



Guardianship Calendar

Second/Final Check

Superior Court of California
County of San Bernardino
Probate Department

Probate Notes for Calendar Date: 04/10/18

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.

nb0327/0404

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: 04/10/18 TIME: 11:00 DEPT: S35G

CASE#: GAR PS1700222

CASE NAME: Isaiah Mathew Hodges

HEARING:

Hearing Re: STATUS RE ASSETS

COUNSEL:

CYNTHIA A. MACHADO (PET)...PRO/PER
ISAIAH MATHEW HODGES (MIN)...

Request for Waiver of Court Fees and Costs filed by ISAIAH MATHEW HODGES is GRANTED

No notes – Status.

(nb)

Future Hearing:

12/19/18 Accounting Review.

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

DATE: 04/10/18 TIME: 11:00 DEPT: S35G

CASE#: GAR PS1700310

CASE NAME: MTR OF ANYELO ANTONIO CULAJAY ALVARADO
SEE ALSO 3

HEARING:
Hearing re: Petition for Appointment of Guardian

COUNSEL:
ANYELO ANTONIO ALVARADO (MIN)...
ANYELO ANTONIO ALVARADO (PET)...MITCHELL, SILBERBERG &
MANUEL DE JESUS ALVARADO CELIZ (GP)...PRO/PER
SINDIA AYDEE CRUZ ALVARADO (GP)...PRO/PER

GENERAL INFORMATION

Continued from **07/27/17**. Referred to Court Investigator.

Continued from 12/07/17. Court authorized counsel to grant special setting for ex parte hearing. Counsel to file notice of change of address/phone number for Manuel Celiz and Sindia Alvarado. Referred to Court Investigator for investigation and report.

THIS CASE IS SET FOR HEARING ON Petition for Appointment of Guardian, person only, by Anyelo Alvarado (minor) to appoint Manuel Celiz and Sindia Alvarado (maternal uncle and spouse); minor age 18.

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

1. Petitioner requests Court dispense with notice to Lorenzo Ordonez (father) and unknown paternal grandparents. [See petition, attachment10, LFpg5]. JTD
2. Monica Celiz (mother) resides in Guatemala, consents and waives notice.
3. Blanca Gonzalez, maternal grandmother, signed consent and waiver.
4. See Confidential Screening Form by Manuel Celiz filed 06/15/17.
5. Petitioner has filed an SIJS petition concurrently. See next page.
6. Court Investigator report filed 11/21/17. **CI Report filed.**
7. **Need** change of address as directed by court on 12/07/17 for Manuel Alvarado Celiz.
8. ~Proposed form Order: 06/15/17

RECOMMENDATION

Need to clear note 7 then Court's discretion.

(lh/lc/nb)

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: STANFORD E. REICHERT

DATE: 04/10/18 TIME: 11:00 DEPT: S35G

CASE#: GAR PS1700310

CASE NAME: MTR OF ANYELO ANTONIO CULAJAY ALVARADO

SEE ALSO 2

HEARING:

Confidential Hearing re: Petition for Special Immigrant Juvenile Findings

COUNSEL:

ANYELO ANTONIO ALVARADO	(MIN)...
ANYELO ANTONIO ALVARADO	(PET)...MITCHELL, SILBERBERG &
MANUEL DE JESUS ALVARADO CELIZ	(GP)...PRO/PER
SINDIA AYDEE CRUZ ALVARADO	(GP)...PRO/PER

GENERAL INFORMATION

Continued from 07/27/17 and 12/07/17.

THIS CASE IS SET FOR HEARING ON Request for findings re: special immigrant juvenile status by Anyelo Alvarado, former minor (18)

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

1. Petitioner, **Anyelo Alvarado**, a now 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

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- 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 **01/29/99** in Guatemala and lived there with his mother and siblings until February 3, 2016.
 - b. Minor was abused and neglected by minor’s parents. His father was physically and verbally abusive to minor until the age of, after which he left the family. Minor’s mother was unemployed and unable to care for minor.
 - c. Minor moved to the United States in February, 2016 and was placed with his uncle and aunt, and has been living here since.
 - d. Minor does not believe he can return to minor’s parents because he is estranged from his father, his mother cannot support him, and he fears for his safety due to local gangs.
 6. Per the statutory scheme, this petition is to proceed only if guardianship of the minor is granted pursuant to the accompanying petition.
 7. Mother and maternal grandmother waive notice.
 8. Petitioner requests Court dispense with notice to Lorenzo Ordonez (father) and unknown paternal grandparents. JTD
 9. Court Investigator report filed 11/21/17.

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/nb)

Superior Court of Calif, County of San Bernardino

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

DATE: 04/10/18 TIME: 11:00 DEPT: S35G

CASE#: GAR PS1700582

CASE NAME: MTR OF SECRET ROSE-ELAINE GILMORE WOODS

HEARING:

Hearing re: Petition for Appointment of Guardian

COUNSEL:

NAONI F DOUGLAS (GP)...PRO/PER
SECRET ROSE-ELAINE GILMORE WOO (MIN)...

GENERAL INFORMATION

Continued from 12/11/17. Ms. Dunning state Mr. Chapel is objecting to the guardianship petition. The Court informs Ms. Dunning and Mr. Chapel that all objections to the petition must be in writing and served and filed by 4 pm on 1/29/18. If objections are not served and filed by that date and time, then they will be waived, meaning forfeited, gone, forever, permanently, unless otherwise provided by law. Objections must also be in proper form. That is, specific objections in numbered paragraphs, not a narrative, self-serving description of why you thing the Court should rule in your favor. Written objections must be complete. Referred to Court Investigator for investigation and report.

THIS CASE SET FOR HEARING ON Petition for Appointment of Guardian, of the person only, by Naoni Douglas, (paternal grandmother), minor: Secret, 6

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

1. Father is deceased.
2. **Proof of personal service filed 12/05/17 as to Remi Chapel (mother); however, Notice of Hearing (form GC-020) not served. Need proper notice.**
3. Need Notice of Hearing and Proof of Service by Mail on Roby Foster and Debraah Foster (maternal grandparents) and siblings, if age 12 or older, or file Due Diligence Declarations.
4. UCCJEA Declaration indicates minor has only resided with petitioner in Barstow, California since 07/30/17. Prior residence was in Bakersfield, CA. Residence has not been established. It appears venue may be incorrect. JTD
5. Confidential Guardian Screening is incomplete as to item 17 re licensed professional licensed fiduciary. **Need** completed form.

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6. Petitioner seeks broad medical/dental powers. Recommend order to reflect that requested medical/dental powers are subject to PC 2353(b).
7. 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.
8. **CI report filed.**
9. ~Proposed form Order submitted: 11/02/17

RECOMMENDATION:

Need to clear notes 2-5 then Court's discretion.

(cs/nb)

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: STANFORD E. REICHERT

DATE: 04/10/18 TIME: 11:00 DEPT: S35G

CASE#: GAR PS1800061

CASE NAME: Karen A Melgarejo

SEE ALSO 6

HEARING:

Hearing re: Petition for Appointment of Guardian

COUNSEL:

GABRIELA MELGAREJO (GP)...LAW OFFICES OF BLAIR C GREENE

KAREN A MELGAREJO (MIN)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Appointment of Guardian, person only, by maternal aunt, Gabriela Melgarejo [petitioner], minor Karen now 15.

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

1. Mother signed nomination, consent and waiver.
2. **Need** Notice of Hearing and proof of **personal service** on minor 12 or older and unknown father. As father and paternal grandparents are purportedly unknown, **need** copy of certified birth certificate.
3. **Need** Notice of Hearing and proof of mailed service on unknown paternal grandparents or file Due Diligence Declaration(s).
4. **Need** UCCJEA form.
5. Petition indicates petitioner intends to adopt minor
6. Upon referral to Court Investigator by the Court, requires Court Investigator Report.
7. ~Proposed Form Letters 02/13/18

RECOMMENDATION:

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

(nb)

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Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: STANFORD E. REICHERT

DATE: 04/10/18 TIME: 11:00 DEPT: S35G

CASE#: GAR PS1800061

CASE NAME: Karen A Melgarejo

SEE ALSO 5

HEARING:

Confidential Hearing re: Petition for Special Immigrant Juvenile Findings

COUNSEL:

GABRIELA MELGAREJO (GP)...LAW OFFICES OF BLAIR C GREENE
KAREN A MELGAREJO (MIN)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Request for Findings re: Special Immigrant Juvenile Status by Karen A. Melgarejo ["Petitioner"] (minor is 15 and will attain 18 on 05/02/20)

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

1. Petitioner, Karen A. Melgarejo, a minor 15, 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

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- 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. Karen A. Melgarejo offers a declaration in support of the requested findings stating, inter alia, the following:
 - a. Minor was born on 05/02/02, in Guadalajara, Jalisco, Mexico and lived there with minor’s mother until September of 2004. Minor does not know who her father is, other than a man named “Gabriel.”
 - b. Minor was brought to the United States by her mother who subsequently dropped minor off with mother’s sister and will not take custody of minor. Mother, Guadalupe Isela Melgarejo has abandoned minor, leaving her in the care and custody of Karen A. Melgarejo.
 - c. Minor does not believe he/she can return to minor’s mother because mother has abandoned her, leaving her with her aunt.
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 with proof of service on minor, Karen, mother Guadalupe Melgarejo, and unknown father or file due diligence declarations.
8. No proposed order. Submit Order after Hearing.

RECOMMENDATION

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

(nb)

Superior Court of Calif, County of San Bernardino

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

DATE: 04/10/18 TIME: 11:00 DEPT: S35G

CASE#: GAR SS1500112

CASE NAME: LE'ILA DESTINY ANN MASEULI

SEE ALSO 8

HEARING:

Petition for Visitation Re: Le'Ila Destiny Ann Maseuli

COUNSEL:

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

No notes – Visitation.

(nb)

Superior Court of Calif, County of San Bernardino

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San Bernardino Superior Court

CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: STANFORD E. REICHERT

DATE: 04/10/18 TIME: 11:00 DEPT: S35G

CASE#: GAR SS1500112

CASE NAME: LE'ILA DESTINY ANN MASEULI

SEE ALSO 7

HEARING:

Hearing re: Petition for Termination of Guardianship

COUNSEL:

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

GENERAL INFORMATION

Continued from 12/06/17. Referred to Court Investigator for investigation and report. Court appoints guardian ad litem for minor- court appoints Matthew Sheasby as guardian ad litem. Guardian states that she objects to the petition to terminate guardianship- court makes following order re objections and further clarifies that the objections are not to be in narrative form: objections to the petition must be in writing and served and filed by 4 pm on 01/17/18. If the objections are not served and filed by that date and time, then they will be waived permanently. In addition, written objections must be complete: consider any evidence thereon. Valerie Masueli indicates to the court that she understands above order.

THIS CASE IS SET FOR HEARING ON Petition for Termination of Guardianship by Natasia Del Maseuli (mother) re minor: Le'ila (3)

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

1. Valerie Maseuli (mgm) was appointed guardian of the person on 04/29/15.
2. Natasia Del Maseuli (mother) seeks termination of guardianship, alleging she has matured, is responsible, and has been sober for 2 years.
3. Proof of Service of Notice of Hearing filed 10/27/17 as to Valerie and Fa'asinoala Maseuli (maternal grandparents) is incomplete at item #2 re server's address. JTD
4. **FCS Report filed.**

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5. **Need** Notice of Hearing and Proof of Mailed Service as to Kenneth Ramon (father).
6. **CI Special Report filed**
7. **Objections filed by guardian, Valerie A. Maseuli.**
8. ~Proposed form Order: 10/27/17

RECOMMENDATION: Matter is contested.
Need to clear note 5 then set for contested hearing.
(lh/nb)

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: STANFORD E. REICHERT

DATE: 04/10/18 TIME: 1:30 DEPT: S35G

CASE#: GAR PS1700442

CASE NAME: MTR OF DELILAH CHRISTINE MENDOZA SAUCEDO

HEARING:

Hearing Re: COURT TRIAL (SECOND SESSION)

COUNSEL:

DELILAH CHRISTINE MENDOZA SAUC (MIN)...

STELLA ORTEGA (GP)...PRO/PER

No notes – Court Trial.

(nb)

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: 04/10/18 TIME: 11:00 DEPT: S36G

CASE#: GAR PS1700326

CASE NAME: JEREMY SANDS-RAMOS

HEARING:

Hearing re: Petition for Appointment of Guardian

COUNSEL:

JEREMY SANDS-RAMOS	(MIN)...
KHARY SANDS	(PET)... ALEX M MOIS
TISHA SANDS	(PET)... ALEX M MOIS

GENERAL INFORMATION:

Temporary Orders granted on 07/19/17. Khary and Tisha Sands are appointed temporary guardian of the person of Jeremy Sands-Ramos.

Continued from 12/11/17. Note 5 is cleared on the record. Paternal grandparents are deceased. Referred to Court Investigator for investigation and report.

THIS CASE SET FOR HEARING ON Petition for Appointment of Guardian, of the person only, by Khary and Tisha Sands (maternal aunt and uncle), minor: Jeremy, 10

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

1. Mother and maternal grandparents are deceased.
2. Petitioner (Khary Sands) is a nominated guardian in mother's will. Will attached, [LF pg. 9].
3. Walter Ramos (father) signed Nomination, Consent and Waiver, filed 08/14/17.
4. Notice of Hearing and Proof of Service by Mail as to siblings- Dante and Walter Ramos Jr filed 08/16/17; however, section 3 of proof does not indicate way of mailing. Court may wish to clarify, or in alternative, **need** completed proof of service.
5. Petitioners indicate willingness to adopt.
6. **CI Special report filed.**
7. ~Proposed form Order submitted: 06/27/17

RECOMMENDATION:

Need to clear note 4 then Court's discretion.

(cs/ww/nb)

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Superior Court of Calif, County of San Bernardino

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

DATE: 04/10/18 TIME: 11:00 DEPT: S36G

CASE#: GAR PS1700585

CASE NAME: MATTHEW R TAPIA

HEARING:

Hearing re: Petition for Appointment of Guardian

COUNSEL:

DEBRA L COOPER	(PET)...PRO/PER
MATTHEW R TAPIA	(MIN)...
PERRY M COOPER	(PET)...PRO/PER

GENERAL INFORMATION

Temporary orders denied on 11/13/17.

Continued from 12/11/17. The proposed ward does not receive services from IRC. Referred to Court Investigator for investigation and report.

THIS CASE SET FOR HEARING ON Petition for Appointment of Guardian of the person only by Perry and Debra Cooper (maternal grandmother and maternal step-grandfather) for minor: Matthew (15)

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

1. Mother is deceased.
2. Minor; Gregory Tapia (sibling); Richard Nagy (maternal grandfather); and Margie & Richard Tapia (paternal grandparents) all signed Nomination, Consent and Waivers, filed 11/06/17.
3. Eli nominated Perry and Debra as guardians; however, did not date at signature line or complete the consent and waiver portion of the form. **JTD**
4. **Need** Notice of Hearing and Proof of Personal Service [GC-020 & GC-020(P)] .on Eli Tapia (father).
5. **CI Special report filed.**
6. ~Proposed Form Order: 11/06/17

RECOMMENDATION

Need to clear note 4 then Court's discretion.

(ww/nb)

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Superior Court of Calif, County of San Bernardino

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

DATE: 04/10/18 TIME: 11:00 DEPT: S36G

CASE#: GAR PS1700586

CASE NAME: JACINTO ROBERTO MARCOS GUZMAN

SEE ALSO 4, 5

HEARING:

Hearing re: Petition for Appointment of Guardian

COUNSEL:

JACINTO ROBERTO MARCOS GUZMAN (PET)...CATHOLIC CHARITIES OF

JACINTO ROBERTO MARCOS GUZMAN (MIN)...

FRANCISCO BERNAL CETO (PG)...PRO/PER

GENERAL INFORMATION

Continued from 12/11/17. Probate notes as to notice are cleared on the record. Petitioner states no social worker has been involved in this matter. Court refers the petition to the Department of Children and Family Services for an investigation and report as the petitioner is a non-relative.

THIS CASE SET FOR HEARING ON Petition for Appointment of Guardian of the person only by minor: Jacinto Roberto Marcos Guzman (18 DOB 10/08/1999) for Francisco Bernal Ceto (sister's partner) to be appointed.

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

1. Petitioner is considered a non-relative per Pr.C. § 1513(g). Refer to DCFS for investigation and report.
2. Paternal grandfather and maternal grandparents are deceased.
3. Minor signed Consent and Waiver, filed 11/06/17.
4. Jacinto Marcos Brito (father), Maria and Petrona Marcos Guzman (sisters) signed Consent and Waiver, filed 11/27/17.
5. Petrona Guzman Chavez (mother) and Petrona Brito (paternal grandmother) both initialed on Consent and Waiver, filed 11/27/17. Court to clarify if their initials are their signatures.
6. **Need** DCFS Report.
7. ~Proposed Form Order: 11/06/17

RECOMMENDATION

Need DCFS Report then Court's discretion.

(ww/nb)

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Superior Court of Calif, County of San Bernardino

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

DATE: 04/10/18 TIME: 11:00 DEPT: S36G

CASE#: GAR PS1700586

CASE NAME: JACINTO ROBERTO MARCOS GUZMAN

SEE ALSO 3, 5

HEARING:

Petition for SPECIAL IMMIGRANT JUVENILE FINDINGS

COUNSEL:

JACINTO ROBERTO MARCOS GUZMAN (PET)...CATHOLIC CHARITIES OF
JACINTO ROBERTO MARCOS GUZMAN (MIN)...
FRANCISCO BERNAL CETO (PG)...PRO/PER

GENERAL INFORMATION

Continued from 12/11/17.

THIS CASE IS SET FOR HEARING ON Request for findings re: special immigrant juvenile status (Jacinto is 18, DOB 10/08/1999)

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

- 1 Petitioner, Jacinto Marcos Guzman, 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:
 - d. "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

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- 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. Both Jacinto and Francisco offer a declaration in support of the requested findings stating, inter alia, the following:
 - a. Jacinto was born on 10/08/1999 in Guatemala and lived there with his parents until December 2016.
 - b. Jacinto was abused and neglected by father. (see documents for specifics).
 - c. Jacinto was forced to move to the United States to escape death threats from father’s step-son Pedro.
 - d. Jacinto does not believe he can return to parents because his father will not protect him from Pedro who is an alcoholic and gang member.
 - 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 as to: Jacinto Marcos Brito and Petrona Guzman Chavez (parents); Petrona Brito (paternal grandmother); Maria Marcos Guzman (sibling) 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).
 - 8 **Need** Notice of Hearing and Proof of Service by Mail or file Due Diligence Declarations (local form) as to Petrona Marcos Guzman (sibling if 12 years or older.)
 - 9 ~Proposed Form Order: 11/06/17

RECOMMENDATION

Need to clear notes 7 & 8. Court to reach only if accompanying petition is first granted. Court’s discretion re factual findings that would support this petition. (ww/nb)

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JAMES MICHAEL WELCH

DATE: 04/10/18 TIME: 11:00 DEPT: S36G

CASE#: GAR PS1700586

CASE NAME: JACINTO ROBERTO MARCOS GUZMAN

SEE ALSO 3, 4

HEARING:

Petition for APPROVAL AND FACTUAL FINDINGS TO PERMIT APPLIC
ATION FOR SPECIAL IMMIGRANT JUVENILE STATUS

COUNSEL:

JACINTO ROBERTO MARCOS GUZMAN (PET)...CATHOLIC CHARITIES OF
JACINTO ROBERTO MARCOS GUZMAN (MIN)...
FRANCISCO BERNAL CETO (PG)...PRO/PER

GENERAL INFORMATION

Continued from 12/11/17.

THIS CASE SET FOR HEARING ON Petition for Approval and Factual Findings to Permit Application for Special Immigrant Juvenile Status by Jacinto Marcos Guzman.

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

1. Petitioner, Jacinto, requests the Court approval of his proposal to submit an application to the U.S. Citizenship and Immigration Service for Special Immigrant Juvenile Status and factual findings to establish eligibility.
2. Petition appears to be duplicative to the requests of the Petition for Special Immigrant Juvenile Findings in **matter 3**. Court to inquire.
3. Jacinto also indicates that Francisco Bernal Ceto (sister's partner) is already appointed as his guardian and that Exhibit A and B are conformed copies of the Order Appointing Guardian and Letters of Guardianship; however, no copies are attached as the Petition for Appointment of Guardian is set for hearing on the same date as this petition. **See matter 4.**
4. Petitioner failed to date verification at signature line. **JTD**
5. No Proposed Order Submitted.

RECOMMENDATION

Court's discretion.

(ww/nb)

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

DATE: 04/10/18 TIME: 11:00 DEPT: S37G

CASE#: GAR PS1700599

CASE NAME: HUNTER LOREN VILLIERS ZUEST

HEARING:
Hearing re: Petition for Appointment of Guardian

COUNSEL:
HUNTER LOREN VILLIERS ZUEST (MIN)...PRO/PER
KRYSTINE ELIZABETH ZUEST (GP)...LAUREN LAUNDIS

GENERAL INFORMATION:

Continued from 12/19/17 at request of counsel. Notice to be given by Mr. Laundis.

THIS CASE IS SET FOR HEARING ON Petition for Appointment of Guardian, person only, by step-mother Krystine E. Zuest, minor Hunter now 12.

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

- 1 Declaration [LF, p. 6] indicates that Father is currently on active military duty overseas. If Court determines that father is currently on active duty in the military, Court to appoint counsel for father per Soldiers' and Sailors' Civil Relief Act.
 - a. Court may wish to inquire if California will remain petitioner's residence for military purposes. If so court may wish to make specific orders to allow minor to live at different locations during active military duty. Alternatively, petitioner will need to seek guardianship in the other state and termination in this state.
- 2 Father signed nomination and petition.
- 3 Need Notice of Hearing and proof of personal service on minor 12 or older, mother Amanda Jo Shepard and father Christopher Zuest.
- 4 Need Notice of Hearing and proof of mailed service on siblings 12 or older, maternal grandparents Vernon Fisher and Linda Faith; and paternal grandparents Bruce and Kerry Zuest or file Due Diligence Declaration(s).
- 5 Petitioner alleges father and mother agree with guardianship. However, no consents are filed.

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- 6 Petitioner requests authority to seek such medical, dental, psychiatric and psychological treatment/therapy as needed. JTD.
- 7 Petitioner requests authority to apply for and receive such public benefits, Social Security and SSI benefits minors may be entitled to receive. JTD.
- 8 Petition indicates mother, father and petitioner all wish to maintain legal custody [LF, p5]. Declaration by father and petitioner in support affixed [LF, p6].
- 9 ~Proposed Form Order, only 11/14/17

RECOMMENDATION:

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

(nb)

Superior Court of Calif, County of San Bernardino

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

DATE: 04/10/18 TIME: 11:00 DEPT: S37G

CASE#: GAR PS1700627

CASE NAME: MTR OF XZAVIER TAYLOR

SEE ALSO 3

HEARING:

OSC re: Dismissal

COUNSEL:

DESIREE GARCIA (GP)...PRO/PER
XZAVIER TAYLOR (MIN)...

GENERAL INFORMATION:

Ex parte orders denied 12/07/17. Notice not given and CPS is involved.

Continued from 01/09/18. No appearance. Notice by clerks' office.

THIS CASE IS SET FOR HEARING ON **OSC re Dismissal** on Petition for Appointment of Guardian, person only, by maternal cousin, Desiree Garcia ["Petitioner"], minor Zavier (4).

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

- 1 Minor does not live with petitioner.
- 2 Need Notice of Hearing and proof of personal service on mother Monique Farias and unknown father.
 - a. Petitioner requests an Order Dispensing Notice as to mother and alleges mother will hide minor as she has done before. JTD.
- 3 Need Notice of Hearing and proof of mailed service on siblings 12 or older, maternal grandparents, Albert Farias, Sr. and Joann Guzman and unknown paternal grandparents or file Due Diligence Declaration(s).
- 4 Petitioner is a cousin. If she is a cousin greater than the first degree to the minor, a DCFS report is required. Court to confirm.
- 5 UCCJEA incomplete as to the minor's residence as of date of birth of the minor as mother and child have been purportedly homeless. JTD.
- 6 Petition indicates minor has Indian ancestry. Notification of rights under Indian Child Welfare Act (ICWA) must be served. Notification of rights under Indian Child Welfare Act (ICWA) must be served.

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- 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, Indian Custodian (if applicable) and the Tribe and/or Bureau of Indian Affairs. Need signed return receipt card.
 - 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).**
- 7 Need Parental Notification of Indian Status (form ICWA-020).
 - 8 If a Court Investigator and/or DCFS is appointed, then the investigator must consult with the Indian child's tribe per Pr.C.§1513(h).
 - 9 Petitioner alleges CPS involvement.
 - 10 Petitioner alleges parental custody would be detrimental to the minor.
 - 11 ~Proposed Form Order/Letters 11/30/17.

RECOMMENDATION:

Need to clear notes then Court's discretion.

(nb)

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: TARA REILLY

DATE: 04/10/18 TIME: 11:00 DEPT: S37G

CASE#: GAR PS1700627

CASE NAME: MTR OF XZAVIER TAYLOR

SEE ALSO 2

HEARING:

Hearing re: Petition for Appointment of Guardian

COUNSEL:

DESIREE GARCIA

(GP)...PRO/PER

XZAVIER TAYLOR

(MIN)...

See prior matter #1.

(nb)