



# Guardianship Calendar

## Second/Final Check

Superior Court of California  
County of San Bernardino  
Probate Department

### **Probate Notes for Calendar Date: 08/22/17**

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](mailto: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.

07/31/17lh; 08/16/17lh

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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](mailto: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: STANFORD E. REICHERT **GUARDIANSHIPS**

-----  
DATE: 08/22/17 TIME: 11:00 DEPT: S35G  
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CASE#: GAR PS1600582

CASE NAME: MTR OF MAKAYLAH MARIE DUBERG

**SEE ALSO 2, 3, 4**

HEARING:

Hearing re: Petition for Appointment of Temporary  
Guardian/Conservator

COUNSEL:

BETTY TOCCO	(PET)...PRO/PER
ERIKA RENE ROMERO	(GP )...EWANISZYK LAW FIRM
JOSEPH TOCCO	(PET)...PRO/PER
MAKAYLA MARIE DUBERG	(MIN)...
SUZANNE TOCCO	(PET)...PRO/PER

Request for Waiver of Court Fees and Costs filed by MAKAYLA MARIE DUBERG is GRANTED

No notes—JTD

**Future Hearing:**

**09/05/17 Court Trial**

Superior Court of Calif, County of San Bernardino

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

-----  
DATE: 08/22/17 TIME: 11:00 DEPT: S35G  
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CASE#: GAR PS1600582

CASE NAME: MTR OF MAKAYLAH MARIE DUBERG

**SEE ALSO 1, 3, 4**

HEARING:

Hearing re: Petition for Appointment of Guardian

COUNSEL:

BETTY TOCCO	(PET)...PRO/PER
ERIKA RENE ROMERO	(GP )...EWANISZYK LAW FIRM
JOSEPH TOCCO	(PET)...PRO/PER
MAKAYLA MARIE DUBERG	(MIN)...
SUZANNE TOCCO	(PET)...PRO/PER

GENERAL INFORMATION:

**11/23/16 Ex Parte**, Temporary orders not granted. Court refers the parties to Family Court Services for Temporary Visitation pending next hearing of 12/27/16.

Matter continued and referral to FCS. Court notes that it has not made any orders re Temporary Guardianship at this time.

**Continued 12/27/16** Suzanne Tocco filed competing petition. Krystall Hall and Joseph Tocco object to petition by Erika Romero. Temporary Guardianship petition continued to 02/07/17.

**Continued from 02/07/17.** All probate notes related to the identity of the minor's father and the minor's birth certificate are cleared as a certified copy of the minor's birth certificate is presented in open court. Matter will be set for a contested hearing as there are competing petitions. The matter will also be referred to both the court investigator's office and the department of children and family services, as one petitioner is a relative and the other is a non-relative.

THIS CASE SET FOR HEARING ON:

- Petition for Guardianship, of the person only, by **Erika Rene Romero**, (non-relative), minor Makayla age 6 (DOB: 04/08/2010).
- Petition for Appointment of Guardian, person only, by **Suzanne Tocco** (Great Aunt), minor Makayla age 6 (DOB: 04/08/2010).

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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](mailto:ProbateNotes@sb-court.org) for clarification of the notes only - no legal or procedural advice will be given.

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

**Petition #1 by Erika Rene Romero, (non-relative)**

1. Mother and maternal grandmother are deceased.
2. Court to review supporting declarations, informal consent, caregiver affidavit by Petitioner, and statutory Will listing Petitioner as first-named guardian at LF pg. 20, attached to Petition [Pet.11/16/16 LF pgs. 5-22].
3. DFCS reports filed 12/08/16 and 12/27/16.
4. **Objection filed by Suzanne Tocco (Great Aunt) on 12/23/16 and 01/24/17 along with Declaration.**
5. **Objection filed on 01/24/17 by Joe (Great grandfather) and Betty Tocco.**
6. **Objection filed on 01/24/17 by Krystall Hall (Cousin).**
7. ~Proposed Form Order: 11/16/16.

**Petition #2 by Suzanne Tocco (Great Aunt)**

8. Mother and maternal grandmother are deceased.
9. **Need** Notice of Hearing and proof of mailed service as to sibling (Jaime Rosales), or file due diligence declarations.
10. UCCJEA does not include full 5 years of residency. **Need** same. JTD
11. **Need CI Report.**
12. 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.
13. **Opposition filed on 01/17/17 by Erika R. Romero.**
14. **Objection filed on 01/17/17 by Erika Romero.**
15. ~Proposed form Order/Letters: 12/23/16.

RECOMMENDATION:

Need to clear notes 9-11; matter contested.  
(mr/cs/lh)

**Future Hearing:**

**09/05/17 Court Trial**

Superior Court of Calif, County of San Bernardino

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

-----  
DATE: 08/22/17 TIME: 11:00 DEPT: S35G  
-----

CASE#: GAR PS1600582

CASE NAME: MTR OF MAKAYLAH MARIE DUBERG

**SEE ALSO 1, 2, 4**

HEARING:

Hearing re: Petition for Appointment of Guardian

COUNSEL:

BETTY TOCCO	(PET)...PRO/PER
ERIKA RENE ROMERO	(GP )...EWANISZYK LAW FIRM
JOSEPH TOCCO	(PET)...PRO/PER
MAKAYLA MARIE DUBERG	(MIN)...
SUZANNE TOCCO	(PET)...PRO/PER

Request for Waiver of Court Fees and Costs filed by MAKAYLA MARIE DUBERG is GRANTED

See notes on previous page #2.

**Future Hearing:**

**09/05/17 Court Trial**

Superior Court of Calif, County of San Bernardino

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

-----  
DATE: 08/22/17 TIME: 11:00 DEPT: S35G  
-----

CASE#: GAR PS1600582

CASE NAME: MTR OF MAKAYLAH MARIE DUBERG

**SEE ALSO 1, 2, 3**

HEARING:  
Readiness Calendar

COUNSEL:

BETTY TOCCO	(PET)...PRO/PER
ERIKA RENE ROMERO	(GP )...EWANISZYK LAW FIRM
JOSEPH TOCCO	(PET)...PRO/PER
MAKAYLA MARIE DUBERG	(MIN)...
SUZANNE TOCCO	(PET)...PRO/PER

Readiness—no notes—JTD

**Future Hearing:**  
**09/05/17 Court Trial**

Superior Court of Calif, County of San Bernardino

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

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DATE: 08/22/17 TIME: 11:00 DEPT: S35G  
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CASE#: GAR PS1700353

CASE NAME: MTR OF RICHALA JULIA BELIA CRUZ

HEARING: Hearing re: Petition for Appointment of Guardian

COUNSEL:

RICARDO L VILLESCHAS JR (GP )...PRO/PER  
RICHALA JULIA BELIA CRUZ (MIN)...  
YOLANDA THERRIEN (GP )...PRO/PER

GENERAL INFORMATION:

Yolanda Therrien and Ricardo Villescascas Jr. appointed temporary guardians on 07/19/17.

THIS CASE IS SET FOR HEARING ON Petition for Appointment of Guardian, person only by Yolanda Therrien and Ricardo Villescascas Jr., maternal grandmother and maternal uncle, minor Richala (11).

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

1. Father is deceased.
2. Paternal grandfather is deceased.
3. Need notice of hearing and proof of personal service [GC-020P] or due diligence declaration for mother.
4. Need notice of hearing and proof of mailed service [GC-020] or due diligence declaration for Julia Cruz, paternal grandmother; Albert Therrien, maternal grandfather, and siblings Yolanda, Desire, Marisa, Vincent, Gala and Vicky.
5. UCCJEA does not include full 5 years of minor's residency. Need completed form.
6. Petitioner seeks power to apply for an 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 Pr.C. § 2628(a)(1) will require an accounting. JTD
7. If referred to Court Investigator, a CI report would be required.
8. ~Proposed form order: 07/12/17.

RECOMMENDATION:

Need to clear notes 3-5.

(lc)

Superior Court of Calif, County of San Bernardino

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

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DATE: 08/22/17 TIME: 11:00 DEPT: S35G  
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CASE#: GAR RS1200103

CASE NAME: JONATHAN ROSALES,ET AL

HEARING:  
Accounting Review

COUNSEL:

ALEJANDRA ROSALES	(MIN)...JAMES J KENNY
JONATHAN ROSALES	(MIN)...
LUIS A CASTILLO	(GE )...MITCHELL I ROTH
LUIS ALBERTO CASTILLO	(PET)...MITCHELL I ROTH
MARICELA CASTILLO	(GE )...MITCHELL I ROTH

GENERAL INFORMATION:

Continued from **6/18/15, 8/20/15, 10/8/15, 12/16/15, 01/28/16, 04/14/16, 06/09/16 and 08/22/16**. Nothing new filed.

**Continued from 11/01/16, 02/21/17 and 05/23/17** at request of counsel to file accounting. Nothing new filed.

THIS CASE SET FOR HEARING ON Accounting review for Jonathan (20) and Michelle (17).

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

1. Luis and Maricela Castillo appointed guardians of person and estate on 01/15/13.
2. Previous accounting was waived as the estate had not yet received assets from structured settlement. It appears that the structured settlement has been received per Notice of Filing of Structured Settlement filed 06/10/15.
3. Need Second and Final Account and Report of former minor Jonathan.
4. Need Second Account Current of Michelle covering 01/16/14 to present.

RECOMMENDATION

Inquire status.  
(lc/kra/lc/nb/lc/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

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DATE: 08/22/17 TIME: 1:30 DEPT: S35G  
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CASE#: GAR PS1700092

CASE NAME: MTR OF ALAN CHRISTOPHER CALDERON

HEARING:

Hearing Re: Court Trial(1st Day)

COUNSEL:

ALAN CHRISTOPHER CALDERON

(MIN)...

JAIME G CALDERON

(MOT)...PRO/PER

NATALIE MARIE ROSS

(GP )...PRO/PER

Court trial—no notes—JTD

**Future Hearing:**

**08/23/17 Court Trial**

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JAMES MICHAEL WELCH **GUARDIANSHIPS**

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DATE: 08/22/17 TIME: 11:00 DEPT: S36G  
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CASE#: GAR PS1600364

CASE NAME: TR OF YOSSELIN NICOL BARRERA CASTRO

HEARING:

Hearing Re: PETITION FOR SPECIAL IMMIGRANT JUVENILE STATUS

COUNSEL:

MERY YOLINA MENDEZ

(PET)...CATALINA L GRACIA

YOSSELIN NICOL BARRERA CASTRO

(MIN)...

#### GENERAL INFORMATION

Continued from **12/19/16** at request of counsel to clear probate notes.

**Continued from 02/27/17 and 04/04/17.** The Court notes matter was previously referred to DCFS for report; report has not been submitted to the Court.

**Continued from 06/06/17 for receipt of DCFS report.**

THIS CASE IS SET FOR HEARING ON **Amended** Request for findings re: special immigrant juvenile status (**minor is 16 and will attain 18 on 05/18/18**)

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

1. Petitioner, Mery Yolina Mendez, proposed guardian of minor, Yoselin Nicol Barrera Castro, 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 Points and Authorities in support of the requested findings stating, inter alia, the following:
  - a. Minor was born on 05/18/00, in Honduras. Her mother came to the United States, leaving minor in the care and custody of maternal grandmother. Maternal grandmother’s health is failing and she can no longer care for Yoselin.
  - b. Legal reunification with parents is not viable because it would result in minor being exposed to deportation from the United States and would place the child’s life in danger since maternal grandmother’s health is failing and can no longer provide and ensure minor’s well-being in Honduras.
  - c. Minor cannot return to Honduras with father as he has abandoned and neglected minor. Attempts have been made to locate father and he cannot be found. There is no safe place for minor to be cared for in Honduras.
  - d. Yoselin left Honduras and traveled to the United States. She was detained by immigration officials at the border and was later released to her mother in Upland, California, where she currently resides. However, minor is currently involved in deportation proceedings in immigration court unless she can obtain special juvenile immigration status.
6. Minor will be 18 yrs old in May, 2018. The underlying guardianship petition will become moot if not granted by that time. 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.

**RECOMMENDATION:**

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

(lh/cs/lh/nb/lh)

Superior Court of Calif, County of San Bernardino

Page: 1A ADD-ON

CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JAMES MICHAEL WELCH

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DATE: 08/22/17 TIME: 11:00 DEPT: S36G  
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CASE#: GAR PS1600364

CASE NAME: TR OF YOSELIN NICOL BARRERA CASTRO

HEARING:

Hearing Re: Petition for Appointment of Guardian

COUNSEL:

MERY YOLINA MENDEZ

(PET)...CATALINA L GRACIA

YOSELIN NICOL BARRERA CASTRO

(MIN)...

GENERAL INFORMATION:

Continued from **11/09/16** to clear probate notes.

**Continued from 12/19/16.** Court excuses notice to father, maternal grandfather, and paternal grandparents. Continued at request of counsel to clear remainder of probate notes.

Continued from **02/27/17**. It is notes for the records that Mery Mendez is not a licensed foster family home. Court refers matter to DCFS for report.

**Continued from 04/04/17 and 06/06/17. Matter is continued for receipt of DCFS report.**

THIS CASE SET FOR HEARING ON 2<sup>nd</sup> Amended Petition for Appointment of Guardians, of the person only, by Mery Mendez (non-relative), minor Yoselin age 16 (DOB 05/18/00)

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

1. Mother signed Nomination, Consent and Waiver filed 11/01/16.
2. Petition alleges minor resides with mother.
3. Need DCFS report as petitioner is non-relative per Pr. C. § 1513. Report of No Report filed 05/31/17 requesting continuance to 07/11/17.
4. ~Proposed Letters/Order: 07/26/16

RECOMMENDATION:

Need DCFS report, then Court's discretion. (cs/lh/cs/lh/nb/lh)

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

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DATE: 08/22/17 TIME: 11:00 DEPT: S36G  
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CASE#: GAR PS1600584  
CASE NAME: MTR OF DELILAH DOVIE MAE DORA HARRIS

HEARING:  
Hearing Re: GUARDIANSHIP PETITION

COUNSEL:  
DELILAH DOVIE MAE DO HARRIS (MIN)...  
JOHNNIE MIMS SIMMONS (GP)...PRO/PER

GENERAL INFORMATION

**11/23/16 Exparte petition for temporary guardianship denied.** No emergency; court requires proper notice.

**Continued from 01/03/17.** The siblings are under age 12.

**Continued from 04/11/17.** No appearance by petitioner and probate notes have not been cleared.

**Continued from 06/13/17. Court notes Robert Hilton is the maternal grandfather. Court vacates the OSC re dismissal.**

THIS CASE IS SET FOR HEARING ON Petition for Appointment of Guardian, person only, by Johnnie Mims Simmons (first cousin once removed) minor Delilah (5).

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

1. Need Notice of Hearing and *Proof of Personal Service* [form GC-020/GC-020(P)] to LaRobert Hilton (Mother). Proof of mailed service filed 12/27/16 is improper.
2. Proof of Mailed service re Notice of Hearing and Petition as to Robert Hilton (maternal grandfather) filed 12/30/16; however, only 14 days' notice given. Need proper service.
3. Request to Excuse Notice as to unknown father and unknown paternal grandparents, and Birth Certificate filed 12/27/16. JTD
4. See Guardian Screening Form [11/16/16, LF pg4].
5. Upon referral by court, need Court Investigator Report.
6. ~Proposed form Order: 11/16/16

RECOMMENDATION:

Need to clear note 2, then Court's discretion.  
(mr/lh)

Superior Court of Calif, County of San Bernardino

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

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DATE: 08/22/17 TIME: 11:00 DEPT: S36G  
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CASE#: GAR PS1700196

CASE NAME: DE ANDRE STRINGER JR

HEARING:

Hearing re: Petition for Appointment of Guardian

COUNSEL:

DE ANDRE MOODY JR (MIN)...  
TANYA Y STRINGER (PET)...PRO/PER

#### GENERAL INFORMATION

**Continued from 06/13/17 for proper notice to be given.**

THIS CASE IS SET FOR HEARING ON Petition for Appointment of Guardian, person only, by Tanya Stringer (maternal grandmother), minor De Andre, Jr (3 mos)

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

1. Need Notice of Hearing and Proof of Personal Service as to De Andre Moody, Sr., (father) Stephanie Miller (mother).
2. Request to Excuse Notice and Due Diligence Declarations filed 08/04/17 as to Lindsay Miller (maternal grandfather). JTD
3. Request to Excuse Notice and Due Diligence Declarations filed 05/22/17 as to unknown paternal grandparents. JTD.
4. Upon Court referral, need CI report.
5. ~Proposed form Order: 04/20/17

#### RECOMMENDATION

Need to clear note 1, 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

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DATE: 08/22/17 TIME: 11:00 DEPT: S36G  
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CASE#: GAR PS1700346

CASE NAME: MTR OF ALISSA SHERMAN

HEARING:

Hearing re: Petition for Appointment of Guardian

COUNSEL:

ALISSA SHERMAN	(MIN)...
JEFFREY KERR	(GP )...PRO/PER
STEPHANIE KERR	(GP )...PRO/PER

#### GENERAL INFORMATION

Ex parte orders denied on 07/18/17. Court provides petitioner with caregiver affidavit.

THIS CASE IS SET FOR HEARING ON Petition for Appointment of Guardian, person only, by Jeffrey and Stephanie Kerr (maternal uncle and spouse), minor Alissa (16)

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

1. Need Notice of Hearing and Proof of Personal Service as to Jesse Sherman (Father), Lisa Kerr (mother), and minor Alissa.
2. Need Notice of Hearing and proof of mailed service as to Gary Kerr (maternal grandfather), and unknown paternal grandparents, or file Due Diligence Declaration(s).
3. Need Consent of Proposed Guardian from Jeffrey Kerr.
4. See Confidential Questionnaire by Jeffrey Kerr filed 07/11/17 [LFpg4].
5. Upon Court referral, need CI report.
6. ~Proposed form Order: 07/11/17

#### RECOMMENDATION

Need 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

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DATE: 08/22/17 TIME: 11:00 DEPT: S36G  
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CASE#: GAR PS1700350

CASE NAME: MTR OF MALACHI DUFFEY, ET AL

HEARING:

Hearing re: Petition for Appointment of Guardian

COUNSEL:

KIMBERLY CONOLLY	(GP )...PRO/PER
MALACHI DANIEL DUFFEY	(MIN)...
MATTHEW PAUL DUFFEY	(MIN)...
MICAH DAVID DUFFEY	(MIN)...

GENERAL INFORMATION

Ex parte orders denied on 07/18/17.

THIS CASE IS SET FOR HEARING ON Petition for Appointment of Guardian, person only, by Kimberly Conolly, minors: Malachi (17); Micah (17) and Matthew (16).

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

1. Father is deceased.
2. Need Notice of Hearing and Proof of Personal Service as to Virginia Conolly (mother), and minors.
3. Need Notice of Hearing and proof of mailed service as to Betty Duffey (paternal grandmother), Richard Conolly, Jr (maternal grandfather), and unknown paternal grandfather, or file Due Diligence Declaration(s).
4. UCCJEA Declaration filed 07/11/17 indicates minors' current address is confidential; however, no Order deeming address confidential. Also, form is not dated at signature. Need completed form.
5. Upon Court referral, need CI report.
6. Note: Minors Malachi and Micah will reach age of majority on 12/29/17.
7. ~Proposed form Order: 07/11/17.

RECOMMENDATION

Need to clear notes 2-4. (lh)



Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: TARA REILLY

**GUARDIANSHIPS**

-----  
DATE: 08/22/17 TIME: 11:00 DEPT: S37G  
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CASE#: GAR PS1600529

CASE NAME: ALEXIS M ALCAREZ-LONG

**SEE ALSO 2**

HEARING:

OSC re: Dismissal

COUNSEL:

ALEXIS M ALCAREZ-LONG (MIN)...

KAUMAYA HALL (PET)...PRO/PER

GENERAL INFORMATION:

Continued from 10/26/16, Temporary Guardianship hearing was taken off calendar for lack of appearance.

Continued from **12/06/16** Petitioner to file a declaration of due diligence as to mother provide copy of minor's birth certificate for Court to waive notice to father and paternal relatives. Matter will be referred to DCFS for non-relative guardianship report when notice issues are resolved.

Continued from **03/07/17**. After review of Birth Certificate, Court requests petitioner attempt to find father, Forest Long, and give notice. Court refers matter to DCFS for non-relative guardianship report. Kaumaya Hall appointed Temporary Guardian of the person.

**Continued from 06/27/17. No appearance, matter set for OSC re Dismissal.**

THIS CASE IS SET FOR HEARING ON **OSC re Dismissal** on Petition for Appointment of Guardian, person only, by Kaumaya Hall, non-relative (caregiver/friend of Mother), minor Alexis (5).

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

1. Due Diligence Declaration filed 03/07/17 as to Yvette Alcaez (mother). JTD
2. Need Notice of Hearing and Proof of Personal Service on father, Forest Long.
3. Need Notice of Hearing and Proof of Service by Mail as to unknown paternal grandparents and unknown maternal grandparents, or file Due Diligence Declarations.
4. Need DCFS report.
5. Court to review Guardian Screening form, filed 10/20/16, LF p. 2 & 4.
6. Court to review Guardianship Questionnaire filed 10/20/16, LF p. 6.

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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](mailto:ProbateNotes@sb-court.org) for clarification of the notes only - no legal or procedural advice will be given.

7. ~Proposed form Order/Letters: 10/20/16.

**RECOMMENDATION:**

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

(mr/cs/lh)

Superior Court of Calif, County of San Bernardino

Page: 2

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

-----  
DATE: 08/22/17 TIME: 11:00 DEPT: S37G  
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CASE#: GAR PS1600529

CASE NAME: ALEXIS M ALCAREZ-LONG

**SEE ALSO 1**

HEARING:

Hearing re: Petition for Appointment of Guardian

COUNSEL:

ALEXIS M ALCAREZ-LONG (MIN)...

KAUMAYA HALL (PET)...PRO/PER

Request for Waiver of Court Fees and Costs filed by ALEXIS M ALCAREZ-LONG is GRANTED

See notes on previous page #1.

(lh)

Superior Court of Calif, County of San Bernardino

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

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DATE: 08/22/17 TIME: 11:00 DEPT: S37G  
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CASE#: GAR PS1700118

CASE NAME: MTR OF KORRINA DOMINGUEZ ET AL

HEARING:

Hearing re: Petition for Appointment of Guardian

COUNSEL:

ARELI GUTIERREZ	(GE )...PRO/PER
KORRINA DOMINGUEZ	(MIN)...
SOPHIA DOMINGUEZ	(MIN)...E JOAN NELMS (GAL)

#### GENERAL INFORMATION

**Continued from 04/25/17** to clear probate notes and complete notice.

**Continued from 06/27/17. Court will authorize placing monies in a savings account that guardian may have access to withdraw funds for the benefit of the minor with court approval and placing monies in an investment account. Attorney E Joan Nelms appointed for Korrina Dominguez and Sophia Dominguez.**

THIS CASE IS SET FOR HEARING ON Petition for Appointment of Guardian, ESTATE only, by Areli Gutierrez (mother), minors: Korrina (5) and Sophia (1)

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

1. Petitioner requests no bond as she has limited income to pay for bond. Estate assets consist of \$132,624.26, cash. Suggested bond \$145,886. Alternatively, Court may wish to order funds placed in a blocked account in lieu of bond. JTD
2. Minors are beneficiaries of their deceased father's life insurance policy. Petitioner is the sole surviving parent seeking guardianship of the estate to gain access to funds to support minors due to limited income. [Petition, LFpg.3].
3. Need Notice of Hearing and proof of mailed service as to Abel Dominguez (paternal grandfather), Felix Gutierrez and Eneyda Alfaro (maternal grandparents), and Xavier Gutierrez (brother, if 12 years+).
4. **Need report of E Joan Nelms as GAL.**
5. No proposed form Order submitted.

## RECOMMENDATION

Need notice and GAL Report, then Court's discretion. If approved, set future hearing for Accounting/Status Review of **10/30/18**. Any accounting to be filed 30 days in advance of review date. Note requirements of Local Rules 20.901 and 20.908.

(lh)

Superior Court of Calif, County of San Bernardino

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

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DATE: 08/22/17 TIME: 11:00 DEPT: S37G  
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CASE#: GAR PS1700347

CASE NAME: ABRAHAM JAVIER COS ET AL

HEARING:

Hearing re: Petition for Appointment of Guardian

COUNSEL:

ABRAHAM JAVIER COS	(MIN)...
ELIZABETH COS	(MIN)...
ELVIA MARCELLA CERVANTES	(GP )...PRO/PER
GREGORIO CERVANTES	(GP )...PRO/PER

#### GENERAL INFORMATION

Ex parte orders entered 07/18/17. Gregorio and Elvia Cervantes appointed temporary guardians of the person.

THIS CASE IS SET FOR HEARING ON Petition for Appointment of Guardian, person only, by Gregorio and Elvia Cervantes (maternal great aunt and uncle), minors Abraham (16) and Elizabeth (15)

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

1. Need Notice of Hearing and Proof of Personal Service as to Filberto Cos (father), Wendy Tamayo (mother), and minors.
2. Need Notice of Hearing and proof of mailed service as to Veronica Luna (maternal grandmother), unknown maternal grandfather, and unknown paternal grandparents, or file Due Diligence Declaration(s).
3. Upon Court referral, need CI report.
4. ~Proposed form Order: 07/11/17

#### RECOMMENDATION

Need to clear notes 1-2, 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: TARA REILLY

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DATE: 08/22/17 TIME: 11:00 DEPT: S37G  
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CASE#: GAR SS800148

CASE NAME: RE SORAYA EADS, JAZMINE ROSALINE ENCARNACION

**SEE ALSO 6**

HEARING:

Hearing Re: PTN TO MODIFY VISITATION ORDERS

COUNSEL:

BROOKE FUENTES	(PET)...PRO/PER
JAZMINE ROSALINE ENCARNACION	(MIN)...
MARTHA GUTIERREZ	(PET)...PRO/PER
RICHARD FUENTES	(FAT)...PRO/PER
SORAYA EADS	(MIN)...

Visitation—no notes—JTD

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

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DATE: 08/22/17 TIME: 11:00 DEPT: S37G  
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CASE#: GAR SS800148

CASE NAME: RE SORAYA EADS, JAZMINE ROSALINE ENCARNACION

**SEE ALSO 5**

HEARING:

Hearing re: Petition for Termination of Guardianship

COUNSEL:

BROOKE FUENTES	(PET)...PRO/PER
JAZMINE ROSALINE ENCARNACION	(MIN)...
MARTHA GUTIERREZ	(PET)...PRO/PER
RICHARD FUENTES	(FAT)...PRO/PER
SORAYA EADS	(MIN)...

GENERAL INFORMATION

Ex Parte Orders granted on 06/29/16 with the modification that the guardian is not to take Jazmine Encarnacion out of the State of California or out of the United States pending further order of the court. 1513(c) referral due to allegations made in petition.

**Continued from 08/01/16**, Father informs court that paternal grandparents are deceased. Referred to Court Investigator for investigation and report. Court made orders to guardian to provide a counseling report on 10/11/16.

**Continued from 10/11/16**, Court Investigator's report filed. Guardian submits therapist letter to the Court. Guardian to have minors in therapy; therapist to be given a copy of court investigator's report .Father to be given the contact information for minors' therapist. Minors to have no contact with Mother and Uncle Wilmer. Guardian admonished contact may result in a change of custody. Neither party shall discuss the facts of this case with the minor children. Father and Guardian to communicate via text messages.

**Continued from 01/17/17**. Father will file change of address with court today. Guardian will serve father with petition to modify court visitation. All existing orders shall remain in full force and effect. Court made modification orders re minors' therapy and visitation with father. Matter referred to Court Investigator for limited report for limited issue of interview with Jazmine and contacting her therapist.

**Continued from 04/25/17**. CI report filed. Court admonishes guardian that should she continue to undermine minor's relationship with her father, Court will terminate guardianship immediately. Court modifies visitation orders.



**Ex parte order to terminate guardianship denied 08/03/17.** Petitioner advises Court there will be no visits pending next hearing date as minors are being withheld, and they can no longer afford to commute to visits that do not occur.

THIS CASE IS SET FOR HEARING ON Petition for Termination of Guardianship as to minor Jazmine Rosaline Encarnacion (8), only, by Richard Fuentes (Petitioner/Father).

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

1. Martha Gutierrez (Maternal Grandmother) appointed guardian of person only on 06/30/08.
2. Petitioner Richard Fuentes (Father) is seeking termination of guardianship as to minor Jazmine Encarnacion.
3. Need Notice of Hearing and Proof of Service by mail on Wilma Gomez (Maternal Grandfather), or file Due Diligence Declaration.
4. Petition for Termination is incomplete at Section 5 re reasons for termination; no attachment included. Need verified supplement.
5. See Parent Questionnaire form filed 06/20/16 at LF pgs. 4, 5, & 9.
6. Martha Gutierrez (Guardian/MGM) filed a Post-Move Notice of Change of Residence on 07/18/16. **Guardian and minor have been residing in Riverside County since 07/08/16. Does Court wish to transfer case to Riverside County?**
7. Notice of Change of Address filed 08/31/16 by Petitioner Richard Fuentes (Father)
8. Court to review Investigation Narrative filed 07/21/16 per Court's referral on 6/29/16.
9. DCFS Emergency Response filed on 07/29/16.
10. CI Reports filed on 07/25/16, 10/03/16, and 04/13/17.
11. **Confidential Drug Screening Results filed 06/16/17.**
12. ~Proposed Form Order: 06/20/16

#### RECOMMENDATION

Need to clear notes 3-4. Court's discretion re transfer to Riverside County.  
(lh/mr/lh/)