

**Tentative Rulings
September 17, 2018
Department 7**
1:30 p.m.**

****PLEASE NOTE: GUARDIANSHIPS WILL BE HEARD IN DEPARTMENT 7*****

NOTICE TO ALL GUARDIANS AND PETITIONERS: The Family Law Facilitator offers assistance on Guardianship matters by appointment. PLEASE NOTE: Guardianship workshops are no longer being held. The Court recommends that all Guardians and Petitioners, especially self-represented litigants (individuals without an attorney) contact and make an appointment for assistance on their Guardianships to ensure that Guardians are aware of their ongoing obligations/responsibilities to the Ward and to the Court.

1:30 p.m.

**GDN OF JAYZEN BARKLEY
Case Number: 28273**

Tentative Ruling on Further Proceedings regarding Status of Minor, Therapy and Visitation: This matter is a Guardianship of the Person for Jayzen Barkley. This matter is on calendar for status of the minor, his therapy and the mother's visitation. **An appearance is necessary to discuss the status of this case.**

**GDN OF KENDALL BARNES
Case Number: 29104**

Tentative Ruling on Annual Review: This matter is on calendar for Annual Review. The annual Confidential Guardianship Status Report was to have been submitted to the Court no later than September 5, 2018. The report has not been submitted. The Court notes that the matter is set for a Court Trial on September 24, 2018, at 9:00 a.m. This matter is continued to that date and time. The Guardians are ORDERED to submit their Annual Status Report prior to the hearing. Failure to do so may result in the issuance of an Order to Show Cause as to why Monetary Sanctions in the amount of \$250.00 should not be ordered for violating the Court's order to file the report. **No appearance is necessary on today's calendar.**

GDN OF JACE DANIELS

Case Number: 29697

GDN OF JACE DANIELS

Case Number: 29707

Tentative Ruling on Competing Petitions for Appointment of Guardian and Petition for Termination of Guardianship: This matter is on calendar for multiple Petitions in two separate cases. In Case No. 29697, the maternal great grandmother (Diana Frazier) is seeking to be appointed as Guardian of Jayce Daniels. Temporary orders were issued on July 12, 2018 to Ms. Frazier. Also in Case No. 29697, the parents have filed a Petition for Termination.

In Case No. 29707, the paternal great grandmother (Christine Lewis) is also seeking appointment as Guardian for Jayce Daniels. Multiple parties have filed objections to each Petition for Appointment. The Court has reviewed the Court Investigator's Report which recommends that the Frazier Petition (Case No. 29697) be denied and the Lewis Petition (Case No. 29707) be granted. The Court previously deemed all necessary parties to have been provided notice of the two Guardianships based on the previous notice of hearings, objections and appearances. The Court **appoints** the Public Defender as counsel for the minor. The Court sets this matter for **Monday, October 1, 2018 at 1:30 p.m. in Department 12** for confirmation of counsel and trial setting on the petitions. All Temporary Orders to remain in full force and effect until the continued hearing date. **No appearance is necessary on today's calendar.**

GDN OF IZABELLA DIAZ

Case Number: 29715

Tentative Ruling on Petition for Appointment of Guardian: The Petition was filed by the minor's aunt and uncle (Jonnalyn and John Denny). Letters of Temporary Guardianship issued on July 26, 2018. The Temporary Guardians' powers are set to expire today unless further extended.

The Petition is unclear. The caption states that it is a Petition for Appointment of a Guardian of the Person; however, the body of the document requests that Jonnalyn be appointed Guardian of the Person, and that John be appointed guardian of the estate.

A Notice of Hearing has been filed which reflects service by mail on the parents and one sibling. The parents must be personally served with the Petition. Prob. Code § 1511(b). The Court also requires service by mail on the paternal grandparents and the maternal grandmother. Probate Code § 1511(a). It appears that the paternal grandparents are unknown but the Court requires additional information before it can dispense with notice to those parties. The Court has reviewed the Court Investigator's memorandum which states that venue may not be proper in Shasta County. The matter is continued to **Monday, October 15, 2018, at 1:30 p.m. in Department 12.** Petitioners are required to file and properly serve Notice of the continued hearing date in accordance with Probate code Section 1511(a). Additional information is also required as to why Petitioner's believe this case is properly brought in Shasta County in accordance with Probate Code Section 2201. All Temporary Orders to remain in full force and effect until the continued hearing date. **No appearance is required by the Petitioners to address where the minor currently lives and where she has lived since birth.**

GDN OF JEIMY GARCIA

Case Number: 27707

Tentative Ruling on Further Proceedings on Annual Review: This matter is on calendar for further proceedings regarding Annual Review. A continuance was provided to today's date after it was revealed that the minor has left the country and was not being allowed to return by immigration. **An appearance is necessary on today's calendar to inform the Court whether the minor has been returned to the United States. The Guardian may appear by phone.**

GDN OF KRISTOPHER GONZALES AND KYLE HEISER

Case Number: 25496

Tentative Ruling on Further Proceedings regarding Annual Status Report, Status of Petition and Termination of Guardianship: This proceeding currently only relates to the minor, Krystopher Gonzales. The Court has been informed that Krystopher has moved to Oregon and lives with the Guardian's sister and brother-in-law. No Petition to Fix Residence Outside the State of California was ever brought. At the previous hearing, the Court was the informed that no Guardianship had been commenced in Oregon. The matter was continued to today's date to evaluate the status of the Guardianship, to determine whether an Oregon Guardianship has been commenced and/or completed and if so whether this Guardianship needs to be terminated. **An appearance is necessary on today's calendar to discuss the status of this Guardianship and the Oregon proceedings, if any.**

GDN OF ALEXIS, TERRY & AILEAN HIGGINBOTHAM

Case Number: 29745

Tentative Ruling on Ex Parte Motion to Vacate Temporary Orders, terminate the temporary conservatorship, Conduct a Hearing for Consideration or to Set Visitation: Temporary Letters issued on August 28, 2018. The hearing on the general guardianship is set for October 1, 2018. As such, the matter is required to be heard prior to October 1, 2018, for reconsideration of the temporary orders, pursuant to Probate Code Section 2250(f). Hearing on such a motion for reconsideration is required to be given 15 days prior to the hearing pursuant to Probate Code Sections 2250(f) and 1511, unless the court finds good cause to shorten the time for notice. The Court finds that good cause exists to shorten the notice period required by Section 2250(f). In addition, the Court finds that appointment of counsel for the minors is necessary in this matter. The Court appoints the Public Defender to represent the minors in this matter. The ex parte motion is set for **Monday, September 24, 2018 at 1:30 p.m. in Department 12** for reconsideration of the temporary guardianship, and for confirmation of counsel. The clerk is instructed to provide a copy of these minutes to counsel for the Temporary Guardians, the Court Investigator, and the Public Defender's office. The Court confirms the future hearing date of October 1, 2018 on the Petition for Appointment. **No appearance is necessary on today's calendar.**

GDN OF ZARYN KYLE

Case Number: 28310

Tentative Ruling on Annual Review: This matter is on calendar for Annual Review. The annual Confidential Guardianship Status Report was to have been submitted to the Court no later than September 5, 2018. The report has not been submitted. **The Guardian is ORDERED to appear at today's hearing and submit her Annual Status Report at the time of the hearing. Failure to do so may result in the issuance of an Order to Show Cause why Monetary Sanctions in the amount of \$250.00 should not be ordered for violating the Court's order to appear and to file the report.**

GDN OF HEATHER MIEGER

Case Number: 26545

Tentative Ruling on Annual Review: This matter is on calendar for Annual Review. The annual Confidential Guardianship Status Report was to have been submitted to the Court no later than September 5, 2018. The report has not been submitted. **The Guardians are ORDERED to appear at today's hearing and submit their Annual Status Report at the time of the hearing. Failure to do so may result in the issuance of an Order to Show Cause why Monetary Sanctions in the amount of \$250.00 should not be ordered for violating the Court's order to appear and to file the report.**

GDN OF SAMANTHA & MADISON RAY

Case Number: 29049

Tentative Ruling on Petition for Termination of Guardianship: A Notice of Hearing has been filed but it reflects service on the maternal grandfather only. The Court requires notice to the ward, parents and relatives to the second degree. See Probate Code Sections 1460 and 1510. This matter is continued to **Monday, October 22, 2018, at 1:30 p.m. in Department 12.** Petitioner is ordered to file and serve a new Notice of Hearing with the continued hearing date on all individuals entitled to notice. In the alternative, if Petitioner cannot serve the parties identified, the Court will require a declaration explaining why they cannot be served and a request to dispense with notice to the party. **Warning: Failure to properly effect service or provide adequate basis to dispense with service as to the necessary parties will result in denial of the Petition. No appearance is necessary on today's calendar.**

GDN OF DESERAY SCHWARTZ

Case Number: 29711

Tentative Ruling on Further Proceedings on the Petition for Appointment of Guardian of the Estate: This matter is on calendar to decide whether to grant a Petition for Appointment of Guardian of the Estate of minor, Deseray Schwartz. The Petition was filed by the minor's mother (Dawn Wallace). Temporary Letters have not issued.

The mother has filed a consent to the guardianship and waiver of notice. The Court previously dispensed with notice to the deceased father, paternal grandparents and maternal grandmother. The siblings have been properly

noticed. The Court has reviewed the declaration of Dawn Wallace and based thereon finds good cause to dispense with notice to the maternal grandfather as well. All necessary parties have been properly noticed or the Court has dispensed with notice to these individuals.

The Court has reviewed and considered the Court Investigator's report filed August 23, 2018 and agrees with the recommendation to grant the Petition. The Court **FINDS** the guardianship is in the child's best interest, and the guardianship is necessary and convenient. The proposed guardian is suitable.

The Court **GRANTS** the Petition. A proposed Order Appointing Guardian has been lodged and will be executed by the Court. This matter is set for **Monday, January 21, 2019 at 1:30 p.m. in Department 12** for confirmation of filing of the Inventory and Appraisal. This matter is also set for **Monday, November 4, 2019 at 1:30 p.m. in Department 12** for hearing on the First Accounting. **No appearance is necessary on today's calendar.**

GDN OF JEREMIAH SEABOURN & JACINTA BURTON

Case Number: 29623

Tentative Ruling on Further Proceedings regarding Petition for Appointment of Guardian of the Person: This matter is on calendar for further proceedings on the Petition for Appointment of Guardian of the Person of minors, Jeremiah Seabourn and Jacinta Burton. The Petition was filed by the minor's maternal grandmother (Teresa Burton). Letters of Temporary Guardianship issued on May 17, 2018. The Temporary Guardianship's powers are set to expire today unless further extended.

The Court previously found that this matter has been properly noticed. The Public Defender has been appointed and accepted representation of the minor. At the most recent hearing, Enrique Lopez appeared to inform the Court that he may be the father of Jacinta. The parties were instructed to pursue paternity proceedings. The paternal grandmother also appeared to seek appointment as Guardian and she was instructed to file the appropriate paperwork. No paperwork has been filed. **An appearance is necessary by the parties to discuss the paternity issue and to discuss the Guardianship status.**

GDN OF HAZEL TARA

Case Number: 29164

Tentative Ruling on Petition for Visitation: The matter has been properly noticed, with proof of service of the Notice of Hearing on file. No objections have been raised. **An appearance is necessary on today's calendar to discuss the status of visitation.**

GDN OF IANALEE TAYLOR

Case Number: 29706

Tentative Ruling on Petition for Appointment of Guardian of the Person: The mother has been personally served and objected to the Petition. The father has not been served. A parent must be personally served in order to rule on the Petition. Prob. Code § 1511(b). Otherwise the matter has been properly noticed. The Court has not yet received the Court Investigator's Report.

This matter is continued to **Monday, October 22, 2018, at 1:30 p.m. in Department 12** for further proceedings on the Petition. The Temporary Guardianship is **ORDERED** to remain in effect until the continued hearing date. Petitioner is ordered to file and personally serve a new Notice of Hearing with the continued hearing date on the father. In the alternative, if Petitioner cannot serve the father, the Court will require a declaration explaining why he cannot be served and the efforts of Petitioner to locate and serve him, along with a proper request for the Court to dispense with notice. **Warning: Failure to properly effect service or provide adequate basis to dispense with service as to the necessary parties will result in denial of the Petition. No appearance is necessary on today's calendar.**