

# **Ensuring Family Connection:** A Guide to Representing Parents in Probate Guardianships

This manual serves as a step-by-step guide for practitioners on how to represent parents in probate guardianship proceedings in the probate division of the California Superior Court, with a focus on Los Angeles County. Please note that court procedures and practices vary greatly between jurisdictions and judicial officers, and they often change. Here, we include information specific to current procedures before the Los Angeles County Superior Court.

You will need to check the local rules at the court where the guardianship proceeding has been filed for information specific to your case. You may also want to consult with an experienced practitioner in your jurisdiction.

While this publication is designed to provide accurate and current information about the law, readers should contact an attorney or other expert for advice in particular cases, and should also consult the relevant statutes and court decisions when relying on cited material, as the laws might change. The content of this manual may be reprinted. However, Public Counsel must authorize any adaptations or translations of the contents of this manual.

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**FAMILY FOUNDATION**

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# Overview

California law allows for non-parents to petition the probate court for custody of a minor child when the child's parents are unable or unwilling to care for the child. If a petition for probate legal guardianship is granted, the parents right to custody of the child is suspended, although not terminated, while the guardianship is in place. Probate guardianships are an important tool to provide for the care of children in situations where a parent has passed away, is currently incarcerated, or is unable to care for their child for some other reason. Unfortunately, probate guardianships can be abused and result in unnecessary parent/child separations. It is important to note that probate legal guardianships are distinct from dependency actions. In a dependency/foster care case, the local child protective services government agency has investigated a parent, filed a petition against the parent under Welfare and Institutions Code Section 300 alleging that the parent has abused or neglected their child, and possibly removed the child from the parent's care. In probate proceedings, the government has not taken formal action and instead a private citizen is alleging the parent is unable to care for their child.

The distinction between probate and dependency is important because the proceedings have different goals. In dependency, the goal is to make reasonable efforts to address the reason the child was removed from the parent and to help the family reunify. In dependency, parents and children have appointed counsel, a plan of services is created to facilitate reunification, and there are specific timelines on when the court and all parties must act. In probate, the goal of the proceeding is to make a custody order that is in the child's best interest and the court may not order reunification services. Also, although the court may appoint counsel for the child, the parent must retain counsel independently at their own expense. This results in indigent parents losing the right to care for their children because they do not have access to counsel or the ability to put on a case to show that it is in their child's best interest to remain in their custody.

This primer provides a roadmap for attorneys representing biological parents seeking to oppose and terminate guardianships, listing the essential steps from pre-filing preparations to post-filing hearings. It aims to give attorneys information and guidance so that they can assist parents at all stages of a probate guardianship proceeding - from before the initial filing to termination of an already ordered guardianship. Navigating the opposition and termination of guardianship in a California Superior Court Probate Division involves a blend of legal procedure, detailed preparation, and the strategic redevelopment of the parent-child relationship.

# Informal Caregiving

Families seek to establish a legal guardianship for many reasons, including some where a legal guardianship may not be necessary. These situations include when a caregiver is caring for a child temporarily and a parent's plan is to reunite with their child. Sometimes these situations arise because a parent is facing homelessness, domestic violence, or has been incarcerated or deported. Frequently, parents are advised, sometimes by county agencies, to give "temporary guardianship" to a relative while they address these issues without an explanation that one cannot request just a temporary guardianship as a stand-alone case.



**In California, it is not necessary for someone to “have custody” of a child.** If a parent is not available, a child can informally live with a non-parent for extended periods of time if the parent agrees and that person is able to make basic decisions about a child's care. A Caregiver's Authorization Affidavit (CAA) gives a relative caregiver that ability and families who are considering guardianship may want to consider whether a CAA would meet their goals.

## A. Caregiver's Authorization Affidavit:

A Caregiver's Authorization Affidavit (CAA) is a state form that allows a relative caregiver to attest that they are residing with and caring for the child in question and allows the caregiver to enroll the child in school and access routine health care for the child. (Part 1.5 (commencing with Section 6550) of Division 11 of the California Family Code.)

CAAs allow most relative caregivers to make some educational decisions, make the same medical decisions that a legal guardian may make, and apply for public benefits. CAAs do not need to be notarized, signed by a parent, or stamped by the court. Although CAAs can be used to enroll a child in elementary school beginning with Kindergarten, CAAs do not allow caregivers to enroll the child in daycare or preschool. (Note - the code section creating CAAs was enacted before TK existed so do not explicitly allow for the enrollment in TK. Therefore, it is not clear whether school districts will allow CAAs to be used to enroll a student in TK.) CAAs likely do not allow the caregiver the ability to make decisions regarding the Regional Center, or special education and related services. CAAs also do not allow caregivers to obtain a passport or other vital documents, do not necessarily allow for international travel, and do not give a caregiver legal custody. Finally, CAAs cannot be used by caregivers who do not fit the legal definition of relatives, such as second cousins, godparents, or family friends.

To address the limitations of CAAs, some parents may want to sign specific authorizations under Family Code Section 6910 (for specific medical decision-making) and under Government Code Section 7570.5(n) (for educational decision-making authority for a child with special needs). These authorizations must be signed in advance by a parent and list the specific decisions that a parent authorizations a caregiver to make, but have the advantage of providing authority for non-relatives to make decisions and for relatives to make decisions related to education beyond what the CAA allows. Some families may request a Power of Attorney (POA) because they believe that this will give them temporary guardianship or custody, or because they are unfamiliar with CAAs and specific authorizations. These forms are sometimes called "short term guardianship power of attorney" or a "minor power of attorney." However, they generally do not convey any additional powers. Families are often misled by notarios and others engaged in the unauthorized practice of law to believe that a POA is required and has the effect of transferring custody from a parent to a non-parent, which is not correct.

In California, custody of a child can only be transferred through the court system. Families should not be paying for these documents - a simple caregiver's affidavit is all most folks need for informal, temporary care. Further, these forms often include nominations and consents to guardianships, which parents may sign without understanding the legal significance.

## B. When A Parent Wants Their Child Returned Before Guardianship Has Been Granted:

Before a legal guardianship is granted, the parent retains their right to care, custody, and control of their child. As such, a parent may request that the caregiver immediately return their child to them, absent court orders preventing this. A parent may want to start by expressing orally, or via text message, an intent to pick up their child, or may want to appear in person to make the request. It is important that the parent is as forceful as is prudent in making and following through with their request because such requests often lead to the filing of a request for temporary guardianship. A parent's consistent, documented attempts to request the return of their child will be critical evidence in a future guardianship proceeding.

If the caregiver will not engage with the parent and the parent is not able to pick up the child because the caregiver refuses to make the child available or refuses to respond to the parent, the parent should seriously consider getting the police involved as soon as possible to obtain assistance in retrieving their child. Even if a guardianship case has been filed, the parent should consider picking up their child as soon as possible if orders granting temporary guardianship have not yet been issued. They can do this by calling the police or going to the caregiver's home with the child's birth certificate and/or a court order showing they have custody of the child. However, a court order granting the parent custody is not required, as long as there is not a current and valid court order restricting the parent's custody.

In Los Angeles County, this process may involve all or most of the following steps:

1. Obtaining a certified copy of the child's birth certificate, showing that the parent is the child's legal parent;
2. Obtaining certified copies of any court orders showing that the parent has custody of the child, if such orders exist;
3. Parent tells the caregiver that they are going to pick up the child;
4. Parent goes to their local police department and/or calls the Los Angeles Police Department Civil Standby Line (non-emergency) at 1-877-275-5273 to request assistance with taking their child back into their custody.
  - a. The parent should know that it may take several hours for police to assist them, so having a calm support person and a fully charged phone would be ideal.

It is vital for the parent to try and take the child back into their custody as soon as they are able to do so. If a temporary guardianship has been granted, the parent cannot legally pick up the child. Once a request for temporary guardianship is made and granted, a parent may have to wait for many months to re-establish any contact with their child.

# Guardianship

Guardianship transfers legal and physical custody from a parent to a non-parent so that the non-parent can make almost all of the same decisions that a parent can. Unlike joint custody arrangements between two parents, a parent cannot share custody of a child with a guardian, except for cases where the parent is terminally ill and a doctor has stated that the parent has less than 6 months to live.

Under Probate Code section 2351 (a), the guardian has the care, custody, control, and charge of the education of the minor. This means that the guardian is empowered to make the everyday decisions concerning the minor's living arrangements, education, safety, and medical needs with some exceptions). The guardian may decide where the child will attend school and may request special educational services on behalf of the child. The relationship between the guardian and the minor is fiduciary and is subject to the law of trusts. Prob. Code, § 2101. Through special orders, the court may expand or limit the powers and duties granted.

Under Family Code section 3900, ultimate legal responsibility for the financial support of the minor remains with the parents after guardianship is granted. The guardian is not personally responsible for the financial support of the minor, and a parent may be ordered to pay child support for a child who is under the care of a guardian. The guardian may also seek public assistance for the child without regard to their own financial situation.

## A. Temporary Guardianship

In California, a caregiver cannot request a standalone temporary guardianship. A temporary guardianship may only be requested if the caregiver has also requested permanent guardianship. This is a common myth and parents and caregivers alike are often advised to seek only a “temporary guardianship” that will end at a specified date or when a parent has remedied a certain issue. This is not possible under California law. Instead, a temporary guardianship is more akin to an emergency guardianship, issued when a caregiver needs legal guardianship immediately and cannot wait until the hearing on the permanent guardianship. The temporary guardianship is granted, theoretically, on an “emergency” basis, where the interests of the minor must be protected immediately and cannot wait until the permanent guardianship becomes effective.

Temporary guardianship may be granted when "good cause" is shown. Prob. Code, §2250(b). Examples of good cause include an immediate need for emergency medical treatment and immediate safety or educational needs. In theory, the court will only grant a temporary Prepared by Public Counsel 5guardianship if immediate and substantial harm to the child is demonstrated. However, this varies greatly between judicial officers. If issued, the temporary guardianship will be in effect pending the final determination of a regular petition for guardianship, unless specifically terminated by the court. Although a temporary petition may be filed any time between the filing of a regular petition for guardianship and the hearing on that petition, in most cases the request for temporary guardianship is filed concurrently with the regular petition.

## Notice: Temporary Guardianship

Notice of the hearing on the petition for temporary guardianship must be personally delivered to the minor's parents, to the minor, (if 12 or older), and to any person having a valid visitation order at least five days before the hearing on the appointment of temporary guardian. Prob. Code, § 2250(e)(1). If personal notice cannot be completed within that time period, the petitioner may request a good cause exception to notice. Cal. Rules of Court 7.1012. In practice, it is common for potential guardians to inform the court that they do not know how to contact the child's parent, even if they and the child's parent have been in touch very recently. It varies greatly between judicial officers whether this is sufficient to form the basis for a good cause exception to notice. It is vital for parents, if they have notice of the hearing on the temporary guardianship, to appear and state their objection. It is also important that parents take immediate action if they are informed that a temporary guardianship has been granted in their absence, especially if they have been in regular contact with the caregiver.

## Objecting to Temporary Guardianship

If the parent receives notice of the hearing on the temporary guardianship and they want their child returned to them, they must attend the hearing to state their objection on the record. Ideally, the parent would also file a written objection to both the temporary and permanent guardianship; however, this is not required. The filing of an objection will be discussed in detail below. At the hearing on the temporary guardianship, the parent should be prepared to explain why the guardianship is not necessary and why it is in the child's best interest to remain in or return to their care. The parent should be ready to address any allegations made against the parent in the caregiver's petition. If the child is already back in the parent's care, the parent should explain that to the court. If there are any family court orders showing that the parent has custody, the parent should explain that as well. If the parent has been attempting to take the child back, but the guardian is refusing, the parent should explain those efforts. If the parent is able to prevent the issuance of the temporary guardian, they will have a much stronger stance for the remainder of the guardianship case.

## Hearing on Temporary Guardianship

In most counties, the proposed temporary guardian and minor must attend the temporary guardianship hearing to impress upon the court the need for the temporary order. In Los Angeles County, the temporary hearings are usually held at 10:30am and are run in a similar manner as the hearing on the permanent petition. These are relatively informal proceedings, Prepared by Public Counsel lasting usually less than 20 minutes, where the Court takes oral testimony of parties who have appeared and makes its decision on the record. In many cases, but not always, the temporary guardianship will be in effect until the date of the regular guardianship hearing. In many cases, the parent does not find out about the temporary guardianship until after it has been issued. If the parent did not receive notice of the temporary guardianship despite the guardian having the parent's contact information, the parent should consider filing an **Ex Parte Request to Vacate the Temporary Guardianship for Lack of Notice**. Samples of these pleadings are available in the appendix. If the parent does not prevail at the hearing on the temporary guardianship, or is not successful in vacating the temporary guardianship if it was issued in their absence, then the parent should prepare for a lengthy separation from their child and multiple court hearings in the guardianship case.

## B. Objecting to Petition for Guardianship

If a parent does not agree with a guardianship, they must file a formal written objection to the Petition for Guardianship before it is granted. It is not enough to simply state in court that the parent does not agree. We recommend filing the objection before the first hearing on the Petition. Parents can object to a guardianship for several reasons, including:

- The parent is fit and able to care for the child.
- The guardianship is not in the child's best interest.
- The petitioner is not suitable to be the guardian.
- The circumstances that led to the guardianship petition have changed.
- The allegations made against the parent by the caregiver are not accurate.

### 1. Legal Standard


It is important to keep in mind that the decision regarding whether to grant a Petition for Guardianship is governed by California Family Code section 3041, which reads in relevant part:

- (a) Before making an order granting custody to a person other than a parent, over the objection of a parent, the court shall make a finding that granting custody to a parent would be detrimental to the child and that granting custody to the nonparent is required to serve the best interest of the child. Allegations that parental custody would be detrimental to the child, other than a statement of that ultimate fact, shall not appear in the pleadings. The court may, in its discretion, exclude the public from the hearing on this issue.
- (b) Subject to subdivision (d), a finding that parental custody would be detrimental to the child shall be supported by clear and convincing evidence.
- (c) As used in this section, "detriment to the child" includes the harm of removal from a stable placement of a child with a person who has assumed, on a day-to-day basis, the role of the child's parent, fulfilling both the child's physical needs and the child's psychological needs for care and affection, and who has assumed that role for a substantial period of time. A finding of detriment does not require a finding of unfitness of the parents.
- (d) Notwithstanding subdivision (b), if the court finds by a preponderance of the evidence that the person to whom custody may be given is a person described in subdivision (c), this finding shall constitute a finding that the custody is in the best interest of the child and that parental custody would be detrimental to the child absent a showing by a preponderance of the evidence to the contrary.

Although California has a preference for parental custody (see Family Code Section 975), in the context of probate guardianships, that preference may be easily defeated if the proposed guardian can show that they are a person described in subdivision(c) above - a "de facto parent" who has assumed day-to-day care of the child. Given this, time is your enemy when you are representing parents in probate court. The longer a child is being cared for by the proposed guardian, the more likely it becomes that the proposed guardian can establish themselves as a de facto parent.

## 2. Obtain and Complete Court Forms

To formally object to a Petition for Guardianship, parents must complete and file the following forms:

- **GC-215 (Objection to Petition for Guardianship)** – If responding to an initial guardianship request.
  - For attorneys representing parents in objecting to probate guardianships, we strongly suggest also filing:
    - **Declaration of Parent with exhibits**
    - **Memorandum of Points and Authorities**
  - Additional forms may be required depending on the case, including:
    - **FW-001 - Request to Waive Court Fees**
    - **FW-003 - Order on Court Fee Waiver**
- 

## 3. File the Forms

- File the above forms, completed and signed by the parent, in the already existing guardianship case and under that case number.
- Pay any necessary filing fees if a fee waiver was not requested.



## 4. Serve the Documents

- Mail a copy of the Objection to the petitioner and other interested parties, including the other parent. If a Declaration and/or a Memorandum of Points and Authorities was filed, these should be mailed with the Objection. The fee waiver does not need to be served.
- Complete, sign, and file a Proof of Service by Mail (**FL-335**).

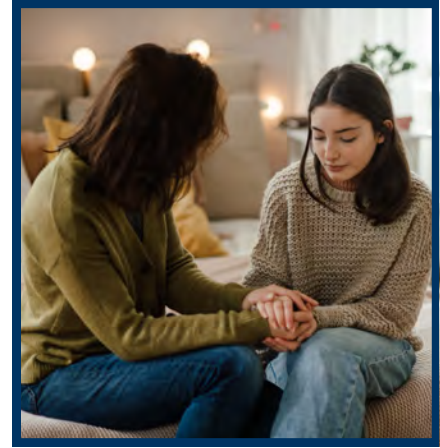
## C. Probate Investigation

Before a permanent probate guardianship can be granted, a probate investigation must occur. If the person asking for guardianship is a relative, the investigation will be conducted by a court social worker. If the person who is asking for the guardianship is a non-relative, the case will be referred to the Los Angeles County Department of Child and Family Services (DCFS) and DCFS will conduct the investigation. These investigations typically occur two to three weeks before the hearing on the permanent guardianship. The primary goal of this investigation is to assess the suitability of the proposed guardian, ensuring that the child's best interests are safeguarded. If your client is a parent objecting to the guardianship, it is important that your client is included in the investigation.

Even when a parent has filed an objection, it is common for the probate investigator to only speak to the proposed guardian. This is because the investigator typically relies on the proposed guardian's petition to obtain contact information for the parent and the petition for guardianship may contain inaccurate or no contact information for the parent. As parent's counsel, it is important to contact the probate investigator to ensure they have your client's contact information and will be reaching out to your client to schedule a time to speak. You may need to show the probate investigator a copy of the Objection or your Substitution of Attorney so that they can enter the correct contact information into their system. Although the probate investigator generally does not speak to attorneys as part of their investigation, you can assist your client in preparing for the investigation.

The probate investigator typically follows the following steps:

- **Interviews:** Key individuals including the biological parent(s), the guardian, and the child (if of speaking age) will be interviewed to gather insights into the family dynamics, the child's needs, and the parent's capabilities. These interviews are generally done in person at the court. The investigator may also contact collateral witnesses, such as visit monitors, if there is time.
- **Document Review:** The investigator may review relevant documents about the child, such as school, IEP, and medical records, to understand their educational and healthcare needs.
- **Background Checks:** A comprehensive background check will be conducted on the proposed guardian, the biological parent, and all adults living in the proposed home, including romantic partners who may occasionally cohabit, to identify any history of DCFS involvement or criminal records.
- **Assessment of Child's Needs:** The investigation will consider factors such as the child's schooling, family situation, healthcare needs, and, if applicable, the child's own perspective on the guardianship.



To ensure a favorable outcome from the probate investigation, it's important that the biological parent prepare adequately:

- **Documentation and Records:** Having organized records about the child's schooling and health care can be beneficial for the review process, showcasing responsibility and involvement in the child's well-being.
- **Openness and Honesty:** During interviews, it's crucial for the biological parent and other household members to be polite, honest, and cooperative with the investigator, providing clear and consistent information about their lifestyle, home environment, and relationship with the child

The culmination of the probate investigation is a report presented to the judge, summarizing findings and offering recommendations. This report may include:

- **Assessment of Guardianship Need:** A conclusion on whether the existing guardianship is still necessary or if the child can be safely returned to the care of their parent.
- **Concerns and Recommendations:** Any concerns raised during the investigation will be detailed, along with suggestions for steps that might include further evaluations, referrals to social services, or emergency interventions if deemed necessary.
- **Visitation Recommendations:** If continuing with the guardianship is recommended, the investigator may suggest conditions under which the biological parent could be allowed visitation.

Generally, the report is available the day before the hearing. If you are an attorney representing a parent in their case and have substituted in, you should be able to access the report in the Attorney Portal on the court's website. Unrepresented parties generally cannot access the report unless they request it in person. It is very important to review the report prior to the hearing since it will be an important factor in the court's decision. Although probate investigators can be asked to testify at trial, they will not appear at the initial hearing where the report is first considered.

## D. Gathering Evidence



It can be very helpful to gather evidence to use in preparing your case strategy and to introduce at court. Examples of evidence that can be useful are:

- Communications between parent and caregiver;
- Bank statements showing how much, if any support, parent was providing to caregiver;
- Proof of parental fitness (employment records, housing stability, character references, etc.);
- Documents showing the child's well-being and relationship with the parent;
- Concrete details from visits between Parent and Child;
- Witness statements from teachers, doctors, or counselors.

Many cases begin due to allegations that a parent was investigated by DCFS and DCFS is requiring the guardianship to avoid placement into foster care. For this reason, it may be helpful to request the DCFS investigative records, which the parent is entitled to under Welfare and Institutions Code Section 827. To do this, you would prepare and submit a **Declaration in Support of Access** to County Counsel requesting the records. See appendix for an example - request for the child's records on behalf of the parent. Note: DCFS records are confidential and cannot be directly used in the probate proceeding. However, they can help you determine whether you would want to subpoena the DCFS social worker at trial and can point you toward other evidence to gather.

If your client tells you that they are currently collecting public benefits for a child not in their physical care, it is important that the client let the agency dispensing the benefits know so that benefits can be terminated if appropriate.

## E. Probate Notes

About a week before every hearing, you should check to see if there are any “probate notes.” Probate notes are notes compiled by attorneys who work for the probate court regarding procedural issues that must be addressed before the Court can rule on the merits of the case. You can find the probate notes by going to the Probate Notes section of the court’s website. In Los Angeles County, this is [lacourt.ca.gov/pages/lp/probate/cp/probate-notes](http://lacourt.ca.gov/pages/lp/probate/cp/probate-notes). This page includes an explanation of the notes, common abbreviations, and instructions on how to clear (i.e. address) the notes. To access the notes for your specific case, you will need to have the case number.

## F. Hearings

### 1. The Initial Hearing

At the initial hearing, the Court will ask the parties to make appearances. The client should attend the Court hearing, and you should make note of their attendance in stating your appearance. The Court typically will then note whether there are any outstanding probate notes. If there are, the Court should allow you to address the notes and then dispense with them, or ask a party to address the notes by a deadline, such as the next hearing. If a probate investigator’s report has not been filed, the Court will typically suggest continuing the hearing until one is ready. If the report has been filed, the Court typically will say that they have reviewed the probate investigator’s report and the parties filings and ask all parties to supplement their respective positions by making arguments on the record, if desired.

If all parties agree as to an outcome, the Court may grant or deny the Petition for Guardianship, or may continue the matter so that parties can address any remaining questions or concerns the Court has. More frequently, the parties do not agree and the Court will either continue the matter out to see if the parties can reach an agreement, or set the matter for trial. At this time, the Court may also appoint Minor’s Counsel and/or order a supplemental probate investigation to address specific issues identified by the Court.

At this initial hearing, the Court may order a visitation schedule (or order the parties to meet and confer regarding the same). The Court will consider any argument parties may have on the visitation schedule and when the next hearing should occur. If the parties do not agree, which is

common, the Court will issue a visit order after hearing from all parties. The Court may order that visits initially be supervised, but it is important to argue against the proposed guardians supervising the visits since this will make what is likely a contentious situation worse. There are paid private monitors available, but these often cost at least \$75 an hour, so it is a good idea to come to the hearing with some suggestions for non-professional monitors, like neutral family members, if you believe that a supervised visit order is likely.

Advise your client that it is not appropriate to respond to statements made by other parties, including the guardian. Instead, they should leave room for counsel to respond or wait for the judge to direct a question to them. Even though the merits of the petition are deeply personal and emotional, the biological parent must understand that the judge will expect them to behave in a professional, emotionally regulated manner, and failure to do so may prejudice their objective for that particular hearing or, worse, altogether undermine their credibility.

## 2. Subsequent Hearings

The court often schedules additional hearings post-initial hearing to monitor the progress of the visits and if the matter will need to be set for trial.

### *Filings at Subsequent Hearings:*

- **Minor's Counsel Report:** If there is minor's counsel, they will submit a report prior to the next hearing containing their recommendation and a summary of the investigative work and discovery they have conducted. It is strategic to cooperate with minor's counsel's discovery requests, even if informal, as they will note any resistance in their report.
- **Biological Parent Evidence:**
  - Attorneys should consider the strategic use of filings to present updated evidence of the biological parent's continued progress and the strengthening bond with the child.
  - Generally, this updated evidence should be filed as a Supplemental Declaration with exhibits attached to it. A Supplemental Declaration is not a standardized court form but rather a document prepared on legal paper with a case caption that succinctly informs the court of additional evidence being submitted for consideration.
  - Exhibits may include updated declarations from visitation monitors documenting recent visits, letters from therapists or counselors attesting to the ongoing therapeutic progress between the parent and child, and any other relevant evidence showcasing the parent's readiness and ability to assume a more significant role in the child's life.

As each hearing approaches, come prepared with ongoing narratives regarding how visits are going (i.e., the client's engagement in visitation, improvements in the parent-child bond, etc.) and the client's capacity to care for the minor (i.e., engagement in services, improvements in independence, and readiness for the responsibilities of parenthood).

### 3. Presenting the Case

At all hearings, it is important to focus your argument on why guardianship is not necessary and not in the child's best interest. To do this, you will want to:

- Show evidence of stability and parental involvement.
- Address concerns raised by the petitioner.
- Request visitation orders if none are present. Regular visitation is a crucial piece of evidence and some judges and minor's counsel are amenable to increasing visitation pending trial.
- Specifically request a trial on the Petition for Guardianship and request a trial setting conference so that the case does not linger.

### G. Minor's Counsel

Often, the Court will appoint a lawyer for the child in contested guardianship cases. Lawyers for children in these cases are called Minor's Counsel and are selected from a panel of attorneys who have completed a basic training and applied to be on the panel. The role of minor's counsel in probate court proceedings is to investigate, present evidence, and advocate for what they believe is in the child's best interest.

Because minor's counsel plays such a large role in probate guardianship cases, it is important to work well with them. Most minor's counsel will ask clients to complete an intake form and ask you, as the client's attorney, to sign a waiver that allows them to speak directly with the client outside of your presence. It is common for attorneys to sign these forms, but also important that it be done after careful consideration and discussion with the client. If you do not sign the waiver, you will need to be present when minor's counsel interviews your client - something that may be critical in some cases and less necessary in others.

Minor's counsel will also make recommendations to the court regarding what decision is in the child's best interest. For this reason, it is important to understand any concerns minor's counsel may have about your client and to address them if possible.

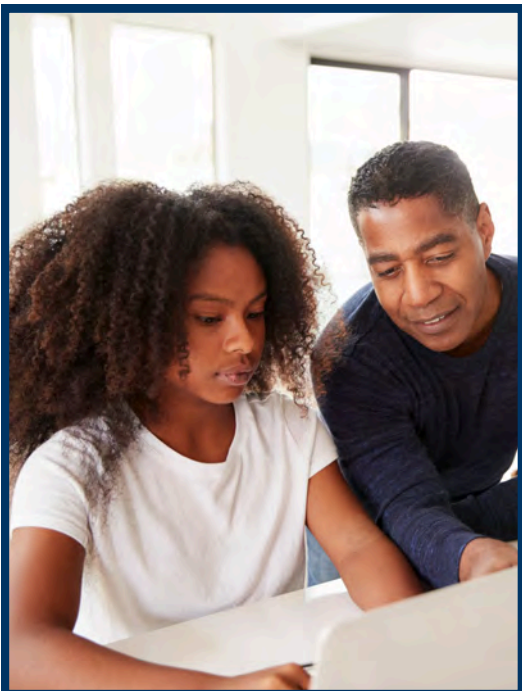
## H. Trial

If the parties cannot agree as to whether the guardianship should be granted, the matter should be set for trial. Unlike many other legal cases, it can be hard to settle a guardianship matter because there is not a clear middle ground - either the guardianship is granted and a parent's rights suspended or the guardianship is not granted, leaving parental rights intact, but the guardian without a formal legal relationship with the child that they sought. Guardianships cannot have an agreed upon end time that is stipulated by the parties so parents should be wary of any settlement that states that the guardianship will terminate if a parent takes or completes a certain action; these are not legally enforceable.

Because most litigants in probate guardianship matters are unrepresented, trials are rare. However, a trial may be the only way in many cases for a parent to regain physical custody of their child. If you are preparing for trial, you will want to prepare:

- A trial brief outlining the law and all of your legal and factual arguments;
- A witness list listing all of the witnesses you intend to call; and
- A exhibit list with all of your exhibits attached.

Trials are generally held at 1:30pm and often span across several afternoons spread out over several weeks. At the conclusion of the trial, you will have an opportunity to make a closing statement. It is also generally a good idea to ask for a specific statement of decision.



# Petition for Visitation

If a guardianship has already been issued, but a parent is being prevented from seeing their child regularly, you may want to file a Petition for Visitation. A Petition for Visitation is not a standardized court form but rather a document prepared on legal paper with a case caption that requests a hearing for the Court to consider whether making a set visit order is in the child's best interest.

To file a Petition for Visitation, parents must complete and file the following documents:

- **Petition for Visitation** – this document should lay out the parent's specific request as well as the reasons why this request is in the child's best interest.
- Additional forms may be required depending on the case, including:
  - **FW-001 - Request to Waive Court Fees**
  - **FW-003 - Order on Court Fee Waiver**

These pleadings should then signed by the parent and filed in the already existing guardianship case and under that case number. The pleadings should then be personally served on the guardian and a Proof of Personal Service (FL-330) should be completed.

In determining what type and schedule of visits to request, consider requesting the greatest frequency of visitation that is realistic, considering the client's schedule as well as what the client knows about the child and guardian's schedule. It is important that the client does not overcommit, as canceled visits may prejudice their efforts. Also consider whether your client would like to communicate regularly with the minor between visits, and whether the client can commit to calls or FaceTimes of a regular frequency (i.e., nightly at 7 p.m.).

If the child has expressed that they don't want to see the biological parent, it may be best to ask for conjoint therapy instead of visitation. If it's anticipated that a visitation monitor will be necessary, be prepared to suggest potential monitors. It may be strategic to advocate for using a non-professional monitor, if necessary to reduce expenses. In this case, you should discuss with your client and possibly the guardian in advance who may be suitable, to avoid having the guardian claim potential bias by the proposed monitor at the hearing.

At the hearing, you should request a return date for a status conference to discuss how visits have been going and whether they can be expanded. Be prepared to advocate for how much time you believe is ideal between hearings. For example, if the Court is expected to order monitored visits but you have not yet found a visitation monitor, you may want to ensure enough time between hearings to account for an anticipated delay for beginning the visitation.

# Termination of Guardianship

In California, guardianship termination follows legal standards delineated in California's Probate Code. Specifically, a guardianship concludes by operation of law upon the minor's death, adoption, marriage, enlistment in the armed forces, emancipation, or when the minor turns 18. Prob. Code § 1600. A petition for termination can be initiated by the guardian, a parent, or the ward themselves (if over 12 years old), contingent on the determination that the guardianship is no longer in the minor's best interest or is unnecessary. Prob. Code § 1601. The court's decision to terminate a guardianship is exclusively based on the minor's best interest, a standard also supported by case law. *Guardianship of L.V.*, 136 Cal. App. 4th 481, 489. The Petitioner in a termination case, often the parent, has the burden of proving that the termination is in the child's best interest.

If successful in terminating the guardianship, the parents regain custody over the minor. Should the parent desire primary custody over the other parent, a subsequent family law action will be necessary.

## A. Pre-filing Preparations and Strategy

Before initiating any legal proceedings to terminate a guardianship, laying the groundwork is crucial for readying the case for a successful petition to terminate guardianship. This includes:

- **Engagement with the Guardian:** A parent should begin by initiating contact with the guardian, expressing the parent's intentions to become more involved in the child's life. This might involve the assistance of internal social workers or certified professional visitation monitors to facilitate communication and navigate interpersonal dynamics. It is usually best for the parent to make contact themselves, rather than through a lawyer, so the guardian is not caught off guard.
- **Client Behavior:** Whether or not the client makes the initial contact, it will be necessary for the client and guardian to interact over time. Advise the client on the importance of demonstrating maturity, politeness, and appreciation towards the guardian. It's crucial for the biological parent to acknowledge the guardian's significant role and to show a genuine commitment to re-establishing a bond with their child.
- **Utilizing Professional Support:** If your organization has certified professional visitation monitors, offer their services to the guardian. If not, consider whether your client or organization can afford a third-party monitor or can offer the supervision of a non-professional individual trusted by the guardian. This gesture can alleviate the guardian's safety concerns and demonstrate a commitment to a safe and controlled environment for the child.

- **Consistency in Visitation:** Work towards setting up regular, consistent visits between the child and the biological parent. Emphasize to the client the importance of consistency in exercising any visitation agreed upon informally by the guardian. Such commitment can significantly impact the guardian's openness to terminating the guardianship.
- **Liberalizing Visits:** Work toward progressively liberalized visitation either through agreement or through court order. Visitation might start under the supervision of a visitation monitor, and then progress to unsupervised visits. Or, these visits may start on a monthly basis and progress to weekly and eventually overnight visits.
- **Conjoint Therapy:** In cases where rebuilding the relationship requires more than just visits, consider arranging conjoint therapy sessions or incorporating the biological parent into the child's existing psychotherapy sessions. This can help mend bonds weakened by parental absence or incarceration.
- **Documenting Interactions:** Ensure monitored visits are meticulously documented by visitation monitors. These reports are vital in showing the positive interactions and bonding progress between parent and child. Ask the visitation monitor to make note of the parties showing verbal or physical affection. Similarly, if the parties are engaged in conjoint therapy, a progress letter from the therapist will serve as crucial evidence of the strengthening relationship. In speaking with the client, deemphasize the importance of documenting negative interactions with the guardian, so as not to encourage counterproductive behavior. You can reevaluate, upon preparing filings, whether to include evidence of unsuccessful efforts to coordinate visits.

## B. Obtain and Complete Client Forms

The litigation process begins with the preparation and filing of several key documents, including:

- **GC-255 (Petition for Termination of Guardianship)** – The primary document that outlines the request for termination and the reasons supporting this request. If filed by a parent, there is no fee for a Petition for Termination of Guardianship, although it is still helpful to prepare and file a fee waiver.
- For attorneys representing parents in objecting to probate guardianships, we strongly suggest also filing:
  - **Declaration of Parent with exhibits** - It's strategic to present declaration testimony and evidence of the pre-filing efforts, including monitored visits and parental stability, at the initial filing. This can also include declaration testimony and evidence addressing the merits underlying the original guardianship petition (i.e., contesting or contextualizing parental consent or abandonment), as well as a summary of the parent's historical efforts at reunification, even prior to engaging counsel. Such evidence can set a positive tone for the case and may influence the court's perspective from the outset. You can draft a supporting declaration on captioned legal paper
  - **Memorandum of Points and Authorities**
- Additional forms may be required depending on the case, including:
  - **FW-001 - Request to Waive Court Fees**
  - **FW-003 - Order on Court Fee Waiver**

## C. File the Forms

- File the above forms, completed and signed by the parent, in the already existing guardianship case and under that case number.
- Pay any necessary filing fees if a fee waiver was not requested.

## D. Serve the Documents

Upon filing, the court will set a date for a hearing when accepting the filing and returning a conformed copy. Notice of this hearing must be provided to all interested parties as required by law. Serve all necessary parties with GC-020, Notice of Hearing, and either DE-120(MA)/GC-020(MA), for proof of service by mail, or GC-020(P), Proof of Personal Service of Notice of Hearing.



## E. Prepare for Court

As described in the section above regarding guardianship proceedings, it will be important to prepare the client for the probate investigation and to review probate notes prior to every hearing. It is likely that a minor's counsel will be appointed as well. In termination matters, clients will also want to gather evidence showing their stability, including:

- **Preparing for Reunification:** Includes verifying that the parent has stable housing and employment and is living a sober life. The parent should expect that any appointed minor's counsel will request drug testing, including for the legal substance marijuana, so sobriety should begin immediately. Additionally, if necessary, the parent should be engaged in mental health or substance abuse treatment.
- **Evidence of Stability:** Documents evidencing the parent's stable situation, such as certificates of completion for any programs undertaken, apartment leases, valid driver's licenses, and pay stubs, can later serve as critical evidence. This information is particularly important for any later-appointed minor's counsel to make a favorable recommendation to the court.

Once you are the attorney of record for the biological parent, check the LASC Attorney Portal to see if the confidential records can be accessed there. If not, call the applicable probate court department to inquire if the clerk will release it to you. The department may have been reassigned, in which case you should call the new department rather than the one that originally established the guardianship. Sometimes the clerk will email confidential records to you—other times they will make you go to the department in person, with a state ID and bar card, to inspect the records physically at a time convenient to the clerk (i.e., when the court is not in session).

## F. Hearings and Trial

The hearings and trial in a termination of guardianship petition operate similarly to the hearings and trial in an initial guardianship proceeding. Please reference the section on hearings and trial above for more information on what to expect at these hearings.

# Appendix of Example Documents

- 1. Caregiver’s Authorization Affidavit.....25
- 2. Ex Parte Application to Vacate Temporary Guardianship...27
- 3. Sample GC-215 + Sample GC-215 Declaration.....41
- 4. Sample P’s and A’s Memo- Objection.....48
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- 12. Sample Petition for Visitation.....78

# 1. Caregiver's Authorization Affidavit



## CAREGIVER'S AUTHORIZATION AFFIDAVIT

*California Family Code Section 6550*

**This section authorizes enrollment of a minor in school and authorizes school-related medical care.**

The minor named below lives in my home, and I am 18 years of age or older.

1. Name of minor: \_\_\_\_\_

2. Minor's birth date: \_\_\_\_\_

3. My name (adult giving authorization): \_\_\_\_\_

4. My home address (street, apartment number, city, state, zip code):  
\_\_\_\_\_

**This section authorizes any other medical care**

5.  I am a relative of the child (see the back of this form for a definition of "relative").

6. Check one or both (for example, if one parent was advised and the other cannot be located):

I have advised the parent(s) or other person(s) having legal custody of the minor of my intent to authorize medical care, and have received no objection.

I am unable to contact the parent(s) or other person(s) having legal custody of the minor at this time, to notify them of my intended authorization.

7. My date of birth: \_\_\_\_\_

8. My California's driver's license or identification card or government-issued consular card number: \_\_\_\_\_

**Warning to Caregiver:** Do not sign this form if any of the statements above are incorrect, or you will be committing a crime punishable by a fine, imprisonment, or both.

**Warning to Local Educational Agencies or Health Care Service Providers:** A seal or signature from the court is not required. This form is not required to be notarized.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: \_\_\_\_\_ Signed: \_\_\_\_\_

**Notices:**

1. This declaration does not affect the rights of the minor's parents or legal guardian regarding the care, custody, and control of the minor, and does not mean that the caregiver has legal custody of the minor.
2. A person who relies on this affidavit has no obligation to make any further inquiry or investigation.
3. This affidavit is not valid for more than one year after the date on which it is executed.

**Additional Information****TO CAREGIVERS:**

1. "Relative," for purposes of item 5, means an adult who is related to the child by blood, adoption, or affinity within the fifth degree of kinship, including stepparents, stepsiblings, and all relatives whose status is preceded by the words "great," "great-great," or "grand," or the spouse of these persons even if the marriage was terminated by death or dissolution.
2. The law may require you, if you are not a relative, or a currently licensed, certified, or approved foster parent, to obtain resource family approval pursuant to Section 1517 of the Health and Safety Code or Section 16519.5 of the Welfare and Institutions Code in order to care for a minor. If you have any questions, please contact your local department of social services.
3. If the minor stops living with you, the affidavit is no longer valid. You are required to notify any school, health care provider, or health care service plan to which you have given this affidavit that the minor is no longer living with you and that, as a result, the affidavit is no longer valid.

**TO SCHOOL OFFICIALS:**

1. Section 48204 of the Education Code provides that this affidavit constitutes a sufficient basis for a determination of residency of the minor, without the requirement of a guardianship or other custody order, unless the school district determines from actual facts that the minor is not living with the caregiver.
2. The school district may require additional reasonable evidence that the caregiver lives at the address provided in item 4.
3. A seal or signature of the court is not required. This form is not required to be notarized.

**TO HEALTH CARE PROVIDERS AND HEALTH CARE SERVICE PLANS:**

1. When signed by a relative, this affidavit shall confer the same rights to authorize medical care and dental care for the minor that are given to guardians under Section 2353 of the Probate Code. The medical care authorized by a relative caregiver may include mental health treatment subject to the limitations of Section 2356 of the Probate Code.
2. A health care provider who acts in good faith reliance upon a caregiver's authorization affidavit to provide medical or dental care, without actual knowledge of facts contrary to those stated on the affidavit, is not subject to criminal liability or to civil liability to any person, or is subject to professional disciplinary action, for such reliance if the applicable portions of the form are completed. A seal or signature of the court is not required. This form is not required to be notarized.
3. This affidavit does not confer dependency for health care coverage purposes.

## 2. Ex Parte Application to Vacate Temporary Guardianship

1 Atticus Finch, SBN 123456  
2 Finch & Associates  
3 610 S. Ardmore Avenue  
4 Los Angeles, CA 90005  
5 Phone: (213) 385-2977  
6 Fax: (213) 201-4723  
7 afinch@finchfirm.com

8 *Attorney for Mother, Joan Snow*

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
10 **COUNTY OF LOS ANGELES**

11  
12 In re the Guardianship of the Person  
13 of  
14 ARYA STARK, a minor.

Case No. 24STPBXXXXX

**EX PARTE APPLICATION FOR  
ORDER TO VACATE TEMPORARY  
GUARDIANSHIP; MEMORANDUM OF  
POINTS AND AUTHORITIES;  
DECLARATIONS IN SUPPORT  
THEREOF**

DATE: September 19, 2024  
TIME: 8:30 A.M.  
DEPT: XX

15  
16  
17  
18 TO THE ABOVE-ENTITLED COURT, PETITIONER DAENERYS TARGARYEN,  
19 AND ALL INTERESTED PARTIES HEREIN:

20 Please take notice that based on this Memorandum of Points and Authorities, Objector  
21 Joan Snow (hereinafter "Mother" or "Ms. Snow"), moves to submit this Ex Parte Application  
22 for an Order from this Court immediately vacating the temporary guardianship. The Court's  
23 order for temporary guardianship and its order dispensing with notice to Ms. Snow were based  
24 on Petitioner Daenerys Targaryen's knowingly false testimony that she was unable to contact  
25 Ms. Snow and that the minor child, Arya Stark, was at risk of harm in Ms. Snow's care. In the  
26 alternative, Ms. Snow requests an order shortening time so that the Court can consider both her  
27

1 request to vacate the temporary guardianship and, if this request is not granted, her request for a  
2 set visitation schedule on an expedited basis. Both of these requests are urgent because Arya has  
3 been abruptly cut off from Mother without notice to Mother or any reliable evidence that such  
4 an extreme action was required to protect Arya.

5 **NOTICE TO PETITIONER**

6 Counsel for Ms. Martell, Atticus Finch, gave notice to Petitioner before 10:00 a.m. on  
7 September 18, 2024. See Declaration of Atticus Finch re Notice to Petitioner, attached as  
8 Exhibit B.

9 Mr. Finch called Petitioner by telephone on September 18, 2024 at 8:30 a.m. Ex. B, ¶3.  
10 Petitioner answered the phone, and Mr. Finch introduced himself as Ms. Snow’s attorney.  
11 Petitioner indicated that she was at work, and could not speak for long. Mr. Finch said that his  
12 office would be filing an ex parte application on behalf of Ms. Snow, asking that the court  
13 vacate the temporary guardianship. Petitioner said, “Okay” and then the call ended. *Id.*

14 Mr. Finch also sent Petitioner a text message at 8:35 a.m. on September 19, 2024. *Id.*,  
15 ¶4. In that text, Mr. Finch introduced himself as Ms. Snow’s attorney. Mr. Finch informed  
16 Petitioner that before 10:00 a.m. the next day, his office would file an ex parte appearance  
17 application on behalf of Ms. Snow. Mr. Finch explained to Petitioner that Ms. Snow seeks an  
18 order vacating the temporary guardianship, and in the alternative, an order shortening time so  
19 that the Court can consider both Ms. Snow’s request to vacate the temporary guardianship and,  
20 if this request is not granted, consider Ms. Snow’s request for a set visitation schedule with  
21 Arya on an expedited basis. Mr. Finch asked Petitioner whether she intended to oppose the  
22 application, and asked for Petitioner’s email address. *Id.*

23 Mr. Finch asked that Petitioner let her know whether she intended to oppose the  
24 application. Mr. Finch provided her contact information to Petitioner, and asked for Petitioner’s  
25 email address so that he could provide Petitioner with a copy of the ex parte application. *Id.*, ¶5.  
26  
27  
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1 As of the time of this filing, Petitioner has not called Mr. Finch back or replied to his  
2 text message. Petitioner has not indicated whether she will oppose the application. *Id.*, ¶7.  
3  
4

5 RESPECTFULLY SUBMITTED: FINCH & ASSOCIATES

6  
7 DATED: 09/18/2024 *Atticus Finch*  
8 Atticus Finch,  
9 Attorney for Joan Snow, Mother  
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. STATEMENT OF FACTS**

3 Ms. Snow is the Mother of the child subject to this proceeding, Arya Stark. Ms. Snow  
4 opposes Petitioner's Petition for Guardianship of Arya. See Exhibit A, Declaration of Francisco  
5 Martell.

6 On December 1, 2021, Ms. Snow was granted sole legal and sole physical custody of  
7 Arya by the juvenile court. The juvenile court physically returned Arya to Ms. Snow's care in  
8 September 2021 after Ms. Snow successfully completed her reunification plan. In the same  
9 judgment granting Ms. Snow custody of Arya, Jon Snow, Arya's father, was ordered to have  
10 only supervised visitation with Arya because he had not made progress on his drug treatment  
11 plan, and was still actively using drugs. Ex. A, ¶2-5.

12 From September 2021 to April 2024, Arya lived solely with Ms. Snow. In April 2024,  
13 Ms. Snow was evicted from his apartment because she fell behind in rent while she was laid off  
14 from her job. Ms. Snow asked Ms. Targaryen, Arya's paternal grandmother, if she could  
15 continue to care for Arya while Ms. Snow looked for new housing. *Id.*, ¶6-7.

16 While Arya was living with Ms. Targaryen from April 2024 until August 2024, Ms.  
17 Snow had several days of custodial time with Arya every week and remained in regular contact  
18 with Arya, Ms. Targaryen, and Father. In mid-August 2024, Ms. Snow let Ms. Targaryen know  
19 that she had been approved for family housing and that Arya would be staying with Ms. Snow  
20 full-time going forward. Ex. A, ¶7-9.

21 Although both Father and Ms. Targaryen expressed disagreement with this plan, neither  
22 indicated to Ms. Snow that they would seek a modification of the current family law order that  
23 grants Ms. Snow sole physical and sole legal custody of Arya nor take any other legal action to  
24 change the current order. Then, on Monday, September 9, 2024, Father sent Ms. Snow a text  
25 message that included a picture showing the order for temporary guardianship. Since then, Ms.  
26  
27

1 Targaryen has only allowed Ms. Snow to see Arya once, on September 16, 2024, for a brief  
2 visit. *Id.*, ¶10-12.

3 Ms. Snow believes, based on Petitioner’s statements to her and through what she  
4 represented in her pleadings, that Petitioner has filed this guardianship to circumvent the  
5 juvenile court’s exit order and increase Father’s time with Arya without having to show a  
6 substantial change in circumstance, which would be required to modify the family court order.

7 *Id.*

## 8 **II. ARGUMENT**

### 9 **A. This Court should vacate the temporary guardianship order because it** 10 **was made based on Ms. Targaryen’s perjured testimony.**

11 Ms. Targaryen represented to this Court that she could not provide Ms. Snow with  
12 notice of her request for a temporary guardianship because Ms. Snow was homeless, not  
13 involved in Arya’s life, and that she had no way to contact her. These statements are false and  
14 Ms. Targaryen knew they were false when she made them. Ms. Targaryen has Ms. Snow’s  
15 phone number and was in regular contact with Ms. Snow via text both before and after her court  
16 filing. Ms. Snow also had in-person contact with Ms. Targaryen on the weekend of September  
17 9, 2024, but Ms. Targaryen failed to personally serve Ms. Snow or otherwise mention the  
18 guardianship request to Ms. Snow during that contact. In addition, Father, who appeared in  
19 Court with Ms. Targaryen on September 9, 2024, was in regular contact with Ms. Snow. Ex. A,  
20 Attachment A-2. Father only notified Ms. Snow of the court’s order after the hearing,  
21 misrepresenting the temporary order as a “restraining order.” Ex. A, Attachment A-3.

22 Ms. Targaryen also misrepresented her need for temporary orders, falsely stating that  
23 Arya had been in her care since 2020, that Ms. Snow was not involved in Arya’s life, and that  
24 Arya was at risk of abuse or neglect in Ms. Snow’s care. Again, these statements are false and  
25 Ms. Targaryen knew they were false when she made them. Although Arya had been staying  
26 with her during the week since April 2024, Ms. Snow was still visiting with Arya every  
27

1 weekend, Arya had previously lived solely with Ms. Snow, and Ms. Snow was clear that her  
2 intent was to resume physical custody of Arya as soon as she obtained family housing.

3 This Court relied on Ms. Targaryen's many misrepresentations when it granted Ms.  
4 Targaryen's request for temporary guardianship of Arya and waived notice to Ms. Snow. Based  
5 on the doctrine of unclean hands, Ms. Targaryen should not be permitted to benefit from her  
6 inequitable acts. As a temporary guardianship was issued without notice based on Ms.  
7 Targaryen's knowingly false testimony and the temporary guardianship takes the dramatic  
8 action of suspending Ms. Snow's fundamental parental rights without reliable evidence to show  
9 this suspension is necessary to protect Arya, the order for temporary guardianship should be  
10 vacated pending further hearing.

11 **B. It is in Arya's best interest to vacate the temporary guardianship.**

12 Ms. Snow has played a major role in Arya's life. She was Arya's primary caregiver from  
13 September 2021 to April 2024. Although Ms. Snow made a choice to allow Arya to live  
14 temporarily with Ms. Targaryen during the week while she looked for stable housing, Ms. Snow  
15 maintained regular contact with Arya between April 2024 and August 2024 by having Arya in  
16 her care every weekend. Ms. Targaryen has now abruptly cut off contact between Arya and Ms.  
17 Snow, allowing only one visit since the temporary guardianship was granted despite the strong  
18 relationship between Arya and Ms. Snow.

19 The California Probate Code directs probate courts considering matters of child custody  
20 to the law set out in the California Family Code. See Pro. Code Section 1514(b)(1) directing  
21 probate courts to Family Code Sections 3020 et. seq. and 3040 et. seq. Section 3020 of the  
22 California Family Code states both that "it is the public policy of this state to assure that the  
23 health, safety, and welfare of children should be the court's primary concern" and that "it is the  
24 public policy of this state to assure children have frequent and continuing contact with both  
25 parents." Fam. Code Sec. 3020(a) and (b). California courts can and do consider attempts to  
26  
27

1 interfere with a child’s relationship with their parents when determining what custody orders  
2 would be in a child’s best interest. Here, the court should do just that.

3 Ms. Snow was granted sole legal and sole physical custody of Arya by the juvenile  
4 court. Ms. Targaryen and Father are attempting to re-litigate that order in probate because they  
5 do not like Ms. Snow and disagree with her parenting decisions. Ms. Targaryen and Father have  
6 offered no reliable evidence, though, that Ms. Snow’s parental rights should be essentially  
7 suspended, especially without notice to her. Ms. Targaryen’s and Father’s allegation that Ms.  
8 Snow was largely absent from Arya’s life is also demonstrably false. Finally, Ms. Targaryen  
9 and Father’s allegations as to whether Arya gets enough sleep at night or eats too much candy in  
10 Ms. Snow’s care do not rise to the level of abuse or neglect sufficient to issue a temporary  
11 guardianship and suspend a parent’s rights to care and custody of their child. These are better  
12 pled in the existing family law action between Father and Ms. Snow. Allowing Arya’s  
13 relationship with Ms. Snow to be ruptured based on largely false, and at best unreliable,  
14 allegations is harmful to Arya. It is in Arya’s best interest to be reunited with her primary  
15 parent, Ms. Snow, while this Court weighs the credibility of the allegations made by Ms.  
16 Targaryen and Father and whether these allegations would rise to the level to support the  
17 issuance of a legal guardianship.

18 **C. In the alternative, Mother requests an Order Shortening Time**

19 The next hearing in this matter is scheduled for December 22, 2024. If the court declines  
20 to vacate the temporary guardianship on an ex parte basis, Mother respectfully requests that this  
21 court grant an order shortening time to reconsider its issuance of the temporary guardianship.

22 **III. CONCLUSION**

23 Ms. Snow respectfully requests that this Court issue an ex parte order vacating the  
24 temporary guardianship. In the alternative, Ms. Snow requests that this Court issue an order  
25 shortening time so that it may reconsider its issuance of the temporary guardianship. These  
26 requests are urgent as this Court issued a temporary order based on Ms. Targaryen’s knowingly  
27

1 false testimony and this order is harmful to the minor child Arya because it cuts off her contact  
2 with Ms. Snow.

3  
4 RESPECTFULLY SUBMITTED:

PUBLIC COUNSEL

5 DATED: \_\_\_\_\_

*Atticus Finch*

6 \_\_\_\_\_  
7 Atticus Finch,  
8 Attorney for Joan Snow, Mother  
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**EXHIBIT A: DECLARATION OF JOAN SNOW**

1  
2 I, JOAN SNOW, am the Mother of the child subject to this proceeding: Arya Stark  
3 (DOB 04/15/2014). If called to court and sworn under oath, I would testify to the facts in this  
4 declaration.

5 1. I respectfully request that this Court vacate Daenerys Targaryen's temporary  
6 guardianship of my child, Arya. Ms. Targaryen knowingly and in bad faith declared falsely that  
7 she had no way to contact me and that I was not involved in Arya's life to obtain orders of  
8 temporary guardianship without providing notice. As this Court's orders are based on Ms.  
9 Targaryen's perjured testimony and are not in Arya's best interest, I ask that they be  
10 immediately vacated.

11 2. On October 1, 2020, Arya was removed from my and his father's care because  
12 his father, Jon Snow (hereinafter "Father"), was abusing cocaine and alcohol, and I had allowed  
13 Arya to have unsupervised contact with Father despite knowing his drug history. Between  
14 October 2020 and September 2021, I worked on the reunification plan offered to me by the Los  
15 Angeles County Department of Children and Family Services (DCFS). During this time, Arya  
16 was placed with Ms. Targaryen, who was approved as her DCFS resource parent. I completed  
17 my reunification plan and Arya returned to my physical custody in September 2021.

18 3. On December 1, 2021, I was granted sole legal and sole physical custody of Arya  
19 in a juvenile court final judgment in Los Angeles Superior Court case number  
20 19STXXXXXXX. (See **Attachment A-1**).

21 4. As part of the December 1, 2021, final judgment, Father was ordered to have  
22 only supervised visitation with Arya because he had not made progress on his drug treatment  
23 plan and was still actively using drugs and abusing alcohol. Ms. Targaryen and Father have told  
24 me repeatedly that they believe that the juvenile court process was not fair and that they should  
25 have been awarded custody of Arya instead of me.

1           5.       To the best of my knowledge, though, Father has not filed anything in family  
2 court to modify the juvenile final judgment that is now a family law order. I do not believe that  
3 Father could show a substantial change in circumstance necessary to modify that order because  
4 he still has not completed the services that DCFS said he needed to do. I am concerned that Ms.  
5 Targaryen is allowing Father to have substantial unsupervised contact with Arya, including  
6 having several overnight visits with Father each week, despite there being an order that Father's  
7 contact with Arya be supervised. I believe that Ms. Targaryen is downplaying Father's serious  
8 challenges in her request for guardianship. I also believe that one of the reasons that Ms.  
9 Targaryen filed for guardianship is so that she can facilitate Arya transitioning to Father's  
10 custody without having to modify the dependency court's final judgment.

11           6.       In April 2024, I was evicted from my apartment because I fell behind in rent  
12 after I was laid off. I asked Ms. Targaryen if she could temporarily care for Arya while I looked  
13 for new housing, which she agreed to do. While Arya was living with Ms. Targaryen from April  
14 2024 until August 2024, she still came to stay with me almost every weekend. Although I was  
15 sleeping in my car during the week, a friend let me use their apartment on weekends so Arya  
16 could remain in contact with me. I also picked Arya up after school on some days once school  
17 resumed for the 2024-2025 school year. (See **Attachment A-2** showing text messages that I  
18 exchanged with Ms. Targaryen during August 2024 regarding Arya.)

19           7.       After I was evicted, I applied for several housing programs for families but was  
20 put on a wait list. I learned in mid-August 2024 that I had been approved for a spot at a family  
21 shelter. I told Ms. Targaryen the name of the shelter, and that Arya and I would have our own  
22 room and bathroom, and that after three months in the shelter, the program would help us obtain  
23 permanent housing.

24           8.       As is clear from the attachments to this declaration, both Ms. Targaryen and  
25 Father had my phone number and were in regular communication with me throughout the  
26 month of August. It is not correct that Ms. Targaryen did not have a way to contact me in order  
27

1 to provide notice as she was in contact with me both at the time of her initial filing and on the  
2 day of the hearing. I believe that Ms. Targaryen did not tell me about her request for  
3 guardianship because she knew that I would oppose it and would alert the court to the  
4 dependency court history.

5 9. I learned about the temporary guardianship at 1:30 pm on Tuesday, September  
6 10, 2024, just after it was granted. I learned about it from Father who texted me a picture of the  
7 order. (See **Attachment A-3** which is a text message from Father to me on that day.)

8 10. Since September 10, 2024, Ms. Targaryen has been reluctant to let me see Arya  
9 or speak to her. I texted Ms. Targaryen several times to ask about seeing or speaking to Arya,  
10 and she eventually agreed to let me visit him for a few hours on September 16, 2024. During  
11 that visit, we had a good time, I read books to her, and she cried when I left. Given that Arya is  
12 10 years old and has lived primarily with me over the course of her life, I believe Ms.  
13 Targaryen's decision to cut off contact between Arya and me is not in her best interest. I believe  
14 that Arya is likely confused and hurt by Ms. Targaryen's action since she is bonded to me and  
15 she visited me regularly until the order was granted.

16 11. I also dispute many of the allegations that Ms. Targaryen made in her Petition.  
17 First, it is not true that Arya has lived with Ms. Targaryen since 2020. While Ms. Targaryen was  
18 Arya's resource parent while the dependency court case was open, the Court returned Arya to  
19 my care in 2021. Additionally, Ms. Targaryen alleges that Arya does not get enough sleep when  
20 she is with me, that I give her non-organic food, and that I am living in a family shelter. I do not  
21 believe that these allegations should be sufficient to suspend my rights as a parent, especially  
22 not on an emergency basis with no notice to me. I believe that they are more properly raised in  
23 the existing family law action as they go to best interest, not to abuse and neglect.

24 I declare under the penalty of perjury under the laws of the state of California that the  
25 foregoing is true and correct.

26 Dated: 09/18/2024

*Joan Snow*

Joan Snow, Mother

**EXHIBIT B: DECLARATION OF ATTICUS FINCH**

1  
2 I, Atticus Finch, am not a party to this action, and if called to court and sworn under  
3 oath, I would testify as follows:

4 1. I am an attorney licensed to practice law before all courts of the State of  
5 California. My employer, Public Counsel, is the law firm of record representing Mother, Joan  
6 Snow. I submit this Declaration regarding Notice to Petitioner in support of Mother's Ex Parte  
7 Application.

8 2. I gave notice to the other party in this action as follows:

9 **A.** Person notified: Daenerys Targaryen

10 **B.** Date and time notified: September 18, 2024 at 9:11 A.M.

11 **C.** Method of notification:

12 i.   X   by telephone call to the party: (805) 555-1234

13 ii.        by telephone call to the attorney: \_\_\_\_\_

14 iii.        by personally notifying: \_\_\_\_\_

15 iv.   X   other: by text message to the party: (805) 555-1234

16 3. On September 18, 2024, I called Petitioner by telephone at 8:30 a.m. Petitioner  
17 answered the phone, and I introduced myself as Ms. Snow's attorney. Petitioner indicated that  
18 she was at work, and could not speak for long. I said that my office would be filing an ex parte  
19 application on behalf of Ms. Snow, asking that the court vacate the temporary guardianship.  
20 Petitioner said, "Okay" and then the call ended.

21 4. I also sent Petitioner a text message a few minutes later, at 8:35 a.m. I stated:

22 Hello Ms. Targaryen. This is Atticus Finch. As I said during our  
23 phone call this morning. I represent Joan Snow in the Guardianship  
24 of Arya Stark (Case No. 24STPBXXXXX). I write to give you  
25 notice that before 10am tomorrow morning my office will be filing  
26 an Ex Parte Appearance Application. We will be asking the court  
27 to terminate the temporary guardianship, or in the alternative, an  
28 order shortening time so that the Court can consider both Ms.  
Snow's request to vacate the temporary guardianship and, if this  
request is not granted, consider Ms. Snow's request for a set  
visitation schedule with Arya on an expedited basis.

Please let me know whether you intend to oppose our application. I would also appreciate it if you could please let me know the best email to reach you at.

5. On September 18, 2024 at 9:24 a.m. I texted Petitioner. I stated:

Good morning Ms. Targaryen. I am writing again to let you know we will be electronically filing the ex parte application in Department XX of Stanley Mosk Courthouse located at 111 N Hill St, Los Angeles CA 90012 before 10am today. We will asking that the ex parte application be set for consideration at 8:30 AM on September 19, 2024, in Department XX of Stanley Mosk Courthouse.

Please let me know if you intend to oppose the application. Please provide me with your email address so I can email you a copy of the ex parte application today.

6. I sent Petitioner another text message with my email address. As of the time of this filing, Ms. Targaryen has not called me back or replied to any of my messages. She has not indicated whether she intends to oppose the ex parte application.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Los Angeles, CA

DATE: 09/18/2024

*Atticus Finch*

Atticus Finch

1 Atticus Finch, SBN 123456  
2 Finch & Associates  
3 610 S. Ardmore Avenue  
4 Los Angeles, CA 90005  
5 Phone: (213) 385-2977  
6 Fax: (213) 201-4723  
7 afinch@finchfirm.com

8 *Attorney for Mother, Joan Snow*

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
10 **COUNTY OF LOS ANGELES**

11 In re the Guardianship of the Person  
12 of  
13 ARYA STARK, a minor.

Case No. 24STPBXXXXX

[PROPOSED] *EX PARTE* ORDER TO  
VACATE TEMPORARY  
GUARDIANSHIP OF MINOR

DATE: September 19, 2024  
TIME: 8:30 A.M.  
DEPT: XX

14  
15  
16  
17 The Ex Parte Application for an Order to Vacate Temporary Guardianship of Arya Stark was  
18 presented at 8:30 a.m. on September 19, 2024 in Department XX.

19 The Court Orders as follows:  
20  
21  
22  
23

24 IT IS SO ORDERED.

25  
26 Date: \_\_\_\_\_

\_\_\_\_\_  
27 SUPERIOR COURT JUDGE

# 3.1 Sample GC-215

GC-215

GUARDIANSHIP OF (name): Arya Stark	CASE NUMBER: 24STPBXXXX
---------------------------------------	----------------------------

6.  I object to other requests in the petition because (if you object to other requests in the petition, tell the court which specific requests you object to and why you object to each one):

If you need more space, use a separate piece of paper, attach it to this form, and label it as Attachment 6.

Date: 01/08/2025

Atticus Finch

(TYPE OR PRINT NAME)

▶ Atticus Finch  
(SIGNATURE OF ATTORNEY)

I declare under penalty of perjury under the laws of the State of California that the foregoing, including all attachments, is true and correct.

Date: 01/08/2025

Joan Snow

(TYPE OR PRINT NAME)

▶ Joan Snow  
(SIGNATURE OF OBJECTOR)

\_\_\_\_\_  
(TYPE OR PRINT NAME)

▶ \_\_\_\_\_  
(SIGNATURE OF OBJECTOR)

Names and signatures of additional objectors follow last attachment.

## OBJECTION TO PETITION FOR APPOINTMENT OF GUARDIAN

For your protection and privacy, please press the Clear This Form button after you have printed the form.

Print this form

Save this form

Clear this form

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: <b>Affrica Finch</b> FIRM NAME: <b>Finch &amp; Associates</b> STREET ADDRESS: <b>810 S. Ardmore Avenue</b> CITY: <b>Los Angeles</b> TELEPHONE NO.: <b>(213) 385-2977</b> EMAIL ADDRESS: <b>affinch@finchassociates.org</b> ATTORNEY FOR (name): <b>Joan Snow</b>	STATE BAR NUMBER: <b>123456</b> STATE: <b>CA</b> ZIP CODE: <b>90005</b> FAX NO.: <b>(213) 385-2977</b>	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF <b>Los Angeles</b> STREET ADDRESS: <b>111 North Hill Street</b> MAILING ADDRESS: <b>111 North Hill Street</b> CITY AND ZIP CODE: <b>Los Angeles, CA 90012</b> BRANCH NAME: <b>Stanley Mosk Courthouse</b>		
GUARDIANSHIP OF THE <input checked="" type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (name(s)): <b>Arya Stark</b>		CASE NUMBER: <b>24STPBXXXX</b>
<b>OBJECTION TO PETITION FOR APPOINTMENT OF GUARDIAN</b>		HEARING DATE: <b>02/05/2024</b> DEPT.: <b>XX</b> TIME: <b>10:00am</b>

1.  I (name): **Joan Snow** object to the petition for appointment of a guardian filed by (name of petitioner): **Dsenerys Targaryen**.

2. My objection concerns the following child or children (give full name and date of birth for each):

- a.  Child (name): **Arya Stark** (date of birth): **04/15/2014**  
 b.  Child (name): (date of birth):  
 If there are more children, identify them on a separate piece of paper, attach it to this form, and label it as Attachment 2.

3. My relationship to the child or children named in item 2 is (tell the court about your connection with the child, children, or family):  
 I am Arya's mother.

If you need more space, use a separate piece of paper, attach it to this form, and label it as Attachment 3.

4.  I object to a guardianship of the child or children named in item 2 because (if you think the court should not appoint a guardian, tell the court why):  
 Please see Attached Declaration of Joan Snow.

If you need more space, use a separate piece of paper, attach it to this form, and label it as Attachment 4.

5.  I object to the person the petitioner has asked the court to appoint as guardian because (if you think that person should not be the guardian, tell the court why):

If you need more space, use a separate piece of paper, attach it to this form, and label it as Attachment 5.

## 3.2 Sample GC-215 Declaration

CASE NAME: *In re Guardianship of Arya Stark*

CASE NUMBER: 24STPBXXXXX

1                    **GC-215 ATTACHMENT 4: DECLARATION OF JOAN SNOW IN OPPOSITION TO**  
2                    **PETITIONER FOR APPOINTMENT OF GUARDIAN**

3                    I, JOAN SNOW, am the biological mother of the minor child subject to this proceeding. I know  
4 the facts in this declaration to be true from my own personal knowledge, except those matters stated on  
5 information and belief, and as to those facts, I believe them to be true. If called to court and sworn under  
6 oath, I could and would testify competently to the facts contained in this declaration. I submit this  
7 declaration of my Objection to the Petition for Guardianship of Arya.

8                    **CASE HISTORY**

9                    1.        I am the mother of Arya Stark. (DOB 04/15/2024)

10                  2.        After Arya was born in April 2024, Arya lived with me and Arya’s father, John Snow (“Father”),  
11 in Petitioners’ home. Petitioners are Arya’s paternal grandparents (“Petitioners”).

12                  3.        During the time that Arya and I lived in Petitioners’ home, I stayed home with Arya and was her  
13 primary caregiver. I breastfed her, took Arya to all of her medical appointments, and managed her care.  
14 Petitioners repeatedly told me that I was doing a good job with Arya and that they were there to support  
15 me.

16                  **Arya, Father, and I move to Westeros in August 2024.**

17                  4.        In August 2024, Petitioners suggested that Father and I move with Arya to Westeros where  
18 Father’s aunt had a home so that we could have some independence. Petitioners let us rent this home  
19 from the family. Father obtained employment in Westeros while I continued to stay home with Arya.

20                  5.        Unfortunately, once we moved to Westeros, problems that Father had previously with drugs,  
21 mental health, and violence returned. Father began to use illegal substances on a regular basis, including  
22 cocaine and ecstasy. Father also used marijuana heavily, including while he was caring for Arya. On  
23 more than one occasion, I found Father vaping marijuana while in the same room as Arya. (Attached as  
24 **Exhibit A** is a true and correct copy of a text exchange between me and Father regarding his use of  
25 marijuana in our home while Arya was present.)

26                  6.        Father’s mental health also got worse when we moved to Westeros. Father would swing from  
27 depressed to angry to manic moods. A few years prior, Father suffered a traumatic brain injury that has  
28 caused him to have violent, angry outbursts in addition to memory issues. On several occasions, Father

1 told me that he was having mental health issues and wanted to kill himself. (Attached as **Exhibit B** is a  
2 true and correct copy of a text exchange between me and Father where he states his “mental health has  
3 been shit”, that he was on “the verge of a mental breakdown all night”, and that he was “trying not to  
4 drive your car into oncoming traffic” because he had been fired.)

5 7. Father was also physically and emotionally abusive to me throughout our relationship, including  
6 pushing me and hitting me with enough force to leave bruises. He would also call me names, key my  
7 car, and punch holes in walls, doors, and furniture. For example, in late September 2024, Father and I  
8 were fighting because I found him smoking marijuana near Arya. During the course of the fight, Father  
9 hit me and called me names, such as “cunt” and “stupid bitch.” During the fight, Father threw a bong  
10 that he owned across the room. The bong flew over Arya’s crib where she lay sleeping and crashed  
11 against the TV stand, shattering glass all over the room, including near where Arya was sleeping. After  
12 this happened, I called the police. Father was charged with domestic violence assault and disorderly  
13 conduct, domestic violence, as a result of this incident.

14 8. I later learned that after this incident, Father began making a plan with Petitioners to move back  
15 to California with Arya, but without me. (Attached as Exhibit C is a true and correct copy of a text  
16 exchange between Father and Petitioner Daenerys Targaryen where Father states he is going to wait for  
17 the criminal case to resolve and then leave.)

18 **Arya goes on a 30-day visit with Petitioners**

19 9. In October 2024, Petitioners asked if I would allow Arya to visit them in California for 30 days  
20 while Father and I worked through our issues. I agreed because Petitioners had been very supportive of  
21 me and I was concerned that Arya was not safe around Father. Petitioners promised that they would  
22 return Arya to me after 30 days. Petitioners told me that whatever happened between me and Father,  
23 they would give me a few months to move out of the Westeros home. They also told me that they did  
24 not want to raise Arya or keep her from me.

25 10. After Arya left Westeros, things between Father and I got better. We spoke to Arya everyday on  
26 Facetime. I obtained employment, and Father talked with me about getting married. Father told me that  
27 he loved me and that we were going to build a family together.

28 11. Because things were going so well, on October 27, 2024, I agreed to drop the criminal domestic

1 case against Father. (Attached as Exhibit D is a true and correct copy of the Victim’s Input Regarding  
2 Continued Prosecution where I told the prosecutor that I did not wish to assist in the prosecution of the  
3 domestic violence case against Father.)

4 12. Then, on October 31, 2024, Father and I got into a fight after I got home from work. I do not  
5 remember what the fight was about, but, in the middle of the fight, Father came close to where I was  
6 standing in the kitchen and pulled a big kitchen knife from above where I was standing. Father then  
7 turned around and started swiping the knife across his wrists. Father then threw the knife and ran  
8 outside. Father eventually calmed down so that we could talk.

9 13. The next day, I came home from work and asked to talk about the knife incident. I had sent a text  
10 to Petitioner Daenerys Targaryen about the incident because it really scared me. Father became very  
11 angry when he learned that I had texted his mother. I decided it would be better to leave the house, so I  
12 got into my car. Father then jumped on the hood of my car, preventing me from leaving. After I got out  
13 of the car, Father said that it was him who would leave. Father then packed up some things and left the  
14 house.

15 14. The following day, November 1, 2024, I woke up to knocking on the door and was served with a  
16 Five Day Notice to Pay or Quit signed by Petitioner Khal Drogo. (Attached as Exhibit E is a true and  
17 correct copy of the Five Day Notice to Pay or Quit dated November 1, 2024, and signed by Khal  
18 Drogo.) Later that day, Father returned to the house with the police and Petitioner Khal Drogo to collect  
19 Father’s things. I asked Petitioner Khal Drogo about Arya, and he said I needed to talk to Petitioner  
20 Daenerys Targaryen. Father took all of Arya’s vital documents, including her birth certificate and social  
21 security card. When I tried to take a picture of these documents so I would have some kind of record for  
22 myself, Petitioner Khal Drogo told me that I was not allowed to do this.

23 15. I was alarmed by all of this and reached out repeatedly to Father and Petitioners, but they did not  
24 respond to me. When I realized that Father and Petitioners were no longer responding to me about Arya,  
25 I filed for custody of Arya in a family law action against Father in Westeros on November 20, 2024. I  
26 filed the Westeros case prior to this guardianship being filed. I filed for custody against Father because I  
27 was very worried, and remain worried, about Arya in Father’s care.

28 16. After I filed for custody, Father sent my mother a text message stating that his family intended

1 to get me “put in jail for a while so it would be in [my] best interest not to piss us off before we ruin  
2 [my] life.” Father then stated, “like my family said if she wants to play hard ball we will bury her in  
3 court (not a death threat).” (Attached as **Exhibit F** is a true and correct copy of this text exchange.)

4 17. During this time, Petitioners would not allow me to see Arya. When I asked Petitioner Daenerys  
5 Targaryen just after I filed for custody when I could see Arya, she responded that I could see her on  
6 December 20, a month away. When I asked her why she was keeping Arya from me, she said that I  
7 knew what I had done. I thought that meant filing a custody action against Father in Westeros and  
8 reporting the incident of domestic violence to the police in September.

9 **Petitioners file for guardianship several weeks after Father was served with the Westeros custody**  
10 **documents.**

11 18. In December 2024, I was served with Petitioners’ guardianship papers. I was shocked at these  
12 papers because Petitioners had never previously expressed any concern to me about my ability to parent  
13 Arya. I believe that Petitioners filed for guardianship after they received the Westeros custody  
14 paperwork and realized that Father would not prevail in the pending custody case between us given his  
15 many issues.

16 **I have stable housing and employment. I do not have drug, mental health, criminal, or child**  
17 **protective issues.**

18 19. I am currently living and working in Westeros. Although I hope to move back to California, I  
19 cannot easily do this given the cost of living in the Los Angeles area. I am, though, making active efforts  
20 to look for employment in Los Angeles.

21 20. I work full-time as a Queen for HBO Max. I earn \$18.75 per hour and work a full-time, or almost  
22 full-time, schedule. I have worked in this position since November 7, 2024. (Attached as **Exhibit G** is a  
23 true and correct copy of a letter confirming my employment and a true and correct copy of my most  
24 recent paystub.)

25 21. I live in a three-bedroom castle with my mother in Kings Landing, Westeros. My mother signed  
26 the lease for this house on November 14, 2024, with me listed as an additional occupant after Petitioners  
27 evicted me from the home that I had been living I with Arya and Father since August. (Attached as  
28 **Exhibit H** is a true and correct copy of the lease on the home where I am currently living.)

1 22. I do not and have never abused drugs or alcohol. I have used marijuana on occasion, but do not  
2 use it regularly. The last time I used marijuana was in April 2024. My current job requires a drug test as  
3 a condition of employment. That drug test showed that I did not have any drugs present. (Attached as  
4 Exhibit I is a true and correct copy of the toxicology report that I received as a result of the above  
5 testing.) I have no objection to undergoing any additional drug tests, but ask that Father also be asked to  
6 submit to drug testing given his previous drug issues and because he is living with Arya.

7 23. I do not have a mental health condition and certainly was never diagnosed with bipolar  
8 depression. In the past, I have seen a therapist to address feelings of anxiety, but these feelings were  
9 never severe or in any way impacted my day-to-day functioning. Father and I also briefly saw a therapist  
10 online to address issues in our relationship.

11 24. I do not have a criminal history.

12 25. I do not have a "negative" history with child protective services in either Westeros or Los  
13 Angeles. Although I was investigated by child protective services, all investigations have been closed as  
14 "unfounded."

15 26. I did not "engage" in domestic violence with Father. As described above, I was physically and  
16 emotionally abused by Father throughout the course of our relationship. As a survivor of domestic  
17 violence, I strongly object to my victimization being characterized as "engagement."

18 27. Since I was granted visits with Arya by this Court, I have made myself available whenever  
19 Petitioners have allowed me time with Arya. I drive from Westeros to Los Angeles to visit Arya in  
20 Petitioners' home at the times they allow me. I believe that all the visits have gone well as Petitioners  
21 have never raised any concerns with me.

22 28. I miss Arya and ask that the court deny the guardianship and return my child to my custody until  
23 Father and I can work out a custody agreement that is best for Arya.

24  
25 I declare under penalty of perjury that the foregoing is true and correct.

26  
27 Dated: 1/25/25

By: Joan Snow  
Joan Snow, Objector/Mother

# 4. Sample P's and A's Memo- Objection

1 Atticus Finch, SBN 123456  
2 Finch & Associates  
3 610 S. Ardmore Avenue  
4 Los Angeles, CA 90005  
5 Phone: (213) 385-2977  
6 Fax: (213) 201-4723  
7 afinch@finchfirm.com

8 Attorney for Mother,  
9 Joan Snow

10 **SUPERIOR COURT OF CALIFORNIA**  
11 **COUNTY OF LOS ANGELES**

12 In re: Guardianship of  
13 ARYA STARK

14 ) Case No.: 24STPBXXXXX  
15 ) MEMORANDUM OF POINTS AND  
16 ) AUTHORITIES IN SUPPORT OF  
17 ) OBJECTION TO PETITION OF  
18 ) GUARDIANSHIP  
19 ) DATE: February 1, 2026  
20 ) TIME: 10:30 A.M.  
21 ) DEPT: XX  
22 ) JUDGE: Hon. XXX XXX

23 **COMES NOW** Ms. Snow and hereby submits the following Memorandum of Points and  
24 Authorities in support of this Objection to Petition of Guardianship:

25 **I. INTRODUCTION**

26 Ms. Snow hereby moves this Court to deny Petitioner's petition for Temporary and  
27 Permanent Guardianship of Arya Stark. Ms. Snow is Arya's mother. Ms. Snow objects to  
28 Petitioner's petition for guardianship of Arya. Atticus Finch of the law firm of Finch &  
Associates, represents Ms. Snow. Denial is appropriate here because it is Ms. Snow's position  
that Arya has always been safe in her care, and that parental custody is in Arya's best interest.

1 **II. STATEMENT OF FACTS**

2 On July 11, 2024, Petitioner filed a petition for permanent legal guardianship and  
3 a petition for temporary legal guardianship of Arya. In her petition for the temporary  
4 guardianship, Petitioner requested that the Court waive notice to Ms. Snow as well as Arya's  
5 father, John Snow. In her declaration, Petitioner acknowledged that Ms. Snow spoke with Arya  
6 over the phone on the previous Sunday, but Petitioner did not provide any explanation for her  
7 request to waive notice to Ms. Snow. She did not describe any efforts to find Ms. Snow or to  
8 otherwise notify her of the petition.

9 On August 7, 2024, the Court granted Petitioner's request for Temporary Guardianship of  
10 Arya as well as her request to waive notice to any un-noticed parties, including Mother. A  
11 hearing regarding the appointment of a permanent guardian was set for September 24, 2024.

12 On August 15, 2024, Ms. Snow filed an objection to Petitioner's petition for guardianship  
13 of Arya.

14 On August 21, 2024, Ms. Snow filed an ex parte application to vacate the temporary  
15 guardianship for lack of notice. In the alternative, Ms. Snow requested that the Court order  
16 visitation between herself and Arya.

17 On August 30, 2024, the Court denied Ms. Snow's ex parte application and ordered  
18 visitation between Ms. Snow and Arya, on Saturdays from 12:00 to 3:00 p.m.

19 On October 11, 2024, the Court ordered additional visitation between Ms. Snow and  
20 Arya, on Tuesdays from 3:00 to 6:00 p.m., and maintained the Saturday visits.

21 Between August 30, 2024 and the present, the parties have appeared in court two times  
22 and have met and conferred once. The parties have not been able to reach an agreement to settle  
23 this case.  
24

25 **III. STANDARD OF PROOF**

26 Because this is an initial Petition for Guardianship, Petitioner bears the burden of  
27 proving by clear and convincing evidence that parental custody would be detrimental to Arya  
28 and that granting custody to Petitioner is required to serve Arya's best interests.

1           The Probate Code specifies that the Family Code, beginning with sections 3020 and  
2 3040, govern the appointment of a guardian. (Prob. Code, § 1514, subd. (b).) Family Code  
3 section 3041, subdivisions (a) and (b) state:

4           (a) Before making an order granting custody to a person other than  
5 a parent, over the objection of a parent, the court shall make a  
6 finding that granting custody to a parent would be detrimental to  
7 the child and that granting custody to the nonparent is required  
8 to serve the best interest of the child...

9           (b) ...a finding that parental custody would be detrimental to the  
10 child shall be supported by clear and convincing evidence.

11           The Court's determination of the factors above is primarily a fact-based inquiry.  
12 "Detriment has no clear-cut meaning and the courts have flexibility to make fact-specific  
13 decisions." *Guardianship of Zachary H.* (1999) 73 Cal.App. 4th 451.

#### 14 **IV. DISCUSSION**

15           It is Mother's position that Arya has always been safe in her care, and that parental  
16 custody is in Arya's best interest. California law favors the granting of custody to parents over  
17 non-parents, and for that reason, requires a clear showing that parental custody presents a  
18 substantial risk of harm in order to grant a guardianship over a parent's objection.

##### 19 **A. Mother's Housing History is Not a Relevant Factor in Determining Whether** 20 **Parental Custody Would be Detrimental to Arya.**

21           While courts have not explicitly examined whether housing instability may form the basis  
22 of such harm in a probate guardianship proceeding, there is statute and case law in the  
23 dependency context that is instructive. This body of law holds that a parent's lack of housing, or  
24 housing instability alone, may not form the basis for separating a parent and child or a barrier to  
25 returning a child to a parent's care.

##### 26 **1. Relevant Case Law Supports Denial of the Petition for Guardianship**

27           Because probate legal guardianships involve the separation of parent and child, they are  
28 more akin to a dependency court action than a family law dispute between two parents.

1 *Guardianship of Christian G.* (2011) 195 Cal. App 4th 581, contains an extensive comparison of  
2 dependency proceedings with probate proceedings as “both contain provisions through which  
3 parents may ultimately lose custody of their children.” *Id.* at 596. “[T]ermination of that right by  
4 the state must be viewed as a drastic remedy ‘to be applied only in extreme cases.’”

5 *Guardianship of Christian C.*, 195 Cal. App. 4th at 597 (quoting *In re Victoria M.* (1989) 207  
6 Cal. App. 3d 1317, 1326.) “Although a guardianship does not technically terminate a parent’s  
7 rights, it does suspend them indefinitely, and it often leads to practical or legal termination of the  
8 parent-child relationship, or both.” *Guardianship of Christian C.*, supra, at 597 (quoting  
9 *Guardianship of Stephen G.* (1995) 40 Cal. App. 4th 1418, 1426–1427).

10  
11 Like in probate, dependency case law also demonstrates a “strong preference for  
12 maintaining family relationships if at all possible.” *In re Rebecca H.*, (1991) 227 Cal.App.3d  
13 825, 843. Consequently, dependency courts have found that housing alone may not be a barrier  
14 to returning children to their parents. In *In re D.N.*, (2020) 56 Cal.App.5th 741, 765, a father’s  
15 lack of housing was the only barrier to reunifying with his son. There, the Court held that the  
16 father’s housing situation was due to his poverty, which was not a “‘legitimate ground for  
17 removing’ [the child] from [the] father’s custody.” *Id.* at 764–765 (quoting *G.S.R.* (2008) 159  
18 Cal.App.4th 1202, 1213–14). The father’s indigency also could not support a finding that  
19 returning the child to the father would “create a substantial risk of detriment to the child.” *Id.* at  
20 765; see also *G.S.R.*, supra, at 1212 (“[I]ndigency, by itself, does not make one an unfit parent.”).  
21 In fact, the father had “demonstrated a strong interest in caring for [his son] and satisfying the  
22 requirements of his case plan.” *In re D.N.* (2020) 56 Cal.App.5th 741, at 769. As a result, the  
23 Court held that the father’s lack of housing and his indigence alone could not be barriers to  
24 returning his son to his custody.

## 25 **2. Petitioner Has Failed to Meet Her Burden of Proof**

26 California courts have recognized that “the interest of a parent in the companionship,  
27 care, custody, and management of his children is a compelling one, ranked among the most basic  
28 of civil rights.” *Guardianship of Christian G.* (2011) 195 Cal. App. 4<sup>th</sup> 581, 597. (internal

1 quotation and citations omitted). “A parent’s interest in maintaining a parent-child relationship is  
2 an extremely ‘important interest,’” *Id.* (quoting *Lassiter v. Department of Social Services* (1981)  
3 452 U.S. 18, 27.) Because California law strongly favors parental custody, “a nonparent will not  
4 be awarded custody unless there is a clear showing that such award is essential to avert harm to  
5 the child. The detriment requirement narrowly tailors the statute to protect the child’s interest  
6 with proper acknowledgement of a parent’s superior right to custody over a nonparent” *H.S. v.*  
7 *N.S.* (2009) 173 Cal.App.4<sup>th</sup> 1131, 1142–1143 [93 Cal.Rptr.3d 470, 478] (internal quotation and  
8 citation omitted).

9         See also *In re Guardianship of Olivia J.* (2000) 84 Cal.App.4<sup>th</sup> 1146, 1157 [101  
10 Cal.Rptr.2d 364], where the Court stated that “the question whether parental custody is  
11 detrimental to the child is highly dependent upon facts unique to each child and parent,” and  
12 noted that “a petition for guardianship is an intrusive and limited remedy,” due to the “strong  
13 preference for parental custody, and the heavy burden a nonparent must carry of demonstrating  
14 that parental custody is detrimental to the child...” *Id.* at 1161.

15         Mother will introduce evidence to show that Mother made careful decisions throughout  
16 Arya’s life to ensure Arya was well-cared for, even if it meant living apart from her for a time.  
17 Mother will introduce testimony and evidence to show that she has never abandoned, abused, or  
18 neglected Arya. Mother will show that, during the times she was not living with Arya, she  
19 maintained contact with her, except when prevented from doing so by Petitioner. Mother will  
20 introduce testimony and evidence to show that she currently has stable housing, and that, in the  
21 past, Mother’s periods of housing instability were primarily caused by her inability to afford and  
22 maintain housing in Los Angeles. Mother will introduce testimony and evidence to show that she  
23 has consistently demonstrated a strong interest in caring for Arya, even while living apart from  
24 her, and her poverty should not constitute the basis of detriment.

25  
26         **B. Removing Arya From Mother Poses a Risk of Harm to Arya**

27         Family Code section 3041(c) states that the Court should consider “the harm of removal  
28 from a stable placement of a child with a person who has assumed, on a day-to-day basis, the

1 role of the child's parent, fulfilling both the child's physical needs and the child's psychological  
2 needs for care and affection, and who has assumed that role for a substantial period of time.”

3 Further, as stated above, California law favors awarding custody to a parent over a non-parent  
4 absent a showing the awarding custody to a parent is necessary to avert a serious harm.

5 **1. Petitioner Has a History of Isolating Arya From Mother**

6 It is Mother's position that prior to January 2024, when Petitioner effectively cut off  
7 contact between Mother and Arya, Mother was the primary caregiver for the majority of Arya's  
8 life. Mother alleges that she is and has been able to resume her caregiving role and to meet  
9 Arya's physical and psychological needs but for the order for temporary guardianship, which  
10 Petitioner obtained by misleading the Court as to her ability to give notice to Mother. Mother  
11 alleges she has always maintained an active presence in Arya's life and has frequent and  
12 consistent visitation with Arya. Arya knows Mother as her parent.

13 **2. Mother has Assumed the Role of Arya's Parent Even While Arya has**  
14 **been in Petitioner's Care**

15 Mother will introduce testimony and evidence to show that Mother was her child's  
16 primary caregiver for the majority of the first five years of Arya's life. Mother will prove there  
17 were only two periods before the temporary guardianship where she did not live with Arya, and  
18 that both of these periods were thoughtfully planned by Mother. Mother will introduce testimony  
19 and evidence to show that, during the periods where Arya lived apart from Mother, Mother  
20 visited often and that visitation occurred without issue, except when Petitioner denied Mother  
21 visitation. Mother will introduce testimony and evidence to show that, during the periods where  
22 Arya lived apart from Mother, Mother maintained engagement in Arya's schooling and was  
23 responsible for her medical care. Mother will introduce testimony and evidence to show that  
24 Petitioner and Mother were in contact during the weeks leading up to Petitioner's filing of her  
25 petition for temporary and permanent guardianship, in which Petitioner requested that notice be  
26 waived as to Mother.  
27  
28

1           **C.     Petitioner Does Not Meet the Standard to be Considered a “De Facto” Parent**  
2 **for Purposes of This Proceeding**

3           In custody disputes between a parent and a nonparent, a nonparent may establish by a  
4 preponderance of the evidence that they are the child’s “de facto” parent because they have  
5 provided a stable placement and assumed the role of the child’s parent “fulfilling both the child’s  
6 physical needs and the child’s psychological needs for care and affection...” (Fam. Code §  
7 3041(c).) Such status creates a rebuttable presumption that removing the child from the de facto  
8 parent would be detrimental to the child. However, this presumption does not change that a  
9 nonparent, including a de facto parent, bears the burden of proving with clear and convincing  
10 evidence that parental custody would be detrimental to the child and that the best interest of the  
11 child *requires* nonparental custody. (Fam. Code § 3041(d); *H.S. v. N.S.* (2009) Cal.App.4th 1131,  
12 [93 Cal.Rptr.3d 470, 173] rehearing denied, review denied.)

13  
14           It is Mother’s position that Petitioner cannot meet the burden to be found the “de facto  
15 parent” of Arya. Although Petitioner and Petitioner’s family have taken on some day-to-day  
16 caregiving responsibilities for Arya, Mother has still been actively involved with Arya. Arya  
17 knows Mother as her parent, and Petitioner has not become Arya’s psychological parent through  
18 her involvement in Arya’s life. Mother argues that Petitioner’s bad faith acts of preventing  
19 Mother from visiting Arya from January to August 2024 and then declaring that she had no  
20 ability to contact Mother in order to obtain a temporary guardianship should prevent Petitioner  
21 from relying on evidence of the caregiving she provided since the issuance of the temporary  
22 guardianship. Further, and most importantly, it is Mother’s position that it would not be  
23 detrimental to return Arya fully to her care, and that the best interest of Arya requires that she be  
24 returned to Mother’s custody.

25           At trial, Mother will introduce testimony and evidence to prove that she has had a  
26 meaningful parent-child relationship with Arya since her birth, and has consistently fulfilled  
27 Arya’s needs for care and affection throughout her life. Mother will introduce testimony and  
28 evidence regarding Mother’s history of caregiving and her current visitation. Mother will provide

1 testimony through a retained expert regarding the concept of a psychological parent and the  
2 formation of parent/child attachment and bonding, especially during the critical first five years of  
3 a child's life. Mother will introduce testimony and evidence to show that she was in contact with  
4 Petitioner when Petitioner requested the temporary guardianship. Mother will also show that  
5 since January 2024, Petitioner consistently acted to interfere with Mother's relationship with  
6 Arya by denying visits when there was not a visit order.

7  
8 **IV. CONCLUSION**

9 Arya has always been safe in Mother's care and custody, Arya is bonded to Mother and  
10 knows her as her parent, and Mother was Arya's primary caregiver for the majority of Arya's  
11 life, prior to January 2024. During the time they lived apart, Mother consistently visited with  
12 Arya and maintained a close relationship with her, except when Petitioner prevented Mother  
13 from visiting her. Parental custody would not be detrimental to Arya, and Arya's best interest  
14 does not require nonparent, nonrelative custody.

15 For the foregoing reasons, Mother respectfully requests that Petitioner's petition for  
16 permanent legal guardianship of Arya be denied.  
17

18  
19  
20 Respectfully Submitted:

21 FINCH & ASSOCIATES

22  
23 DATED: January 8, 2026

*Atticus Finch*

24 Atticus Finch  
25 Attorney for Mother, Joan Snow  
26  
27  
28

# 5. Sample FW-001 Request to Waive Court Fees

## FW-001 Request to Waive Court Fees

**CONFIDENTIAL**

If you are getting public benefits, are a low-income person, or do not have enough income to pay for your household's basic needs and your court fees, you may use this form to ask the court to waive your court fees. The court may order you to answer questions about your finances. If the court waives the fees, you may still have to pay later if:

- You cannot give the court proof of your eligibility,
- Your financial situation improves during this case, or
- You settle your civil case for **\$10,000** or more. The trial court that waives your fees will have a lien on any such settlement in the amount of the waived fees and costs. The court may also charge you any collection costs.

Check stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of Los Angeles  
Stanley Mosk Courthouse  
111 North Hill Street  
Los Angeles, CA 90012

Fill in case number and name:

Case Number:  
24STPBXXXX

Case Name:  
Guardianship of Arya Stark

**1 Your Information** (person asking the court to waive the fees):

Name: Joan Snow

Street or mailing address: 123 Throne Rd.

City: Los Angeles State: CA Zip: 90005

Phone: (213) 321-4321

**2 Your Job**, if you have one (job title): Queen

Name of employer: HBO

Employer's address: 2049 Century Park East Los Angeles, CA 90067

**3 Your Lawyer**, if you have one (name, firm or affiliation, address, phone number, and State Bar number):

Atticus Finch, SBN 123456, Finch & Associates

610 S. Ardmore Avenue Los Angeles, CA 90005 Phone: (213) 385-2977

a. The lawyer has agreed to advance all or a portion of your fees or costs (check one): Yes  No

b. (If yes, your lawyer must sign here) Lawyer's signature: \_\_\_\_\_

*If your lawyer is not providing legal-aid type services based on your low income, you may have to go to a hearing to explain why you are asking the court to waive the fees.*

**4 What court's fees or costs are you asking to be waived?**

Superior Court (See Information Sheet on Waiver of Superior Court Fees and Costs (form FW-001-INFO).)

Supreme Court, Court of Appeal, or Appellate Division of Superior Court (See Information Sheet on Waiver of Appellate Court Fees (form APP-015/FW-015-INFO).)

**5 Why are you asking the court to waive your court fees?**

a.  I receive (check all that apply; see form FW-001-INFO for definitions):

Food Stamps  Supp. Sec. Inc.  SSP  Medi-Cal  County Relief/Gen. Assist.  IHSS

CalWORKS or Tribal TANE  CAPI  WIC  Unemployment

b.  My gross monthly household income (before deductions for taxes) is less than the amount listed below. (If you check 5b, you must fill out 7, 8, and 9 on page 2 of this form.)

Family Size	Family Income	Family Size	Family Income	Family Size	Family Income	If more than 6 people at home, add \$916.67 for each extra person.
1	\$2,606.33	3	\$4,441.67	5	\$6,275.00	
2	\$3,525.00	4	\$5,356.33	6	\$7,191.67	

c.  I do not have enough income to pay for my household's basic needs and the court fees. I ask the court to: (check one and you **must** fill out page 2):

waive all court fees and costs  waive some of the court fees  let me make payments over time

**6**  Check here if you asked the court to waive your court fees for this case in the last six months.

(If your previous request is reasonably available, please attach it to this form and check here):

**I declare under penalty of perjury under the laws of the State of California that the information I have provided on this form and all attachments is true and correct.**

Date: December 20, 2025

Joan Snow

Print your name here

Sign here

*Joan Snow*

Your name: Joan Snow

Case Number:  
24STPBXXXXX

If you checked 5a on page 1, do not fill out below. If you checked 5b, fill out questions 7, 8, and 9 only. If you checked 5c, you **must** fill out this entire page. If you need more space, attach form MC-025 or attach a sheet of paper and write Financial Information and your name and case number at the top.

7  Check here if your income changes a lot from month to month. If it does, complete the form based on your average income for the past 12 months.

8 Your Gross Monthly Income

a. List the source and amount of any income you get each month, including: wages or other income from work before deductions, spousal/child support, retirement, social security, disability, unemployment, military basic allowance for quarters (BAQ), veterans payments, dividends, interest, trust income, annuities, net business or rental income, reimbursement for job-related expenses, gambling or lottery winnings, etc.

(1) \_\_\_\_\_ \$ \_\_\_\_\_  
(2) \_\_\_\_\_ \$ \_\_\_\_\_  
(3) \_\_\_\_\_ \$ \_\_\_\_\_  
(4) \_\_\_\_\_ \$ \_\_\_\_\_

b. Your total monthly income: \$ \_\_\_\_\_

9 Household Income

a. List the income of all other persons living in your home who depend in whole or in part on you for support, or on whom you depend in whole or in part for support.

Name	Age	Relationship	Gross Monthly Income
(1) _____	_____	_____	\$ _____
(2) _____	_____	_____	\$ _____
(3) _____	_____	_____	\$ _____
(4) _____	_____	_____	\$ _____

b. Total monthly income of persons above: \$ \_\_\_\_\_

Total monthly income and household income (8b plus 9b): \$ \_\_\_\_\_

To list any other facts you want the court to know, such as unusual medical expenses, etc., attach form MC-025 or attach a sheet of paper and write Financial Information and your name and case number at the top.  
Check here if you attach another page.   
**Important!** If your financial situation or ability to pay court fees improves, you must notify the court within five days on form FW-010.

10 Your Money and Property

a. Cash \$ \_\_\_\_\_  
b. All financial accounts (List bank name and amount):  
(1) \_\_\_\_\_ \$ \_\_\_\_\_  
(2) \_\_\_\_\_ \$ \_\_\_\_\_  
(3) \_\_\_\_\_ \$ \_\_\_\_\_

Make / Year	Fair Market Value	How Much You Still Owe
(1) _____	\$ _____	\$ _____
(2) _____	\$ _____	\$ _____
(3) _____	\$ _____	\$ _____

Address	Fair Market Value	How Much You Still Owe
(1) _____	\$ _____	\$ _____
(2) _____	\$ _____	\$ _____

Describe	Fair Market Value	How Much You Still Owe
(1) _____	\$ _____	\$ _____
(2) _____	\$ _____	\$ _____

11 Your Monthly Deductions and Expenses

a. List any payroll deductions and the monthly amount below:  
(1) \_\_\_\_\_ \$ \_\_\_\_\_  
(2) \_\_\_\_\_ \$ \_\_\_\_\_  
(3) \_\_\_\_\_ \$ \_\_\_\_\_  
(4) \_\_\_\_\_ \$ \_\_\_\_\_

b. Rent or house payment & maintenance \$ \_\_\_\_\_  
c. Food and household supplies \$ \_\_\_\_\_  
d. Utilities and telephone \$ \_\_\_\_\_  
e. Clothing \$ \_\_\_\_\_  
f. Laundry and cleaning \$ \_\_\_\_\_  
g. Medical and dental expenses \$ \_\_\_\_\_  
h. Insurance (life, health, accident, etc.) \$ \_\_\_\_\_  
i. School, child care \$ \_\_\_\_\_  
j. Child, spousal support (another marriage) \$ \_\_\_\_\_  
k. Transportation, gas, auto repair and insurance \$ \_\_\_\_\_

l. Installment payments (list each below):  
Paid to:  
(1) \_\_\_\_\_ \$ \_\_\_\_\_  
(2) \_\_\_\_\_ \$ \_\_\_\_\_  
(3) \_\_\_\_\_ \$ \_\_\_\_\_

m. Wages/earnings withheld by court order \$ \_\_\_\_\_

n. Any other monthly expenses (list each below).  
Paid to: How Much?  
(1) \_\_\_\_\_ \$ \_\_\_\_\_  
(2) \_\_\_\_\_ \$ \_\_\_\_\_  
(3) \_\_\_\_\_ \$ \_\_\_\_\_

Total monthly expenses (add 11a - 11n above): \$ \_\_\_\_\_

# 6. Sample FW-003 Order on Fee Waiver

**FW-003**

## Order on Court Fee Waiver (Superior Court)

**1 Person who asked the court to waive court fees:**

Name: Joan Snow  
 Street or mailing address: 123 Throne Rd.  
 City: Los Angeles State: CA Zip: 90005

**2 Lawyer, if person in 1 has one (name, firm name, address, phone number, e-mail, and State Bar number):**

Atticus Finch, SBN: 123456  
Finch & Associates  
610 S. Ardmore Avenue  
Los Angeles, CA 90005  
Phone: (213) 385-2977

**3 A request to waive court fees was filed on (date):** \_\_\_\_\_  
 The court made a previous fee waiver order in this case on (date): \_\_\_\_\_

*Clerk stamps and here where form is filed.*

*Fill in court name and street address:*

**Superior Court of California, County of Los Angeles**  
 Stanley Mosk Courthouse  
 111 North Hill Street  
 Los Angeles, CA 90012

*Fill in case number and name:*

**Case Number:**  
 24STPBXXXXX  
**Case Name:**  
 Guardianship of Arya Stark

**Read this form carefully. All checked boxes  are court orders.**

**Notice:** The court may order you to answer questions about your finances and later order you to pay back the waived fees. If this happens and you do not pay, the court can make you pay the fees and also charge you collection fees. If there is a change in your financial circumstances during this case that increases your ability to pay fees and costs, you must notify the trial court within five days. (Use form FW-010.) If you win your case, the trial court may order the other side to pay the fees. If you settle your civil case for \$10,000 or more, the trial court will have a lien on the settlement in the amount of the waived fees. The trial court may not dismiss the case until the lien is paid.

**4 After reviewing your:**  *Request to Waive Court Fees*  *Request to Waive Additional Court Fees*  
**the court makes the following orders:**

a.  The court grants your request, as follows:

- (1)  **Fee Waiver.** The court grants your request and waives your court fees and costs listed below. (*Cal. Rules of Court, rules 3.55 and 8.818.*) You do not have to pay the court fees for the following:
- Filing papers in superior court
  - Making copies and certifying copies
  - Sheriff's fee to give notice
  - Reporter's fee for attendance at hearing or trial, if the court is not electronically recording the proceeding and you request that the court provide an official reporter
  - Assessment for court investigations under Probate Code section 1513, 1826, or 1851
  - Preparing, certifying, copying, and sending the clerk's transcript on appeal
  - Holding in trust the deposit for a reporter's transcript on appeal under rule 8.130 or 8.834
  - Making a transcript or copy of an official electronic recording under rule 8.835
  - Court fee for phone hearing
  - Giving notice and certificates
  - Sending papers to another court department
- (2)  **Additional Fee Waiver.** The court grants your request and waives your additional superior court fees and costs that are checked below. (*Cal. Rules of Court, rule 3.56.*) You do not have to pay for the checked items.
- Jury fees and expenses
  - Fees for court-appointed experts
  - Other (specify): \_\_\_\_\_
  - Fees for a peace officer to testify in court
  - Court-appointed interpreter fees for a witness

Your name: Joan Snow

Case Number:  
24STPBXXXXX

- b.  The court **denies** your fee waiver request because:

**Warning!** If you miss the deadline below, the court cannot process your request for hearing or the court papers you filed with your original request. If the papers were a notice of appeal, the appeal may be dismissed.

- (1)  Your request is incomplete. You have **10 days** after the clerk gives notice of this Order (see date of service  on next page) to:

- Pay your fees and costs, or
- File a new revised request that includes the incomplete items listed:  
 Below     On Attachment 4b(1)

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- (2)  The information you provided on the request shows that you are not eligible for the fee waiver you requested for the reasons stated:  Below     On Attachment 4b(2)

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The court has enclosed a blank *Request for Hearing About Court Fee Waiver Order (Superior Court)* (form FW-006). You have **10 days** after the clerk gives notice of this order (see date of service below) to:

- Pay your fees and costs in full or the amount listed in c below, or
- Ask for a hearing in order to show the court more information. (*Use form FW-006 to request hearing.*)

- c. (1)  The court needs more information to decide whether to grant your request. You must go to court on the date on page 3. The hearing will be about the questions regarding your eligibility that are stated:

Below     On Attachment 4c(1)

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- (2)  Bring the items of proof to support your request, if reasonably available, that are listed:

Below     On Attachment 4c(2)

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**This is a Court Order.**

Your name: Joan Snow

Case Number:  
24STPBXXXXX

Name and address of court if different from above:

Hearing Date	→ Date: _____	Time: _____	
	Dept.: _____	Room: _____	

**Warning!** If item c(1) is checked, and you do not go to court on your hearing date, the judge will deny your request to waive court fees, and you will have 10 days to pay your fees. If you miss that deadline, the court cannot process the court papers you filed with your request. If the papers were a notice of appeal, the appeal may be dismissed.

Date: \_\_\_\_\_

Signature of (check one):     *Judicial Officer*     *Clerk, Deputy*

### Request for Accommodations



Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office for *Request for Accommodations by Persons With Disabilities and Response* (form MC-410). (Civ. Code, § 54.8.)

### Clerk's Certificate of Service

I certify that I am not involved in this case and (check one):

- I handed a copy of this Order to the party and attorney, if any, listed in ① and ②, at the court, on the date below.
- This order was mailed first class, postage paid, to the party and attorney, if any, at the addresses listed in ① and ②, from (city): \_\_\_\_\_, California, on the date below.
- A certificate of mailing is attached.

Date: \_\_\_\_\_

Clerk, by \_\_\_\_\_, Deputy  
Name: \_\_\_\_\_

**This is a Court Order.**

# 7. Sample Blank Probate Investigator Questionnaire

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES  
PROBATE INVESTIGATION GUARDIANSHIP INFORMATION SHEET**

Case Name/ Number _____	Department: _____
Guardianship Investigation Appointment Date: _____	

**INSTRUCTIONS:** This information sheet is important for introducing you, your family and minor(s) to the Probate Investigator assigned to conduct your investigation. The purpose of this interview is to obtain information for the Court.

**1. MINOR CHILD/REN:** List the child/ren involved in this court action:

Minor Child/ren Full Name	Date Of Birth	School Name and Grade	Currently Residing With

**2. Proposed Guardian(s)**

Full legal name: \_\_\_\_\_ Date of birth: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone number: \_\_\_\_\_  
 Driver's License Number: \_\_\_\_\_ State: \_\_\_\_\_ Valid?  Yes  No  
 Relationship to the minor(s): \_\_\_\_\_

Full legal name: \_\_\_\_\_ Date of birth: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone number: \_\_\_\_\_  
 Driver's License Number: \_\_\_\_\_ State: \_\_\_\_\_ Valid?  Yes  No  
 Relationship to the minor(s): \_\_\_\_\_

**3. Parents of Minor(s)**

Mother's legal name: \_\_\_\_\_ Date of birth: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone number: \_\_\_\_\_  
 Driver's License Number: \_\_\_\_\_ State: \_\_\_\_\_ Valid?  Yes  No

Father's legal name: \_\_\_\_\_ Date of birth: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone number: \_\_\_\_\_  
 Driver's License Number: \_\_\_\_\_ State: \_\_\_\_\_ Valid?  Yes  No

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES  
PROBATE INVESTIGATION GUARDIANSHIP INFORMATION SHEET**

**4. Household:**

List the names and birthdates of other child/ren under age 18 residing in the home:

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---

List the names and birthdates of other adults ages 18 or older residing in the home:

---

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**5. Additional Information:**

- Has any child listed above been a dependent of the Juvenile Court?  Yes  No
- Is the proposed ward subject to any other legal custody orders?  Yes  No
- Has there been past or present Department of Children and Family Services involvement?  
 Yes  No
- Does anyone object to this petition?  Yes  No Who? \_\_\_\_\_

**I am attaching copies of the following documents to support my request:**

- Minor's school records, last report cards, progress reports, IEPs, school enrollment forms, etc.
- Minor's medical records, immunization records, Medi-Cal cards.
- Evidence of residence, such as: Mortgage statement, rental receipts, rental or lease agreement, or utility bill showing the proposed guardian(s) as the payer at the property stated to be home for the minor.

I declare under penalty of perjury that the foregoing is true and correct.

Signature: \_\_\_\_\_

Dated: \_\_\_\_\_

# 8. Sample Declaration in Support of Access Per WIC 827

Affairs Finch, Esq. Finch & Associates 610 S. Ardmore Ave. Los Angeles, CA 90005		
<b>ATTORNEY FOR (Name):</b> Joan Snow, Mother		
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b>		
<b>COURTHOUSE ADDRESS:</b> <b>Juvenile Division</b> <b>201 Centre Plaza Drive</b> <b>Monterey Park, CA 91754</b>		
<b>PETITIONER:</b> Joan Snow		
<b>CHILD'S NAME:</b>  Arya Stark	<b>DOB:</b>  04/15/2014	
<b>DECLARATION IN SUPPORT OF ACCESS TO JUVENILE RECORDS</b> <b>(WIC §827, CRC Rule 5.552; Local Rule 7.2)</b>		<b>CASE NUMBER:</b>  <b>Dependency</b> _____  <b>Delinquency</b> _____

**A. Are you one of the entitled parties or agencies listed under Welfare & Institutions Code (WIC) §827, California Rules of Court, Rule 5.552, and Los Angeles Superior Court (LASC) Local Rules (LR), Rule 7.2? (Check 1 box only):**

1.  Court Personnel
2.  Child/Non-Minor Dependent who is the subject of a juvenile proceeding
3.  Attorney for subject child or his or her agent with proper proof of affiliation (including appellate attorney) [continue to Section B below] actively participating in a criminal or juvenile proceeding.
4.  Subject child's parent who still has parental rights or child's legal guardian
5.  The attorney for subject child's parent who still has parental rights or child's legal guardian, or his or her agent with proper proof of affiliation (including appellate attorney) [continue to Section B below]
6.  The County Counsel, City Attorney, or any other attorney representing the petitioning agency in a dependency action, or his or her agent with proper proof of affiliation [continue to Section B below]
7.  Attorney authorized to prosecute adult criminal or juvenile matters under California state law (district attorney, city attorney, city prosecutor), or his or her agent with proper proof of affiliation [continue to Section B below]
8.  Judge, referee, hearing officer, probation officer, or law enforcement officer actively participating in adult criminal or juvenile proceedings involving the minor
  - a. Criminal case number: \_\_\_\_\_
  - b. Juvenile case number: \_\_\_\_\_
9.  State Department of Social Services staff for the purposes delineated in WIC section 827(a)(1)(I), CRC 5.552(b)(1)(J), LR 7.2(a)(2)(h)
10.  State Department of Social Services staff for purposes delineated in WIC section 827(a)(1)(J), LR 7.2(a)(2)(i)
11.  Member of child protective agencies per Penal Code section 11165.9 (police, sheriff, county probation, county child welfare)
12.  Superintendent or designee of school district where child attends or is enrolled
13.  Member of child's multi-disciplinary team as provided in WIC section 830, 830.1, and 18951(d)
14.  Person or agency currently providing supervision or treatment of child (physician, surgeon, other health care providers, psychotherapist, sexual assault or domestic violence counselor, group home or foster family agency social worker/case managers, regional center consumer service coordinator)
  - a. Title & relationship to child: \_\_\_\_\_
15.  Family law judicial officer, or clerk acting on behalf of judicial officers
  - a. Family law case number: \_\_\_\_\_
16.  Family law mediator or court appointed evaluator actively participating in a family law case involving the subject minor (including person performing investigation or assessment)
  - a. Family law case number: \_\_\_\_\_
17.  Court-appointed counsel for minor in family law case under Family Code section 3150. **Counsel for the minor on related matters is required to provide a copy of the court order appointing him/her as minor's counsel.**

SHORT TITLE: In re Guardianship of Arya Stark	CASE NUMBER: 24STPBXXXX
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- a. Family law case number: \_\_\_\_\_
18.  Court-appointed probate guardianship investigator  
a. Probate case number: \_\_\_\_\_
19.  Local child support agency for establishing paternity and establishing or enforcing child support orders
20.  Juvenile Justice Commission as established under WIC section 225
21.  Person from an Indian tribe, reservation, or tribal court serving in a similar capacity as those listed in Section A, numbers 1, 3, 5, 6, 11, 13, 15, 16, 17, or 18  
a. If so, what tribe? \_\_\_\_\_  
b. Please specify your role: \_\_\_\_\_
22.  Other (including pursuant to court order; please attach copy of order)

**B. Attorney**

Name: Atticus Finch	State Bar #: 123456	Case No: 24STPBXXXX
Court (criminal, juvenile, etc.) Probate	Client Name: Joan Snow	
Client's relationship to subject of juvenile records: Mother		

**C. What type of records are you requesting to access?**

- Juvenile Court File  
 Dependency  
 Delinquency
- Agency Records  
 DCFS  
 Probation

If you are entitled and wish to access records from the **Department of Children and Family Services (DCFS)**, please submit this form to DCFS Records Unit/Office of County Counsel – address: 201 Centre Plaza Dr. Ste. 1, Monterey Park, CA 91754 – phone number: (323) 526-6100 – email: [Dependencyrecords@counsel.lacounty.gov](mailto:Dependencyrecords@counsel.lacounty.gov). If you are entitled and wish to access records from the **Probation Department**, please contact the Custodian of Records at (562) 940-2876, or send an email to [civil litigationoffice@probation.lacounty.gov](mailto:civil litigationoffice@probation.lacounty.gov).

**D. Why are you requesting the records?**

- For personal use  
 Other reasons (please specify):  
To inform litigation in probate court related to the care and custody of the minor child  
\_\_\_\_\_
- Will you share the records with anyone else? If so, with whom? (Please provide name and title)  
No  
\_\_\_\_\_

**WARNING:** Any records, reports, or information obtained from the juvenile record(s) shall not be further released or disseminated to persons or agencies not otherwise entitled to access to juvenile records pursuant to WIC section 827, CRC 5.552, and LR 7.2 (i.e. agencies/individuals listed above). Further, juvenile records shall not be attached to any documents without prior approval of the Juvenile Court Presiding Judge, unless they are used in connection with a criminal investigation or juvenile court proceeding to declare a minor a dependent or ward of the Court.

I declare under penalty of perjury that the foregoing is true and correct and that I am aware of the above warning regarding dissemination of juvenile records.

Date: \_\_\_\_\_ Signature: WET SIGNATURE REQUIRED \_\_\_\_\_

# 9. Sample Trial Brief

1 Atticus Finch, SBN 123456  
2 Finch & Associates  
3 610 S. Ardmore Avenue  
4 Los Angeles, CA 90005  
5 Phone: (213) 385-2977  
6 Fax: (213) 201-4723  
7 afinch@finchfirm.com

8 Attorney for Mother,  
9 Joan Snow

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**COUNTY OF LOS ANGELES**

In re: Guardianship of  
ARYA STARK

Case No. 24STPBXXXXX

**MOTHER'S TRIAL BRIEF**

DATE: February 1, 2026  
TIME: 10:30 A.M.  
DEPT: XX  
JUDGE: Hon. XXX XXX

**I. FACTUAL INFORMATION**

**A. Names, Ages, and Relationships of all Persons Relevant to Proceeding**

1. Arya Stark (11 years, 9 months old)

Arya Stark ("Arya") is the minor child subject to this proceeding. Saul Goodman is the Court Appointed Counsel for Arya.

2. Daenerys Targaryen, Temporary Guardian (27 years old)

Ms. Targaryen ("Petitioner") is not related to Arya. Ms. Targaryen knows Arya because she and Arya's mother, Joan Snow, worked together from June 2019 to June 2020. During that time, Ms. Snow paid Petitioner's family to watch Arya during the workday.

[1]

**MOTHER'S TRIAL BRIEF**





1 California courts have recognized that “the interest of a parent in the companionship,  
2 care, custody, and management of his children is a compelling one, ranked among the most  
3 basic of civil rights.” *Guardianship of Christian G.* (2011) 195 Cal. App. 4<sup>th</sup> 581, 597. (internal  
4 quotation and citations omitted). “A parent’s interest in maintaining a parent-child relationship  
5 is an extremely ‘important interest,’” *Id.* (quoting *Lassiter v. Department of Social Services*  
6 (1981) 452 U.S. 18, 27.) Because California law strongly favors parental custody, “a nonparent  
7 will not be awarded custody unless there is a clear showing that such award is essential to avert  
8 harm to the child. The detriment requirement narrowly tailors the statute to protect the child’s  
9 interest with proper acknowledgement of a parent’s superior right to custody over a nonparent”  
10 *H.S. v. N.S.* (2009) 173 Cal.App.4<sup>th</sup> 1131, 1142–1143 [93 Cal.Rptr.3d 470, 478] (internal  
11 quotation and citation omitted).

12 See also *In re Guardianship of Olivia J.* (2000) 84 Cal.App.4<sup>th</sup> 1146, 1157 [101  
13 Cal.Rptr.2d 364], where the Court stated that “the question whether parental custody is  
14 detrimental to the child is highly dependent upon facts unique to each child and parent,” and  
15 noted that “a petition for guardianship is an intrusive and limited remedy,” due to the “strong  
16 preference for parental custody, and the heavy burden a nonparent must carry of demonstrating  
17 that parental custody is detrimental to the child...” *Id.* at 1161.

18 Because probate legal guardianships involve the separation of parent and child, they are  
19 more akin to a dependency court action than a family law dispute between two parents.  
20 *Guardianship of Christian G.* (2011) 195 Cal. App 4<sup>th</sup> 581, contains an extensive comparison  
21 of dependency proceedings with probate proceedings as “both contain provisions through which  
22 parents may ultimately lose custody of their children.” *Id.* at 596. “[T]ermination of that right by  
23 the state must be viewed as a drastic remedy ‘to be applied only in extreme cases.’”  
24 *Guardianship of Christian C.*, 195 Cal. App. 4<sup>th</sup> at 597 (quoting *In re Victoria M.* (1989) 207  
25 Cal. App. 3d 1317, 1326.) “Although a guardianship does not technically terminate a parent’s  
26 rights, it does suspend them indefinitely, and it often leads to practical or legal termination of  
27

1 the parent-child relationship, or both.” *Guardianship of Christian C.*, supra, at 597 (quoting  
2 *Guardianship of Stephen G.* (1995) 40 Cal. App. 4th 1418, 1426–1427).

3 Like in probate, dependency case law also demonstrates a “strong preference for  
4 maintaining family relationships if at all possible.” *In re Rebecca H.*, (1991) 227 Cal.App.3d  
5 825, 843. Consequently, dependency courts have found that housing alone may not be a barrier  
6 to returning children to their parents. In *In re D.N.*, (2020) 56 Cal.App.5th 741, 765, a father’s  
7 lack of housing was the only barrier to reunifying with his son. There, the Court held that the  
8 father’s housing situation was due to his poverty, which was not a “legitimate ground for  
9 removing’ [the child] from [the] father’s custody.” *Id.* at 764–765 (quoting *G.S.R.* (2008) 159  
10 Cal.App.4th 1202, 1213–14). The father’s indigency also could not support a finding that  
11 returning the child to the father would “create a substantial risk of detriment to the child.” *Id.* at  
12 765; see also *G.S.R.*, supra, at 1212 (“[I]ndigency, by itself, does not make one an unfit  
13 parent.”). In fact, the father had “demonstrated a strong interest in caring for [his son] and  
14 satisfying the requirements of his case plan.” *In re D.N.* (2020) 56 Cal.App.5th 741, at 769. As a  
15 result, the Court held that the father’s lack of housing and his indigence alone could not be  
16 barriers to returning his son to his custody.

17 Mother will introduce evidence to show that Mother made careful decisions throughout  
18 Arya’s life to ensure Arya was well-cared for, even if it meant living apart from her for a time.  
19 Mother will introduce testimony and evidence to show that she has never abandoned, abused, or  
20 neglected Arya. Mother will show that, during the times she was not living with Arya, she  
21 maintained contact with her, except when prevented from doing so by Petitioner. Mother will  
22 introduce testimony and evidence to show that she currently has stable housing, and that, in the  
23 past, Mother’s periods of housing instability were primarily caused by her inability to afford  
24 and maintain housing in Los Angeles. Mother will introduce testimony and evidence to show  
25 that she has consistently demonstrated a strong interest in caring for Arya, even while living  
26 apart from her, and her poverty should not constitute the basis of detriment.





1 provide testimony through a retained expert regarding the concept of a psychological parent and  
2 the formation of parent/child attachment and bonding, especially during the critical first five  
3 years of a child's life. Mother will introduce testimony and evidence to show that she was in  
4 contact with Petitioner when Petitioner requested the temporary guardianship. Mother will also  
5 show that since January 2024, Petitioner consistently acted to interfere with Mother's  
6 relationship with Arya by denying visits when there was not a visit order.

7 **III. CONCLUSION**

8 Arya has always been safe in Mother's care and custody, Arya is bonded to Mother and  
9 knows her as her parent, and Mother was Arya's primary caregiver for the majority of Arya's  
10 life, prior to January 2024. During the time they lived apart, Mother consistently visited with  
11 Arya and maintained a close relationship with her, except when Petitioner prevented Mother  
12 from visiting her. Parental custody would not be detrimental to Arya, and Arya's best interest  
13 does not require nonparent, nonrelative custody.

14 For the foregoing reasons, Mother respectfully requests that Petitioner's petition for  
15 permanent legal guardianship of Arya be denied.

16 Respectfully Submitted:

17 FINCH & ASSOCIATES

18 DATED: January 8, 2026

*Atticus Finch*

Atticus Finch

Attorney for Mother, Joan Snow

# 10. Sample Witness List

1 Atticus Finch, SBN 123456  
2 Finch & Associates  
3 610 S. Ardmore Avenue  
4 Los Angeles, CA 90005  
5 Phone: (213) 385-2977  
6 Fax: (213) 201-4723  
7 afinch@finchfirm.com

8 *Attorney for Mother,*  
9 *Joan Snow*

## 10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

### 11 COUNTY OF LOS ANGELES

12 In re: Guardianship of the Person,  
13  
14 ARYA STARK, a minor.

15 Case No. 24STPBXXXXX

#### 16 **RESPONDENT'S WITNESS LIST IN RE: 17 GUARDIANSHIP OF ARYA STARK**

18 **Date:** March 20, 2026

19 **Time:** 1:30 p.m.

20 **Dept:** XX

21 **Judge:** Hon. XXX XXXX

22 Joan Snow, mother of proposed ward Arya Stark, intends to call the following, non-rebuttal  
23 witnesses at the above referenced evidentiary hearing in this matter. Respondent reserves her right to  
24 amend and/or augment this Witness List prior to the commencement of the evidentiary hearing.

25 1. **Daenerys Targaryen (Petitioner)**: Mother intends to examine  
26 Petitioner, pursuant to *Evidence Code* section 776, regarding all aspects of this evidentiary hearing  
27 including Petitioner's petition for guardianship of proposed ward. Petitioner's testimony pursuant to  
28 *Evidence Code* section 776 is expected to take 1.5 hours.

29 2. **Mother**: Mother intends to testify regarding the facts and circumstances  
30 relevant to her objection to Petitioner's appointment as guardian of proposed ward, including  
31 Mother's history of care, provision, and custody of proposed ward. Mother's direct testimony is  
32 expected to take 2 hours.

1           3.       **Sansa Stark**: Sansa Stark is Mother’s 21-year-old daughter. Sansa Stark is  
2 expected to testify to her observations of Mother’s provision of care toward herself and proposed  
3 ward. Sansa Stark is also anticipated to testify regarding her relationship with her sibling, proposed  
4 ward. Sansa Stark’s testimony is expected to take 30 minutes.

5           4.       **Cersei Lannister**: 8900 Venice Boulevard, Culver City, CA 90232 : phone number:  
6 (800) 244-0998. Ms. Lannister is Mother’s family friend of over twenty-five years. Ms. Lannister is  
7 expected to testify to her observations of Mother’s care of proposed ward and relationship with  
8 proposed ward, and her interactions with Mother and proposed ward following Petitioner’s filing for  
9 appointment of guardianship. Ms. Lannister’s direct testimony is expected to take 45 minutes. Ms.  
10 Lannister needs to appear via Los Angeles Court Connect.

11  
12  
13  
14 Dated: March 13, 2026

Respectfully submitted:  
FINCH & ASSOCIATES  
*Atticus Finch*  
\_\_\_\_\_  
Atticus Finch  
*Attorney for Mother,  
Joan Snow*

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# 11. Sample Exhibit List

1 Atticus Finch, SBN 123456  
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3 610 S. Ardmore Avenue  
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5 Phone: (213) 385-2977  
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8 *Attorney for Mother,*  
9 *Joan Snow*

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

11 **COUNTY OF LOS ANGELES**

12 In re: Guardianship of the Person,  
13 ARYA STARK, a minor.

Case No. 24STPBXXXXX

**MOTHER'S EXHIBIT LIST IN RE:  
GUARDIANSHIP OF ARYA STARK**

**Date:** March 20, 2026

**Time:** 1:30 p.m.

**Dept:** XX

**Judge:** Hon. XXX XXXX

17  
18 Joan Snow, mother of proposed ward Arya Stark, intends to introduce the below listed  
19 exhibits at the above referenced evidentiary hearing in this matter. The list of exhibits below does not  
20 include those that may be utilized solely for impeachment and/or rebuttal. Mother reserves her right  
21 to amend and/or augment this Exhibit List prior to the commencement of the evidentiary hearing.

22 //

23  
24 //

1			
2	1.	Exhibit A	Text message exchange between Petitioner and
3			Mother on July 4, 2025
4			Identified ___
5			Admitted ___
6			Excluded ___
7			Stipulated ___
8	2.	Exhibit B	Text message exchange between Petitioner and
9			Respondent on September 15, 2025
10			Identified ___
11			Admitted ___
12			Excluded ___
13			Stipulated ___
14	4.	Exhibit D	Bank statement from August to October 2025
15			showing Mother's financial support to Petitioner
16			for minor.
17			Identified ___
18			Admitted ___
19			Excluded ___
20			Stipulated ___
21	5.	Exhibit E	Mother's employment records from 2025 fiscal
22			year.
23			Identified ___
24			Admitted ___
25			Excluded ___
26			Stipulated ___
27	6.	Exhibit F	Letter from Mother's landlord regarding housing
28			stability of Respondent and history of timely rental
			payments.
			Identified ___
			Admitted ___
			Excluded ___
			Stipulated ___

1 2 3 4 5	10.	Exhibit J	Negative results of Mother's drug test requested by minor's counsel reflecting Mother's sobriety.	Identified ___ Admitted ___ Excluded ___ Stipulated ___
6 7 8 9 10	11.	Exhibit K	Certificate of completion of parenting classes program curriculum by Mother, issued on November 10, 2025.	Identified ___ Admitted ___ Excluded ___ Stipulated ___

12 Dated: March 13, 2026

Respectfully submitted:

FINCH & ASSOCIATES

*Atticus Finch*

Atticus Finch

*Attorney for Mother,  
Joan Snow*

28

# 12. Sample Petition for Visitation

1 Atticus Finch, SBN 123456  
2 Finch & Associates  
3 610 S. Ardmore Avenue  
4 Los Angeles, CA 90005  
5 Phone: (213) 385-2977  
6 Fax: (213) 201-4723  
7 afinch@finchfirm.com

8 *Attorney for Mother,*  
9 *Joan Snow*

## 10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

### 11 COUNTY OF LOS ANGELES

12 Case No. 24STPBXXXXX

#### 13 MOTHER'S PETITION FOR 14 VISITATION

15 In re: Guardianship of the Person,

16 ARYA STARK, a minor.

17 **Dept:** XX

18 **Judge:**

#### 19 I. INTRODUCTION

20 California law strongly favors children having frequent and consistent contact with their  
21 parents in a manner that is reasonable and crafted to assure the child's health, safety, and welfare  
22 during such contact. In this case, on July 1, 2024, the Court ordered visitation between Joan Snow  
23 ("Mother") and her daughter, Arya, consisting of weekly overnight visits on Wednesdays and weekly  
24 Saturday afternoon visits.

25 On July 1, 2025, the Court issued its statement of decision granting the Petition for  
26 Guardianship. The Court did not make any orders restricting visits between Arya and Mother. Yet,  
27 since that time, Daenerys Targaryen ("Guardian") has refused to make Arya available for visits, or  
28 even most therapy appointments with Mother. Because of Guardian's interference, Mother has not  
seen Arya in over a month. There are no safety concerns in this case. This case does not involve a

1 violence, drug abuse, or abduction. Guardian’s actions are not in Arya’s best interest. Mother  
2 respectfully requests that the Court issue a new visitation order as follows:

- 3 1. Weekly four-hour visits which start at the same time as therapy appointments between  
4 Mother and Arya, scheduled as recommended by Arya’s therapist. If Guardian does  
5 not permit Mother to transport Arya to the appointment, Guardian is responsible for  
6 transporting Arya to the appointment. If therapy is not scheduled, the weekly four-  
7 hour visits shall be on Tuesdays from 3:30 p.m. to 7:30 p.m.
- 8 2. Overnight visits, every Friday at 3:30 p.m. to Saturday at 7:30 p.m. On the first and  
9 third weekend of each month, overnight visits shall be extended to Sunday at 7:30  
10 p.m. The first weekend shall be defined as beginning on the first Friday of the month.
- 11 3. If Arya is in school, Mother shall pick up Arya directly from school for visits. If Arya  
12 is not in school, Mother shall pick up Arya from Guardian’s home. If either party is  
13 late by more than 30 minutes, the visitation is considered cancelled by the late party.
- 14 4. Mother and Guardian are to communicate about Arya via Talking Parents at least once  
15 per week and must respond to each other within 24 hours of viewing a message.

## 11 **II. STATEMENT OF FACTS**

12 On February 28, 2024, the Court ordered visitation between Mother and Arya on Saturdays  
13 from 12:00 p.m. to 3:00 p.m. and ordered Guardian to encourage Arya to participate in the visits.

14 On April 25, 2024, the Court increased visitation between Mother and Arya. Saturday visits  
15 now ended at 6:00 p.m. and the Court ordered Tuesday visits from 3:00 p.m. to 6:00 p.m., with  
16 curbside exchanges.

17 On July 1, 2024, the Court increased visitation between Mother and Arya as follows:

18  
19 Wednesday pickup at 3:00 PM and overnight visit with a drop-off at 3:00  
20 PM Thursday. Any alterations are to be discussed ahead of time. Parties  
21 are to regularly check Talking Parents. Tuesday visits will no longer  
22 occur. The court grants Saturday visits from 12:00 PM to 6:00 PM.

23 Beginning December 4, 2024, Mother visited Arya according to this schedule. Mother taught  
24 Arya how to play chess and card games, took Arya on outings to museums and the Santa Monica  
25 Pier, and they settled into routines. When each visit came to an end, Arya would ask if she could stay  
26 a little longer, or just do one more activity with Mother, and count how many days were left until she  
27 could see Mother again. See **Mother’s Declaration, attached as Exhibit A, ¶2-6.**

28 On December 19, 2024, the Department of Children and Family Services investigator Maria  
Rodriguez observed a Thursday morning visit with Mother and Arya at Mother’s home. The

1 investigator observed Mother and Arya to “have a close bond.” The investigator concluded that Arya  
2 “has an affection for and bond with her mother, which was observed during this investigator’s visit.  
3 [Arya] did not exhibit any fear while with her mother, and showed excitement while giving this  
4 investigator a tour of the facility and their room. The child was dressed appropriately for the weather;  
5 there were no visible marks or bruises on the child.” She did not report any safety concerns regarding  
6 Mother’s home. See Last Minute Information for the Court, page 2, filed January 7, 2025.

7 Mother and Arya visited according to the Court’s order without issue through May 24, 2025.  
8 Exhibit A, ¶7-8; see photographs taken by Mother during that time, attached as **Exhibits B, C, D**.  
9 During that time, Guardian and Mother regularly exchanged messages through Talking Parents about  
10 Arya.<sup>1</sup> They updated each other regarding Arya’s moods, checked in about visit logistics, and to  
11 protect Arya from illness, sometimes agreed to reschedule visits. Overall, Guardian and Mother  
12 followed the Court’s order to communicate via Talking Parents and to check the application  
13 regularly. Exhibit A, ¶12.

14 However, on May 28, 2025, Guardian informed Mother that Arya did not want to go on her  
15 overnight visit. Guardian said she asked Arya, a six-year-old, to call Mother, but Arya did not want to  
16 call. Guardian continued, “As per anything that we have planned, if she clearly states she’s against it,  
17 I don’t force her to go along with it.” Mother said she was in the area and was prepared to follow  
18 through with the visit that day and therapy the next day. Guardian said Arya’s therapist would not  
19 mind rescheduling. Mother suggested setting a specific window for a FaceTime instead, and later that  
20 week, sent links so that Arya and Mother could play virtual chess. Guardian did not respond. Exhibit  
21 A, ¶9-10.

22 In June 2025, Guardian cancelled all of Mother and Arya’s overnight visits. Often, after  
23 Mother informed Guardian that she was on the way to pick up Arya, Guardian would tell Mother that  
24 Arya did not want to go on the visit. Mother would assert that she would be ready for Arya at 3:00  
25 p.m. Guardian would not respond or would say she could not make Arya get out of bed. Sometimes,  
26

27 \_\_\_\_\_

28 <sup>1</sup> The Talking Parents Message Record between Mother and Guardian is 120 pages and includes every message from July 2024 to date. Mother will produce the record upon request.

1 Guardian would say she was not at home when Mother arrived to pick up Arya. Mother would ring  
2 the doorbell, but often, no one answered. Exhibit A, ¶12.

3 Guardian told Mother that it would be better for Arya if Mother did not “force” the visits, and  
4 Mother tried to work with Guardian. If Guardian informed Mother that Arya did not want to go on  
5 the visit that day but would meet at therapy instead, Mother agreed. Mother believed that Guardian  
6 would work in good-faith with Arya’s therapist to support visits between Mother and Arya.

7 In July 2025, Guardian also stopped responding to most of Mother’s Talking Parents  
8 messages. As a result, Mother also tried texting Guardian, and Guardian sometimes responded to  
9 those texts. Additionally, Guardian began cancelling Mother and Arya’s therapy appointments. For  
10 example, on July 10, 2025, Arya’s therapist scheduled an individual session for Arya at Guardian’s  
11 home, followed immediately by a session with Mother at the park or Starbucks. These sessions were  
12 scheduled during Mother’s Thursday visitation time. Not only did Guardian cancel the overnight  
13 visit, she also cancelled Mother and Arya’s therapy appointment, less than two hours before it was to  
14 begin. Exhibit A, ¶16; see **Exhibit E**, Message from Arya’s Therapist. This was the fourth  
15 consecutive therapy appointment Guardian had cancelled. Exhibit A, ¶16. In another example, Arya’s  
16 therapist used a group chat with Mother and Guardian to confirm a July 24, 2025 appointment with  
17 Mother and Arya. Per Guardian’s request, Mother waited at the therapist’s office. Guardian did not  
18 bring Arya to the appointment. Exhibit A, ¶17; see **Exhibit F**, Group Chat.

19 On July 31, 2025, Guardian allowed Mother to take Arya to therapy. In the car, Arya  
20 expressed that she did want to visit Mother and asked why Mother had not been visiting her. Arya  
21 was angry and visibly upset, and Mother responded as best she could and let Arya process her  
22 feelings. Mother updated both Arya’s therapist and Guardian about the conversation. Mother  
23 informed Guardian that moving forward, she would no longer confirm with Guardian whether the  
24 visit was happening. To avoid disagreement, Mother would arrive at the curb on Wednesdays and  
25 Saturdays. Mother told Guardian she would message her when she arrived and planned to wait to see  
26 if Arya was available for the visit. If Arya was not available, then Mother would meet Guardian at the  
27 therapist’s office for Arya’s Thursday appointments with Mother. Exhibit A, ¶21.

28

1 On Saturday, August 2, 2025, Guardian responded to Mother and disagreed that Arya wanted  
2 to visit with her. Guardian told Mother that her grandparents were prepared to take legal action to  
3 keep Mother away from their property. Guardian also told Mother that she and Arya would not be at  
4 home and asked that Mother not “interrupt” her family. As a result, Mother did not attempt to pick up  
5 Arya that day. Exhibit A, ¶22. For the rest of the month, Mother attempted to visit Arya according to  
6 the Court’s order. Each Wednesday and Saturday, Mother drove to Carson, parked at the curb near  
7 Guardian’s home, sent Guardian a message, and waited for Arya for 30 to 45 minutes. Arya never  
8 came outside. Exhibit A, ¶22-31.

9 On Thursday, August 7, 2025, Mother met Guardian and Arya at the therapist’s office.  
10 Guardian took Arya home immediately after the session ended. Guardian has not permitted Mother  
11 and Arya to see each other since then. Guardian cancelled Mother and Arya’s only other August  
12 therapy session. Exhibit A, ¶28.

13 On September 7, 2025, after failing to respond to Mother’s Talking Parents messages  
14 regarding visitation and therapy for a month, Guardian messaged Mother. Guardian repeated that she  
15 did not want Mother to pick up Arya from her Grandparent’s home and asked that Mother contact  
16 Guardian for an alternate location before visiting. Exhibit A, ¶ 34.

17 On Wednesday, September 10, 2025, Mother voiced her concern to Guardian that  
18 coordinating a location each week would be confusing. However, Mother also said that if Arya wants  
19 to see her, she wants to be there for Arya. Mother requested that, if Guardian wants to meet at an  
20 alternate location, Guardian message her a day in advance. Exhibit A, ¶ 35. Mother also asked that  
21 the location be within five minutes of Guardian’s home so that she could plan accordingly. Guardian  
22 viewed Mother’s message but did not respond. Mother arrived at the Freeman home and as usual  
23 notified Guardian that she had arrived. Shortly afterwards, Guardian’s grandmother came outside and  
24 accused Mother of stalking Guardian. Mother left, and it appeared to Mother that Guardian’s  
25 grandmother had called the police. Exhibit A, ¶ 36.

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1 **III. ARGUMENT**

2 **A. Frequent visitation with Mother is in Arya’s best interest.**

3 The California Probate Code directs probate courts considering matters of child custody to the  
4 law set out in the California Family Code. *See* Pro. Code Section 1514(b)(1) directing probate courts  
5 to Family Code Sections 3020 et. seq. and 3040 et. seq. Section 3020 of the California Family Code  
6 states both that “it is the public policy of this state to assure that the health, safety, and welfare of  
7 children should be the court’s primary concern” and that “it is the public policy of this state to assure  
8 children have frequent and continuing contact with both parents.” Fam. Code Sec. 3020(a) and (b).

9 It has been a long-held edict of the law governing child custody in California that it is  
10 generally in a child’s best interest to have contact with their parent, even if that parent does not have  
11 physical custody of the child, absent a showing that any contact with the parent would be detrimental.  
12 Fam. Code Sec. 3100(a); *see Camacho v. Camacho* (1985) 173 CA3d 214, 218 (holding that the trial  
13 court erred in conditioning a parent's right to visitation on his willingness to seek therapy to achieve  
14 “emotional maturity” when there was no separate showing that such visitation would cause harm to  
15 the child.)

16 Arya and Mother have a close bond, and it is in Arya’s best interest to have visitation with  
17 Mother. Here, Guardian has custody of Arya and Mother has visitation. Although the right to  
18 visitation is not equivalent to full custody, it is a limited form of custody during the time the right is  
19 being exercised. *Perry v. Superior Court* (1980) 108 C.A.3d 480, 483, 166 C.R. 583, *infra*, § 234; *In*  
20 *re Robert D.* (1984) 151 C.A.3d 391, 396, 198 C.R. 801. Furthermore, California courts have held  
21 that orders establishing no or severely limited visits are appropriate only in the most extreme cases.

22 In *Hoversten v. Superior Court* (1999) 74 CA4th 636, 641, the court found that even limiting  
23 visitation to letters and telephone calls should only be used as a “last resort.” There, the respondent  
24 argued that an incarcerated parent’s loss of in-person visitation did not deprive him of any substantial  
25 right because prior to his incarceration, he lost physical custody of his children. However, the  
26 appellate court found that argument seriously underestimated the nature of the right at stake. *Id.* The  
27 court explained that as to visitation, “[t]he relationship between parent and child is so basic to the  
28 human equation as to be considered a fundamental right .... [Citations.] Interference with that right

1 should only be justified by some compelling necessity, i.e., a parent dangerously abusing a child....”  
2 Hoversten, supra, citing In re Smith, 112 Cal.App.3d 956, 968-969. See Kim v. Kim (1989) 208  
3 CA3d 364, 371 (holding that an order temporarily suspending visitation was appropriate where the  
4 father had spent time in prison for shooting the mother).

5 Here, there is no evidence that contact with Mother would be detrimental to Arya. This case  
6 does not involve a history of violence, drug abuse, or abduction. There are no safety concerns in this  
7 case. There is no basis for restricting contact between Mother and Arya as Guardian has done.  
8 Guardian has even cancelled therapy between Arya and Mother. It is Guardian’s interference with  
9 Mother and Arya’s relationship that is detrimental to Arya. Denying Arya frequent and predictable,  
10 in-person contact with Mother causes her irreparable harm.

11 **B. Guardian ignored this Court’s order and interfered in Mother’s visitation with**  
12 **Arya.**

13 Under California Family Code section 3046, subsection (a)(1), “If a party is absent...the court  
14 shall not consider the absence or relocation as a factor in determining custody or visitation” if “the  
15 absence or relocation is of short duration and the court finds that, during the period of absence or  
16 relocation, the party has demonstrated an interest in maintaining custody or visitation, the party  
17 maintains, or makes reasonable efforts to maintain, regular contact with the child, and the party's  
18 behavior demonstrates no intent to abandon the child.” Further, under subsection (b), “the court may  
19 consider attempts by one party to interfere with the other party's regular contact with the child in  
20 determining if the party has satisfied the requirements of subdivision (a).”

21 Here, Mother consistently tried to maintain regular contact with Arya. However, because of  
22 Guardian’s interference, since July 1, 2025, Arya has only seen Mother three times when they should  
23 have seen each other 20 times. Exhibit A, ¶ 34. Mother has clearly demonstrated her interest in  
24 maintaining contact with Arya. Mother has continued to communicate with Guardian each  
25 Wednesday and Saturday and attempts to pick up Arya for visits, even though Guardian failed to  
26 respond to Mother for weeks and has not made Arya available in over a month. Mother’s separation  
27 from Arya this summer should not be a factor in determining visitation.

28

1 **III. CONCLUSION**

2 For the foregoing reasons, Mother respectfully requests that the Court issue a visitation order,  
3 granting frequent, in-person and overnight visitation between her and Arya, unsupervised by  
4 Guardian, as well as an order that Guardian make Arya available for therapy sessions between  
5 Mother and Arya as recommended by Arya’s therapist.

6 Dated: September 13, 2025

Respectfully submitted:

7 FINCH & ASSOCIATES

8 *Atticus Finch*

9 \_\_\_\_\_  
10 Atticus Finch

11 *Attorney for Mother, Joan Snow*

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INDEX TO EXHIBITS

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E	Screenshot of Text Message from Arya's Therapist to Mother	
F	Screenshot of Text Messages between Arya's Therapist, Mother, and Guardian	

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