should be filed by 03/15/18. Later-filed documents might not be reviewed prior to the hearing and could result in a continuance of your case. Updates to these notes *typically* will be posted three court days prior to the hearing.

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.

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: 03/22/18 TIME: 11:00 DEPT: S35G

CASE#: GAR PS1700521

CASE NAME: JAIME & ETURIEL CARRILLO CARRILLO

SEE ALSO 2, 2A

HEARING: Hearing re: Petition for Appointment of Guardian

COUNSEL:

ALFONSO MURO (PG)...
ETURIEL CARRILLO CARRILLO (PET)...PRO/PER
JAIME CARRILLO CARRILLO (PET)...PRO/PER

GENERAL INFORMATION

Continued from 01/31/18. Continued for DCFS report.

THIS CASE IS SET FOR HEARING ON **Amended [filed 12/19/17]** Petition for Appointment of Guardian, person only, by Jaime and Eturiel Carrillo to appoint Alfonso Muro; non-relative for themselves; Jaime 20 and Eturiel 18.

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

1. Proposed guardian is a non-relative per Pr.C. § 1513(g). However, as minors are now 18, DCFS may not provide a report.
2. Parents Juan Velasquez and Marcelina Ramos signed Consent and Waiver.
3. It appears petitioners/minors reside with a friend, Alfred Perez, per UCCJEA Declaration filed 10/04/17.
4. Court to see next matter regarding SIJS petitions filed 10/04/17.
5. ~Proposed form Order: 12/19/17

RECOMMENDATION

Court's discretion.

(lh/lc)

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

DATE: 03/22/18 TIME: 11:00 DEPT: S35G

CASE#: GAR PS1700521

CASE NAME: JAIME & ETURIEL CARRILLO CARRILLO

SEE ALSO 1, 2A

HEARING: Confidential Hearing re: Petition for Special Immigrant Juvenile Findings

COUNSEL:

ALFONSO MURO (PG)...
ETURIEL CARRILLO CARRILLO (PET)...PRO/PER
JAIME CARRILLO CARRILLO (PET)...PRO/PER

GENERAL INFORMATION

Continued from 01/31/18.

THIS CASE IS SET FOR HEARING ON Request for findings re: special immigrant juvenile status by Eturiel Carrillo 18.

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

1. Petitioner, **Eturiel Carrillo**, age 18, 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, **Eturiel Carrillo**, offers a declaration in support of the requested findings stating, inter alia, the following:
 - a. Former minor was born on 09/18/99 in Guatemala and lived there with minor's parents until June, 2016.
 - b. Former minor was abused and neglected by minor's parents. At age 14, minor was forced to work in fields to help support the family. Former minor's father was physically abusive.
 - c. Minor does not believe he can return to minor's parents because of the years of abuse he endured under their care and gang endangerment.
6. Per the statutory scheme, this petition is to proceed only if guardianship of the former minor is granted pursuant to the accompanying petition.
7. Notice complete.
8. No proposed order submitted.

RECOMMENDATION

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

(lh/lc)

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

DATE: 03/22/18 TIME: 11:00 DEPT: S35G

CASE#: GAR PS1700521

CASE NAME: JAIME & ETURIEL CARRILLO CARRILLO

SEE ALSO 1, 2

HEARING: Confidential Hearing re: Petition for Special Immigrant Juvenile Findings

COUNSEL:

ALFONSO MURO (PG)...
ETURIEL CARRILLO CARRILLO (PET)...PRO/PER
JAIME CARRILLO CARRILLO (PET)...PRO/PER

GENERAL INFORMATION

Continued from 01/31/18.

THIS CASE IS SET FOR HEARING ON Request for findings re: special immigrant juvenile status by Jaime Carrillo, 20.

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

1. Petitioner, **Jaime Carrillo**, 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..."

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, **Jaime Carrillo**, offers a declaration in support of the requested findings stating, inter alia, the following:
 - a. Former minor was born on 12/11/97 in Guatemala and lived there with minor's parents until December, 2014
 - b. Former minor was abused and neglected by minor's parents. At age 14, minor was forced to work in fields to help support the family. Former minor's father was physically abusive.
 - c. Minor does not believe he can return to minor's parents because of the years of abuse he endured under their care and gang endangerment.
9. Per the statutory scheme, this petition is to proceed only if guardianship of the former minor is granted pursuant to the accompanying petition.
10. Notice complete.
11. No proposed order submitted.

RECOMMENDATION

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

(lh/lc)

Superior Court of Calif, County of San Bernardino

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

DATE: 03/22/18 TIME: 11:00 DEPT: S35G

CASE#: GAR SS1000092

CASE NAME: IN MTR RE DARIUS A. ROBINSON ETAL

SEE ALSO 4

HEARING:

Hearing re Final Discharge

COUNSEL:

DARIUS A ROBINSON	(MIN)...
DEVIN D. ROBINSON	(MIN)...
MYRNA ROBINSON	(GP)...PRO/PER

See notes on matter 4.

Superior Court of Calif, County of San Bernardino

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

DATE: 03/22/18 TIME: 11:00 DEPT: S35G

CASE#: GAR SS1000092

CASE NAME: IN MTR RE DARIUS A. ROBINSON ETAL

SEE ALSO 3

HEARING: Hearing Re: OSC RE SANCTIONS OF \$1,000.00 ON MYRNA ROBINSON

COUNSEL:

DARIUS A ROBINSON	(MIN)...
DEVIN D. ROBINSON	(MIN)...
MYRNA ROBINSON	(GP)...PRO/PER

GENERAL INFORMATION

Continued from 11/16/17. No appearance. Guardian and counsel to appear.

OSC set on 02/22/18 when guardian did not appear. Melvin Friedland was already relieved as GAL. Myrna Robinson ordered to appear.

THIS CASE SET FOR HEARING ON **OSC re Sanctions of \$1,000**/Final Discharge re Devin.

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

1. Final Account for Myrna Robinson, guardian/mother, approved on 11/10/16. No order re final account filed; only order to withdrawal funds from blocked account. **Need** order for final account.
2. **Need** receipt for Devin.
3. **Need** Ex Parte Petition for Final Discharge and Order.

RECOMMENDATION

Court's discretion re OSC. Inquire status of receipt, order re final account and discharge order.

(lc)

CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JAMES MICHAEL WELCH **GUARDIANSHIPS**

DATE: 03/22/18 TIME: 11:00 DEPT: S36G

CASE#: GAR PS1600586
CASE NAME: MATTHEW EMMANUEL LOPEZ
HEARING: Hearing Re: OSC RE:DISMISSAL OF GUARDIANSHIP PETITION

COUNSEL:

ARTURO M ALEMANY	(GP)...PRO/PER
DONALD D CASEY II	(PET)...PRO/PER
JUDY A CASEY	(PET)...PRO/PER
MATTHEW EMMANUEL LOPEZ	(MIN)...

GENERAL INFORMATION

Continued from 01/05/17. Matthew Lopez is in court, no further notice to him is necessary. Court exercises emergency jurisdiction under UCCJEA. Court finds good cause to grant temporary guardianship to Donald II and Judy Casey.

Continued from 03/16/17. Clerk's office to pull **CIVDS1701503** and send to courtroom for hearing on 03/23/17.

Continued from 03/23/17. The court authorizes temporary guardians to allow minor, Matthew Emanuel Lopez, to stay with grandfather, Arturo Alemany, if he chooses.

Continued from 04/25/17. Objections to judge pro-tem raised. Matter continued to be heard by Judge Ludvigsen.

Continued from 07/11/17. Court notes Vanessa Mora is the only sibling 12 years or older. Amber Robb is to file a declaration regarding service of notice and petition on parties. Matter is continued by Court to clear probate notes.

Continued from 09/05/17 and 11/07/17. The petition by Donald and Judy Casey is dismissed at their request. The temporary orders made on 01/05/17 vacated. Mother and maternal grandmother to file written objections to the petition by Arturo Alemany. Maternal grandmother to file a petition for guardianship.

Continued from 01/02/18. Temporary orders made and letters issued. Arturo Alemany appointed Temporary Guardian of the person of Matthew Emmanuel Lopez.

OSC set on 01/30/18 for No appearance.

Continued from 02/14/18. Referred to Court Investigator.

THIS CASE IS SET FOR HEARING ON **Amended** [12/18/17] Petition for Appointment of Guardian, person only, by Arturo Alemany, maternal grandfather,, minor Matthew 16.

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

1. Minor signed consent in amended petition.

2. Mother Lucy Lopez III-Mustafa mailed service; however, **need** personal service [GC-020/020P].
3. Father Christian Garcia mailed certified service in Texas. However, **need** return of signed receipt.
4. **Need** Court Investigator report.
5. Petitioner alleges CPS involvement in Arizona and San Bernardino County.
6. ~Proposed form Order 12/18/17
7. No written objections or competing petition.

RECOMMENDATION:

Need to clear notes 2-4, then court's discretion.

(lh/cs/lh/nb/lh/lc)

Future Hearing: 06/27/18 Petition for appointment of guardian of person

Superior Court of Calif, County of San Bernardino

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

DATE: 03/22/18 TIME: 11:00 DEPT: S36G

CASE#: GAR PS1700260

CASE NAME: MIA MARICELA REAL

HEARING:

OSC re: Dismissal of Petition for Appointment of Guardian filed
by YOLANDA M. REAL

COUNSEL:

MIA MARICELA REAL (MIN)...
YOLANDA M. REAL (PET)...PRO/PER

GENERAL INFORMATION:

Continued from 06/28/17, 08/24/17 and 10/12/17. Court accepts consent of father and notice to mother. Referred to Court Investigator.

OSC set on 02/01/18 when there was no appearance.

THIS CASE SET FOR HEARING ON **OSC re Dismissal on** Petition for Appointment of Guardian, of the person only, by Yolanda Real, paternal grandmother; minor: Mia 7.

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

1. Father Oscar Real signed consent and waiver.
2. Mother Julia Hernandez served on 08/30/17.
3. Court Investigator report filed 01/17/18.
4. ~Proposed form Order: 05/22/17

RECOMMENDATION:

Court's discretion re OSC.

(cs/ww/lc)

Superior Court of Calif, County of San Bernardino

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

DATE: 03/22/18 TIME: 11:00 DEPT: S36G

CASE#: GAR PS1800040

CASE NAME: LANCE DAVID SCHULTZ

HEARING:

Hearing re: Petition for Appointment of Guardian

COUNSEL:

JAYNE M. SCHULTZ	(GP)...ROBERT J FALKENTHAL
LANCE DAVID SCHULTZ	(MIN)...
NEIL L. SCHULTZ	(GP)...ROBERT J FALKENTHAL

GENERAL INFORMATION

Continued from 02/05/18 exparte. Matter continued for notice to father.

Continued from 02/28/18 to clear notes.

THIS CASE IS SET FOR HEARING ON Petition for Appointment of Guardian, person only, by Neil and Jayne Schultz, non-relatives, minor Lance (infant)

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

1. Petitioners are considered non-relatives per Pr.C.§ 1513(g). **Need** referral to DCFS for investigation and report.
2. Mother Erica Patrick signed Consent and Waiver.
3. Due diligence filed as to Father Joshua Bargo on 03/13/18. JTD
4. Petitioners request to dispense notice as to unknown paternal grandparents. JTD
5. Petitioners intend to adopt minor.
6. ~Proposed Order: 01/26/18

RECOMMENDATION

Need DCFS referral/report, then Court's discretion.

(lc)

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

DATE: 03/22/18 TIME: 11:00 DEPT: S36G

CASE#: GAR PS1800060

CASE NAME: LARADA AND CHANITA SUNTHONLAP

HEARING:

Hearing re: Petition for Appointment of Guardian

COUNSEL:

CHANITA SUNTHONLAP	(MIN)...
LARADA SUNTHONLAP	(MIN)...
PLOYAMPORN SUNTHONLAP	(PET)...PRO/PER
STEVEN S SUNTHONLAP	(PET)...PRO/PER
TAWATCHAI SUNTHONLAP	(PET)...PRO/PER

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Petition for Appointment of Guardians, person only by Steven Sunthonlap, brother, minors Chanita and Larada 4 yo twins.

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

1. Mother and father, Ployamporn and Tawatchai Sunthonlap, signed consent and waiver.
2. **Need** notice of hearing and proof of mailed service [GC-020] or due diligence declaration on
 - a. Paternal grandmother Wonpen Junkel
 - b. Maternal grandfather Jumnong Wongkeao
 - c. Maternal grandmother Buala Chigwongsa.
 - d. Siblings Elise and Amanda if 12 or older.
3. **Need** guardianship questionnaire dated on last page.
4. Paternal grandfather is deceased.
5. *If* referred to Court Investigator, need report.
6. ~Proposed Form Order: 02/08/18.

RECOMMENDATION

Need to clear notes 2-3.

(lc)

Superior Court of Calif, County of San Bernardino

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

DATE: 03/22/18 TIME: 11:00 DEPT: S36G

CASE#: GAR SS1300144

CASE NAME: ANABELLA TERESA OROZCO PADILLA

HEARING:

Hearing re: Petition for Termination of Guardianship

COUNSEL:

ANABELLA TERESA OROZCO PADILLA (MIN)...
DEVIN PADILLA (PET)...PRO/PER
TERESA MARTIN (GP)...PRO/PER

GENERAL INFORMATION

Continued from 01/25/18 for notice.

THIS CASE SET FOR HEARING ON Petition for Termination of Guardianship by mother Devin Padilla, minor now 4.

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

1. Teresa Martin, paternal grandmother, appointed guardian on 12/11/13.
2. Petitioner, Devin Padilla, seeks termination on the basis that the minor has lived with her the entire guardianship and the guardian is allegedly having difficulty raising the minor. However, address for petitioner does not coincide with guardian/minor's address.
3. **Need** notice of hearing and proof of mailed service [GC-020] or due diligence declaration on
 - a. Guardian/paternal grandmother Teresa Martin
 - b. father Juan Orozco
 - c. maternal grandparents Marcus Padilla and Rochelle Duran
 - d. paternal grandfather Jose Orozco Sr
 - e. Sibling Diego if 12 or older.
4. ~Proposed Form Order: 12/14/17.

RECOMMENDATION

Need to clear note 3.

(lc)

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

DATE: 03/22/18 TIME: 11:00 DEPT: S36G

CASE#: GAR SS1300346
CASE NAME: ALEXIS JADE NOVOA ETAL
HEARING: Hearing re: Petition for Termination of Guardianship

COUNSEL:

AARON W SMITH JR	(FAT)...PRO/PER
ALEXIS JADE NOVOA	(MIN)...
ANTHONY REY BANDYGA	(MIN)...
ELIZABETH NOVOA	(PRO/PER
MICHAEL J NOVOA	(GP)...LAUREN LAUNDIS
SHANNON R NOVOA	(GP)...LAUREN LAUNDIS

XREF: ADOVS1700029

GENERAL INFORMATION:

Continued from **09/26/16** for proper notice to be given.

Continued from 12/08/16 it is determined Karen Hellenthal was present at the 09/26/16 hearing according to all parties. Court excuses notice as to the siblings. Petitioner to terminate is contested. Refereed to CI

Continued from 03/02/17 Court will waive service defects on the mother and guardian as they are present. Counsel states that an adoption case has been filed. Father will be filing a petition for visitation. Matter referred to FCS.

Continued from **05/04/17, 07/20/17, 01/11/17. Referred to Court Investigator.**

Continued from 02/02/18. Transferred back so S36.

THIS CASE IS SET FOR HEARING ON Petition for Termination of Guardianship, by Aaron Smith, Jr., father, as to minor Alexis 10.

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

1. Michael and Shannon Novoa, maternal aunt and uncle, appointed guardians on 10/02/13 as to Alexis only.
2. Father, Aaron Smith, Jr., seeks termination of guardianship as to minor Alexis only.
3. **Need** notice of hearing and proof of mailed service [GC-020] or due diligence declaration on paternal grandmother Karen Hellenthal.
4. Request to Excuse Notice filed on 10/20/16 re maternal grandmother (Mary Cooper). JTD.
5. FCS Report filed 04/13/17 and 07/19/17.
6. CI Special Report filed 02/21/17 and 01/02/18.
7. **Objections filed by guardians on 11/28/16.**

8. **Objections filed by mother, Elizabeth Novoa on 12/13/16.**
9. ~Proposed form Order: 08/15/16

RECOMMENDATION:

Need clear note 3. Matter is contested.
(lh/cs/lh/lc)

Superior Court of Calif, County of San Bernardino

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

DATE: 03/22/18 TIME: 1:30 DEPT: S36G

CASE#: GAR PS1600008

CASE NAME: ALEXIS MARKEY

HEARING:

Hearing Re: court trial on petition to terminate

COUNSEL:

ANGEL MARKEY	(GP)...ANGELIQUE G BONANNO
JAMES REDDING	(GP)...PRO/PER
ALEXIS MARKEY	(MIN)...
CARL WADDELL	(PET)...PRO/PER
JANETTE WADDELL	(OBJ)...PRO/PER
CARL WADDELL	(PRO/PER)...PRO/PER

CCP170.6 filed as to Judge TARA REILLY, case reassigned to Judge CYNTHIA A LUDVIGSEN for all purposes.

Trial – No notes – JTD

CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: TARA REILLY **GUARDIANSHIPS**

DATE: 03/22/18 TIME: 11:00 DEPT: S37G

CASE#: GAR PS1600468
CASE NAME: ROLANDO CORRAL ET AL
HEARING: Hearing Re: PETITION FOR GUARDIANSHIP

COUNSEL:

AUBREY CORRAL	(MIN)...
FELIX RICARTE	(PET)...PRO/PER
JOSHUA CORRAL	(MIN)...
JULIAN CORRAL	(MIN)...
LORENA RICARTE	(PET)...PRO/PER
ROLANDO CORRAL	(MIN)...PRO/PER
YESENIA CORRAL	(MIN)...

XREF: GARPS1700309 (Rolando, Yesenia, Aubrey, Joshua, and Julian Corral)

GENERAL INFORMATION

Lorena and Felix Ricarte appointed as temporary guardians of the person only of minors Rolando Jr., Yesenia, Aubrey, Julian and Joshua Corral on **09/22/16**. Parties advised that notices need to be filed prior to next hearing. Parties report they have contacted C. Albrecht and are working with her on adoption. Minors not to be removed from the state of CA pending next hearing 11/16/16.

Continued from **11/18/16**. No appearance by petitioners. Rolando Corral (father) present. OSC set on **01/18/17**. No appearance. Petition dismissed without prejudice.

06/22/17 matter placed back on calendar. Court finds petitioner was on active duty at Edwards Air Force Base at the time of the last hearing where petition was dismissed for non-appearance and pursuant to the Soldiers and Sailors Relief Act vacates dismissal of petition for guardianship and reinstates temporary guardianship. Lorena and Felix Ricarte re-appointed as guardians of the person only for all 5 minors. The sets aside dismissal of Petition to terminate to ensure that the failure to appear of father was not due to the non-appearance of temporary guardians. Referred to CI.

Continued from 11/02/17. *Interpreter* Father to participate with Court Investigator. Father unsure if he wishes to object to guardianship. Father unsure if he wishes to object. Written objections to be filed. Petitioner requests court address father's visitation as minors are brought home late. Paternal grandparents Olga and Jose Trujillo appeared.

Continued from 12/21/17. Petition to terminate dismissed.

THIS CASE SET FOR HEARING ON Petition for Appointment of Guardianship of the **person only** by Lorena and Felix Ricarte, sister and spouse, minors: Rolando Jr (14), Yesenia (12), Aubrey (4), Joshua and Julian (14 mo- Twins).

FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED

1. Mother is deceased.
2. Father, Rolando Corral, signed Nomination, Consent and Waiver.
3. **Need** Notice of Hearing and Proof of Personal Service as to minors Rolando Jr. and Yesenia.
4. **Need** Notice of Hearing and proof of mailed service or file Due Diligence Declaration(s) as to
 - a. Rolando Corral Sr. and Lydia Macias; maternal grandparents.
 - b. Sibling Angel Corral if 12 or older.
5. Child Information attachment [LF, p.16] for minor Rolando is incomplete as to section 1(f) regarding person with legal custody; at section 2 regarding names and addresses for all relatives. **Need** supplement.
6. UCCJEA does not indicate 5-years of residential history for all minors and form is not dated at signature line. **Need** completed form with for each minor.
7. **Need** Consent of Proposed Guardian form (GC-211) by petitioner Lorena Ricarte.
8. **NOTE: notice filed on 03/14/18; however, image not available at time of review on 03/16/18.**
9. Court Investigator report filed 09/25/17. Supplemental report filed 12/14/17.
10. ~Proposed order: 09/19/16.

RECOMMENDATION

Need to clear notes 4-7, then Court's discretion.

(cs/ww/lc)

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

DATE: 03/22/18 TIME: 11:00 DEPT: S37G

CASE#: GAR PS1700309
CASE NAME: ROLANDO, YESENIA, AUBREY, JOSHUA, JULIAN, CORRAL
HEARING: Hearing Re: PETITION FOR GUARDIANSHIP

COUNSEL:

AUBREY CORRAL	(MIN)...
JOSE TRUJILLO	(PET)...PRO/PER
JOSHUA CORRAL	(MIN)...
JULIAN CORRAL	(MIN)...
OLGA TRUJILLO	(PET)...PRO/PER
ROLANDO CORRAL	(MIN)...
YESENIA CORRAL	(MIN)...

XREF: GARPS1600468 (Rolando Corral et al)

GENERAL INFORMATION

Temporary orders denied on 06/22/17. Court notes related case GARPS1600468 and reinstated temporary orders in that case. Referred to CI.

Continued from 11/02/17. *Interpreter* Father Rolando Corral present. Father to participate with Court Investigator. Father unsure if he wishes to object to guardianship. Father unsure if he wishes to object. Written objections to be filed.

Continued from 12/21/17. Court has no jurisdiction to order father into rehab.

THIS CASE SET FOR HEARING ON Petition for Appointment of Guardian of the **person and estate** by Olga and Jose Trujillo, maternal grandparents, for minors Rolando Jr 15, Yesenia 12, Aubrey 5, Joshua and Julian 19 month old- Twins.

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

1. Petitioners request that bond not be required because "no estate is owned" per attachment 1c. Court may wish to clarify if estate powers are needed.
2. Mother Sandra Trujillo is deceased.
3. Father appeared on 11/02/17.
4. Petitioners' request that notice be dispensed with as to paternal grandmother Lydia Macias. JTD
5. **Need** notice of hearing and proof of personal service [GC-020/020P] for minors Rolando and Yesenia.
6. **Need** notice of hearing and proof of mailed service [GC-020] or due diligence declaration on as to

- a. Paternal grandfather Rolando Corral Sr;
- b. sibling Angel Corral if 12 or older.
7. Guardianship questionnaires are incomplete as to other adults in residence, incorrect birthdates of minors, complete contact information for 2 references and petitioner failed to date at signature line. **Need** completed form.
8. Declaration under UCCJEA indicates related case FAMSS1705087. **Need** notice of related cases.
9. Petitioners seeks additional orders that father goes to live in a rehab program, takes parenting classes and a financial management course to help him be able to care for children. [Pet. LF pg. 8] JTD
10. CI report filed on 09/25/17. Supplemental report filed 12/14/17.
11. ~Proposed Form Order:06/15/17

RECOMMENDATION

Need to clear notes 5-8. If **estate** approved, set control hearing date for proof of bond for **04/26/18**; set Inventory and Appraisal for **08/02/18** and Accounting/Status Review for **05/30/19**. Any accounting to be filed 30 days in advanced per local rule 20-901. Note requirements of local rule 20-908.

(ww/lc)

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

DATE: 03/22/18 TIME: 11:00 DEPT: S37G

CASE#: GAR PS1700438

CASE NAME: MTR OF MARISSA TINA VILLA ET AL.

HEARING:

Hearing re: Petition for Appointment of Guardian

COUNSEL:

MARIAH ELIZABETH VILLA	(MIN)...
MARISSA TINA VILLA	(MIN)...
NIKKIE MARIE VILLA	(MIN)...
RAY RICHARD VILLA	(MIN)...
RICHARD VILLA	(PET)...PRO/PER

GENERAL INFORMATION

Continued from 10/05/17. Lauren Deleon present. Referred to Court Investigator.

Continued from 01/25/18. No appearance. JA informed petitioner that matter was continued per Court Investigator.

THIS CASE SET FOR HEARING ON Petition for Appointment of Guardian of the person only by paternal grandfather Richard Villa, minors Marissa 15, Mariah 14, Nikkie 7, Ray 6.

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

1. Proof of service by certified mail filed 09/05/17 as to Father Richard Villa II, who is in custody. **Need** return receipt and declaration of hardship of personal service Local Rule 20-1317.
2. Declaration under UCCJEA filed; however it is not dated or signed on page 2. **Need** completed form.
3. Court Investigator report filed 03/07/18.
4. ~Proposed Form Order: 08/17/17.

RECOMMENDATION

Need to clear notes1-2.

(ww/lc)

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

DATE: 03/22/18 TIME: 11:00 DEPT: S37G

CASE#: GAR PS1800057

CASE NAME: Enoc Isai Aquino Molina

SEE ALSO 5

HEARING: Hearing re: Petition for Appointment of Guardian

COUNSEL:

ENOC ISAI AQUINO MOLINA (MIN)...ELIZABETH ALAMILLO
FRANCISCO JAVIER AQUINO GARCIA (GP)...PRO/PER

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Petition for Appointment of Guardians, person only by minor for Francisco Javier Aquino Garcia, maternal uncle, minor Enoc 17.

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

1. Minor signed consent and waiver.
2. **Need** notice of hearing and proof of service for father and mother Ventura Aquino Garcia and Maria Molina Felipe 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 Guatemalan 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).
3. **Need** notice of hearing and proof of mailed service [GC-020] or due diligence declaration on
 - a. paternal grandfather Magdaleno Molina
 - b. paternal grandmother Margarita Felipe
 - c. maternal grandfather Tiliano Aquino
 - d. maternal grandmother Rosa Garcia Felipe.
 - e. Siblings Gilser, Oneyda and Suly if 12 or older.
4. *If* referred to Court Investigator, need report.
5. ~Proposed Form Order: 02/07/18

RECOMMENDATION

Need to clear notes 2-3.

(lc)

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

DATE: 03/22/18 TIME: 11:00 DEPT: S37G

CASE#: GAR PS1800057

CASE NAME: Enoc Isai Aquino Molina

SEE ALSO 4

HEARING: Confidential Hearing re: Petition for Special Immigrant Juvenile Findings

COUNSEL:

ENOC ISAI AQUINO MOLINA (MIN)...ELIZABETH ALAMILLO
FRANCISCO JAVIER AQUINO GARCIA (GP)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Request for findings re: special immigrant juvenile status by minor Enoc Isai Aquino Molina, 17.

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

1. Petitioner, Enoc, 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 offers a declaration in support of the requested findings stating, inter alia, the following:
 - a. Minor was born on 03/10/01 in Guatemala and lived there with minor's mother until June 2016.
 - b. Minor was allegedly abandoned by father.
 - c. Minor does not believe they can return to minor's parents for fear of returning to Guatemala because of gangs.
6. If guardianship is not granted then minor is not eligible for a finding of SIJS status.
7. Per the statutory scheme, this petition is to proceed only if guardianship of the minor is granted pursuant to the accompanying petition.
8. **Need** notice of hearing and proof of service for father and mother Ventura Aquino Garcia and Maria Molina Felipe.
9. ~Proposed Form Order: 02/07/18.

RECOMMENDATION

Need to clear note 8. Court to reach only if accompanying guardianship petition is first granted. Court's discretion re factual findings that would support this petition.

(lc)

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

DATE: 03/22/18 TIME: 11:00 DEPT: S37G

CASE#: GAR SS1500549
CASE NAME: SHALAH CODY SHARHYA WALLACE
HEARING: Hearing Re: Petition for Appointment of Guardian

COUNSEL:

OMAR JACKSON	(PG)...PRO/PER
SHALAH CODY	(MIN)...PRO/PER
SHARHYA WALLACE	(MIN)...PRO/PER
YASHIKA JACKSON	(PG)...PRO/PER

GENERAL INFORMATION:

Yashika and Omar Jackson appointed temporary guardians on 12/30/15.

OSC set on 03/17/16 when there was no appearance on the last two hearings. When Court recessed for lunch, parties on the matter told the court attendant they will not be back at 1:30 for the hearing.

Continued from 04/28/16, 07/14/16 and 09/19/16. Court orders petitioner to file supplemental declaration filing the restraining order between mother and minor from Colorado. ***Court accepts Declaration of Due Diligence as to Thomas Wallace (father of Sharhya).***

Continued from 11/17/16 and 01/12/17 Petitioners failing to appear matter set for dismissal.

Continued from 03/16/17. Referred to DCFS.

Continued from 07/06/17. Notice was given in Colorado for California action. Colorado guardianship is still valid in California.

Continued from 12/21/17. All notice requirements met. Petitioners have live scanned as they are currently licensed foster care providers. Need DCFS report.

THIS CASE IS SET FOR HEARING ON OSC Re Dismissal of Petition for Appointment of Guardian, person only, by first cousin once removed, minors: Shalah (5) and Sharhya (4).

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

1. Father of Shalah, Rasheed Brandon served Certified mail with return receipt Shalah. Father is allegedly incarcerated.
2. Mailed Notice sent to mother Leenett Cody in Colorado on 09/13/16. Need certified mail return receipt per C.C.P § 415.40 or personal service. Request to excuse notice since filed on 12/21/17. JTD
3. **Need DCFS report.** DCFS requested continuance to 08/17/17. **Continuance** requested on 12/14/17 to 01/25/18.

4. **Note:** Temporary orders granted 12/30/15; however, no Orders or Letters filed/issued.
5. Supp. filed 11/10/16 re Colorado Guardianship and TRO.
6. ~Proposed form order: 12/18/15

RECOMMENDATION:

Need to clear notes 3-4.

(sa/lc/lh/cs/lh/lc)