

1. CONSERVATORSHIP OF BRIAN S., PP20120113

Status Hearing Re: Phone Contact and Visits

This matter was continued from October 5, 2022.

**TENTATIVE RULING # 1: APPEARANCES ARE REQUIRED AT 8:30 A.M.,
WEDNESDAY, NOVEMBER 2, 2022, IN DEPARTMENT FOUR.**

2. GUARDIANSHIP OF RYLAN R., 22PR0252**Petition to Appoint Guardian**

The stepfather of the proposed ward petitions to be appointed guardian of the person and estate. This matter is to be heard with the related Family Law matter, *Eshbach v. Ruby*, Case No. SFL20190149.

“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 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/GC120); and (5) Consent of Proposed Guardian (Form GC-211).

Notice

The minor’s mother is recently deceased. There is no proof of service in the court’s file establishing that the father was personally served with the notice of hearing and a copy of the guardianship petition. (Prob. Code, § 1511(b).)

The minor’s maternal grandparents were served by mail with the notice of hearing and a copy of the petition on September 30, 2022. (Prob. Code, § 1511(c).) The Child Information Attachment form indicates that the identities and address(es) of the paternal grandparents are unknown. Petitioner asked the minor’s father to identify the grandparents and provide their mailing address for service, but the father did not respond to the request.

On September 30, 2022, petitioner mailed the notice of hearing and a copy of the petition to the paternal grandparents at the minor's father's residence.

Reports

To date, there is no DOJ Live Scan report concerning petitioner in the court's file.

The court investigator recommends that the petition be denied.

**TENTATIVE RULING # 2: APPEARANCES ARE REQUIRED AT 9:00 A.M.,
WEDNESDAY, NOVEMBER 2, 2022, IN DEPARTMENT FOUR.**