

1. GUARDIANSHIP OF ALEIGHA V. 22PR0013**Petition to Appoint Guardian**

The maternal grandmother of the proposed ward petitions to be appointed guardian of the person. Petitioner was previously the proposed ward's guardian from 2016 to July 2021, when the minor was returned to the care of his parents.

“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); (5) Notice of Child Custody Proceeding for Indian Child (Form ICWA-030); and (6) Consent of Proposed Guardian (Form GC-211).

Notice

On February 7, 2022, the mother was personally served with the notice of hearing and a copy of the guardianship petition. (Prob. Code § 1511(b).) The father signed those portions of Form GC-211 nominating petitioner as guardian, consenting to appointment of a guardian, and waiving further notice of these proceedings.

The proposed ward's paternal grandmother and maternal grandfather were served by mail with the notice of hearing and a copy of the petition on February 7, 2022. (Prob. Code § 1511(c).)

Reports

DOJ live scan reports concerning petitioner and her spouse are not in the court's file.

The court investigator recommends that the petition be granted. The court investigator states that the LMFT and ICWA Representative of the Tuolumne Band of Me-Wuk Indians was notified of

the petition and is conducting a concurrent investigation of this matter. The Tribal Representative indicated to the court investigator that she supports the pending petition.

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

2. GUARDIANSHIP OF DREWRICK B. PP-20180174

(1) Annual Status Review Hearing

(2) Mother’s Petition to Terminate Guardianship

(3) Mother’s Motion for Visitation

This matter was continued from March 23, 2022, due to the guardian’s technical difficulties with appearing via Zoom. At the last hearing, the mother made an oral motion for visitation with the ward. Consideration of her motion was continued to April 6.

At the annual status review hearing on December 1, 2021, it was noted that the guardian had moved to Kansas with the ward about 10 months prior without first obtaining the court’s permission to do so. The court ordered the guardian either to return the ward to California or to immediately commence guardianship proceedings in Kansas.

On January 11, 2022, the ward’s mother filed a petition for termination of guardianship. The matter was initially heard on February 23, 2022. Notice was dispensed with as to the father.

TENTATIVE RULING # 2: APPEARANCES ARE REQUIRED AT 1:30 P.M. ON WEDNESDAY, APRIL 6, 2022, IN DEPARTMENT EIGHT. APPEARANCES VIA ZOOM ARE AUTHORIZED.

3. GUARDIANSHIP OF GABRIEL S. PP-20190217

Annual Status Review Hearing

Letters of Guardianship of the person were issued on January 29, 2020. The annual guardianship status report (Judicial Council Form GC-251) concerning the minor 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, APRIL 5, 2023, IN DEPARTMENT EIGHT.

4. GUARDIANSHIP OF JEREMY J. PP-20200042

Annual Status Review Hearing

Letters of Guardianship of the person were issued on April 8, 2020. The annual guardianship status report (Judicial Council Form GC-251) concerning the minor was submitted by the guardians. Having read and considered the report, the court finds that the guardianship shall continue.

TENTATIVE RULING # 4: THE GUARDIANSHIP SHALL CONTINUE. THE COURT SETS THE NEXT ANNUAL STATUS REVIEW HEARING AT 1:30 P.M. ON WEDNESDAY, APRIL 5, 2023, IN DEPARTMENT EIGHT.

5. GUARDIANSHIP OF LANIAH H. PP-20170094

Annual Status Review Hearing

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

TENTATIVE RULING # 5: APPEARANCES ARE REQUIRED AT 1:30 P.M. ON WEDNESDAY, APRIL 6, 2022, IN DEPARTMENT EIGHT.

6. GUARDIANSHIP OF MERHAWI F. PP-20190215

Annual Status Review Hearing

Letters of Guardianship of the person were issued on March 25, 2020. The annual guardianship status report (Judicial Council Form GC-251) concerning the minor was not submitted by the guardian.

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

7. GUARDIANSHIP OF NATHAN I. PP-20200076

Petition to Terminate Guardianship

This matter was continued from March 16, 2022.

To date, there is 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 the notice of hearing and a copy of the petition. (Prob. Code §§ 1460(a) and (b)(5), 1510(c), and 1601.)

TENTATIVE RULING # 7: APPEARANCES ARE REQUIRED AT 1:30 P.M. ON WEDNESDAY, APRIL 6, 2022, IN DEPARTMENT EIGHT.

8. GUARDIANSHIP OF SAVANNAH W. PP-20150165**Petition to Terminate Guardianship**

On February 24, 2022, the ward's mother filed a petition for termination of guardianship. To date, the guardian has not filed a response to the petition.

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.)

Notice

The proof of service in the court's file declares that on March 18, 2022, the guardian, the ward's father, and the maternal grandfather were served by mail with the notice of hearing and a copy of the petition. (Prob. Code §§ 1460(a) and (b)(5), 1510(c), and 1601.)

The names and address(es) of the paternal grandparents were left blank in the petition. (See Pet., p. 2, item nos. 9(j) and 9(k).) The mother 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 grandparents 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

Prior to determining the merits of the petition, the mother and her fiancé will need to have DOJ live scan reports generated. Additionally, the court will need to issue an order to the court investigator to conduct an investigation.

TENTATIVE RULING # 8: APPEARANCES ARE REQUIRED AT 1:30 P.M. ON WEDNESDAY, APRIL 6, 2022, IN DEPARTMENT EIGHT.

9. GUARDIANSHIP OF STEVIE B. PP-20200029

Annual Status Review Hearing

Letters of Guardianship of the person were issued on April 8, 2020. The annual guardianship status report (Judicial Council Form GC-251) concerning the minor was submitted by the guardians. Having read and considered the report, the court finds that the guardianship shall continue.

TENTATIVE RULING # 9: THE GUARDIANSHIP SHALL CONTINUE. THE COURT SETS THE NEXT ANNUAL STATUS REVIEW HEARING AT 1:30 P.M. ON WEDNESDAY, APRIL 5, 2023, IN DEPARTMENT EIGHT.