1. GUARDIANSHIP OF DANIEL M., 26PR0260

(A) Petition to Appoint Guardian

(B) Petition for Special Immigrant Juvenile Findings

Petitioner Gustavo Ignacio Magana Mendez ("petitioner") seeks appointment as guardian of the person of his brother, Daniel Magana Mendez (age 20, DOB: 2/24/2006), and requests the court to make Special Immigrant Juvenile ("SIJ") findings under Code of Civil Procedure section 155.[1]

1. Background

The proposed ward is a Mexican citizen and has never been married. He travelled to the United States with petitioner in August 2024.

The petition to appoint guardian alleges the proposed ward's father abandoned him shortly after he was born and has had no contact since. The father is allegedly known to be a drug addict and his whereabouts are unknown. The petition also alleges the proposed ward's mother can no longer care for him or meet his basic needs. The petition for SIJ findings alleges the mother is living in Mexico with a boyfriend and neither of them want to care for the proposed ward or have him living at their home. Without providing any supporting evidence, the petition for SIJ findings alleges the mother has abandoned the proposed ward. The proposed ward allegedly struggles with anxiety and is on the autism spectrum and needs care from another adult; he relies on petitioner for economic, emotional, and mental support.

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[1] The court may make judicial determinations under Code of Civil Procedure section 155 "for a child up to 21 years of age at any point in a proceeding regardless of the division of the superior court or type of proceeding if the prerequisites … are met. A nunc pro tunc entry is permissible and shall not require proof of any clerical or other error, as long as the determinations could have been made as of the nunc pro tunc date." (Code Civ. Proc., § 155, subd. (a)(2).)

2. Petition to Appoint Guardian

On September 16, 2026, the court appointed the court investigator in this matter. The court is in receipt of the investigator's report filed October 28, 2026. (Prob. Code, § 1513, subd. (a).)

The proposed ward's mother signed a written consent to petitioner being appointed guardian of the person and waived notice of hearing of the petition. To date, however, there is no proof of service of the petition upon the proposed ward, his father, or the other relatives identified in the petition (i.e., paternal grandparents). (Prob. Code, § 1511, subd. (b).)

3. Petition for SIJ Findings

Petitioner seeks court findings that (1) reunification of the proposed ward with both parents is not viable under California law because of neglect and abandonment, and (2) it is not in the best interest of the proposed ward to be returned to Mexico where his father's whereabouts are unknown, and his mother is living with a boyfriend, neither of whom want to care for the proposed ward or have him in their home.

A petitioner "must prove the facts supporting SIJ predicate findings by a preponderance of the evidence." (*Guardianship of Saul H.* (2022) 13 Cal.5th 827, 842.) The petitioner's evidence "may consist solely of, but is not limited to, a declaration by the child who is the subject of the petition." (Code Civ. Proc., § 155, subd. (b)(1).) Nevertheless, "filings 'made under penalty of perjury … would appear to have some presumptive validity.' " (*Saul H.*, *supra*, at p. 847.)

As an initial matter, there is no documentary evidence of the proposed ward's age (e.g., valid birth certificate, official government-issued identification). (8 C.F.R. § 204.11, subd. (d)(2).)

With respect to the proposed ward's father, who abandoned the proposed ward shortly after birth and has never provided support, the court would find that reunification is not viable due to abandonment. However, petitioner has not established

by a preponderance of the evidence that the mother has abandoned or neglected the proposed ward. (8 C.F.R. § 204.11, subd. (d)(5)(i).) The petition merely makes conclusory allegations of abandonment and neglect.

TENTATIVE RULING # 1: APPEARANCES ARE REQUIRED AT 8:30 A.M., FRIDAY, OCTOBER 30, 2026, IN DEPARTMENT FOUR.

If an eligible party wishes to appear remotely, instructions for remote appearance can be found on the Court's website at: https://www.eldorado.courts.ca.gov/online-services/remote-appearances.

2. MATTER OF THE ELIJAH B. CLEEK TRUST, 26PR0231

Petition to Modify Trust, Issue Instructions, and Confirm Continuation of Trust

TENTATIVE RULING # 2: ABSENT OBJECTION, PETITION GRANTED AS REQUESTED.

If an eligible party wishes to appear remotely, instructions for remote appearance can be found on the Court's website at: https://www.eldorado.courts.ca.gov/online-services/remote-appearances.