

GUARDIANSHIP PROPOSALS:

SB

Due to the new legislation beginning July 77- guardianships will have to be reviewed every year by the Judge. This changes our previous stance that we felt we should get court appointed guardianships in every case possible. Gene now suggests that we push to terminate every existing guardianship ~~and~~ that we can and ask the parents to sign permission for the kids to go to PL. with whoever was keeping them.

This way we would only have to have parents permission and not the courts. (Parents are asked their permission in guardianship matters- and if parents disagree- an investigation -'contest' is conducted- which of course would not be to our benefit housing-wise etc.)

If we follow the course of asking the courts permission to take children to the PL. we are back where we started from in that we have 10-15 workers all located on the 10th floor of the Flood Building- S.F. SB feels that we don't want to do this at any cost- since 1- all these separate workers will have to get their supervisors approval (and think this is the same person- not sure) 2- they will be tipped off as to the common denominator of So. America- PT etc.

Sb is inclined instead- to cont. with the individual guardianship operation since the possibility of all these separate workers getting together and discussing the recent influx of guardianship requests etc. is more remote. Then when the yearly review comes up next year- the guardian can write to the worker saying that they are now on a missionary duty in So. America and request the guardianship be renewed. If the court wants to see the child etc.- the guardian has no 'funds' with which to make the trip back to U.S. at that time- does the court wish to send the money? (of course not.)

At this point- even if the parents object- what are their alternatives to effectively get their child back if they don't want to come? Gene feels that the possibility of child stealing charges at that point in time is remote.

As is the chance of the court pushing its jurisdiction beyond national boundaries in these cases...

However, in cases- such as Arterberry- where the worker advised against guardianship due to the fact that she thought Clarence Moore's father would object- we have in that case petitioned the court to give Naomi permission to take the children to Guyana. This met with approval from the worker and she felt it would be no problem with the court (going to court the end of May). SB suggests that we only ask the worker about the possibility of court permission to take children to So. America- when guardianship is not feasible. (as it is not in all cases due to different circumstances).

SB also feels that if we follow the existing course of doing guardianships where possible- that we cont. to push the process- as it usually takes 5-6 weeks to have the matter placed on the court calendar.

B-2-c-1

CHAIKIN:

April 23, 1977

from sb

REAL ESTATE- will do a separate report for Sudday- for Maria

1- working on apostolic corporation with Tish- and outside attorney- Janet Evans (Gene sd. he needs to call Janet Evans)
a- getting extension to file taxes- and to file 76 and 77 yrs. simultaneously
b- working on dissolving corporation (within the next 30 days)- (they seem to feel the more length of time between the dissolving and when they file the tax returns the better)

Gene sd. he needs to do some "clean-up" work here

2- research project: Gene feels that he has completed it- but he is requesting authority to go to Washington, D.C. to consult with people there- since that is where the tax people who know about the specific problems are

3- he needs to write the F.T. corporate minutes (and this is contingent on what he learns from the tax people in Washington)

4- Criminal proceedings- resolved to date (probation report to be included by sb)

5- foster children and guardianships: new laws coming out July 77- say that guardianships will have to be court reviewed yearly- Gene thinks this is an additional problem- if we don't get court permission to take these kids- we are subject to bringing them back in one yr. before the worker and the court etc.

Gene feels we should try to dismiss existing guardianships and gets parents consents to take kids down to FL. instead of keeping the courts involved in guardianship proceedings.

We were previously working on the assumption that courts would not deal with existing guardianships unless something specific happened. This new law changes things considerably.

(meeting to be set up immediately with gene, June, Bonnie and sb to discuss alternatives- if we get the courts permission- we are right back where we started from in that we will have to deal with 10-15 workers all on the 10th floor of the Flood bldg. in S.F.- we wanted to avoid this Rot to tip off the workers as to move)

6- law office is essentially in order to move

7- transfer of peoples pensions and assets- transition committee- (get meeting together- with Sharon, Carter- find out who can see that these individual companies are written and that these peoples independent retirements etc. can be transferred over.) (these are non Social Security assets)

Get everybody to write an undated letter to the people who send those checks saying that "I am leaving the country for an unspecified length of time to do missionary work. Pls forward any checks to P.O. Box 893, G-town until further notice; this should be done before they leave here - get list as to these people and have letters on hand when they leave

8- Social security stuff- Laurie E. told Gene that they were down to about 1/3 of the back checks processed- Feb/March is in- and there is a 'good' relationship with So dept. no invest. that she knows of. Laurie E. is doing 'redeterminations' now sd. Gene

B-2-C-1

CHAIKIN cont.

4/23/77 sb

5 - purchasing items for Guy.

a- Bedford trucks- been ordered and sent a deposit- we will order spare parts from here- request lists to Guy. and asked them to send here and we will order them- (this was requested last week Gene sd.)

b- electrification system- got quote from England and the current produced is 50 cycles- have requested clarification - if can be adjusted to produce 60 cycles current- we are waiting reply (Norman requested the info)
recommend purchasing if adjustment can be made.

c- boat landing craft- lost purchase of one bidding on- have some brokers looking- wondering if Norman should travel to look further?

d- agricultural equip.- Gene told FL. he thought that they should buy that there- he never heard further on it

e- Vacuum packed storage-system- (Norman)- Gene sd. these are still not done- it should be considered a Priority! (sb to check and follow up with Norman as he was handling it)

PROBATION REPORT: ffox sb

PERCY DARDEN- on Federal Probation- 4/75 interstate transporting of guns// he calls or writes in- got 10 weekends and 5 yrs. probation
worker is Mr. McCarty- S.F.- contact worker and see about permission to go to FL.L (to be set up by sb and Gene to attend conference with worker)

Irvin Perkins- will get off in June- no problem
David Gainous- has letter from his FO. says he can go- no problem

JIMMY MASON- see worker in S.F. first and probably L.A. worker will go along with it- (appt. to be set up and sb and Gene to go talk to worker)

RITA THOMAS- age 19 (Carolyn Thomas sister) says she wants to go- will probably be on 3 yrs. probation for theft (of police decoy)

CECIL ~~KEI~~ PIERRE- age 28 yrs. , 223 Vista Grande, Daly City 756-5858// been member 2 mos. says he wants to go- he will get off probation 4/25/77 we hope- from Louis. no passport

A.G. ROSS- age 20- (on probation til 2/8 78)- for pess. of narcotics and weapon- just been out of Youth Authority 8 mos. says he had a good record in there- getting passport- says he wants to go- friend of Cecil Pierre// 2238 23rd St. S.F. 756-5858
worker is Phil Nakamura, Parole Agent, 865 Page St., S.F. 557-2637

Kenneth Carter- L.A.- on probation for murder- age 17- doesn't attend reg.- (not going to push this matter)- not been in long time

B-a-c-1

4/23/77

from sb

HOWARD BUCKST (from L.A.)- on probation for second time child beating. (his wife FLORA was a member first in L.A.- now Howard comes)// the children were taken away from the parents for abuse and neglect. Worker is black- (both social worker and his probation officer)- social worker recommended family counselling- now the children were re-placed in the home in 2/77 // Gene and SB talked to them at length- Howard had been drinking at the time we talked- but never admitted it- said it was his after-shave lotion//

he says he likes JJ and the church// she is defensive of him and gene says she is very dependent on him// their lawyer is Frolich// we recommended- that since he was just put on probation in Dec. 76- that this case be put on ice for several mos. until he can get a 'good' record of having his children living with him and him not blowing up and beating them// and for him to go to counselling etc. and get back to this case in several mos.

it would be very hard to pull this off at the present time- since the children have not been returned home for very long etc. and he has not cooperated with going to family counselling etc.// we also thought it would show us where they are coming from in terms of commitment.

also they were about to lose their house to foreclosure etc. and wanted to give it to PT (there was alot of money owed on it)- we suggested they keep the house and get the payments caught up for the sake of having a home for the children etc. in the eyes of the worker to look good.

there are 4 children involved- and they say they want to go back home to stay

ARTERBERRY KIDS: (in L.A.)- goes to court the 3rd week of May or 4th week-earliest poss.)
talked to their new worker- told her about PL. - she was favorable- but advised against us getting guardianship for the grandmother in that she thought the father of Clarence Moore might object. She doesn't feel there will be any problem with getting the court of go along with it- things it is a good opportunity. if they wanted to stay over there after the yr. is up- the court can just renew approval.

PROBLEM FAMILIES TO MOVE: (LA.)

BETTY FOUNTAIN- has 4 kids- hostile husb. (Versie's sister)

DEOLA CHRISTMAS- L.A. hostile husb.- beats her up- told her report these beatings to police so it could be on record when she leaves him

Cesar Henderson's kids- his ex-wife has custody and he has visiting rights- no way to get the kids for any length of time- he has visitation rights only- may have to think of some way the kids can get mother's permission to visit for a length of time?

ELEANOR LONG- has 4? children and hostile husb.

Ernie Rhone (S.F. area)- her ex-husb. came and took the children while she was away on PT. trip- hostile husb.- not sure of status on this one.

B-2-C-1

will. Involuntary civil mental health treatment for a ward shall be obtained only pursuant to the provisions of Article 1 (commencing with Section 5150), Article 1.5 (commencing with Section 5170), Article 2 (commencing with Section 5200), Article 3 (commencing with Section 5225), Article 4 (commencing with Section 5250), Article 4.5 (commencing with Section 5260), Article 5 (commencing with Section 5275), Article 6 (commencing with Section 5300), Article 7 (commencing with Section 5325), Article 8 (commencing with Section 5340), and Chapter 3 (commencing with Article 5350) of Division 5 of the Welfare and Institutions Code.

(a) A person who is not a ward shall not be presumed to be incompetent by virtue of his having been a ward under the provisions of this division.

(b) All petitions filed under this chapter shall be set for hearing within 30 days of the filing of such petitions.

(c) The guardian shall promptly advise the court issuing the letters of guardianship in writing of all changes in the residence of the ward: [1931; 1959 ch 1983 § 1; 1961 ch 608 § 2; 1976 ch 1357 § 14, operative July 1, 1977.] *Note*—Stats 1976 ch 1357 also provides: § 38. This act shall become operative July 1, 1977. *Cal Jur 3d Actions § 19, Conflict of Laws §§ 30, 31; Cal Jur 2d G & W §§ 72, 74, 75, 77, 1500 et seq., Ins Per §§ 72, 76; Witkin Summary (8th ed) pp 4605, 4668, 4682.*

§ 1501. Ward's debts and claims: Payment of debts: Funds: Collection of debts due ward: Discharge of debtor: Actions at law. Every guardian must pay the ward's just debts out of the ward's personal estate and the income of his real estate, if sufficient; if not, then out of his real estate upon selling or mortgaging or giving a deed of trust upon any of his real property as hereinafter provided. He must demand, sue for, and collect all debts due to the ward, or, with the approval of the court, he may give the debtor a discharge upon such terms as may appear to the court to be for the best interest of the estate of the ward. He must appear for and represent his ward in all actions and proceedings, unless another person is appointed for that purpose. [1931; 35 ch 724 § 6.] *Cal Jur 2d G & W §§ 81, 99, 109, 1500 et seq, Inf § 7, Ins Per 2.*

1501a. Certain wage claims preferred: Validity of claim: Assets for

payment: Construction of section. Every guardian must promptly pay wage claims of not exceeding six hundred dollars (\$600) to each claimant, for work done or services rendered for the ward within 90 days prior to the date the petition for the appointment of the guardian was filed, before the claim of any general creditor is paid. If there is insufficient money with which to pay all such labor claims in full, the money available must be distributed among the claimants in proportion to the amount of their respective claims. If a guardian neglects or refuses to pay such preferred labor claims, as provided in this section the court shall order him to do so upon the informal application of any labor claimant or his assignee or representative. The guardian shall have the right to require sworn claims to be presented and shall have the right to refuse to pay any such preferred claim, either in whole or in part, if he has reasonable cause to believe that such claim is not valid but must pay any part thereof that is not disputed, without prejudice to the claimant's right as to the balance of his claim, and withhold sufficient money to cover the disputed portion until the claimant in question has a reasonable opportunity to establish the validity of his claim by court action against the said guardian, either in his own name or through an assignee.

Nothing in this section contained shall be construed to require the payment of such preferred labor claims if the assets available are insufficient, in the opinion of the court, to provide for the reasonable current needs of the ward and the wife and/or minor children of the ward; provided, however, that all wages earned within 30 days prior to the date of the filing of the petition for the appointment of the guardian shall be paid out of the first available assets. [1933 ch 548 § 1; 1951 ch 447 § 1.] *Cal Jur 2d G & W §§ 82, 1500 et seq, Ins Per § 72.*

§ 1500.1. Review of guardianships. Each guardianship initiated pursuant to this chapter shall be reviewed by the court one year after the appointment of the guardian and biennially thereafter. The court investigator shall visit the ward and personally inform the ward that he is under a guardianship and the name of his guardian. The investigator shall also determine whether the ward wishes to petition the court for restoration to capacity, whether the ward is still incompetent, and whether the present guardian is acting in the best interests of the ward.

B-2-c-1

The findings of the court investigator, including the facts upon which such findings are based, shall be certified in writing to the court within 15 days of the date of review.

If the ward wishes to petition the court for restoration to capacity or for removal of the existing guardian, the court shall notify the attorney of record for the ward, if any, or appoint the public defender or other attorney to file the petition and represent the ward at the hearing or trial.

If, based upon information contained in the court investigator's report, the court determines that a hearing for restoration to capacity or removal of the existing guardian is in the best interests of the ward, the court shall notify the attorney of record for the ward, if any, or appoint the public defender or other attorney to file the petition and represent the ward at the hearing or trial.

If the court investigator is unable to locate the ward, the court shall serve notice upon the guardian to produce the ward within 15 days of the receipt of such notice or show cause why the guardianship should not be terminated. If the ward is not produced within the time prescribed and if no good cause is shown for not producing the ward, the court shall terminate the guardianship and order the guardian to file an accounting, if the guardianship is of the estate. [1976 ch 1357 § 15, operative July 1, 1977.]

§ 1500.2. Review of guardianships established prior to 1976 amendments. For all guardianships established prior to the effective date of the amendments to this division adopted at the 1975-76 Regular Session of the Legislature, review pursuant to the terms of Section 1500.1 shall commence at the time of the next financial accounting, but in all cases within three years from the effective date of such amendments. [1976 ch 1357 § 16, operative July 1, 1977.]

§ 1502. Management of ward's estate: Use of income: Sale or mortgage of property: Advances by guardian: Reimbursement. Every guardian of an estate must manage it frugally and without waste, and apply the income, as far as may be necessary, to the comfortable and suitable support, maintenance and education of the ward and his family, if any; and if the income is insufficient for that purpose, he may sell or mortgage or give a deed of trust upon any of the property, as hereinafter provided. When a guardian has advanced, for the suitable support, maintenance or education of his ward, an amount not disproportionate to the value

of the ward's estate or his condition of life, and the same is made to appear to the satisfaction of the court, by proper vouchers and proofs, the guardian must be allowed credit therefor in his settlements. [1931.] *Cal Jur 2d G & W §§ 76, 77, 93, 156, 169, 1500 et seq, Ins Per § 72.*

§ 1503. Failure to support ward, etc.: Judicial intervention: Reimbursement of third party. Whenever a guardian fails, neglects or refuses to furnish suitable support, maintenance or education for his ward, the court may order him to do so, and enforce such order by proper process, and whenever a third person, at the request of a ward, supplies him with such suitable support, maintenance or education, and it is shown to have been done after the refusal or neglect of the guardian to supply the same, the court may direct the guardian to pay therefor out of the estate, and enforce such payment by proper process. [1931.] *Cal Jur 2d G & W §§ 76, 1500 et seq, Ins Per § 72.*

§ 1504. Defraying expenses of support. If a minor having parents living has property, the income of which is sufficient for his or her support, maintenance and education in a manner more expensive than his or her parents can reasonably afford, regard being had to the situation of the family and to all the circumstances of the case, the expenses of the support, maintenance and education of such minor may be defrayed out of the income of his or her own property, in whole or in part, as judged reasonable, and as directed by the court; and the charges therefor may be allowed accordingly in the settlement of the accounts of his or her guardian. [1931; 1975 ch 718 § 9.] *Cal Jur 2d G & W §§ 76, 169, 1500 et seq. Ins Per § 72.*

§ 1505. Support of ward having husband living: Use of wife's estate: Sale or mortgage of property. If a guardian has been appointed over the estate of a spouse by reason of the mental incompetency of the spouse and the other spouse is unable to provide the support otherwise required by law, the expense of providing the support may, to the extent necessary, be charged against and defrayed out of the estate, as directed by the court or as approved by the court in settling the accounts of the guardian. For this purpose, the guardian may sell or mortgage or give a deed of trust upon any of the property as hereinafter provided. [1931; 1975 ch 718 § 10.] *Cal Jur 2d G & W § 1500 et seq, H & W § 21, Ins Per § 72; Witkin Summary (8th ed) p 4880.*

B-2-c-1