

1. ESTATE OF GARDNER, SP20160020

Status of Administration

This matter has been continued numerous times since February 2018. The administrators have been working with the IRS to resolve some issues. At the hearing on May 10, 2023, counsel informed the court they were still working on a resolution with the IRS and counsel hoped to file receipts of distribution and submit a petition for final discharge within 60 days.

To date, there are no receipts of distribution or Ex Parte Petition for Final Discharge in the court's file.

TENTATIVE RULING # 1: APPEARANCES ARE REQUIRED AT 8:30 A.M., FRIDAY, MARCH 22, 2024, IN DEPARTMENT FOUR.

2. GUARDIANSHIP OF ELIAN O., 23PR0299**Petition to Appoint Guardian**

This matter was continued from January 12 and February 16, 2024.

The former girlfriend of the proposed ward's father petitions to be appointed guardian of the person.

On December 8, 2023, the court appointed petitioner temporary guardian of the person and ordered that notice is dispensed with to the minor's mother. The father previously consented to the appointment of a guardian and waived further notice.

"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, subd. (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 form 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/GC-120); (5) Consent of Proposed Guardian (Form GC-211); and (6) Parental Notification of Indian Status (Form ICWA-020).

The court investigator's report filed December 22, 2023, indicates that the case was forwarded to El Dorado County's Department of Social Services for an investigation and report. To date, said report is still not in the court's file. There is also no DOJ Live scan report concerning petitioner in the court's file.

TENTATIVE RULING # 2: APPEARANCES ARE REQUIRED AT 8:30 A.M., FRIDAY, MARCH 22, 2024, IN DEPARTMENT FOUR.

3. MATTER OF THE JOHN & JENNIE ROSS REVOCABLE FAMILY TRUST, 24PR0060

Petition for Order Confirming Trustee and Trust Assets

TENTATIVE RULING # 3: ABSENT OBJECTION, PETITION GRANTED AS REQUESTED.

4. CONSERVATORSHIP OF NGIMA S., SP20190003**Petition for Transfer Orders**

Pending is the conservator's petition to transfer the conservatorship of the person and the estate to the State of New Hampshire, where the conservatee plans to move on April 1, 2024.

A conservator appointed in California may petition the court to transfer the conservatorship to another state. (Prob. Code, § 2001, subd. (a).) The petitioner shall give notice of a hearing on such a petition to the persons that would be entitled to notice of a hearing on a petition in this state for the appointment of a conservator. (Prob. Code, § 2001, subd. (b).) The court shall hold a hearing on a petition filed pursuant to Probate Code section 2001, subdivision (a). (Prob. Code, § 2001, subd. (c).)

The court shall issue an order provisionally granting a petition to transfer a conservatorship of the *person*, and shall direct the conservator of the person to petition for acceptance of the conservatorship in the other state, if the court is satisfied that the conservatorship will be accepted by the court in the other state and the court finds all of the following: (1) the conservatee is physically present in or is reasonably expected to move permanently to the other state; (2) an objection to the transfer has not been made or, if an objection has been made, the court determines that the transfer would not be contrary to the interests of the conservatee; and (3) plans for care and services for the conservatee in the other state are reasonable and sufficient. (Prob. Code, § 2001, subd. (d)(1)–(3).)

The court shall issue a provisional order granting a petition to transfer a conservatorship of the *estate*, and shall direct the conservator of the estate to petition for acceptance of the conservatorship in the other state, if the court is satisfied that the conservatorship will be accepted by the court of the other state and the court finds all of the following: (1) the conservatee is physically present in or is reasonably expected to move permanently to the other state, or the conservatee has a significant connection to

the other state considering the factors in subdivision (b) of Probate Code section 1991; (2) an objection to the transfer has not been made or, if an objection has been made, the court determines that the transfer would not be contrary to the interests of the conservatee; and (3) adequate arrangements will be made for management of the conservatee's property. (Prob. Code, § 2001, subd. (e)(1)–(3).)

TENTATIVE RULING # 4: APPEARANCES ARE REQUIRED AT 8:30 A.M., FRIDAY, MARCH 22, 2024, IN DEPARTMENT FOUR.