

Tentative Rulings

October 5, 2020

Department 12

In furtherance of compliance with the California Department of Public Health and CDC guidelines and recommendations, the Superior Court of California, County of Shasta is continuing to undertake precautionary measures to ensure the health and safety of the courthouse users. Appearances by CourtCall or WebEx are approved by the Court and highly recommended. If attending a hearing in person, the Court requires appropriate social distancing and may limit the number of persons allowed in the courtroom at any given time. Also, use of face masks by Court users is required unless exempt in accordance with the public safety guidelines.

NOTICE TO ALL GUARDIANS AND PETITIONERS: The Court's Self Help Center is available by phone and email to assist Guardians and Petitioners. The Self Help Center does not provide assistance with Guardianships of the Estate. Please see the Court's website for updated information and contact information of the Court's Self Help Center.

Appearances will be by telephone through WebEx unless otherwise specifically ordered by the court. Please carefully review the tentative ruling set forth below in your matter. To appear through WebEx, please follow these instructions:

Call 1-877-873-8017 between 1:20 – 1:30 p.m.

The access code is 862 941 2#

There is no attendee ID number, so just follow verbal instructions for prompt.

Once you have gained access, wait for the court to start the calendar. Please follow these instructions once a calendar is called:

- 1. please mute your telephone until your case is called;**
- 2. please do not place the call on hold;**
- 3. minimize all background noise during your call;**
- 4. please identify yourself, each time, prior to speaking with the court;**
- 5. disconnect when the court has completed your case or cases;**
- 6. the court prohibits the recording of these proceedings.**

JOSE & CARLOS CERVANTES
Case Number: 27153

This matter is on calendar for Further Proceedings regarding Status of Petition to Terminate Guardianship and confirmation of counsel. At the last hearing, the father appeared and voiced that he was objecting to the petition to terminate. He was provided with an objection form to complete and submit. He has not done so. If he does not appear, the Court intends to grant the petition to terminate. **An appearance is necessary on today's calendar to discuss status of the Guardianship and confirm appointment of counsel. The mother is urged to use WebEx for her appearance.**

GDN OF REGINA-MARIE CROY & WILLIAM CROY
Case Number: 28278

This matter is on calendar for a Petition to Terminate the Guardianship filed by the mother, Kia Croy. None of the necessary parties have been served. Petitioner requests that the Court dispense with notice to the Guardians and father. There is insufficient information before the Court to dispense with notice to the necessary parties. The request to not serve the guardians or the father is denied. The Court is also in receipt of an investigative report filed September 24, 2020 which recommends denying the Petition. It appears that the mother has made progress and she is to be commended for that. However, the children have been in guardianship for five years and have developed stability with the guardians. The matter is continued to **Monday, November 16, 2020, at 2:30 p.m. in Department 12.** If the mother wishes to pursue the Petition, she must file proof of service on the Guardians and father for the new hearing date. **No appearance is necessary on today's calendar.**

GDN OF ISAIAH GONZALEZ
Case Number: 30226

This matter is on calendar for annual review. This matter was on calendar on September 28, 2020, at which point the Guardian provided the Court with a status update on the minor, who will turn 18 shortly. The annual review was waived at the last hearing. **No appearance is necessary on today's calendar.**

GDN OF TYMBER HANSEN
Case Number: 24303

This matter is on calendar for annual review. This matter is also calendared for a hearing regarding termination of the Guardianship on November 16, 2020. The annual review is continued to **Monday, November 16, 2020, at 2:30 p.m. in Department 12.** **No appearance is necessary on today's calendar.**

GDN OF DANIKA & PAYTON HARRISON
Case Number: 27325

This matter is on calendar to decide whether to grant a Petition for Termination of Guardianship filed by minor's father, Brandon Harrison. Shelia and Art Trevino are the present Guardians.

This matter has been properly noticed with proof of service on all living parties. The Court has reviewed and considered the Court Investigator's Report filed on July 29, 2020 and agrees with the recommendation to grant the Petition.

The Petition is **GRANTED**. An Order Terminating Guardianship has been submitted and will be executed. Upon execution of the order, the clerk is instructed to close the file and vacate all future dates. The father is to be commended on his efforts to improve his life and the guardians are to be commended for being there when the children needed them most. **No appearance is necessary on today's calendar.**

GDN OF CIAN JUSTINGER & ALDEN GIGAX
Case Number: 30230

This matter is on calendar for Annual Review. The report has not been submitted. **The Guardian is ORDERED to appear at today's hearing and submit the Annual Status Report at the time of the hearing. Failure to do so may result in the issuance of an Order to Show Cause why Monetary Sanctions in the amount of \$250.00 should not be ordered for violating the Court's order to appear and to file the report.**

GDN OF ZARYN KYLE
Case Number: 28310

This matter is on calendar for Annual Review. The report has not been submitted. **The Guardian is ORDERED to appear at today's hearing and submit the Annual Status Report at the time of the hearing. Failure to do so may result in the issuance of an Order to Show Cause why Monetary Sanctions in the amount of \$250.00 should not be ordered for violating the Court's order to appear and to file the report.**

GDN OF KAELYN McBEE
Case Number: 30244

This matter is on calendar for Annual Review. The report has been submitted and has been approved by the court. The guardians have been notified that their appearance is not necessary. The court will set the matter for another annual review. **No appearance is necessary on today's calendar.**

GDN OF KAYTEE OCHOA
Case Number: 29330

This matter is on calendar for Annual Review. The report was due to be submitted by September 14, 2020. According to the Guardian, she submitted her report on Friday, October 2, 2020. The Court has not yet had time to process the report and therefore will continue the matter to October 26 at 1:30 p.m. in Department 12. **No appearance is necessary on today's calendar.**

GDN OF WILLIAM & ALYNAH SMITH
Case Number: 30694

This matter is on calendar to decide whether to grant a Petition for Appointment of Guardian of the Person of minors, William and Alynah Smith. The Petition was filed by the minor's aunt (Shana Thorton). Letters of Temporary Guardianship issued on September 11, 2020. The Temporary Guardianship's powers are set to expire today unless further extended.

The proof of service provided is blank. Insufficient information has been provided to permit the Court to dispense with notice to these parties. The parents must be personally served in order to move forward on the Petition. Prob. Code § 1511(b). All other parties may be served by mail. Prob. Code § 1511(a). The Court has reviewed the Court Investigator's report, September 29, 2020 which recommends granting the Petition.

This matter is continued to **Monday, November 9, at 1:30 p.m. in Department 12** for further proceedings on the Petition. The Temporary Guardianship is **ORDERED** to remain in effect until the continued hearing date. Petitioner is ordered to file and serve a new Notice of Hearing with the continued hearing date on the parties identified above. In the alternative, if Petitioner cannot serve the parties identified above, the Court will require a declaration explaining why they cannot be served and the efforts of Petitioner to locate and serve the parties identified, in order to permit the Court to dispense with notice to the parties. **Warning: Failure to properly effect service or provide adequate basis to dispense with service as to the necessary parties will result in denial of the Petition. No appearance is necessary on today's calendar.**

GDN OF KINGSLEY WILSON
Case Number: 29234

This matter is on calendar for further proceedings on an Order to Show Cause and Annual review. At the previous hearing on August 31, 2020, the Court imposed a \$250.00 fine for failure to complete and submit a Status Report. The annual Confidential Guardianship Status Report still has not been submitted. **The Guardian is ORDERED to appear at today's hearing and submit the Annual Status Report at the time of the hearing. Failure to do so may result in the termination of the Guardianship.**

**GDN OF TREVOR YEARGAN, ELIZABETH, HANNAH,
BENJAMIN, TUCKER ABIGAIL & JULIA FORBES**
Case Number: 30483

This matter is on calendar for an ex-parte application for an order to terminate visitation with the Guardian. The application was filed by the parents, Jessica Forbes and Andrew Forbes. They are seeking an emergency order to stop visitation with the grandfather/guardian, Daniel Siebert. The parties were last in court on September 14, 2020 and no concern was raised by the parents at that time. **An appearance is necessary on today's calendar to discuss the parents request to stop visitation and the status of the Guardianship. The parents are to give notice to the guardian and minor's counsel, otherwise the Court intends to deny the request.**

GDN OF DESTINY YOUNG
Case Number: 26202

This matter is on calendar for Annual Review. The report was due to be submitted by September 21, 2020. The report has not been submitted. **The Guardian is ORDERED to appear at today's hearing and submit the Annual Status Report at the time of the hearing. Failure to do so may result in the issuance of an Order to Show Cause why Monetary Sanctions in the amount of \$250.00 should not be ordered for violating the Court's order to appear and to file the report.**