



Guardianship Calendar

Second/Final Check

Superior Court of California
County of San Bernardino
Probate Department

Probate Notes for Calendar Date: 12/26/17

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

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.

nb1207/1219

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: 12/26/17 TIME: 11:00 DEPT: S35G

CASE#: GAR PS1700110

CASE NAME: MTR OF PAUL STEVEN FOWLER ET AL

HEARING:

Hearing Re: Guardianship Petition

COUNSEL:

BRANDON LEE FOWLER	(MIN)...
CARLA MOUNT	(PET)...PRO/PER
PAUL MOUNT	(PET)...PRO/PER
PAUL STEVEN FOWLER	(MIN)...

X-REF #FAMVS1603140

GENERAL INFORMATION:

Per minute order of 03/15/17: Carla Mount (MGM) and Paul Mount (Step-MGF) are appointed temporary co-guardians of the person of Paul Steven Fowler and Brandon Lee Fowler. Petitioners to prepare order and letters. Heather Fowler (mother) is served with the petition for appointment of guardianship in open court today. Written objections must be served and filed by 4:00pm on 04-05-17. The court notes service is needed as to grandparents (PGF, PGM, MGF) and father of minor Paul Fowler (father alleged to be unknown).

Continued from **04/13/17**. Matter contested. Court trial requested. Heather Fowler gives a copy of her objection to Carla and Paul Mont. Court orders both parties to exchange witness list, including name, address and phone number of witnesses and any documents that will be used at trial by 4PM on 05/02/17. If parties fail to comply with the order, their witness or trial documents will be excluded form trial.

Continued from 10/10/17. Stipulation is not filed, Notice waived.

THIS CASE SET FOR HEARING ON Petition for Appointment of Guardian, of the person only, by Carla and Paul Mount (MGM & Step-MGF), minors: Paul, 2 and Brandon, 9 months

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

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

1. Carla Mount (MGM) and Paul Mount (Step-MGF) were appointed temporary co-guardians of the person of Paul Steven Fowler, age 2 years (DOB 10/16/14) and Brandon Lee Fowler, age 9 months (DOB 06/28/16) on 03/15/17.
2. Nomination, Consent and Waiver signed by Heather Fowler (mother) filed 04/18/17. Question if mother is withdrawing her objection? Court to inquire.
3. Consent of Robert Frick, Jr. (father of Brandon Fowler), filed 03/07/17.
4. Need notice of hearing and proof of personal service to unknown father of Paul Fowler. As father is reportedly unknown; need copy of birth certificate per Local Rule 20-1302.
5. Proof of Service of Notice filed 04/04/17 as to Robert Frick, Sr. and Misty Frick (paternal grandparents of Brandon) does not indicate copy of petition served in item 5. Need proper service.
6. Need Notice of Hearing and proof of mailed service as to Robby Klukenberg (mgf) and unknown paternal grandparents of Paul Fowler.
7. CI Report filed 09/27/17.
8. Petition alleges visitation rights under case #FAMVS1603140, (LF p 18).
9. **FCS report filed 10/10/17.**
10. **Objections filed on 04/05/17 by Heather Fowler (mother) in the form of a Declaration. Need proof of service.**
11. ~Proposed form Order: 03/07/17

RECOMMENDATION:

Need to clear notes 4 - 6. Contested matter.

(cs/lh/nb)

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: STANFORD E. REICHERT

DATE: 12/26/17 TIME: 11:00 DEPT: S35G

CASE#: GAR PS1700122

CASE NAME: MTR OF JAXEN RAY DAY

SEE ALSO 3

HEARING:

Hearing Re: TRIAL SETTING CONFERENCE ON PTN FOR GUARDIANSHIP

COUNSEL:

CAROLAN HELZER	(GP)...PRO/PER
GAIL HELZER	(GP)...PRO/PER
JACKIE DAY	(OBJ)...KERRIE C JUSTICE
JAXEN RAY DAY	(MIN)..

Request for Waiver of Court Fees and Costs filed by JAXEN RAY DAY is GRANTED

XREF: GARPS1700003 (Hailyn Brylee Lavorci)

No notes – TSC.

(nb)

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

DATE: 12/26/17 TIME: 11:00 DEPT: S35G

CASE#: GAR PS1700122

CASE NAME: MTR OF JAXEN RAY DAY

SEE ALSO 2

HEARING:

Hearing Re: RECEIPT OF CI REPORT

COUNSEL:

CAROLAN HELZER	(GP)...PRO/PER
GAIL HELZER	(GP)...PRO/PER
JACKIE DAY	(OBJ)...KERRIE C JUSTICE
JAXEN RAY DAY	(MIN)..

XREF: GARPS1700003 (Hailyn Brylee Lavorci)

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Receipt of CI Report

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

1. Matter set at 10/10/17 hearing.
2. FCS Report filed 10/12/17.
3. CI report filed 10/17/17.

RECOMMENDATION:

None.

(nb)

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

DATE: 12/26/17 TIME: 11:00 DEPT: S35G

CASE#: GAR PS1700182

CASE NAME: Raul Castro & Martha Marroquin

SEE ALSO 5, 6

HEARING:

Hearing re: Petition for Appointment of Guardian

COUNSEL:

MARTHA ELIZABETH RODRIGUEZ MAR (MIN)...
RAUL ALESSANDRO PEREZ CASTRO (MIN)...
WALTER ALEXANDER MARROQUIN (PET)...RANDY ALEXANDER

GENERAL INFORMATION

Continued from **05/30/17**. Court clears note regarding Gregorio Rodriguez. Remaining notes to be cleared. Referred to Court Investigator for investigation and report.

Continued from 10/10/17. No stipulation filed.

THIS CASE IS SET FOR HEARING ON **AMENDED [filed 09/29/17]** Petition for Appointment of Guardian, person only, by Walter Marroquin (paternal uncle), minor Raul Perez Castro (8)

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

1. Petitioner filed an amended petition on 09/29/17 seeking guardianship as to minor Raul Castro, only. Question if petitioner is still seeking guardianship of minor Martha (cousin to minor Raul) and if so, will a separate amended petition be filed as to Martha? Court to inquire.
2. Father of minor is deceased.
3. Due Diligence Declaration as to Reyna Diaz (mgm) filed 09/29/17. JTD
4. Need Notice of Hearing and Proof of Service as to Victoria Diaz (mother) either by a) international registered mail, return receipt; b) service by agent (typically an attorney in El Salvador); c) service by Letters Rogatory; or (d) service via the EL Salvador 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).

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

5. Child Information Attachment to petition is incomplete at section 1 as to name and address of the person with legal custody of the minor. Need verified supplement.
6. Questionnaire filed 04/12/17 is missing signature on page 1 of form, and date at signature on page 7. Need completed form.
7. **CI Report filed 09/05/17.**
8. No proposed form Order.

RECOMMENDATION

Need to clear notes 4-6, then Court's discretion.

(lh/nb)

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

DATE: 12/26/17 TIME: 11:00 DEPT: S35G

CASE#: GAR PS1700182

CASE NAME: Raul Castro & Martha Marroquin

SEE ALSO 4, 6

HEARING:

Confidential Hearing re: Petition for Special Immigrant Juvenile Findings

COUNSEL:

MARTHA ELIZABETH RODRIGUEZ MAR (MIN)...
RAUL ALESSANDRO PEREZ CASTRO (MIN)...
WALTER ALEXANDER MARROQUIN (PET)...RANDY ALEXANDER

GENERAL INFORMATION

Continued from 05/30/17 and 10/10/17. No stipulation filed.

THIS CASE IS SET FOR HEARING ON Request for findings re: special immigrant juvenile status, **minor Raul Castro (DOB: 12/27/08)**

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

1. Petitioner, Walter Marroquin, uncle of minor Raul 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

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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. Petitioner offers the following in support of the requested findings in his Points and Authorities filed 04/12/17, stating, inter alia, the following:
 - a. Minor is from El Salvador and lived with his mother until he was abandoned by his mother at 3 years old at which time he was placed in the care of his father.
 - b. Minor’s father provided for financially for the minor while the paternal grandmother was the caregiver.
 - c. Minor’s father was purportedly assassinated on 08/05/15.
 - d. Minor is eligible for long-term foster care due to abandonment as both parents have relinquished control of her and have failed to provide reasonable care and protection.
 - e. Minor does not believe he can return to his mother because she is unwilling to take care of minor.
6. Per the statutory scheme, this petition is to proceed only if guardianship of the minor is granted pursuant to the accompanying petition.
7. **Need notice of hearing and proof of service.**

RECOMMENDATION

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

(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: 12/26/17 TIME: 11:00 DEPT: S35G

CASE#: GAR PS1700182

CASE NAME: Raul Castro & Martha Marroquin

SEE ALSO 4, 5

HEARING:

Confidential Hearing re: Petition for Special Immigrant Juvenile Findings

COUNSEL:

MARTHA ELIZABETH RODRIGUEZ MAR (MIN)...

RAUL ALESSANDRO PEREZ CASTRO (MIN)...

WALTER ALEXANDER MARROQUIN (PET)...RANDY ALEXANDER

GENERAL INFORMATION

Continued from 10/10/17. No stipulation filed.

THIS CASE IS SET FOR HEARING ON Request for findings re: special immigrant juvenile status, **minor Martha Marroquin (DOB: 12/27/08)**

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

1. Petitioner, Walter Marroquin, uncle of minor Martha Marroquin, 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. Petitioner offers the following in support of the requested findings in his Points and Authorities filed 04/12/17, stating, inter alia, the following:
 - a. Minor is a national of El Salvador. Her mother was diagnosed with HIV, does not work, and is unable and unwilling to provide basic needs for minor. Mother left minor under the care of her grandmother.
 - b. Minor’s father died when minor was 6 months old.
 - c. Minor is eligible for long-term foster care due to abandonment as both parents have relinquished control of her and have failed to provide reasonable care and protection.
 - d. Minor does not believe she can return to minor’s parents because she does not have anyone to provide for her or protect her in El Salvador.
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.**

RECOMMENDATION

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

(lh/nb)