

1. GUARDIANSHIP OF EMILY C. PP-20150103**Petition to Terminate Guardianship**

The ward's father petitions to terminate the guardianship. The guardian executed and signed item number 11 to the petition, consenting to the termination and waiving service and notice.

The best interest of the child is the sole criterion for termination of a guardianship. (Guardianship of L.V. (2006) 136 Cal.App.4th 481, 491.) The Third District Court of Appeal stated the following concerning a claim that parental fitness alone is a sufficient ground for termination of a guardianship: "The parents claim that because they are fit parents—i.e., they can provide adequate food, clothing, shelter, and guidance for the minor—they are entitled to have the guardianship terminated and the minor returned to their custody. This is not the statutory standard in California law. As we will explain, it is the best interest of the child that governs whether the trial court should terminate a guardianship." (Id. at pp. 488–489.)

The Third District stated in relation to the 2002 amendment of Probate Code § 1601 concerning the standard for termination of a guardianship: "In short, the Legislature agreed with the holding in Kassandra H. [(1998) 64 Cal.App.4th 1228, 1238] that 'continuity and stability in a child's life most certainly count for something' [citation] ... and found that, in the absence of proof to the contrary, removing a child from what has been a stable, continuous, and successful placement is detrimental to the child. (Fam. Code § 3041, subs. (c), (d).) And in that circumstance, a finding of parental unfitness is not necessary to a finding of detriment to the child. (Fam. Code § 3041, subd. (c).)" (Guardianship of L.V., supra, 136 Cal.App.4th at p. 491.)

On May 5, 2022, the father filed a declaration concerning service of notice on the ward's mother, the maternal grandparents, and any sibling age 12 or older. He states he was able to serve all the parties in question except a sibling, although he does not indicate what date they were served, what documents were served, or how they were served. (Prob. Code §§ 1460(a) and (b)(5), 1510(c), and 1601.) Having read and considered the father's declaration, the court finds that service of notice to the ward's sibling should be dispensed with because the sibling cannot with reasonable diligence be given notice. (Prob. Code § 1511, subd. (g); Cal. Rules of Ct., rule 7.52.)

The court investigator recommends that the petition be granted, subject to a couple recommendations regarding the transition.

TENTATIVE RULING # 1: APPEARANCES ARE REQUIRED AT 1:30 P.M. ON WEDNESDAY, MAY 11, 2022, IN DEPARTMENT EIGHT.

2. GUARDIANSHIP OF LANIAH H. PP-20170094

Annual Status Review Hearing

Letters of Guardianship of the person were issued November 30, 2018. The annual guardianship status report (Judicial Council Form GC-251) concerning the ward was not submitted by the guardian.

TENTATIVE RULING # 2: APPEARANCES ARE REQUIRED AT 1:30 P.M. ON WEDNESDAY, MAY 11, 2022, IN DEPARTMENT EIGHT.

3. GUARDIANSHIP OF LEEYAM S. PP-20200232

Annual Status Review Hearing

Letters of Guardianship of the person were issued March 24, 2021. The annual guardianship status report (Judicial Council Form GC-251) concerning the ward was submitted by the guardians. Having read and considered the report, the court finds that the guardianship shall continue.

TENTATIVE RULING # 3: THE GUARDIANSHIP SHALL CONTINUE. THE COURT SETS THE NEXT ANNUAL STATUS REVIEW HEARING AT 1:30 P.M. ON WEDNESDAY, MAY 10, 2023, IN DEPARTMENT EIGHT.

4. GUARDIANSHIP OF MAVERICK S. & PAISLEY S. 22PR0080

Petition to Appoint Guardian

The maternal aunt of the proposed wards petitions to be appointed guardian of the person.

“Upon hearing of the petition, if it appears necessary or convenient, the court may appoint a guardian of the person or estate of the proposed ward or both.” (Prob. Code § 1514(a).) The court applies a clear and convincing evidence standard of proof to its determination of whether or not it appears necessary or convenient to appoint a guardian, whether or not granting custody to a parent would be detrimental to the child, and whether or not granting custody to the nonparent is required to serve the best interests of the child. (Guardianship of Jenna G. (1998) 63 Cal.App.4th 387, 394.)

Petitioner filed the mandated (1) Child Information Attachment forms for the Probate Guardianship petition (Form GC-210(CA)); (2) Duties of Guardian and Acknowledgment of Receipt form (Form GC-248); (3) Confidential Guardian Screening Form (Form GC-212); (4) Declaration Under UCCJEA (Form FL-105/GC120); and (5) Consent of Proposed Guardian (Form GC-211).

Letters of Temporary Guardianship of the person were issued on March 30, 2022.

Notice

On March 25, 2022, the proposed wards’ mother was personally served with the notice of hearing and a copy of the petition. (Prob. Code § 1511(b).) In a declaration of due diligence filed March 30, 2022, a family friend declared that he made two attempts to personally serve the father at his last known residence and also made an attempt at the father’s current workplace, without success.

There is no proof of service in the court’s file establishing that the proposed wards’ paternal grandfather and maternal grandparents were served by mail with the notice of hearing and a copy of the petition. (Prob. Code § 1511(c).) Petitioner indicates that the full name and address of the paternal grandmother is unknown. Petitioner has not provided any information by declaration from which the court can determine whether or not service of the notice of hearing and a copy of the petition should be dispensed with because the paternal grandmother cannot with reasonable

diligence be given notice, or the giving of notice would be contrary to the interest of justice. (Prob. Code § 1511(g); Cal. Rules of Ct., rule 7.52.)

Reports

To date, there is no DOJ live scan report concerning petitioner in the court's file. A CLETS report was submitted by the court investigator on May 4, 2022.

The court investigator recommends that the petition be granted.

TENTATIVE RULING # 4: APPEARANCES ARE REQUIRED AT 1:30 P.M. ON WEDNESDAY, MAY 11, 2022, IN DEPARTMENT EIGHT.

5. GUARDIANSHIP OF NATHAN I. PP-20200076

Petition to Terminate Guardianship

This matter was continued from March 16, 2022, and April 6, 2022. Petitioners, who are the guardians, failed to appear at the last hearing.

To date, there is still no proof of service in the court's file establishing that the maternal grandmother, paternal grandfather, and siblings (if age 12 or older) were served by mail with notice of the petition. (Prob. Code §§ 1460(a) and (b)(5), 1510(c), and 1601.)

TENTATIVE RULING # 5: APPEARANCES ARE REQUIRED AT 1:30 P.M. ON WEDNESDAY, MAY 11, 2022, IN DEPARTMENT EIGHT.

6. GUARDIANSHIP OF SAVANNAH W. PP-20150165

Petition to Terminate Guardianship

This matter was continued from April 6, 2022.

On April 21, 2022, the paternal grandparents were served with notice by mail.

To date, there are no DOJ live scan or CLETS reports concerning petitioner and her fiancé in the court's file.

The court investigator recommends that the petition be granted, subject to several recommendations.

TENTATIVE RULING # 6: APPEARANCES ARE REQUIRED AT 1:30 P.M. ON WEDNESDAY, MAY 11, 2022, IN DEPARTMENT EIGHT.

7. GUARDIANSHIP OF SHAYNE B. & DOMINIK B. PP-20210144

Hearing Re: Establishment of Guardianship in Oklahoma

On January 12, 2022, the court granted the guardian's petition to fix the wards' residence outside of California. To date, there is no evidence in the court's file that a guardianship in Oklahoma has been established.

TENTATIVE RULING # 7: APPEARANCES ARE REQUIRED AT 1:30 P.M. ON WEDNESDAY, MAY 11, 2022, IN DEPARTMENT EIGHT.