



**SUPERIOR COURT OF CALIFORNIA
 COUNTY OF TULARE**
www.tulare.courts.ca.gov
 559-737-5500

GUARDIANSHIP OF THE PERSON PACKET

Forms included in this packet:		
For you to read		Instructions
	GC-205-INFO	Information on Probate Guardianship of the Person
	GC-505	Forms You Need to Ask the Court to Appoint a Guardian of the Person
	GC-510	What is "Proof of Service" in a Guardianship?
	ICWA-005-INFO	Information Sheet on Indian Child Inquiry Attachments and Notice of Child Custody Proceeding for Indian Child
For you to complete and file	PRO-004	Confidential Guardianship Questionnaire
	GC-210(P)	Petition for Appointment of Guardian of the Person
	GC-210(CA)	Guardianship Petition – Child Information Attachment (1 per child)
	ICWA-010(A)	Indian Child Inquiry Attachment (1 per child)
	GC-020	Notice of Hearing – Guardianship or Conservatorship
	GC-020(P)	Proof of Personal Service of Notice of Hearing-Guardianship or Conservatorship
	FL-105/GC-120	Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)
	FL-105/GC-120(A)	Attachment to UCCJEA
	GC-248	Duties of Guardian
	GC-211	Consent of Proposed Guardian, Nomination of Guardian, and Consent to Appointment of Guardian and Waiver of Notice (1 per guardian)
	GC-212	Confidential Guardian Screening Form (1 per guardian)
	GC-240	Order Appointing Guardian Or Extending Guardianship of the Person
	GC-250	Letters of Guardianship
Complete/file (Temporary Guardianship)	GC-110(P)	Petition for Appointment of Temporary Guardian of the Person
	GC-140	Order Appointing Temporary Guardian
	GC-150	Letters of Temporary Guardianship or Conservatorship
File to excuse service	PRO-008	Declaration of Due Diligence
	GC-021	Order Dispensing with Notice
Serve blank on child's parents	ICWA-020	Parental Notification of Indian Status
Serve with Notice of Hearing	GC-207-INFO/JV-352-INFO	Comparison of Guardians with Other Nonparent Caregivers
For your information	FCS-306	List of Addresses of State and Local Agencies for Notice Purposes

Informational
 June 2016
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SELF HELP RESOURCE CENTER

If you are filing for a guardianship and do not have an attorney representing you, free assistance is available. Please contact:

**Superior Court of California, County of Tulare
SELF-HELP RESOURCE CENTER
(559) 737-5500**

**221 S. Mooney Blvd. (County Civic Center), Room 203, Visalia CA 93291 OR
300 E. Olive Ave. (South County Justice Center), Porterville, CA 93257**

NOTE: This packet is to be used to file for Guardianship of the Person exclusively. If you want to ask the Court for **Guardianship of the Estate in addition to, or instead of Guardianship of the Person, please ask the Court Clerk for the form packet for **Guardianship of the Estate**. If the child is or may be an Indian child, please ask the clerk for the ICWA packet, which contains additional forms you will need.**

The Self-Help Resource Center (also known as the Family Law Facilitator) will provide instructions on how to complete the forms and how to properly notice all the necessary parties. They can answer your procedural questions and explain the court process. The Self-Help Resource Center will **NOT** represent you in court. Please call for an appointment.

The Self-Help Resource Center offers Guardianship workshops on how to complete paperwork for a guardianship. Contact them at **(559) 737-5500** to reserve space in the class. The Self-Help Resource Center also provides the Guardianship Orientation class, twice per month, which all proposed guardians **MUST** attend. At the Orientation class, proposed guardians will receive a Live Scan form in order to obtain mandatory fingerprinting. Contact them at **(559) 737-5500** to reserve space in the Orientation.

Please read and complete all applicable forms thoroughly and follow all of the required procedures – failure to do so may result in the Court delaying or denying your request. If you have further questions or concerns regarding guardianships, you may wish to consult with an attorney, use the assistance of a paralegal or typing service, or do self-research at the Tulare County Law Library (on the ground floor of the Visalia Courthouse, with Law Library computer terminals also available in the Self-Help Resource Center in the Porterville courthouse) or on the California Courts' Self-Help website at <https://www.courts.ca.gov/selfhelp-guardianship.htm> (select the Spanish icon at the right of the webpage for information in Spanish) prior to beginning your case.

STEP 1 COMPLETE REQUIRED FORMS FOR FILING

Type or neatly hand print all of the required forms in blue or black ink. Forms are also available in fillable .pdf format on the Court's website at www.courts.ca.gov/forms (select the Category Probate–Guardianships and Conservatorships).

A list of required forms is included on the front of this packet. Forms You Need to Ask the Court to Appoint a Guardian of the Person (Form GC-505), included, lists all required Judicial Council forms as well. The court also requires submission of a completed **Confidential Guardianship Questionnaire (PRO-004)** for each proposed guardian. These forms are filed confidentially to protect your privacy.

PLEASE NOTE:

1. ***Petition for Appointment of Guardian of the Person*** (GC-210(P)): Be sure to attach a copy of each child's birth certificate and an ICWA-010(A) form for each child.
2. ***Consent of Proposed Guardian, Nomination of Guardian, Consent to Appointment of Guardian and Waiver of Notice*** (GC-211)
 - Consent to Guardianship: Each guardian signs a separate Consent of Proposed Guardian.
 - Nomination: The minor's parents, grandparents, or the minor or the minor's siblings (if at least 12 years of age) can sign the *Nomination of Guardian* portion of this form nominating you as guardian. The Court will give weight to this nomination in determining whether the guardianship is in the minor's best interest.
 - Consent and Waiver: The minor or minor's parents, grandparents, or the minor's siblings (if at least 12 years of age) can sign this portion of the form. **Anyone who signs this section need not be served with the guardianship paperwork.**
3. ***Confidential Guardian Screening Form*** (GC-212) - **Each proposed guardian** must complete and file a separate form. These forms are filed confidentially to protect your privacy.

If you are petitioning for temporary guardianship:

- You must complete all of the previously-listed forms, plus the **Petition for Appointment of Temporary Guardian of the Person (GC-110(P))**. Temporary Guardianship will only be granted if there is an immediate need, such as imminent physical danger to the child. You must also prepare the **Order Appointing Temporary Guardian (GC-140)** and **Letters of Temporary Guardianship (GC-150)** to submit to the clerk with your paperwork in case the judge grants your temporary order prior to the hearing.

STEP 2 **FILE COMPLETED FORMS AND PAY FEES**

1. Return the original and **two** photocopies of all forms to the Visalia Courthouse, Clerk of the Court (Rm 201) located at 221 S. Mooney Blvd, Room 201, Visalia, CA 93291 **OR** the South County Justice Center, Court Clerk’s window located at 300 E. Olive Ave, Porterville, CA 93257.
2. **Pay filing fee:** The filing fee is currently \$225.00 for guardianship of the person only. If your petition is referred to Family Court Services for an investigation, you may have to pay an investigation fee of \$550.00.

If you cannot pay the filing fee and/or investigation fee, ask for a **Request to Waive Court Fees (Ward or Conservatee) (FW-001-GC)** and **Order on Court Fee Waiver (Superior Court) (Ward or Conservatee) (FW-003-GC)**.

3. The Court Clerk will file the forms and return your filed copies, except for the **Order** and **Letters**, which will be kept (“lodged”) in the file until your court date and which require a Judge’s signature before they can be filed.
4. One of your copies will be for your records. You can use this to make copies to provide to each person to whom you must give notice. (*see Step 4 – Give Notice of Hearing*).
5. **Investigator’s Copy:** *On the same day you file with the Clerk’s Office:*
 - a. **In Visalia:** Deliver one copy of all filed forms to Family Court Services in the Visalia Courthouse, Room 204.
 - b. **In Porterville:** When you file your papers with the Court Clerk at the South County Justice Center, the clerk will keep one set of your forms to be delivered to Family Court Services.

STEP 3**COMPLETE ONLINE GUARDIANSHIP ORIENTATION**

1. ***Each*** proposed guardian is required to complete the online Guardianship Orientation. Information and links for the orientation materials, including the Declaration of Completion, are located on the court website under Divisions/Probate.
 - a. **Declaration of Completion of Online Orientation**– After you have completed the orientation, you will complete and sign a Declaration of Completion of Online Orientation stating that you have reviewed the PowerPoint orientation materials and watched the video entitled “Becoming a Guardian.” You ***must*** file the original and two copies of this certificate with the Court Clerk no later than 5 days before the scheduled court hearing. In Visalia, you will deliver one filed-stamped copy to Family Court Services in Room 204 of the Courthouse. In Porterville, the Court Clerk will retain one copy and send it to Family Court Services for you.
 - b. **Fingerprinting:**
 - i. Each proposed guardian and each adult each adult 18 or older in the household where the child will live must complete a background check. Fingerprinting and the subsequent record check (provided through the Tulare County Sheriff’s Office and the California Department of Justice) must be completed pursuant to Tulare County Rules of Court 1007.
 - ii. You must obtain the Live Scan Fingerprint Fact Sheet and Instructions and the necessary Live Scan fingerprint form (BCIA 8016) from the Self-Help Resource Center in Visalia or Porterville. Each person being fingerprinted must take their completed Live Scan form to the Live Scan location and pay the required fee for Live Scan fingerprinting.
 - iii. Fingerprinting is completed by having the technician roll your fingers across a computer screen which “reads” your fingerprints. Please be prepared to spend approximately 15 to 30 minutes for the process to be completed. Fingerprinting is done by APPOINTMENT ONLY at the Tulare County Sheriff’s Office located at 833 S. Akers, Visalia California, 93291. The office is located inside the lobby of the Cigna Building on the northwest side of the building. Please call (559) 802-9400 for information. You can also have your Live Scan fingerprinting done by walk-in at the Porterville Police Department at 350 N. D Street, Porterville, CA

93257. Please call (559) 782-7420. You can also choose any other Live Scan location within the state of California. However, if you have your Live Scan fingerprints completed at a location other than the Tulare County Sheriff's Main Office, you may be charged an additional fee.

- iv. When you go to your appointment, take **the completed and signed Live Scan form** and **picture identification** and give it to the fingerprint technician. The fingerprint technician will complete your fingerprinting, fill in the bottom portion of the form, keep the top copy of the form, and return two copies to you. Bring or mail the yellow copy of the Live Scan Fingerprint form to Family Court Services in Room 204 of the Visalia Courthouse at 221 S. Mooney Blvd., or to the Court Clerk at the South County Justice Center in Porterville to provide to the Family Court Services box.
 - v. **DISCLOSURE:** When you submit to fingerprinting through Live Scan, Criminal Offense Reporting Information is being obtained for the purpose of evaluating you for your petition for conservatorship or guardianship. The report may contain information regarding criminal records, civil records, Social Security number verification, Driver's License Record/Status, and Child Welfare Services information.
2. Contact **Family Court Services** at (559) 730-5000, Option #6, if you have any problems or questions about this process.
 3. **NOTE: Letters of Guardianship cannot be issued until each proposed guardian has completed the orientation program and filed the Declaration of Completion, and the proposed guardian(s) and all other household members over 18 have completed the fingerprinting process.**

STEP 4 **GIVE NOTICE OF HEARING**

1. **Temporary Guardianship.** At least 5 court days before hearing, copies of the **Petition for Temporary Guardianship** (GC-110(P)), **Notice of Hearing** (GC-020), blank **Parental Notification of Indian Status** (GC-020), and **Comparison of Guardians with Other Nonparent Caregivers** (GC-207-INFO/JV-352-INFO) must be personally served on **both parents** and the **minor** (if 12 or older) and a proof of service filed with the Court Clerk.

2. **General Guardianship.** At least 15 days before the hearing:

- **Personal Service:** Copies of the **Petition for Guardianship of the Person** (GC-210(P)), **Notice of Hearing** (GC-020), blank **Parental Notification of Indian Status** (GC-020) (only on parents, if not previously served), and **Comparison of Guardians with Other Nonparent Caregivers** (GC-207-INFO/JV-352-INFO)(on anyone not previously served) must be personally served on the **parents** and **proposed minor** (if 12 or older).
- **Personal or Mail Service:** Copies of the *Petition, Notice of Hearing, and Comparison of Guardians with Other Nonparent Caregivers* must be served personally or by mail on the **grandparents, siblings and half siblings** of the minor (if 12 years old or older), and on Child Welfare Services at:

Tulare County Health and Human Services
Attention: Child Welfare Services
3500 W. Mineral King, Suite A
Visalia CA 93291

- **Mail Service:** Copies of the *Petition, Notice of Hearing, and Comparison of Guardians with Other Nonparent Caregivers* must be served by mail on additional agencies depending on the circumstances of the individual case. To determine who else must be served, please refer to the form “Addresses of State and Local Agencies for Services for Purposes of Probate Guardianship and Conservatorship” at the end of this packet.

3. See the form entitled **What is “Proof of Service” in a Guardianship?** (Form GC-510) in this packet for further instruction on notice requirements. **REMEMBER:** the notice must be served in person or by mail, as required, by someone over 18 years of age. That person can be anyone other than you or any of the parties who must be served in this case. Anyone who signs the **Consent and Waiver of Service (GC-211)** need not be served.

4. If you are unable to locate any of the people you are required to serve:

- a. You must fill out and file a **Declaration of Due Diligence in Support of a Request for Order Dispensing with Notice** (PRO-008) for each person you are unable to serve. On that Declaration, you must show that you have tried at least three different ways to get in touch with them. Options for conducting this search are listed in the *Declaration of Due Diligence*.

- b. You **must** also fill out and give the Court Clerk an **Order Dispensing with Notice** (GC-021). If the Judge decides that you do not need to notify a particular person or persons based on the information in your Declaration(s), the *Order* will be signed and filed.

REMEMBER:

If you do not have proof that all the required people have been properly served, your matter will not go forward. It will be continued to another court date until you can show the Court that proper service has been completed.

The Notice of Hearing and Original Proof of Service (on the back of Notice) to all parties must be filed with the Clerk at least five (5) days prior to the court hearing.

STEP 5 **COURT REVIEWS DOCUMENTS**

1. At the court hearing, the Court will determine whether an investigation is necessary or will be waived, and will also determine who will conduct any investigation. **Relative guardianship petitions are investigated by Family Court Services and non-relative petitions are investigated by Child Welfare Services.** Requests for temporary guardianship or other temporary orders will also be reviewed and either granted or denied.

* **“Relative”** is defined in Prob. Code § 1513(g) as a person who is a spouse, parent, step-parent, brother, sister, step-brother, step-sister, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin, or any person denoted by the prefix “grand” or “great” or the spouse of any of these persons even after the marriage has been terminated by death or dissolution.

STEP 6 **INVESTIGATION**

1. If your Petition is referred to Family Court Services for an investigation, the Court Investigator will gather information and complete a report and recommendation for the court, which will be filed prior to the hearing. **A Guardianship Report must not be distributed to any person except those who have received it from the Court pursuant to Probate Code Section 1513(d).**
2. The Court may determine that you will be assessed fees for the Court Investigator’s investigation (\$550.00, subject to change). Those court fees are separate from the initial filing fees, but are covered by your fee waiver if you received one at the time you filed your Petition.

STEP 7 **THE COURT HEARING**

1. Prior to your hearing, the Court Document Examiner will review your file to be sure all the notices have been properly served and that all the necessary paperwork is in the file. If necessary paperwork is missing, the Court will order it be provided before the guardianship can be granted.
2. If you have applied for temporary guardianship, at the first hearing the court will determine whether a temporary guardian is necessary and whether to refer your case to Family Court Services for investigation. Whether or not the court grants temporary guardianship, the court will set another court date for hearing on the general (permanent) guardianship. Make sure you have provided your prepared *Order Appointing Temporary Guardian* and *Letters of Temporary Guardianship* to the Court Clerk *before your hearing*. If the temporary guardianship is granted, the Judge will sign the *Order* and it will be filed with the Court Clerk.
3. On the day of the hearing you must appear as directed. Make sure you have provided your prepared *Order Appointing Guardian* and *Letters of Guardianship* to the Court Clerk *before your hearing*. If the guardianship is granted, the Judge will sign the *Order* and it will be filed with the Court Clerk.
4. If your hearing is continued again and you have an *Order of Temporary Guardianship*, the Court may reissue your temporary order.
5. Once your guardianship is granted, you can pick up your copy of the signed and filed *Order* and the issued *Letters* at the Court Clerk's office.
6. You may want to request certified *Letters of Guardianship*. The cost is \$25.00 plus \$.50 per page for each set issued (cost subject to change without notice). This cost is covered by the Fee Waiver, if you received one, for up to 60 days after the date of filing of the *Order Appointing Guardian*.

STEP 8 **REQUIREMENTS AFTER THE GUARDIANSHIP IS GRANTED**

1. A **Confidential Guardianship Status Report** (GC-251) must be filed and a copy provided to Family Court Services for each child each year by the anniversary date the **Letters of Guardianship** were issued. If the minor is school age, you must attach copies of the report cards. Family Court Services will send the Guardian(s) a Cover Letter and Blank Status Report form approximately 6 weeks prior to the due date. You must inform the Court **and** Family Court Services of your current address so that you receive this form. If it is not filed, the Court may set a hearing to find out why the Status Report was not filed and the Court may terminate the guardianship for noncompliance.

2. A review may be conducted each year after the issuance of the **Letters of Guardianship**. Assignment of case reviews are made at the discretion of the Court.
3. After any **Letters of Guardianship** are issued, you **must** file a **Pre-Move Notice of Change of Personal Residence of Ward** (GC-079) and a **Post-Move Notice of Change of Personal Residence of Ward** (GC-080) with the Court Clerk each time you change the address of the minor(s). You must also provide a copy of these forms to Family Court Services. In addition, if you change your address, you must file a **Notice of Change of Address or Other Contact Information** (MC-040), with a copy to Family Court Services, to ensure that you receive any notices from the Court.
4. After the Court has appointed you as guardian, you are responsible for the child unless the court has granted a request to terminate the guardianship. The Self-Help Resource Center can help you with this process.

PLEASE BE AWARE THAT FAILURE TO COMPLY WITH PROVISIONS OF THE PROBATE CODE REGARDING GUARDIANSHIPS MAY RESULT IN FINES AND/OR REMOVAL OF THE GUARDIAN(S).

THESE INSTRUCTIONS ARE NOT INTENDED TO BE A COMPLETE STATEMENT OF ALL OF YOUR LEGAL RESPONSIBILITIES, AND ARE NOT INTENDED TO SUBSTITUTE FOR LEGAL ADVICE.

GC-205-INFO Information on Probate Guardianship of the Person

This form gives general information about *guardianship of the person* under the Probate Code. It discusses:

- Alternatives to guardianship;
- Nomination of a guardian;
- Who can be appointed as a guardian;
- How to ask the probate court to appoint a guardian;
- How to formalize the appointment;
- The rights and duties of a guardian of the person;
- Court oversight, removal, and replacement of the guardian; and
- How and when a guardianship can end.

For an overview of guardianship and a comparison of probate and juvenile court guardianships with placement ordered by the juvenile court with a foster/resource family, read *Comparison of Guardians With Other Nonparent Caregivers* (form GC-207-INFO/JV-352-INFO). For information on juvenile court guardianship, read *Information on Juvenile Court Guardianship* (form JV-350-INFO). For information on probate guardianship of the estate, read *Information on Probate Guardianship of the Estate* (form GC-206-INFO).

CAUTION: This form is not a substitute for legal advice from a licensed attorney. Parents and potential nonparent caregivers considering guardianship should consult a lawyer for answers to questions or concerns about their situation. Click this link, www.courts.ca.gov/selfhelp-findlawyer.htm, for help finding a lawyer. More information is available from the *California Courts Online Self-Help Center* and private publications and resources. The superior court clerk's office or *self-help center* also has general information, as well as information about any local procedures or rules.

Before asking a court to appoint a guardian, a parent or potential guardian may find it useful to think about these questions:

- Does the child really need a guardianship?
- What alternatives, such as those discussed on pages 2 and 3, are available?
- Would any of those alternatives be better for the child?
- Do the parents know about the alternatives and agree to the guardianship?
- If the parents don't agree, is there enough evidence to show the court that the child needs a guardian?

A person who cannot answer these questions is strongly encouraged to seek legal advice or, at least, more information.

1 What Is a Guardianship?

A *guardianship of the person* is a court-ordered relationship that gives an adult, called a *guardian*, legal and physical custody of a child, with the right to make parental decisions about the child's care and control, residence, education, and medical treatment. (For a detailed discussion of a guardian's rights and duties, see (11), below.)

With a couple of exceptions (see (3), below), parents may not be appointed guardians of their own child. Appointment of a guardian of the person completely suspends the parents' rights to have the child live with them and to make decisions for the child for as long as the guardianship lasts. The appointment of a guardian does not,

however, terminate parental rights without additional action by the guardian and the court. For more information, see (10) and (15), below.

2 Are There Nonparental Caregiver Arrangements That Do Not Require a Court Order?

Yes. Parents can make arrangements for their child to live with an adult who is not the child's parent without going to court. These arrangements can be useful if a parent knows or believes they will not be able to take care of the child for a limited time. For example, a custodial parent may be ill; need hospitalization or other residential treatment; be detained, deported, or incarcerated; or be deployed on active military duty.



Under California law, a parent cannot give *custody* of their child to another person without a court order. Only a court can order legal and physical custody taken from a parent and given to a nonparent. This can happen in a few different types of cases, including a family law child custody case, a probate guardianship of the person, an adoption case, and a juvenile court case.

If a parent allows an adult relative or friend to take temporary care of their child, some service providers will question the caregiver's authority to make decisions or give permission for the child's activities or treatment. For example, a school may require written proof of the caregiver's right to enroll a child in school, or a health care provider may require a formal, written document that shows parental authorization of the caregiver to consent to the child's medical or dental care. This section discusses several ways to arrange for another adult to exercise parental authority.

a. Caregiver's Authorization Affidavit

The Family Code allows an adult, other than a parent, with whom a child is living to complete and sign a *Caregiver's Authorization Affidavit (CAA)* and make certain decisions for the child. A completed CAA authorizes a *nonrelative* caregiver to enroll the child in school and consent to the child's school-related medical care. A *relative* caregiver who provides additional information on the CAA also has authority to consent to the child's medical and dental care and limited authority over a child's mental health care.

Family Code section 6550 authorizes use of the CAA. Section 6552 describes the required contents of the CAA form. You can find a sample of the form here: www.courts.ca.gov/documents/caregiver.pdf. A paper copy may be available from your superior court clerk's office or *self-help center*, or the county public law library.

A CAA does not need to be filed in court, but it must be signed by the caregiver under penalty of perjury, which means that a caregiver who lies on the form can be charged with a crime. A CAA does not affect the decision-making rights of the child's parents and does not give the caregiver custody of the child.

a. The child's parent can veto any of the caregiver's decisions, can take the child to live with them at any time, even if the caregiver does not think that is best for the child, and can end the CAA at any time.

b. Written caregiver agreement (*power of attorney*)

A parent who has full custody of a child can use a *power of attorney (POA)* to authorize another adult to take care of their child. A POA is a written document signed by one person giving another person authority to act for the first person.

CAUTION: Many child custody experts discourage parents from using a POA to authorize another adult to take care of a child. Creating a valid POA is difficult. It requires precise language, several formal steps, and can easily lead parents to grant rights different from those they intend. Any parent thinking about using a POA is strongly encouraged to consult an attorney to discuss the pros and cons.

A POA may be useful if a parent knows or believes they will be unavailable for a specific time, such as an active-duty military deployment, or wants to give a caregiver more authority than is allowed by a CAA. With a POA, a parent can give a caregiver all or some of the same *powers* as a guardian of the person (see ① and ⑪ for discussions of those powers).

If the caregiver agrees in writing, they owe the parent a strict *duty* to exercise the powers specified in the POA. *The agreement is important.* Without an agreement, a caregiver has no duty to use the powers the parent has given them in the POA to care for the child. A parent who creates a POA also keeps all powers and duties to care for their child. If a caregiver under a POA does not properly care for the child, the parent is still responsible for doing so.

In addition, the child's parent can veto any of the caregiver's decisions, can take the child to live with them at any time even if the caregiver does not think that is best for the child, and can end the arrangement at any time.

c. Voluntary Placement Agreement

In some circumstances, parents can also voluntarily give temporary care and custody of their child to a child welfare agency, probation department, or tribe without a court order. This *Voluntary Placement Agreement* (VPA) must satisfy certain legal conditions; specify the child's legal status and the rights and obligations of the parents, the child, and the agency taking custody of the child; and be documented on *Voluntary Placement Agreement—Placement Request* (California Department of Social Services form SOC 155, available at <https://cdss.ca.gov/cdssweb/entres/forms/English/soc155.pdf>).

Under a VPA, the child is placed in foster care, which includes placement in the home of a relative or nonrelative extended family member if possible. The child may be eligible for foster care benefits, but the parents may also be required to pay for a portion of the child's care. The agreement usually lasts for 6 months, but it may be extended for an additional 6 months for a total period not to exceed 12 months. Parents can terminate the agreement at any time but, as noted above, if they end it before the child welfare agency agrees, the agency can file a dependency petition for the child in juvenile court.

d. Indian custodianship

An Indian custodianship can provide another option that does not require court involvement if the child is an Indian child, as defined by the federal Indian Child Welfare Act (ICWA). An Indian custodian is any Indian person who has legal custody of an Indian child under tribal law or custom or under state law. Although under California law, a nonparent may gain legal custody of a child, including an Indian child, only by court order, the state recognizes legal custody of an Indian child that is valid under tribal law or custom. The child's parent may also create an Indian custodianship without a court order by transferring temporary physical care, custody, and control of the Indian child to an Indian person.

3 Who Can Be Appointed as Guardian?

The court may appoint any adult (a person 18 years of age or older)—including a relative, a friend of the family, or another interested person—as guardian of a child's person. The court may *not* appoint a parent unless (a) the parent is terminally ill and is appointed as co-guardian with a nonparent or (b) the child is 18–20 years old, has consented, and has requested Special Immigrant Juvenile findings.

4 Can a Parent or Other Person Pick the Person They Want to Be the Guardian?

A parent can nominate a guardian if:

- The other parent(s) also nominate, or consent in writing to the nomination of, the same guardian for that child.
- When the petition for appointment is filed, the other parent(s) are dead or lack legal capacity to consent to the nomination, or the consent of the other parent would not be required for the child's adoption.

The parent may make the nomination in the petition for appointment, at the hearing on the petition, or in a writing signed before or after the petition is filed. The nomination may state that the parent wants the nominee, if appointed, to have the same authority over the child as a parent with legal custody would have and to be able to exercise that authority without court oversight to the same extent as a parent with legal custody would be able to.

The nomination is effective when made, except that a written nomination may provide that the nomination takes effect only when a specified event or events, including the parent's later legal incapacity, detention, or death, has occurred.

Unless a written nomination provides otherwise, the nomination remains in effect even if the parent later dies or is determined to lack legal capacity.

5 Who Can Request Appointment of a Guardian?

A relative or other person, including the child if 12 years old or older, can file a petition asking the court to appoint a guardian. The person who files the petition does not need to be the same person as the one who wants to be appointed guardian, but usually is. This form assumes that the same person is filing the petition *and* asking to be guardian.

6 Filing the Petition and Giving Notice of the Hearing**a. Petition**

Once a person has decided that a child needs a guardian appointed, the first step in the process of establishing guardianship is to complete *Petition for Appointment of Guardian of Minor* (form GC-210) or *Petition for Appointment of Guardian of the Person* (form GC-210(P)) and all other required documents. Then file the forms with the clerk of the court in the county where the child lives unless it would be better *for the child* to file the petition in a different county. A list of statewide forms that need to be filed with a petition for appointment of a guardian of the person is available on *Forms You Need to Ask the Court to Appoint a Guardian of the Person* (form GC-505). Some courts have additional local forms that need to be filed along with the statewide forms.

NOTE: After a petition is filed, the court may, but is not required to, appoint an attorney to represent the child. Any interested person can ask the court to appoint an attorney for the child. If the child is an Indian child, the child's parent or Indian custodian has a right to an appointed attorney if they cannot afford to hire an attorney. The court is not otherwise authorized to appoint an attorney for a parent or for the petitioner.

The petition needs to ask the court to appoint a guardian of the person or a guardian of both the person and the estate, give the proposed guardian's name and address and the child's name and date of birth, and state that the appointment is "necessary or convenient." The petition must also give the names and addresses of the child's parents and other persons who have specific relationships with the child. If the child is an Indian child, the petition must state that fact and give the name and address of any Indian custodian and the child's tribe. The petition must also tell the court whether there are any adoption, child custody, juvenile court, family law, or other guardianship proceedings affecting the child in progress in California or any other state or country.

The court charges a fee for filing a guardianship petition. If the child or the child's estate cannot afford to pay the fees, the petitioner can ask the court to waive the fee requirement. The court clerk can provide the required fee waiver forms.

b. Notice

Before the court can hold a hearing to decide the petition, the person who filed the petition must give **notice** of the hearing to specific persons unless the court finds that the petitioner tried diligently and could not give notice to a person or that notice would be against the interests of justice. The notice must include a copy of the petition and a copy of *Comparison of Guardians With Other Nonparent Caregivers* (form GC-207-INFO/JV-352-INFO).

Notice must be given to the child if 12 years old or older, the parents, anyone else with legal custody, and anyone nominated to be the guardian by *servicing* them personally or, if that is not possible, by first-class mail with an acknowledgment of receipt requested. For more information about *service* of notice, see *What Is "Proof of Service" in a Guardianship?* (form GC-510). Other persons may be given notice personally, by mail, or, if they consent, electronically. If the child is an Indian child, notice must be mailed to any Indian custodian and the child's tribe as required by the Indian Child Welfare Act.

7 Investigation**a. Guardianship investigation**

Unless it finds a good reason not to, the court will order an investigation before the hearing on the petition to appoint a guardian. A court investigator will contact the proposed guardian, the parents, the child, and any other persons who might know about the child's family and their needs. The investigator will give a report to the court and make a recommendation on what decision the court should make. The report is confidential; the court will make it available only to persons served (see item 6b, above) in the proceeding and their attorneys.

The court or county charges a fee for conducting the guardianship investigation. The court can waive its fee if it would cause a hardship to the child or the child's estate. The county may also waive its fee because of hardship.

b. Child welfare referral and investigation

If the probate court thinks the child has been, or is at risk of being, abused or neglected by a parent, the court may refer the child to the county child welfare agency for an investigation and commencement of

- b. juvenile court proceedings. If the probate court makes a referral, the guardianship proceedings are paused, but the probate court can make any order necessary to protect the child, including an order appointing a temporary guardian or issuing a temporary restraining order.

If, after three weeks, the agency has not notified the probate court that it has filed a petition to begin proceedings in juvenile court, the probate court or the child's attorney, if the probate court has appointed one, may file a request with the juvenile court to review the agency's decision not to begin juvenile court proceedings and to order the agency to file a petition to begin those proceedings.

If the juvenile court begins proceedings, the probate guardianship proceedings must remain paused. If the juvenile court does not begin proceedings, the probate court can hold a hearing and decide whether to appoint a guardian.

8 Hearing and Standard for Appointment

An interested person may appear and object or respond to the petition *in writing* at or before the hearing. In addition, an interested person may appear and object or respond *orally* at the hearing. If no one objects, the court may decide the matter on the verified petition and declarations. If a person objects, then the court will consider evidence, determine any issues, and make appropriate orders.

Based on its determination of the child's best interest, the court may grant the petition, may grant another person's petition, or may find that the child does not need a guardianship and deny all the petitions. The probate court may appoint a guardian for a child when the appointment is "necessary or convenient." This can happen if no parent is willing, available, or suitable to have care, custody, and control of the child. A parent may not be able to care for the child because of the parent's death, incapacity, military obligations, detention, or other reasons. The petitioner must prove to the court that a guardianship is needed.

Appointing a *guardian of the person* may be necessary or convenient if the court decides that the appointment is in the child's **best interest**. If a parent objects to the appointment of a guardian of the person, the court must, before appointing a guardian, find that remaining in or returning to parental custody would be **detrimental** (harmful) to the child.

The longer a child has been living safely with the proposed guardian, the more likely a court is to find that returning to the parents is detrimental to the child or not in the child's best interest.

9 Affirmation and Letters

For appointment of a guardian to be valid, the court must sign the *Order Appointing Guardian or Extending Guardianship of the Person* (form GC-240). Once the court signs the order, the guardian needs to complete *Letters of Guardianship* (form GC-250) and take both forms GC-240 and GC-250 to the clerk's office. After affirming that the guardian will perform their duties according to law, the clerk will issue *Letters of Guardianship*, a legal document that is proof of appointment as the child's guardian. The clerk will keep the original *Letters* in the case file. The guardian should buy a certified copy from the clerk, make photocopies of the certified copy, and keep the certified copy in a safe place. Showing officials and service providers a copy of the *Letters* will help the guardian perform their duties, such as enrolling the child in school and obtaining medical care, by verifying their legal authority to act on the child's behalf.

10 Custody and Visitation Rights—Guardians and Parents

A guardian of the person has full legal and physical custody of the child and is responsible for all decisions relating to care and control of the child. The child's parents can no longer make decisions for the child during a guardianship. The rights of the parents are completely suspended—not terminated—as long as the guardianship remains in effect.

If a guardian is appointed, a parent or other person can ask the court to order the guardian to let them visit or spend time with the child. If the court does not make an order, the guardian can decide who visits the child, how often, and for how long.

After the child has been in the guardian's custody for a minimum time—varying from six months to three years depending on the applicable statute—the guardian may petition to terminate parental rights and adopt the child.

11 Guardian's Rights and Duties**a. Basic rights and duties**

A guardian of the person generally has the same rights to legal and physical custody of the child as a parent. If a parent nominates a person as guardian and that person is appointed by the court, the court will grant the guardian, to the extent provided in the nomination, the same rights and duties regarding the child that a custodial parent has unless the court finds good cause to withhold any of them.

In other circumstances, however, the court can order the guardian to get court approval before taking specific actions for which a parent would not need court approval. The order of appointment and the *Letters* will state whether the court has placed limits on the guardian's authority.

If the child has special needs, a guardian must strive to meet those needs or secure appropriate services. Some children may have physical or learning disabilities. Other children come from abusive homes or have been victims of abuse. Counseling and other services may be necessary to assist a child who has special needs or has had difficult or traumatic life experiences.

A guardian is responsible for providing for food, clothing, shelter, education, and all the medical and dental needs of the child. A guardian must also provide for the safety, protection, and physical and emotional growth of the child. Like a parent, a guardian should maintain close contact with the child's school and physician.

b. Residence

A guardian of the person has the right to decide where the child lives. The child normally lives with the guardian, but the guardian can make other arrangements if they are in the best interest of the child. The guardian should check with the court before placing the child to live with the parents.

A guardian must give proper written notice to the court and other persons of any change of address of either the child or the guardian. A guardian must get permission from the court *before* changing the child's address to a place outside California.

c. Education

A guardian of the person holds the child's educational rights and is responsible for the child's education. The guardian determines where the child will attend school and helps the child set and attain educational goals. The guardian must assist the child in obtaining services if the child has special educational needs. As the child's advocate in the school system, the guardian should attend teacher conferences and play an active role in the child's education. The guardian of a younger child may want to consider enrolling the child in Head Start or another similar program. The guardian of an older child should consider the child's future educational needs, such as college or a specialized school.

d. Health care

A guardian of the person is responsible for meeting the child's medical, dental, and mental health needs. In most cases, the guardian has the authority to consent to the child's medical treatment. However, surgery may not be performed on a child 14 years old or older except in an emergency unless either (1) both the child and the guardian give consent or (2) a court order specifically authorizes the surgery.

A guardian of the person may not place a child in a mental health treatment facility against the child's wishes. A mental health conservatorship proceeding is required for such an involuntary placement. However, the guardian should arrange counseling and other mental health services for the child if appropriate.

In certain situations, the law allows older and more mature children to consent to their own treatment, including outpatient mental health treatment, medical care related to pregnancy or sexually transmitted diseases, and drug and alcohol treatment.

e. Financial support

Even when the child has a guardian, the parents are still obligated to support the child financially. The guardian may take action to obtain child support. You may contact the local child support agency in your county to collect support from a parent. The child may also be eligible for other public benefits, Social Security benefits, Veterans Administration benefits, Indian child welfare benefits, and other public or private funds. For information about some options, see (12), below.

f. Consent to changes to child's legal status

A guardian of the person has the authority to consent to (allow) many changes the child may want to make in the transition to independent adulthood. These include:

(1) United States passport application

A guardian has authority to apply for a United States passport for the child.

(2) Driver's license application

A guardian has authority to consent to a child's driver's license application. By giving consent, the guardian becomes liable for any civil damages that result if the minor causes an accident. The law requires that anyone signing the DMV application obtain insurance to cover the minor.

(3) Enlistment in the armed services

The guardian has authority to consent to a minor's enlistment in the armed services. If the minor enters into active duty with the armed services, the minor becomes emancipated under California law, and the guardianship ends.

(4) Marriage

For the child to get married, both the guardian **and the court** must give permission. If the minor enters a valid marriage, the minor becomes emancipated under California law, and the guardianship ends.

g. Liability for child's misconduct

A guardian, like a parent, is liable for the harm and damage caused by the willful misconduct of a child. There are special rules concerning harm caused by the use of a firearm. If you are concerned about your possible liability, you should consult an attorney.

h. Additional duties

The court may place other conditions on the guardianship or additional duties on the guardian. For example, the court may require the guardian to complete counseling or parenting classes, to obtain specific services for the child, or to follow a scheduled visitation plan between the child and the child's parents or relatives. The guardian must follow all court orders.

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Financial Support and Services for Children in Probate Guardianship

- a.** Subject to certain conditions, a child living in the home of a *nonrelative* probate guardian may receive state Aid to Families with Dependent Children—Foster Care (AFDC-FC) in the same monthly amount as a child placed in the home of a foster parent or resource family. A child living with a *relative* guardian may receive CalWORKs cash payments based on income.

A youth 18 years of age or older who continues living with a former guardian may continue to receive AFDC-FC or CalWORKs while attending high school or an equivalent full-time educational or vocational training program if expected to graduate before the reach age 19 or, if they have a disability and are attending high school full time, until age 21.

- b.** California offers a variety of publicly funded childcare programs that help low-income families, including families of children living with guardians, pay for childcare. These programs include CalWORKs childcare, Alternative Payment program (AP) voucher and contract-based childcare, California State Preschool Program (CSPP), Head Start and Early Head Start, and Transitional Kindergarten. Many of these childcare programs offer special consideration for families caring for children who have been formally or informally placed outside their home.

Each county in California has at least one childcare resource and referral agency that helps families find childcare and figure out whether they qualify for public funding to help pay for it. Guardians can use this website to find their local resource and referral agency: <https://rrnetwork.org/family-services/find-child-care>. This section discusses the main childcare programs in California.

(1) CalWORKs childcare vouchers:

CalWORKs childcare has three stages:

Stage 1: An entitlement for parents or guardians receiving CalWORKs cash assistance or who received cash assistance in the past 24 months and are engaged or want to engage in a Welfare-to-Work activity. Families stay in Stage 1 until they are transferred to Stage 2.

- (1) *Stage 2:* An entitlement for parents or guardians who received CalWORKs cash assistance in the past 24 months or a lump-sum diversion payment or services. See (2), below, for eligibility requirements.

Stage 3: Subject to enough funding, families are transferred to Stage 3 after 24 months of receiving cash assistance or if they received a lump-sum diversion payment or services. See (2), below, for eligibility requirements.

Families get continuous CalWORKs childcare for children in their care, including children in formal and informal out-of-home care, for at least 12 months until recertification. Childcare is available until the child is 13 years old or until the child is 21 years old if they have a disability. Qualifying families should *not* be put on a subsidized childcare waiting list for CalWORKs Stages 1 and 2, as these are entitlement programs. Families can choose a childcare center, family childcare home, or family, friend, or neighbor setting that best meets their needs.*

(2) **AP voucher and contract-based childcare (including CalWORKs Stages 2 and 3):**

Families qualify for childcare based on income, or if they receive CalWORKs cash assistance, or if they are experiencing homelessness and the parent or guardian has a “need” for child care (for example, if they are working or going to school). Families have continuous eligibility for at least 12 months until recertification, until the child is 13 years old or until the child is 21 years old if the child has a disability. Families can choose a childcare center, family childcare home, or family, friend, or neighbor setting that best meets their needs.*

* Some counties may require guardians to use licensed “family, friend, or neighbor” child care.

(3) **California State Preschool Program (CSPP):**

AP voucher and contract-based child care eligibility requirements apply, but there are some exceptions. CSPP is for children ages 4–5, and there are no “need-based” requirements for part-day CSPP. CSPPs are located on school campuses and in neighborhoods.

(4) **Head Start and Early Head Start:**

Families experiencing homelessness or receiving CalWORKs cash assistance or supplemental security income (SSI) qualify regardless of income. Other families must qualify based on income. Head Start offers full services to families with children ages 3–5; Early Head Start is for pregnant women and children under age 3.

(5) **Transitional Kindergarten:**

No-cost early care and education for 4-year-olds offered on school campuses. Parents and guardians with childcare subsidies may keep their 4-year-old children in non-school settings if they prefer.

c. **Other community resources**

Each county has agencies and service providers that can help a guardian meet the specific needs of a child who comes from a conflict-filled, troubled, or deprived environment. If the child has special needs, the guardian must strive to meet those needs or secure appropriate services. Some children have physical or learning disabilities. Other children come from abusive homes or have been victims of abuse. A child who has special needs or has had traumatic life experiences may need counseling and other services. The probate court cannot help a guardian get services. To find resources and get referrals, the guardian can check with the court *self-help center*, the local child welfare agency, or even a support group for guardians. A relative guardian can start by visiting the **California Kinship Navigator** at www.getvirtualsupport.org/app/.

13 Court Oversight of Guardian

Guardians are subject to the regulation and control of the court in performing their duties. To the extent resources are available, the court will require the guardian to complete and submit annual status reports to the court. *Confidential Guardianship Status Report* (form GC-251) must be used for this report. The report must provide information about the child’s residence, education, physical and emotional health, other persons the child lives with, the child’s relationship with the parents, and whether the guardianship is still needed. If the guardian, the child, or another interested person wants the court to decide whether the guardian has the authority or duty to take or not take a specific action, they can file a petition. After notice and a hearing, the court will decide and make orders.

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In addition, some counties have “court visitors” who track and review guardianships. In these counties, a guardian is expected to cooperate with all requests of the court visitor. And no matter the county, the guardian must always cooperate with the court and court investigators.

14 Removal and Replacement of Guardian

After notice and a hearing on a petition filed by the child, a relative or friend of the child, or any other interested person, the probate court may remove a guardian for specific reasons or when it is in the child’s best interest. The court may also suspend the powers of the guardian until it can hold a hearing on the petition for removal. A guardian may also file a petition to resign, and, if the court determines after a hearing that the resignation appears proper, the court must allow it.

If there is a vacancy for any reason, the court may appoint a successor guardian after notice and a hearing as in the case of the original appointment.

15 Termination of Guardianship

A guardianship of the person automatically terminates (ends) when the child reaches age 18 *or* one of the following events occurs before the child reaches age 18:

- The child is adopted;
- The child is emancipated by getting married, enlisting in the military, or court order; or
- The child dies.

If none of these events has occurred, the child, a parent, or the guardian may petition the court for termination of guardianship before the child reaches age 18. To grant the petition, the court must find that termination is in the child’s best interest.

The longer a child has been living safely with the guardian, the more difficult it will be to show that ending the guardianship is in the child’s best interest. In fact, several statutes authorize a guardian to file a petition to terminate parental rights in conjunction with a request to adopt the child.

Under the Probate Code, for example, if a child, other than an Indian child, has lived with a probate guardian for at least two years and the court has found that adoption by the guardian would be in the child’s best interest, a proceeding to terminate parental rights may be brought in the guardianship proceeding, in an adoption proceeding, or in a separate action. The rights and procedures in Family Code sections 7800–7895, including a parent’s right to notice and counsel, apply to this proceeding. (Family Code section 8802 provides different waiting periods and procedures depending on the situation.)

If the guardianship is terminated while the child is still a minor, and no other custodial arrangement is ordered, the child returns to parental custody.

If the child, before reaching age 18, has requested or consented to the extension of the guardianship to allow time to complete a federal application for Special Immigrant Juvenile status, the court may extend the guardianship past the youth’s 18th birthday, but not past the youth’s 21st birthday.

16 Legal Advice and Resources

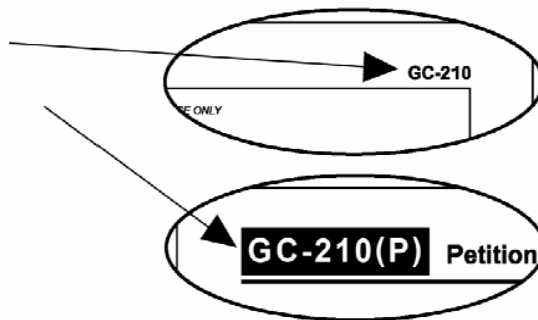
As noted on page 1, prospective guardians and parents are strongly encouraged to **talk with an attorney**. The attorney can advise them about the legal effect of a guardianship on parental rights, a guardian’s rights and responsibilities, the limits of a guardian’s authority, the rights of the child, and the court processes for appointing, overseeing, modifying, and terminating a guardianship.

Court staff cannot give legal *advice*. The court’s *self-help center* can, however, give legal *information* to a person who is not represented by an attorney and help the person fill out any forms they need to file. Information and answers can also be found by contacting local community resources, researching private publications, or visiting the county public law library.

Look at the numbers at the top of a form to match them with the form numbers listed below. You can use this form as a checklist.

* Appointment of a guardian for a Native American child is subject to special requirements that are not discussed in these instructions. See item 14 on the next page.

OR



I want to become a guardian of a child. What forms do I need to file with the court?

- 1 Fill out, sign, and file with the court *either* of the following form petitions ("your petition"):
 - Form GC-210(P)**, *Petition for Appointment of Guardian of the Person* (recommended if you won't have an attorney to help you); **or**
 - Form GC-210**, *Petition for Appointment of Guardian of Minor*.
- 2 Fill out the following forms and attach them to or file them separately with your petition:
 - Attach to your petition a separate copy of Form GC-210(CA)**, *Guardianship Petition-Child Information Attachment*, for **each** child you think needs a guardian.
 - Sign and attach to your petition one copy of Form FL-105/GC-120**, *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)*, for all children you think need a guardian.
 - Sign and file separately with your petition Form GC-212**, *Confidential Guardian Screening Form*. This form is confidential, under the direct control of the court, and not available to the general public.
 - If required by your court, sign and file separately with your petition, Form GC-211**, *Consent of Proposed Guardian* (item 1 of that multi-purpose form, at the top of the page). Many courts don't require that form if you are asking for your own appointment as guardian, so check with your court before you file it.
 - File separately with your petition** any local forms your court wants you to file with your petition (check your court's local rules and guidelines for information and instructions about these forms).

What must I do if I want the court to appoint someone other than myself as guardian?

- 3 **Instead of filling out and signing Form GC-212**, listed above in Step 2, ask the person you want the court to appoint as guardian to fill out and sign that form.
- 4 **Instead of signing item 1 of Form GC-211**, listed above in Step 2, ask the person you want the court to appoint as guardian to sign item 1 of that form. Many courts don't require that form if the person you want as guardian signs your petition (as an additional petitioner), so check with the court on the need to file that form if that person signed your petition. See page 2 of this form to learn about use of another part of **Form GC-211**.

What can I do if I can't afford to pay the court's filing fees?

- 5 **Fill out, sign, and file Form FW-001**, *Application for Waiver of Court Fees and Costs*, and fill out and give the court clerk **Form FW-003**, *Order on Application for Waiver of Court Fees and Costs*, for the judge to sign.

What happens when I file my petition and the other forms listed above?

The court clerk will give you a case number, a date and time when, and a courtroom or department of the court where the judge will hear your request to appoint a guardian. Take an extra copy of your petition and the other papers you must file to the court when you file the originals and ask the clerk to stamp the filing date and case number on your copies and note the hearing date and place on your copy of the petition. Some courts will require you to give the clerk one or more extra copies of your papers, so check with your court before you go to the court to file the papers.

What forms do I need after I file my petition and have a hearing date?

- 6 If either or both of the child's parents or any other person you must notify of the hearing on your petition will agree with your request for appointment of a guardian, fill out and have each of them date and sign item 4 at the bottom of **Form GC-211, *Consent to Appointment of Guardian and Waiver of Notice***. File the form with the court when you file the *Notice of Hearing*, discussed below.

What must I do before the court hearing on my petition?

You must arrange for **someone other than yourself** to notify certain people about your petition and the court hearing and show the court that he or she has done so. Read **Form GC-510, *What is "Proof of Service" in a Guardianship***, and:

- 7 Fill out the first page of **Form GC-020, *Notice of Hearing-Guardianship or Conservatorship***.
- 8 Follow the instructions in **Form GC-510** for personal delivery ("**personal service**") of copies of your petition and the *Notice of Hearing* and showing the court that personal service has been made ("**proving service**").
- 9 Follow the instructions in **Form GC-510** for mailing ("**service by mail**") copies of your petition and the *Notice of Hearing* and showing the court that service by mail has been made ("**proving service**").
- 10 File with the court at least 5 days before the hearing, the original **Form GC-020**, with attached original filled-in proofs of personal and mailed service, signed by the person(s) who delivered and mailed the papers.
- 11 Fill out and deliver the following forms to the court at or before the hearing on your petition (check your court's local rules for the deadlines for delivery of these forms to the court):
- Form GC-240, *Order Appointing Guardian of Minor*** (the judge will sign this Order at or shortly after the hearing on your petition if he or she grants your request for appointment of a guardian);
 - Form GC-248, *Duties of Guardian and Acknowledgment of Receipt*** (you or any other person the court has appointed as guardian must sign this form and the form must be filed with the court before the clerk will sign and file the *Letters of Guardianship* (see below)); and
 - Form GC-250, *Letters of Guardianship*** (the court clerk will sign and file the original of this form, often called "*Letters*," and will give you (for a fee) **certified copies** that you, or any other person the court has appointed as guardian, must have to show legal authority to act as the child's guardian.
- 12 Fill out and file any local forms your court requires at or before the hearing on your petition (check your court's local rules for information about these forms, deadlines for filing them, and requirements for service of copies to other persons interested in the case).

Need help?

- 13 Your court may have a self-help center or a volunteer assistance program that can help you with a guardianship, or the court may be able to refer you to other organizations in your area that can help you.
- 14 If you can get on the Internet, you can go to the California Courts Self-Help Center Web site, at www.courtinfo.ca.gov/selfhelp/family/guardianship (English) or www.courtinfo.ca.gov/selfhelp/espanol/familia/tutela (Spanish). This Web site provides information about the guardianship process, including information about what you need to do if the child in your case is a Native American or has a Native American ancestor, and information about other resources available to you. You can also download a copy of **Form GC-205, *Guardianship Pamphlet*** and all the forms mentioned above. The pamphlet has a basic explanation of a guardianship. It is available in Spanish and several other languages. You can even fill out the necessary forms on your computer while visiting this site and print them out ready for signing and filing, free of charge.
- 15 You can also go to www.courtinfo.ca.gov/courts/trial/courtlist.htm to access your court's Web site. This site can tell you where to file your forms and go for court hearings and can advise you about the court's rules and practices you need to know during the progress of your case. You can also download copies of the court's local forms.

What is "service"?

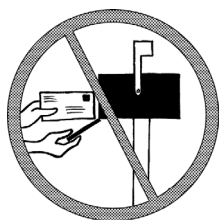
- When you are involved in a court case, you are responsible for delivery ("**service**") of copies of important papers you file with the court to other people involved in the case. Depending on the circumstances, these papers must be served by personal delivery (called "**personal service**"), or may be served by mail (called "**service by mail**").
- If you file a petition for appointment of guardian for a child, you are a **petitioner**. At the beginning of the case the petitioner must arrange for personal service of copies of the petition and other papers on certain people, must see that these papers are served on certain other people either by mail or by personal service (at the petitioner's choice), and then must show the court that this has been done (called "**proving service**," or "**proof of service**").
- This form explains what papers must be served at the beginning of a guardianship, who must be served with these papers, how and when service must be made, and how and when you, as a guardianship petitioner, must prove to the court that service has been made. You can find out more about the papers that you must file in another form available from the court, **Form GC-505, Forms You Need to Ask the Court to Appoint a Guardian of the Person**.

What papers must be served at the beginning of a guardianship case?

- A **filled-in copy of the petition for appointment of a guardian (the "Petition")**.
In a guardianship of the person, this may be either **Form GC-210(P), Petition for Appointment of a Guardian of the Person** or **Form GC-210, Petition for Appointment of Guardian of Minor**. Copies of all papers attached to the *Petition* must also be served with it.
- A **filled-in copy of Form GC-020, Notice of Hearing - Guardianship or Conservatorship**, (the "**Notice of Hearing**") showing the date, time, and place of the hearing on the *Petition*, including (unsigned) copies of all attachments showing proof of service.

Who must be personally served?

(You may use this form as a checklist. Check all that apply to your case.)



Don't serve these by mail!

- The child who needs a guardian, but only if he or she is at least 12 years old.
- The child's parents.
- Any person who has legal custody of the child or is serving as court-appointed guardian of the child's property (the child's "**estate**").
- Any person nominated as guardian of the child by one or both of the child's parents (if your petition does not ask the court to appoint that person as guardian).
- Any person nominated as guardian of the estate of the child for property received by the child from the person making the nomination.

How do I arrange for personal service?

Someone - **not you or anyone else who signed the *Petition*** - must personally serve (hand-deliver) copies of the *Notice of Hearing* and the *Petition* to the persons named above. Service lets these persons know:

- That you are asking the court to appoint a guardian for the child named in the *Petition*.
- The person you want the court to appoint as guardian (either yourself or someone else).
- The date and time when, and the place where, the court will hear your request.

Who can serve?

Ask someone you know, a registered process server, or a representative of the county sheriff's civil division, to personally serve copies of the forms to the persons named above. The forms **cannot** be sent to those persons by mail.

- The server must be at least 18 years of age.
- A registered process server is a business you pay to deliver court forms. Look in a telephone directory under "Process Serving."
- The sheriff's civil division often has an office at the courthouse. You will also have to pay for its services.



How does the server personally serve the *Notice of Hearing* and the *Petition*?

Ask the server to:

- Walk up to each person to be served and make sure he or she is the right person.
- Hand each person copies of the filled-out *Notice of Hearing* and the *Petition*.
- Fill out and sign **Form GC-020(P)**, *Proof of Personal Service of Notice of Hearing*. If the server delivers papers to more people than can be listed on this form, ask the server to add the names of the additional people served on one or more copies of **Form DE-120(PA)/GC-020(PA)**, *Attachment to Notice of Hearing Proof of Personal Service*.
- Give the filled-out and signed **Form GC-020(P)** and any attachment pages back to you.

What if the person served won't take the papers or tears them up?

The server must attempt to make personal delivery (**but peacefully!**) even if the person served won't take the papers. It doesn't matter if the person tears them up or throws them down after they are handed to him or her. **(A registered process server or sheriff's deputy will know how to complete a good service. If you think someone who must be personally served will try to avoid service, it is a good idea to use one of these professionals to serve that person.)**

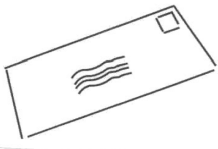
Who signs the Proof of Personal Service?

- Only the person who serves the *Notice of Hearing* and the *Petition* can sign **Form GC-020(P)**. **Neither you, any other petitioner, nor the person served may sign this form.**
- If more than one person personally serves papers, each server must fill out and sign his or her own separate **Form GC-020(P)** showing the names of the persons he or she serves.

Who may be served by mail?

(You may use this form as a checklist. Check all that apply to your case.)

- The child's relatives listed in the child's **Form GC-210(CA)**, *Guardianship Petition - Child Information Attachment*, attached to the *Petition*:



- Grandfather (father's father)
- Grandmother (father's mother)
- Grandfather (mother's father)
- Grandmother (mother's mother)
- Brother(s) (including half-brothers) (if 12 years of age or older)
- Sister(s) (including half-sisters) (if 12 years of age or older)

These may be served by mail!

- If the child has a brother or sister under the age of 12, copies of the *Notice of Hearing* and the *Petition* must be mailed to one of the following persons for him or her instead of mailing directly to the young brother or sister:**
 - The brother's or sister's parent;
 - A court-appointed guardian of the brother or sister; or
 - A person having legal custody of the brother or sister who lives with that brother or sister.
(*If a parent, guardian, or legal custodian of a brother or sister of the child involved in the case is a petitioner, service of notice to that person on behalf of the brother or sister is not necessary.*)
- Any person having the physical care of the child who does not have legal custody of the child.
- If your petition requests appointment of a guardian of the person who is not related to the child**, the Director of the Department of Social Services, Children's Services Operations and Evaluation Branch, 744 P Street MS 3-34, Sacramento, CA 95814.
- Your court may require you to serve other persons or organizations by mail.** Check your court's local rules and practices to find out if this applies to you.

Who may be served by mail? (Continued)

- If the child is a patient in, or on leave from,** a state hospital run by the State Departments of Mental Health or Developmental Disabilities, to the Director of that department. The address for the Director of Mental Health is 1600 Ninth Street, Room 151, Sacramento, CA 95814. The address for the Director of Developmental Disabilities is 1600 Ninth Street, Room 240, Sacramento, CA 95814, Attn.: Office of Legal Affairs.
- If the child has developmental disabilities** and the person you want the court to appoint as guardian is: (1) not the child's natural parent; (2) a provider of services to persons with developmental disabilities or the spouse or an employee of a provider; and (3) not a public agency, to the Director of the Regional Center for the Developmentally Disabled in the child's county. (But see **When must the *Notice of Hearing* and the *Petition* be served?** on page 4 of this form for a special requirement for mailing papers to a Regional Center Director.)
- If the child is or may be a Native American, or has Native American ancestors,** there are additional mailing and other requirements that may apply to your case. These requirements are not discussed in this form. If you can get on the Internet, you can go to the California Courts Self-Help Center Web site to get more information about the special requirements for a guardianship involving a Native American child. The Web site's address is www.courtinfo.ca.gov/selfhelp/family/guardianship (English) or www.courtinfo.ca.gov/selfhelp/espanol/familia/tutela (Spanish).

Who need not be served (unless the court orders otherwise)?

Unless the court orders that they be served, you do not need to arrange for service on the parents or other relatives of a child who has been relinquished to a licensed adoption agency, or the parents of a child a court has declared to be free from the parents' custody and control.

How do I arrange for service by mail?

Someone - not you or anyone else who signed the *Petition* - must do the mailing to the persons and organizations named above that are involved in your case. "Doing the mailing" means actually placing the papers in the envelopes and delivering the sealed envelopes into the possession of the U.S. Postal Service. Someone else can address the envelopes and add the postage, but the person who signs the proof of service (see below) must be able to say that he or she enclosed the papers in the envelopes and delivered the sealed envelopes to the U.S. Postal Service on a certain date at a specific place (city and state), and that the addresses on the envelopes were as they are shown in the proof of service.

Who can serve by mail?

- The person doing the mailing must be at least 18 years of age.
- He or she must not be a petitioner or a proposed guardian in your case.
- He or she must live or be employed in the county where the mailing (deposit with the U.S. Postal Service) takes place.

How does the server serve the *Notice of Hearing* and the *Petition* by mail?

Ask the server to:

- Deposit with the US. Postal Service, with first-class postage prepaid, sealed envelopes (9" x 12" or 10" x 13" Manila envelopes are recommended) addressed to the persons or organizations listed above that apply to your case. The envelopes should contain filled-in copies of **Form GC-020, *Notice of Hearing - Guardianship or Conservatorship***, and the *Petition*, including all attached pages mentioned in it.
- Make sure the addresses shown on the envelopes for the relatives of each child match the addresses shown for these relatives in each child's **Form GC-210(CA), *Guardianship Petition - Child Information Attachment***.

How does the server serve the *Notice of Hearing* and the *Petition* by mail? (Continued)

Ask the server to (*continued*):

- Fill out, date, and sign the *Proof of Service* on the second page of the original **Form GC-020**.
Don't sign that form yourself.
- If there are more than four persons being served by mail, continue the list of persons served by mail on one or more copies of **Form DE-120(MA)/GC-020(MA)**, *Attachment to Notice of Hearing Proof of Service by Mail*.
- Give the filled-out and signed original *Proof of Service* and all filled-out attached pages back to you.

When must the *Notice of Hearing* and the *Petition* be served?

- When you file your *Petition*, the court clerk will give you a date and time when, and a courtroom or department where, the judge will hear your request for appointment of a guardian.
- Once you have the date, time, and place of the hearing, that information must be filed in on **Form GC-020**, *Notice of Hearing - Guardianship or Conservatorship*, and that form and the *Petition*, with all pages attached to it, must then be personally served or served by mail on the persons and organizations mentioned above that apply to your case.
- With the exception noted below, **personal service and service by mail must be completed at least 15 days before the date of the hearing.**
- If service must be made on the Director of the Regional Center for the Developmentally Disabled for the child's county, **service must be completed at least 30 days before the hearing.** If the child in your case is developmentally disabled and you think you may have to serve a Regional Center director, when you file your *Petition* you can ask the clerk for a later hearing date because you will need more time than usual to serve the *Notice of Hearing* and the *Petition*.

What happens if the papers aren't served in time?

If the *Notice of Hearing* and *Petition* aren't served in time, the court will have to continue (postpone) the hearing date on your petition. This will delay appointment of a guardian for the child or children involved in your case.

What do I do with the completed *Notice of Hearing* and the attached proofs of personal service and service by mail?

- File with the court at least 5 days before your hearing date the original **Form GC-020**, *Notice of Hearing - Guardianship or Conservatorship*, with the filled-out and signed *Proof of Service* on the second page, the filled-out, signed, and attached **Form GC-020(P)**, *Proof of Personal Service of Notice of Hearing - Guardianship or Conservatorship*, and all attached pages showing additional persons served. File these papers with the court as soon as you can. The 5-day period mentioned above is a minimum time period.
- When you file **Form GC-020**, take an extra copy with you for the court to stamp, showing that the original form was filed on that day.
- Bring that copy with you to the hearing.

**INFORMATION SHEET ON INDIAN CHILD INQUIRY ATTACHMENT AND
NOTICE OF CHILD CUSTODY PROCEEDING FOR INDIAN CHILD**

This is an information sheet to help you fill out form ICWA-010(A), *Indian Child Inquiry Attachment*, and form ICWA-030, *Notice of Child Custody Proceeding for Indian Child*.

Form ICWA-010(A), *Indian Child Inquiry Attachment*

You are responsible for helping to find out whether the child is or may be an Indian child and filling out the information requested on ICWA-010(A), *Indian Child Inquiry Attachment*. This is important because if the child is an Indian child, specific steps must be taken to prevent the breakup of the child's Indian family and to obtain for the child resources and services that are culturally specific to the child's family. The court will check to make sure that the child receives these resources and services.

Tips on how to fill out form ICWA-010(A), Indian Child Inquiry Attachment

1. Try to find contact information for the child's parents, the child's Indian custodian (if the child is living with an Indian person other than a parent) or other legal guardian, the child's grandparents and great-grandparents, and other available family members.
2. Contact the child's parents, the child's Indian custodian or any other legal guardians, available extended family members, and any other persons known to have an interest in the child and ask them (and the child, if old enough) these questions:
 - a. Is the child a member of a tribe or eligible for tribal membership, and if they think the child might be, then which tribe or tribes?
 - b. Are the parents or other members of the extended family members of a tribe, and if they think they might be, which tribe or tribes?
 - c. Does the child, or do the child's parents or Indian custodian, if any, live in Indian country, including a reservation, rancheria, Alaska Native village, or other tribal trust land?
 - d. Does the child or any of the child's relatives receive services or benefits from a tribe, and if yes, which tribe?
 - e. Does the child or any of the child's relatives receive services or benefits available to Indians from the federal government?
 - f. Do they have any other information indicating the child is an Indian child?
3. If you are in touch with any of the child's relatives, ask them the same questions.

The court clerk's office cannot file your petition unless you have filled out form ICWA-010(A), *Indian Child Inquiry Attachment*, and attached it to the petition. This requirement does not apply to a petition for appointment of a guardian of the estate only.

After you take the steps described above, if you have reason to believe that the child is an Indian child, you must contact the tribe or tribes that may have a connection with the child about your court case.

You have reason to believe the child is an Indian child if any of the people you talk to answers "Yes" to any of your questions. Tribes that learn about the case can investigate and advise you and the court whether the child is a tribal member or eligible to become a tribal member, and can then decide whether to get involved in the case or assume tribal jurisdiction.

Your contacts with the tribe or tribes should include:

- (1) Contacting the tribe's designated agent for service of notice under the Indian Child Welfare Act, which is published in the Federal Register, by telephone, facsimile, or email; and
- (2) Sharing with the tribe or tribes any information identified by the tribe as necessary for the tribe to make a determination about the child's tribal membership or eligibility for membership, as well as information on the current status of the child and the case.

Form ICWA-030, *Notice of Child Custody Proceeding for Indian Child*

Following your inquiry about the child's Indian status and contacts with the child's tribe or tribes, if you know or have reason to know the child is an Indian child, you must provide formal notice on form ICWA-030, *Notice of Child Custody Proceeding for Indian Child*.

Some tips to help you figure out if you have a reason to know the child is an Indian child

You have reason to know:

1. If the child, an Indian tribe, an Indian organization, an attorney, a public or private agency, a member of the child's extended family or any other person having an interest in the child says the child is an Indian child or provides information to anyone involved in the case suggesting that the child is an Indian child;
2. If the child, the child's parents, or an Indian custodian live on a reservation or rancheria or in an Alaskan Native village;

(continued on next page)

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You have reason to know (*continued*):

3. If the child is or has been a ward of the tribal court; or
4. If the child's parent(s) have an identification card indicating membership or citizenship in an Indian tribe.

These are just a few of the facts that would give you reason to know that a child is an Indian child. There may also be other information that would give you reason to know that the child is an Indian child.

Who do you need to notify?

If you know or have reason to know that the child is an Indian child, you must send the *Notice* to the following:

1. Child's parents or other legal guardian, including adoptive parents;
2. Child's Indian custodian (if the child is living with an Indian person who has legal custody of the child under tribal law or custom, under state law, or if the parent asked that person to take care of the child);
3. Child's tribe or tribes; and
4. Sacramento Area Director, Bureau of Indian Affairs, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825 (if the parents, Indian custodian, or tribe cannot be determined or located).

Tips on how to find the address for the child's tribe or tribes

The Secretary of the Interior periodically updates and publishes in the Federal Register (see 25 C.F.R. § 23.12) a list of tribe names and addresses. The Bureau of Indian Affairs also keeps a list. You can access the Federal Register list and other resources related to ICWA on the Bureau of Indian Affairs website at www.bia.gov/bia/ois/dhs/.

Copy to the Secretary of the Interior and the Area Director of the Bureau of Indian Affairs

If you know the identity and location of the parent, Indian custodian, and the tribe or tribes, when you send the *Notice* to the parent, Indian custodian, and the tribe or tribes, you must also send a copy to the Secretary of the Interior, at 1849 C Street, NW, Washington, DC 20240, and a copy to the Sacramento Area Director, Bureau of Indian Affairs, Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825.

Copy to the Area Director of the Bureau of Indian Affairs

If you do **not** know the identity and location of the child's parents, Indian custodian, and tribe or tribes, you must send copies of the *Notice* and the other documents to the Sacramento Area Director, Bureau of Indian Affairs, Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825. To help establish the child's tribal identity, provide as much information as possible, including the child's name, birthdate, and birthplace; the name of the tribe or tribes; the names of all of the child's known relatives with addresses and other identifying information; and a copy of the petition in the case.

How do you send the *Notice* and prove to the court that you have done so?

If you have an attorney, the attorney will complete the steps described below. If you are representing yourself without an attorney in a probate guardianship case, the court clerk will help you with steps 1 and 2 below, including doing the mailing and signing the certificate of mailing on page 9 of the *Notice*, but you must deliver copies of the *Notice* and other documents listed in step 1 below to the court in addressed envelopes ready for mailing and then complete step 3.

1. Mail to the persons and organizations listed at the top of this page, by registered or certified mail, with return receipt requested, completed and signed copies of the following forms:
 - a. Your petition;
 - b. Form ICWA-010(A), *Indian Child Inquiry Attachment*; and
 - c. Form ICWA-030, *Notice of Child Custody Proceeding for Indian Child*.
2. The person who does the mailing must fill out the information requested on page 10 of form ICWA-030, *Notice of Child Custody Proceeding for Indian Child*, and then date and sign the original form on page 9.
3. Go to the court and file with the clerk of the court proof that you have given notice to everyone listed above and on page 10 of form ICWA-030, *Notice of Child Custody Proceeding for Indian Child*. Your proof must consist of the following:
 - a. The original signed *Notice* (form ICWA-030) and copies of the documents you sent with it (the petition and form ICWA-010(A));
 - b. All return receipts given to you by the post office and returned from the mailing; and
 - c. All responses you receive from the child's parents, the child's Indian custodian, the child's tribe or tribes, and the Bureau of Indian Affairs.

Please note that you are subject to court sanctions if you knowingly and willfully falsify or conceal a material fact concerning whether the child is an Indian child or if you counsel a party to do so. (Welf. & Inst. Code, § 224.3(e).)

Attorney or Party Without Attorney (Name and Address): Telephone No: Email Address: (Optional) Attorney for (Name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF TULARE <input type="checkbox"/> Visalia Division– 221 S Mooney Blvd, Room 203 Visalia, CA 93291 <input type="checkbox"/> South County Justice Center - 300 E. Olive Ave., Porterville, CA 93257	
Guardianship of:	Case Number:
CONFIDENTIAL GUARDIANSHIP QUESTIONNAIRE	(Probate Code §1513)

When a guardianship case is filed, the Investigator’s office will open an investigation by order of the Court. The person filing for guardianship will be responsible for the \$550 investigation fee after Family Court Services completes this investigation, unless that fee is waived or reduced by the court, or payments are arranged by the Court in cases of extreme hardship.

Investigations are done by a Court Investigator for Family Court Services (FCS) or County of Tulare Health and Human Services Agency (HHSA) as follows:

Guardianship of:	Proposed Guardian(s):	Agency:
1. Person or Person/Estate	Relative	FCS
2. Person or Person/Estate	Non-Relative	HHSA
3. Person or Person/Estate	Relative & Non-relative	FCS/HHSA Rotation

Per Probate Code 1513, Family Court Services is to prepare an investigative report to include the social history of the proposed guardians, parents and child(ren) as required by state law, unless waived by the Court. Please complete this entire Guardianship Questionnaire (FCS-303). Information provided in this questionnaire, during interview(s), in other submitted paperwork and from investigative sources will be used to prepare a family social history, evaluation, and recommendation for the court. This report will then be placed in a sealed court file. Copies will be mailed to the proposed guardians, parents, and their respective attorneys.

*** “Relative” is defined in Prob. Code § 1513(g) as a spouse, parent, step-parent, brother, sister, step-brother, step-sister, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin, or any person denoted by the prefix “grand” or “great” or the spouse of any of these persons even after the marriage has been terminated by death or dissolution.**

If you are not one of the relations noted above, then you are considered a non-relative for the purposes of this investigation. If you have questions regarding the Family Court Services investigation process, you can call Family Court Services at 559-730-5000 option 6.

PROBATE CASE NUMBER: _____ PROBATE CASE NAME: _____

I. MINOR CHILD(REN) LISTED ON GUARDIANSHIP PETITION:

	Full Legal Name	Birth Date	Age	Person with whom Residing	Related or Not Related to Petitioner(s) *	Primary Language
#1						
#2						
#3						
#4						

Check here if you have additional children to list. Attach a separate sheet of paper titled ATTACHMENT 1 - ADDITIONAL MINOR CHILDREN to the back of this questionnaire.

II. (PROPOSED) GUARDIAN(S):

Check here if you have more than two proposed guardians. For each additional guardian, please photocopy this section and attach it to the end of this Questionnaire – titled ATTACHMENT 2 - ADDITIONAL PROPOSED GUARDIANS.

	Full Legal Name	Birth Date	Age	Primary Language
#1				
#2				

Attorney for Proposed Guardian(s):

Name: _____ Tel. No.: (____) _____

Address: _____
Street Ste. City State Zip Code

PROBATE CASE NUMBER: _____ PROBATE CASE NAME: _____

III. MINOR CHILD(REN): ADDITIONAL INFORMATION

MINOR CHILD #1:

Is this child a member of, or eligible for membership in, an Indian tribe recognized by the federal government?

No Not sure Yes (*specify tribe*): _____

School Information (if school age):

<u>School Name</u>	<u>Address</u>	<u>Telephone #</u>	<u>School Days/Hours</u>	<u>Teacher Name</u>	<u>Child Special Needs:</u>

Please attach current and prior school year attendance & grade reports and copy of any educational plan if available.

Child Care Information:

<u>Name</u>	<u>Address</u>	<u>Telephone Number</u>	<u>Days/Hours</u>	<u>Relationship to Child</u>

Who transports the child to/from school and/or child care? Name: _____ Relationship: _____

How will the child be transported if you are granted guardianship? _____

Health Information:

Health insurance Plan: Medi-Cal Other: _____

Present Health Status: Good Fair Poor

If minor's health is fair or poor, please explain and include any special health problems:

Is minor taking any medication? Yes No If yes, what kind and for what reason(s)?

Has the minor child ever had any problem with the following?

Alcohol: Yes No Drugs: Yes No Mental/Emotional Problems: Yes No

If yes, what is the child's current condition regarding this problem? _____

Professional Practitioners: (*Medical doctors, dentists, eye doctor, counselors, regional center workers etc.*)

<u>Name and Title</u>	<u>Date of Last Contact</u>	<u>Address</u>	<u>Telephone Number</u>

Financial Information:

Type of Income Received for Minor #1: TANF Cash Aid Food stamps SSI SSDI Parental Assistance None Other: _____

If income received, what is the amount? _____

Who will manage the minor's income? _____

Does the Minor have a trust? Yes No If yes, what amount and who manages the trust?

PROBATE CASE NUMBER: _____ PROBATE CASE NAME: _____

MINOR CHILD #2:

Is this child a member of, or eligible for membership in, an Indian tribe recognized by the federal government?

No Not sure Yes (specify tribe): _____

School Information (if school age):

<u>School Name</u>	<u>Address</u>	<u>Telephone #</u>	<u>School Days/Hours</u>	<u>Teacher Name</u>	<u>Child Special Needs:</u>

Please attach current and prior school year attendance & grade reports and copy of any educational plan if available.

Child Care Information:

<u>Name</u>	<u>Address</u>	<u>Telephone Number</u>	<u>Days/Hours</u>	<u>Relationship to Child</u>

Who transports the child to/from school and/or child care? Name: _____ Relationship: _____
How will the child be transported if you are granted guardianship? _____

Health Information:

Health insurance Plan: Medi-Cal Other: _____

Present Health Status: Good Fair Poor

If minor's health is fair or poor, please explain and include any special health problems:

Is minor taking any medication? Yes No If yes, what kind and for what reason(s)?

Has the minor child ever had any problem with the following?

Alcohol: Yes No Drugs: Yes No Mental/Emotional Problems: Yes No

If yes, what is the child's current condition regarding this problem? _____

Professional Practitioners: (Medical doctors, dentists, eye doctor, counselors, regional center workers etc.)

<u>Name and Title</u>	<u>Date of Last Contact</u>	<u>Address</u>	<u>Telephone Number</u>

Financial Information:

Type of Income Received for Minor #2: TANF Cash Aid Food stamps SSI SSDI Parental Assistance None Other: _____

If income received, what is the amount? _____

Who will manage the minor's income? _____

Does the Minor have a trust? Yes No If yes, what amount and who manages the trust?

PROBATE CASE NUMBER: _____ PROBATE CASE NAME: _____

MINOR CHILD #3:

Is this child a member of, or eligible for membership in, an Indian tribe recognized by the federal government?

No Not sure Yes (*specify tribe*): _____

School Information (if school age):

<u>School Name</u>	<u>Address</u>	<u>Telephone #</u>	<u>School Days/Hours</u>	<u>Teacher Name</u>	<u>Child Special Needs:</u>

Please attach current and prior school year attendance & grade reports and copy of any educational plan if available.

Child Care Information:

<u>Name</u>	<u>Address</u>	<u>Telephone Number</u>	<u>Days/Hours</u>	<u>Relationship to Child</u>

Who transports the child to/from school and/or child care? Name: _____ Relationship: _____

How will the child be transported if you are granted guardianship? _____

Health Information:

Health insurance Plan: Medi-Cal Other: _____

Present Health Status: Good Fair Poor

If minor's health is fair or poor, please explain and include any special health problems:

Is minor taking any medication? Yes No If yes, what kind and for what reason(s)?

Has the minor child ever had any problem with the following?

Alcohol: Yes No Drugs: Yes No Mental/Emotional Problems: Yes No

If yes, what is the child's current condition regarding this problem? _____

Professional Practitioners: (*Medical doctors, dentists, eye doctor, counselors, regional center workers etc.*)

<u>Name and Title</u>	<u>Date of Last Contact</u>	<u>Address</u>	<u>Telephone Number</u>

Financial Information:

Type of Income Received for Minor #3: TANF Cash Aid Food stamps SSI SSDI Parental Assistance None Other: _____

If income received, what is the amount? _____

Who will manage the minor's income? _____

Does the Minor have a trust? Yes No If yes, what amount and who manages the trust?

PROBATE CASE NUMBER: _____ PROBATE CASE NAME: _____

MINOR CHILD #4:

Is this child a member of, or eligible for membership in, an Indian tribe recognized by the federal government?

No Not sure Yes (*specify tribe*): _____

School Information (if school age):

<u>School Name</u>	<u>Address</u>	<u>Telephone #</u>	<u>School Days/Hours</u>	<u>Teacher Name</u>	<u>Child Special Needs:</u>

Please attach current and prior school year attendance & grade reports and copy of any educational plan if available.

Child Care Information:

<u>Name</u>	<u>Address</u>	<u>Telephone Number</u>	<u>Days/Hours</u>	<u>Relationship to Child</u>

Who transports the child to/from school and/or child care? Name: _____ Relationship: _____

How will the child be transported if you are granted guardianship? _____

Health Information:

Health insurance Plan: Medi-Cal Other: _____

Present Health Status: Good Fair Poor

If minor's health is fair or poor, please explain and include any special health problems:

Is minor taking any medication? Yes No If yes, what kind and for what reason(s)?

Has the minor child ever had any problem with the following?

Alcohol: Yes No Drugs: Yes No Mental/Emotional Problems: Yes No

If yes, what is the child's current condition regarding this problem? _____

Professional Practitioners: (*Medical doctors, dentists, eye doctor, counselors, regional center workers etc.*)

<u>Name and Title</u>	<u>Date of Last Contact</u>	<u>Address</u>	<u>Telephone Number</u>

Financial Information:

Type of Income Received for Minor #4: TANF Cash Aid Food stamps SSI SSDI Parental Assistance None Other: _____

If income received, what is the amount? _____

Who will manage the minor's income? _____

Does the Minor have a trust? Yes No If yes, what amount and who manages the trust?

Check here if you have additional children to list. Attach a separate sheet of paper titled ATTACHMENT 3- ADDITIONAL MINOR CHILDREN INFORMATION to the back of this questionnaire.

PROBATE CASE NUMBER: _____ PROBATE CASE NAME: _____

IV. PARENTS OF MINOR(S): (Full legal names) If one of the natural parents has died, please mark "deceased" for that person's address and add the date of death, if known.

1. Full Legal Name: _____ AKA or Maiden Name: _____

Address: _____
Street Apt. City State Zip Code

Telephone Numbers: Home (____) _____ Work (____) _____

Birth Date: ____/____/____ Place of Birth: _____ Deceased? Yes No _____

Driver License Number: _____ State: _____ Currently Valid: Yes No

Relationship to Minor 1: Mother Father

Relationship to Minor 2: Mother Father

Relationship to Minor 3: Mother Father

Relationship to Minor 4: Mother Father

List other child(ren) of the Legal Parent not listed in this petition.

Name	Birth Date	Location

2. Full Legal Name: _____ AKA or Maiden Name: _____

Address: _____
Street Apt. City State Zip Code

Telephone Numbers: Home (____) _____ Work (____) _____

Birth Date: ____/____/____ Place of Birth: _____ Deceased? Yes No _____

Driver License Number: _____ State: _____ Currently Valid: Yes No

Relationship to Minor 1: Mother Father

Relationship to Minor 2: Mother Father

Relationship to Minor 3: Mother Father

Relationship to Minor 4: Mother Father

List other child(ren) of the Legal Parent not listed in this petition.

Name	Birth Date	Location

3. Full Legal Name: _____ AKA or Maiden Name: _____

Address: _____
Street Apt. City State Zip Code

Telephone Numbers: Home (____) _____ Work (____) _____

Birth Date: ____/____/____ Place of Birth: _____ Deceased? Yes No _____

Driver License Number: _____ State: _____ Currently Valid: Yes No

PROBATE CASE NUMBER: _____ PROBATE CASE NAME: _____

- Relationship to Minor 1: Mother Father
Relationship to Minor 2: Mother Father
Relationship to Minor 3: Mother Father
Relationship to Minor 4: Mother Father

List other child(ren) of the Legal Parent not listed in this petition.

Name	Birth Date	Location

4. Full Legal Name: _____ AKA or Maiden Name: _____

Address: _____
Street Apt. City State Zip Code

Telephone Numbers: Home (____) _____ Work (____) _____

Birth Date: ____/____/____ Place of Birth: _____ Deceased? Yes No

Driver License Number: _____ State: _____ Currently Valid: Yes No

- Relationship to Minor 1: Mother Father
Relationship to Minor 2: Mother Father
Relationship to Minor 3: Mother Father
Relationship to Minor 4: Mother Father

List other child(ren) of the Legal Parent not listed in this petition.

Name	Birth Date	Location

Check here if you have additional Legal Parents to list. Attach a separate sheet of paper titled ATTACHMENT 4 - ADDITIONAL LEGAL PARENTS to the back of this questionnaire.

PROBATE CASE NUMBER: _____ PROBATE CASE NAME: _____

V. PROPOSED GUARDIAN #1 ADDITIONAL INFORMATION:

Check here if you have more than two proposed guardians. For each additional guardian, please photocopy this section and attach it to the end of this Questionnaire – titled ATTACHMENT 5 - PROPOSED GUARDIAN ADDITIONAL INFORMATION.

Full Legal Name: _____ AKA or Maiden Name: _____

Address: _____
Street Apt. City State Zip Code

Telephone Numbers: Home (____) _____ Work (____) _____

Birth Date: ____/____/____ Place of Birth: _____

Driver License Number: _____ State: _____ Currently Valid: Yes No

Relationship to Minor 1: _____ Maternal (on mother's side) Paternal (on father's side)

Relationship to Minor 2: _____ Maternal (on mother's side) Paternal (on father's side)

Relationship to Minor 3: _____ Maternal (on mother's side) Paternal (on father's side)

Relationship to Minor 4: _____ Maternal (on mother's side) Paternal (on father's side)

List other child(ren) of the Proposed Guardian whom reside outside of the residence:

Name	Birth Date	Location

HOUSEHOLD COMPOSITION: List other adults age **18 or older** residing in your home.

1. Full Legal Name: _____ AKA or Maiden Name: _____

Telephone Numbers: Home (____) _____ Work (____) _____

Birth Date: ____/____/____ Birth Place: _____ Sex: _____

Driver License Number: _____ State: _____ Currently Valid: Yes No

Relationship to Petitioner(s): _____ Relationship to Child(ren): _____

2. Full Legal Name: _____ AKA or Maiden Name: _____

Telephone Numbers: Home (____) _____ Work (____) _____

Birth Date: ____/____/____ Birth Place: _____ Sex: _____

Driver License Number: _____ State: _____ Currently Valid: Yes No

Relationship to Petitioner(s): _____ Relationship to Child(ren): _____

3. Full Legal Name: _____ AKA or Maiden Name: _____

Telephone Numbers: Home (____) _____ Work (____) _____

Birth Date: ____/____/____ Birth Place: _____ Sex: _____

Driver License Number: _____ State: _____ Currently Valid: Yes No

Relationship to Petitioner(s): _____ Relationship to Child(ren): _____

4. Full Legal Name: _____ AKA or Maiden Name: _____

Telephone Numbers: Home (____) _____ Work (____) _____

Birth Date: ____/____/____ Birth Place: _____ Sex: _____

PROBATE CASE NUMBER: _____ PROBATE CASE NAME: _____

Driver License Number: _____ State: _____ Currently Valid: Yes No
Relationship to Petitioner(s): _____ Relationship to Child(ren): _____

List other child(ren) **under age 18** living in your household:

Name	Birth Date	School	Relationship to Child(ren) Location

LAW ENFORCEMENT INFORMATION:

If you have ever been convicted of a crime other than minor traffic citations, please provide the following information: :
Charge City/State Date

- 1) _____
- 2) _____
- 3) _____

If you are on Parole or Probation, please provide your Officer's Name: _____ Tel. No.: (____) _____

Has anyone in your household ever applied for a domestic violence restraining order or had one issued against them?
 Yes No; If yes, please explain: _____

YOUR EDUCATION:

Highest Grade Completed: _____ Graduated High School? Yes No Year: _____
License(s) or Credential(s) Received: _____
College Degree(s) Received: _____

YOUR EMPLOYMENT: If you are not employed, please indicate the source of income..

Employer: _____ Capacity/Job Title: _____
Length of Employment: _____ Salary: _____
Supervisor's Name, Address and Telephone Number: _____

YOUR HEALTH:

Name of Your Health Insurance Plan: _____
Present Health Status: Good Fair Poor
If your health is fair or poor, please explain: _____
Are you taking any medication? Yes No; If yes, what kind and for what reason(s)? _____
Special Health Problems: _____
Have you ever had any problem with the following?
Alcohol: Yes No Drugs: Yes No Mental/Emotional Problems: Yes No
If yes, what is your current condition regarding this problem? _____

Professional Practitioners: (Medical doctors, counselors, or providers who may have treated you within the past two years.)

Name and Title	Date of Last Contact	Address	Telephone Number

PROBATE CASE NUMBER: _____ PROBATE CASE NAME: _____

PROPOSED GUARDIAN #2 ADDITIONAL INFORMATION:

Full Legal Name: _____ AKA or Maiden Name: _____

Address: _____
Street Apt. City State Zip Code

Telephone Numbers: Home (____) _____ Work (____) _____

Birth Date: ____/____/____ Place of Birth: _____

Driver License Number: _____ State: _____ Currently Valid: Yes No

Relationship to Minor 1: _____ Maternal (on mother's side) Paternal (on father's side)

Relationship to Minor 2: _____ Maternal (on mother's side) Paternal (on father's side)

Relationship to Minor 3: _____ Maternal (on mother's side) Paternal (on father's side)

Relationship to Minor 4: _____ Maternal (on mother's side) Paternal (on father's side)

List other child(ren) of the Proposed Guardian whom reside outside of the residence (if different than Guardian #1):

Name	Birth Date	Location

HOUSEHOLD COMPOSITION: List other adults age **18 or older** residing in your home (If different that Guardian #1).

1. Full Legal Name: _____ AKA or Maiden Name: _____

Telephone Numbers: Home (____) _____ Work (____) _____

Birth Date: ____/____/____ Birth Place: _____ Sex: _____

Driver License Number: _____ State: _____ Currently Valid: Yes No

Relationship to Petitioner(s): _____ Relationship to Child(ren): _____

2. Full Legal Name: _____ AKA or Maiden Name: _____

Telephone Numbers: Home (____) _____ Work (____) _____

Birth Date: ____/____/____ Birth Place: _____ Sex: _____

Driver License Number: _____ State: _____ Currently Valid: Yes No

Relationship to Petitioner(s): _____ Relationship to Child(ren): _____

3. Full Legal Name: _____ AKA or Maiden Name: _____

Telephone Numbers: Home (____) _____ Work (____) _____

Birth Date: ____/____/____ Birth Place: _____ Sex: _____

Driver License Number: _____ State: _____ Currently Valid: Yes No

Relationship to Petitioner(s): _____ Relationship to Child(ren): _____

4. Full Legal Name: _____ AKA or Maiden Name: _____

Telephone Numbers: Home (____) _____ Work (____) _____

Birth Date: ____/____/____ Birth Place: _____ Sex: _____

Driver License Number: _____ State: _____ Currently Valid: Yes No

Relationship to Petitioner(s): _____ Relationship to Child(ren): _____

PROBATE CASE NUMBER: _____ PROBATE CASE NAME: _____

List other child(ren) **under age 18** living in your household (If different than Guardian #1)

Name	Birth Date	School	Relationship to Child(ren) Location

LAW ENFORCEMENT INFORMATION:

If you have ever been convicted of a crime other than minor traffic citations, please provide the following information:

	Charge	City/State	Date
1)	_____	_____	_____
2)	_____	_____	_____
3)	_____	_____	_____

If you are on Parole or Probation, please provide your Officer's Name: _____ Tel. No.: (____) _____

Has anyone in your household ever applied for a domestic violence restraining order or had one issued against them?

Yes No; If yes, please explain: _____

YOUR EDUCATION:

Highest Grade Completed: _____ Graduated High School? Yes No Year: _____

License(s) or Credential(s) Received: _____

College Degree(s) Received: _____

YOUR EMPLOYMENT: If you are not employed, please indicate the source of income.

Employer: _____ Capacity/Job Title: _____

Length of Employment: _____ Salary: _____

Supervisor's Name, Address and Telephone Number: _____

YOUR HEALTH:

Name of Your Health Insurance Plan: _____

Present Health Status: Good Fair Poor

If your health is fair or poor, please explain: _____

Are you taking any medication? Yes No; If yes, what kind and for what reason(s)? _____

Special Health Problems: _____

Have you ever had any problem with the following?

Alcohol: Yes No Drugs: Yes No Mental/Emotional Problems: Yes No

If yes, what is your current condition regarding this problem? _____

Professional Practitioners: (Medical doctors, counselors, or providers who may have treated you within the past two years.)

Name and Title	Date of Last Contact	Address	Telephone Number

PROBATE CASE NUMBER: _____ PROBATE CASE NAME: _____

VI. FAMILY FINANCES OF PROPOSED GUARDIAN(S):

If proposed guardians are not living together, please photocopy this sheet and attach a separate sheet for each additional proposed guardian titled – ATTACHMENT 5 – FAMILY FINANCES OF PROPOSED GUARDIAN(S).

Residence:

The home you live in is: owned rented.

How long have you lived there? _____ Monthly Cost: \$ _____ Value: \$ _____

Number of Bedrooms: _____ Number of Bathrooms: _____ Approximate Size: _____ sq.ft.

Please describe the sleeping arrangements for each household member including the proposed guardians and minor children: _____

Income: Please list source(s) of income and amount(s).

	<u>Income Source</u>	<u>Amount</u>
1.	_____	_____
2.	_____	_____
3.	_____	_____

Other Assets: Please list other major assets or real property.

	<u>Asset</u>	<u>Value</u>
1.	_____	_____
2.	_____	_____
3.	_____	_____

Within the past 5 years, have you been served a Three Day Notice to Pay or Quit? Yes No;

If yes, please explain: _____

PROBATE CASE NUMBER: _____ PROBATE CASE NAME: _____

VII. SUMMARY OF CIRCUMSTANCES:

1. Briefly explain the benefits to the minor(s) if you are granted guardianship? Please include how you will provide guidance and what type of discipline you will use.

2. If there is a conflict between you and the minor’s parent(s), please state the nature of the conflict and with which parent(s) the conflict exists.

3. If more than one person is competing for custody of the child(ren), give reasons why you should be primarily responsible for the child(ren).

4. To the best of your knowledge, is the mother, the father, or are the legal parents contesting the guardianship?
 Yes No; If yes, who? _____

I declare under penalty of perjury under the laws of the State of California that all of the information I have submitted in this Guardianship Questionnaire is true and correct.

Date: _____

Signed: _____

Print Name: _____

Date: _____

Signed: _____

Print Name: _____

GC-210(P)**Petition for Appointment of Guardian of the Person**Guardianship of the person of *(all children's names)*:

Clerk stamps date here when form is filed.

You may use this form or the Petition for Appointment of Guardian of Minor (form GC-210) to petition, or ask, the court to appoint a guardian of the person. (You must use form GC-210 to ask the court to appoint a guardian of the estate or of both the person and the estate.)**1 Your name** *(include the names of all persons who are requesting the court to appoint them or the person named in 4 as guardian for the child* or children* named above and in 8. All must sign this form.):*

- a. _____
-
- b. _____
-
- c. _____

2 Your address and telephone number:Street: _____ Apt.: _____
City: _____
State: _____ Zip: _____ Phone: _____**3 Your Lawyer** *(if you have one):*Name: _____ Bar No.: _____
Firm name, if any: _____
Street: _____ Suite: _____
City: _____ State: _____ Zip: _____
Phone: _____ Fax: _____ E-mail: _____**4 I/We want to be guardian of the child or children named in 8 (Go to 5.)** **I/We want the person or persons named here to be the guardian of the child or children named in 8. Tell the court about the proposed guardian(s) below.**

Name(s): _____

Street: _____ Apt.: _____
City: _____ State: _____ Zip: _____
Phone: _____ E-mail: _____ **I am the child or one of the children named in 8 and a person named in 1. I am at least 12 years old. I want the person or persons named here to be my guardian.****My date of birth is** *(month/day/year):* _____ *Tell the court about the proposed guardian(s) below.*

Name(s): _____

Street: _____ Apt.: _____
City: _____ State: _____ Zip: _____
Phone: _____ E-mail: _____***Under section 1510.1(d) of the Probate Code, the terms child, minor, and ward include a youth 18 to 20 years of age.**

Guardianship of the person of *(all children's names)*:

Case Number:

5 The proposed guardian named in ① or ④ is (check all that apply):

- a. Related to the child or children named in ⑧, as shown in item 3 of the child's or children's attached *Guardianship Petition - Child Information Attachment (form(s) GC-210(CA))*.
- b. Not related to the child or children named in ⑧.
- c. A nominee of a parent of one or more of the children named in ⑧, as shown in item 5 of the child's or children's attached *Guardianship Petition - Child Information Attachment (form(s) GC-210(CA))*.

6 Check this box if you checked the box in item 5b (guardian unrelated to child or children). Answer the question in item a and check the box in item b or c. If you check the box in c, provide the signed statement of the proposed guardian on a separate sheet of paper. Write "Form GC-210(P) - Attachment 6: Statement of Unrelated Guardian" at the top of the paper and attach it to this form.

- a. Does the proposed guardian run a licensed foster family home? Yes No
- b. I am the proposed guardian. I will promptly furnish any information requested by an agency investigating an adoption or a local agency designated by the county to provide public social services.
- c. I am **not** the proposed guardian. The signed statement of the proposed guardian agreeing to promptly furnish any information requested by an agency investigating an adoption or a local agency designated by the county to provide public social services is attached to this form as Attachment 6.

7 A person other than the proposed guardian(s) named in ① or ④ has been nominated in a will or other writing as guardian of the child or children named in ⑧. A copy of the written nomination is attached. Write "Form GC-210(P) - Attachment 7: Nomination of Another Person as Guardian" at the top of the writing and attach it to this form. Fill in the nominated person's name and address in item 2 of the *Guardianship Petition - Child Information Attachment (form GC-210(CA))* for each child for whom the person was nominated as guardian.

8 Tell the court about the child or children who need a guardian.

Fill out and attach to this form a separate copy of *Guardianship Petition - Child Information Attachment (form GC-210(CA))* for each child named below. Show all children's names at the top of all pages of this form. Fill out and attach to this form a *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) (form FL-105/GC-120)* concerning all children under 18 years of age listed below.

The full legal name and date of birth of each child who needs a guardian is (specify):

- a. Name: _____ Date of birth: _____
First Middle Last Month/Day/Year
- b. Name: _____ Date of birth: _____
First Middle Last Month/Day/Year
- c. Name: _____ Date of birth: _____
First Middle Last Month/Day/Year
- d. Name: _____ Date of birth: _____
First Middle Last Month/Day/Year
- e. Name: _____ Date of birth: _____
First Middle Last Month/Day/Year

Check here if there are additional children. Continue this list on a separate sheet of paper. Write "Form GC-210(P) - Attachment 8: Additional Children" at the top of the paper and attach it to this form.



Guardianship of the person of <i>(all children's names)</i> :	Case Number:

9 The guardianship is necessary or convenient for the reasons given below.

(Explain why each child listed in 8 needs a guardian.)

Check here if you need more space. Continue your explanation on a separate sheet of paper. Write "Form GC-210(P) - Attachment 9: Need for Guardian" at the top of the paper and attach it to this form.

10 I/We ask the court to (check all that apply):

- a. Appoint the person named in 1 or 4 guardian of the person of the child or children named in 8 and issue Letters of Guardianship.
- b. Excuse me/us from having to give notice of the hearing on this petition to one or more relatives or other persons listed in item 2 of the attached *Guardianship Petition - Child Information Attachment* (form GC-210(CA)) for the reasons given below *(Specify (1) the name of each child, (2) the name and relationship to the child of each of the persons to whom you want the court to excuse you from giving notice, and (3) the reasons for your request, including the steps, if any, you have taken to find each person.)*:

Check here if you need more space. Continue your explanation on a separate sheet of paper. Write "Form GC-210(P) - Attachment 10b: Request for Waiver of Notice" at the top of the paper and attach it to this form.

The relatives and other persons listed in item 2 of each child's Guardianship Petition - Child Information Attachment (form GC-210(CA)) must be given notice of the hearing on your petition for appointment of a guardian for that child unless the court excuses you from giving notice. The court may waive (excuse) this requirement if you can show the court that you do not know where the relative or other person is located after making reasonable efforts to find him or her or if giving notice to that person may harm the child or otherwise be contrary to the interests of justice. See rule 7.52 of the California Rules of Court for information on making reasonable efforts to find a person.



Guardianship of the person of <i>(all children's names)</i> :	Case Number:

10 c. Make the following additional orders *(specify)*:

Check here if you need more space. Continue your request for additional orders on a separate sheet of paper. Write "Form GC-210(P) - Attachment 10c: Additional Orders" at the top of the paper and attach it to this form.

11 Filed with this petition are the following *(check all that apply)*:

- Consent of Proposed Guardian (form GC-211, item 1)
- Nomination of Guardian (form GC-211, items 2 and 3)
- Consent to Appointment of Guardian and Waiver of Notice (form GC-211, item 4)
- Petition for Appointment of Temporary Guardian or Conservator (form GC-110)
- Petition for Appointment of Temporary Guardian of the Person (form GC-110(P))
- Confidential Guardian Screening Form (form GC-212)
- Petition for Special Immigrant Juvenile Findings (form GC-220)
- Other *(specify)*:

12 All attachments are made part of this form as though included here. There are _____ pages attached to this form.

Date: _____ _____ _____
Petitioner's attorney types or prints name here *Petitioner's attorney signs here*

All petitioners and the proposed ward—if he or she is at least 18 but not yet 21 years of age and not a petitioner—must read and sign below.

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

Date: _____ _____ _____
Petitioner types or prints name here *Petitioner signs here*

Date: _____ _____ _____
Petitioner types or prints name here *Petitioner signs here*

I consent to the appointment of the person named in 1 or 4 as guardian of my person and to his or her performance of the duties of a guardian on my behalf.

Date: _____ _____ _____
Proposed ward types or prints name here *Proposed ward signs here*

Case Number: _____

Guardianship of *(all children's names)*: _____

This child's name: _____

Fill out a separate copy of this form for **each child** for whom your petition asks the court to appoint a guardian.

This form is attached to the Petition, **form GC-210, item 2,** or **form GC-210(P), item 8.**

The petition asks the court to appoint a guardian of this child's *(specify)*: person estate person and estate.

1 Tell the court about this child

a. Child's full legal name: _____ Date of birth: _____
First Middle Last mm/dd/yyyy

b. Child's current address: _____

c. Indian child inquiry *(Complete only if your petition asks the court to appoint a guardian of this child's person or person and estate. If your petition asks the court to appoint a guardian of this child's estate only, skip this item and go to item 1d.)*

I have asked whether the child is or may be a member of one or more Indian tribes recognized by the federal government, or eligible for membership in such a tribe and the biological child of a tribal member, and whether the child or parents live or are domiciled on a reservation or rancheria or in an Alaskan Native village. Form ICWA-010(A), *Indian Child Inquiry Attachment*, is attached to this form.

I have not asked about the child's Indian heritage because the parents are unavailable or deceased.

(For more information about your duties under the federal Indian Child Welfare Act (ICWA) (25 U.S.C. §§ 1901–1963) and California law, including making the inquiry and completing form ICWA-010(A) if the child is or may be an Indian child, see Information Sheet on Indian Child Inquiry Attachment and Notice of Child Custody Proceeding for Indian Child (form ICWA-005-INFO).)

d. Is this child married? Yes No Never married If you checked "No," was this child married in the past but the marriage was dissolved or ended in divorce? Yes No
(The court cannot appoint a guardian of the person for a minor child who is married or whose marriage was dissolved or ended in divorce.)

e. Is this child receiving public benefits? Yes No I don't know *(If you checked "Yes," fill in below.)*

Type of Aid	Monthly Benefit	Type of Aid	Monthly Benefit
<input type="checkbox"/> TANF (Temporary Asst. for Needy Families)	\$ _____	<input type="checkbox"/> Other <i>(explain)</i> :	\$ _____
<input type="checkbox"/> Social Security	\$ _____	<input type="checkbox"/> Other <i>(explain)</i> :	\$ _____
<input type="checkbox"/> Dept. Veterans Affairs Benefits	\$ _____		

f. Name and address of the person with *legal* custody of this child: _____

g. *(Check this box and fill out below if the person the child lives with is not the person in f. with legal custody.)*
Name and address of the person this child lives with (who takes care of the child): _____



Guardianship of (all children's names): _____

Case Number: _____

This child's name: _____

1 Tell the court about this child (continued)

h. (Check this box if this child has been involved in an adoption, juvenile court, marriage dissolution (divorce), domestic relations, child custody, or other similar court case.) Describe the court case below:

Type of Case	Court District or County and State or Tribe	Case Number (if known)

i. (Check this box if this child is in or on leave from an institution supervised by the California Department of Developmental Services or the California Department of State Hospitals.) Write the name of the institution here:

2 List the names and addresses of this child's relatives and all other persons shown below:

Relationship	Name	Home Address (Street, City, State, Zip)
Mother	_____	_____
Father	_____	_____
Grandmother (Mother's mother)	_____	_____
Grandfather (Mother's father)	_____	_____
Grandmother (Father's mother)	_____	_____
Grandfather (Father's father)	_____	_____
Sibling	_____	_____
Sibling	_____	_____
Sibling	_____	_____
Sibling	_____	_____
Sibling	_____	_____
Sibling	_____	_____
Sibling	_____	_____

(Check here if this child has additional relatives, including parents, grandparents, siblings, or half-siblings, and list their names and addresses on a separate sheet of paper. Write "Form GC-210(CA)," the name of this child, and "Item 2: Other Relatives" at the top of the paper and attach it to this form.)



Guardianship of (all children's names): _____

Case Number: _____

This child's name: _____

2 List the names and addresses of this child's relatives and all other persons shown below:

Relationship	Name	Home Address (Street, City, State, Zip)
Spouse <i>(Guardianship of the estate only)</i>	_____	_____
Person nominated as guardian of this child <i>(if someone other than a proposed guardian named in 3)</i>	_____	_____
Indian custodian <i>(if any)</i>	_____	_____
Child's tribe <i>(if any and if known)</i>	_____	_____

(Check here if there is more than one tribe that the child may be eligible for membership in, and list the names and addresses on a separate sheet of paper. Write "Form GC-210(CA)," the name of the child, and "Attachment 2: Child's tribes" at the top of the paper and attach it to this form.)

3 Information about the proposed guardian:

a. Name (name all proposed guardians if more than one):

b. Relationship(s) to the child named in 1 (check all that apply):
 Relative (specify relationship(s) to the child of each proposed relative guardian):

 Not a relative (explain interest in or connection to this child): _____

c. Did the child's parent(s) nominate the proposed guardian(s)? Yes No I don't know
(If you checked "Yes," attach the written nomination as Attachment 3c.)

d. Does this child currently live with the proposed guardian(s)? Yes No I don't know
If "Yes," how long has the child lived with the proposed guardian(s)? (years, months): _____

e. If the court approves the guardianship, will this child live with the proposed guardian(s)? Yes No

f. Does/do the proposed guardian(s) currently plan to adopt this child? Yes No I don't know

4 Explain why appointing a guardian for the child named in 1 would be in the child's best interest:

(Check here if you need more space. Continue your explanation on a separate sheet of paper. Write "Form GC-210(CA)," the name of this child, and "Attachment 4: Guardianship—Best Interest of Child" at the top of the paper and attach it to this form.)



Guardianship of (all children's names): _____

Case Number: _____

This child's name: _____

5 Explain why appointing the person named in 3 to be this child's guardian would be in the child's best interest:

(Check here if you need more space. Continue your explanation on a separate sheet of paper. Write "Form GC-210(CA)," the name of this child, and "Attachment 5: Proposed Guardian—Best Interest of Child" at the top of the paper and attach it to this form.)

6 a. Does one or do both of this child's parents agree:

(1) That the court needs to appoint a guardian for the child?
Parent (name): _____ Yes No I don't know

Parent (name): _____ Yes No I don't know

(2) That the person named in 3 should be the child's guardian?
Parent (name): _____ Yes No I don't know

Parent (name): _____ Yes No I don't know

b. If the child is an Indian child and in the care and custody of an Indian custodian, does the Indian custodian agree:

(1) That the court needs to appoint a guardian for the child?
Custodian (name): _____ Yes No I don't know

(2) That the person named in 3 should be the child's guardian?
Custodian (name): _____ Yes No I don't know

7 Check this box if you (the petitioner) are not the person named in 3, and fill in below.

Your relationship to this child:
 Relative (specify relationship): _____

Not a relative (explain your interest in or connection to this child):

8 Except as otherwise stated in this form, the statements made in the petition to which this form is attached fully apply to this child.

CHILD'S NAME:	CASE NUMBER:
---------------	--------------

1. Name of child:
2. (Check one)
 I have not yet been able to complete the inquiry about the child's Indian status because:

I understand that I have an affirmative and continuing duty to complete this inquiry. I will do it as soon as possible and advise the court of my efforts.

- I have asked or I am advised by _____ and on information and belief confirm that this person has completed inquiry by asking the child, the child's parents, and other required and available persons about the child's Indian status. The person(s) questioned are:

Name:	Name:
Address:	Address:
City, state, zip:	City, state, zip:
Telephone:	Telephone:
Date questioned:	Date questioned:
Relationship to child:	Relationship to child:

Additional persons questioned and their information is attached.

3. This inquiry (*check one*):
 gave me reason to believe the child is or may be an Indian child. (*If yes, continue to 4.*)
 gave me no reason to believe the child is or may be an Indian child.
4. I contacted the tribe(s) that the child may be affiliated with and worked with them to establish whether the child is a member or eligible for membership in the tribe(s). Information detailing the tribes contacted, the names of the individuals contacted, and the manner of the contacts is attached.
5. Based on inquiry and tribal contacts (*check all that apply*):
 - a. The child is or may be a member of or eligible for membership in a tribe.
 Name of tribe(s):
 Location of tribe(s):
 - b. The child's parents, grandparents, or great-grandparents are or were members of a tribe.
 Name of tribe(s):
 Location of tribe(s):
 - c. The residence or domicile of the child, child's parents, or Indian custodian is on a reservation, rancheria, Alaska Native village or other tribal trust land.
 - d. The child or the child's family has received services or benefits from a tribe or services that are available to Indians from tribes or the federal government, such as the Indian Health Service or Tribal Temporary Assistance to Needy Families (TANF).
 - e. The child is or has been a ward of a tribal court.
 Name of tribe(s):
 Location of tribe(s):
 - f. Either parent or the child possesses an Indian Identification card indicating membership or citizenship in an Indian tribe.
 Name of tribe(s):
 Location of tribe(s):
6. If this is a delinquency proceeding under Welfare and Institutions Code section 601 or 602:
 The child is in foster care.
 It is probable the child will be entering foster care.

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

Date:

(TYPE OR PRINT NAME)	▶	(SIGNATURE)
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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

FOR COURT USE ONLY

TELEPHONE NO.:

FAX NO. (Optional) :

E-MAIL ADDRESS (Optional):

ATTORNEY FOR (Name):

SUPERIOR COURT OF CALIFORNIA, COUNTY OF

STREET ADDRESS:

MAILING ADDRESS:

CITY AND ZIP CODE:

BRANCH NAME:

 GUARDIANSHIP CONSERVATORSHIP OF THE PERSON ESTATE
 OF (Name):

 MINOR (PROPOSED) CONSERVATEE
NOTICE OF HEARING - GUARDIANSHIP OR CONSERVATORSHIP

CASE NUMBER:

This notice is required by law.**This notice does not require you to appear in court, but you may attend the hearing if you wish.**

1. NOTICE is given that (name) :
(representative capacity, if any) :
has filed (specify) :

2. You may refer to documents on file in this proceeding for more information. (Some documents filed with the court are confidential. Under some circumstances you or your attorney may be able to see or receive copies of confidential documents if you file papers in the proceeding or apply to the court.)
3. The petition includes an application for the independent exercise of powers by a guardian or conservator under
 Probate Code section 2108 Probate Code section 2590.
 Powers requested are specified below specified in Attachment 3.

4. A HEARING on the matter will be held as follows:

a. Date:	Time:	<input type="checkbox"/> Dept.:	<input type="checkbox"/> Room:
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b. Address of court same as noted above is (specify) :

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available upon request if at least 5 days notice is provided. Contact the clerk's office for *Request for Accommodations by Persons with Disabilities and Order* (form MC-410). (Civil Code section 54.8.)



<input type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name) :	CASE NUMBER:
<input type="checkbox"/> MINOR <input type="checkbox"/> (PROPOSED) CONSERVATEE	

PROOF OF PERSONAL SERVICE OF NOTICE OF HEARING - GUARDIANSHIP OR CONSERVATORSHIP

(Attach a separate completed and signed copy of this form or other proof of personal service to Notice of Hearing - Guardianship or Conservatorship for each person who personally served a copy of the Notice.)

1. I am over the age of 18 and not a party to this cause.
2. I served the attached *Notice of Hearing - Guardianship or Conservatorship* by personally delivering a copy to each person listed below at the address and on the date and time indicated below.
3. I served with the attached *Notice of Hearing - Guardianship or Conservatorship* a copy of the petition or other document referred to in the Notice.
4. I served with the attached *Notice of Hearing - Guardianship or Conservatorship* copies of the following documents (*specify*) :

 Continued on Attachment 4.
5. I am (*check all that apply*) :
 - a. not a registered California process server.
 - b. a California sheriff or marshal.
 - c. a registered California process server.
 - d. an employee or independent contractor of a registered California process server.
 - e. exempt from registration (Bus. & Prof. Code, § 22350(b)).
6. My name, address, telephone number, and, if applicable, county of registration and number, are (*specify*) :

NAME OF EACH PERSON PERSONALLY SERVED, ADDRESS WHERE SERVED, AND DATE AND TIME SERVICE WAS MADE

	<u>Name</u>	<u>Address where served (number, street, city, and state)</u>	<u>Date and time service made</u>
1.			Date: _____ Time: _____
2.			Date: _____ Time: _____
3.			Date: _____ Time: _____
4.			Date: _____ Time: _____

- List of names and addresses of persons personally served by the undersigned continued on an attachment.
(You may use Attachment to Notice of Hearing Proof of Personal Service, form DE-120(PA)/GC-020(PA), for this purpose.)

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

(For California sheriff or marshal use only)
I certify that the foregoing is true and correct

Date:

Date:

(SIGNATURE)

(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
<i>(This section applies only to family law cases.)</i>	
PETITIONER: RESPONDENT: OTHER PARTY:	
<i>(This section applies only to guardianship cases.)</i>	CASE NUMBER:
GUARDIANSHIP OF (Name): _____ Minor	
DECLARATION UNDER UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT (UCCJEA)	

1. **I am a party** to this proceeding to determine custody of a child.
2. My present address and the present address of each child residing with me is confidential under Family Code section 3429 as I have indicated in item 3.
3. There are *(specify number)*: _____ minor children who are subject to this proceeding, as follows:
(Insert the information requested below. The residence information must be given for the last FIVE years.)

a. Child's name	Place of birth	Date of birth	Sex																												
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:20%;">Period of residence</td> <td style="width:30%;">Address</td> <td style="width:40%;">Person child lived with (name and complete current address)</td> <td style="width:10%;">Relationship</td> </tr> <tr> <td style="text-align: center;">to present</td> <td><input type="checkbox"/> Confidential</td> <td><input type="checkbox"/> Confidential</td> <td></td> </tr> <tr> <td style="text-align: center;">to</td> <td>Child's residence (City, State)</td> <td>Person child lived with (name and complete current address)</td> <td></td> </tr> <tr> <td style="text-align: center;">to</td> <td>Child's residence (City, State)</td> <td>Person child lived with (name and complete current address)</td> <td></td> </tr> <tr> <td style="text-align: center;">to</td> <td>Child's residence (City, State)</td> <td>Person child lived with (name and complete current address)</td> <td></td> </tr> </table>	Period of residence	Address	Person child lived with (name and complete current address)	Relationship	to present	<input type="checkbox"/> Confidential	<input type="checkbox"/> Confidential		to	Child's residence (City, State)	Person child lived with (name and complete current address)		to	Child's residence (City, State)	Person child lived with (name and complete current address)		to	Child's residence (City, State)	Person child lived with (name and complete current address)												
Period of residence	Address	Person child lived with (name and complete current address)	Relationship																												
to present	<input type="checkbox"/> Confidential	<input type="checkbox"/> Confidential																													
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<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:40%;">b. Child's name</td> <td style="width:25%;">Place of birth</td> <td style="width:20%;">Date of birth</td> <td style="width:15%;">Sex</td> </tr> <tr> <td colspan="4" style="padding: 5px;"> <input type="checkbox"/> Residence information is the same as given above for child a. (If NOT the same, provide the information below.) </td> </tr> <tr> <td style="width:20%;">Period of residence</td> <td style="width:30%;">Address</td> <td style="width:40%;">Person child lived with (name and complete current address)</td> <td style="width:10%;">Relationship</td> </tr> <tr> <td style="text-align: center;">to present</td> <td><input type="checkbox"/> Confidential</td> <td><input type="checkbox"/> Confidential</td> <td></td> </tr> <tr> <td style="text-align: center;">to</td> <td>Child's residence (City, State)</td> <td>Person child lived with (name and complete current address)</td> <td></td> </tr> <tr> <td style="text-align: center;">to</td> <td>Child's residence (City, State)</td> <td>Person child lived with (name and complete current address)</td> <td></td> </tr> <tr> <td style="text-align: center;">to</td> <td>Child's residence (City, State)</td> <td>Person child lived with (name and complete current address)</td> <td></td> </tr> </table>	b. Child's name	Place of birth	Date of birth	Sex	<input type="checkbox"/> Residence information is the same as given above for child a. (If NOT the same, provide the information below.)				Period of residence	Address	Person child lived with (name and complete current address)	Relationship	to present	<input type="checkbox"/> Confidential	<input type="checkbox"/> Confidential		to	Child's residence (City, State)	Person child lived with (name and complete current address)		to	Child's residence (City, State)	Person child lived with (name and complete current address)		to	Child's residence (City, State)	Person child lived with (name and complete current address)				
b. Child's name	Place of birth	Date of birth	Sex																												
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Period of residence	Address	Person child lived with (name and complete current address)	Relationship																												
to present	<input type="checkbox"/> Confidential	<input type="checkbox"/> Confidential																													
to	Child's residence (City, State)	Person child lived with (name and complete current address)																													
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to	Child's residence (City, State)	Person child lived with (name and complete current address)																													

- c. Additional residence information for a child listed in item a or b is continued on attachment 3c.
- d. Additional children are listed on form FL-105(A)/GC-120(A). (Provide all requested information for additional children.)

SHORT TITLE: _____	CASE NUMBER: _____
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4. Do you have information about, or have you participated as a party or as a witness or in some other capacity in, another court case or custody or visitation proceeding, in California or elsewhere, concerning a child subject to this proceeding?

Yes No (If yes, attach a copy of the orders (if you have one) and provide the following information):

Proceeding	Case number	Court <i>(name, state, location)</i>	Court order or judgment <i>(date)</i>	Name of each child	Your connection to the case	Case status
a. <input type="checkbox"/> Family						
b. <input type="checkbox"/> Guardianship						
c. <input type="checkbox"/> Other						

Proceeding	Case Number	Court <i>(name, state, location)</i>
d. <input type="checkbox"/> Juvenile Delinquency/ Juvenile Dependency		
e. <input type="checkbox"/> Adoption		

5. One or more domestic violence restraining/protective orders are now in effect. (Attach a copy of the orders if you have one and provide the following information):

Court	County	State	Case number <i>(if known)</i>	Orders expire <i>(date)</i>
a. <input type="checkbox"/> Criminal				
b. <input type="checkbox"/> Family				
c. <input type="checkbox"/> Juvenile Delinquency/ Juvenile Dependency				
d. <input type="checkbox"/> Other				

6. Do you know of any person who is not a party to this proceeding who has physical custody or claims to have custody of or visitation rights with any child in this case? Yes No (If yes, provide the following information):

a. Name and address of person <input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights Name of each child	b. Name and address of person <input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights Name of each child	c. Name and address of person <input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights Name of each child
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

7. Number of pages attached: _____

NOTICE TO DECLARANT: You have a continuing duty to inform this court if you obtain any information about a custody proceeding in a California court or any other court concerning a child subject to this proceeding.

**DECLARATION UNDER UNIFORM CHILD CUSTODY
JURISDICTION AND ENFORCEMENT ACT (UCCJEA)**

CASE NAME: 	CASE NUMBER:
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**ATTACHMENT TO
DECLARATION UNDER UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT (UCCJEA)**

<input type="checkbox"/> Child's name <input type="checkbox"/> Residence information is the same as given on form FL-105/GC-120 for child a. (If NOT the same, provide the information below.)		Place of birth	Date of birth	Sex
Period of residence to present	Present address <input type="checkbox"/> Confidential	Person child lived with (name and complete current address) <input type="checkbox"/> Confidential		Relationship
to	Child's residence (City, State)	Person child lived with (name and complete current address)		
to	Child's residence (City, State)	Person child lived with (name and complete current address)		
to	Child's residence (City, State)	Person child lived with (name and complete current address)		
<input type="checkbox"/> Child's name <input type="checkbox"/> Residence information is the same as given on form FL-105/GC-120 for child a. (If NOT the same, provide the information below.)		Place of birth	Date of birth	Sex
Period of residence to present	Address <input type="checkbox"/> Confidential	Person child lived with (name and complete current address) <input type="checkbox"/> Confidential		Relationship
to	Child's residence (City, State)	Person child lived with (name and complete current address)		
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to	Child's residence (City, State)	Person child lived with (name and complete current address)		
<input type="checkbox"/> Child's name <input type="checkbox"/> Residence information is the same as given on form FL-105/GC-120 for child a. (If NOT the same, provide the information below.)		Place of birth	Date of birth	Sex
Period of residence to present	Address <input type="checkbox"/> Confidential	Person child lived with (name and complete current address) <input type="checkbox"/> Confidential		Relationship
to	Child's residence (City, State)	Person child lived with (name and complete current address)		
to	Child's residence (City, State)	Person child lived with (name and complete current address)		
to	Child's residence (City, State)	Person child lived with (name and complete current address)		

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address) : TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
GUARDIANSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name) : _____ MINOR	
DUTIES OF GUARDIAN and Acknowledgment of Receipt	CASE NUMBER: _____

DUTIES OF GUARDIAN

When you are appointed by the court as a guardian of a minor, you become an officer of the court and assume certain duties and obligations. An attorney is best qualified to advise you about these matters. You should clearly understand the information on this form. You will find additional information in the *Guardianship Pamphlet (for Guardianships of Children in the Probate Court)* (Form GC-205), which is available from the court.

1. GUARDIANSHIP OF THE PERSON

If the probate court appoints you as a *guardian of the person* for a child, you will be required to assume important duties and obligations.

- a. **Fundamental responsibilities** - The guardian of the person of a child has the care, custody, and control of the child. As guardian, you are responsible for providing for food, clothing, shelter, education, and all the medical and dental needs of the child. You must provide for the safety, protection, and physical and emotional growth of the child.
- b. **Custody** - As guardian of the person of the child, you have full legal and physical custody of the child and are responsible for **all** decisions relating to the child. The child's parents can no longer make decisions for the child while there is a guardianship. The parents' rights are suspended-not terminated-as long as a guardian is appointed for a minor.
- c. **Education** - As guardian of the person of the child, you are responsible for the child's education. You determine where the child should attend school. As the child's advocate within the school system, you should attend conferences and play an active role in the child's education. For younger children, you may want to consider enrolling the child in Head Start or other similar programs. For older children, you should consider their future educational needs such as college or a specialized school. You must assist the child in obtaining services if the child has special educational needs. You should help the child in setting and attaining his or her educational goals.
- d. **Residence** - As guardian, you have the right to determine where the child lives. The child will normally live with you, but when it is necessary, you are allowed to make other arrangements if it is in the best interest of the child. You should obtain court approval before placing the child back with his or her parents.

As guardian, you **do not** have the right to change the child's residence to a place outside of California unless you first receive the court's permission. If the court grants permission, California law requires that you establish legal guardianship in the state where the child will be living. Individual states have different rules regarding guardianships. You should seek additional information about guardianships in the state where you want the child to live.

(Continued on reverse)

**DUTIES OF GUARDIAN
(Probate)**

GUARDIAN OF (Name):

MINOR

CASE NUMBER:

- e. **Medical treatment** - As guardian, you are responsible for meeting the medical needs of the child. In most cases, you have the authority to consent to the child's medical treatment. However, if the child is 14 years or older, surgery may not be performed on the child unless either (1) both the child and the guardian consent or (2) a court order is obtained that specifically authorizes the surgery. This holds true except in emergencies. A guardian may not place a child involuntarily in a mental health treatment facility under a probate guardianship. A mental health conservatorship proceeding is required for such an involuntary commitment. However, the guardian may secure counseling and other necessary mental health services for the child. The law also allows older and more mature children to consent to their own treatment in certain situations such as outpatient mental health treatment, medical care related to pregnancy or sexually transmitted diseases, and drug and alcohol treatment.
- f. **Community resources** - There are agencies in each county that may be helpful in meeting the specific needs of children who come from conflicted, troubled, or deprived environments. If the child has special needs, you must strive to meet those needs or secure appropriate services.
- g. **Financial support** - Even when the child has a guardian, the parents are still obligated to financially support the child. The guardian may take action to obtain child support. The child may also be eligible for Temporary Aid for Needy Families, TANF (formerly known as AFDC), social security benefits, Veterans Administration benefits, Indian child welfare benefits, and other public or private funds.
- h. **Visitation** - The court may require that you allow visitation or contact between the child and his or her parents. The child's needs often require that the parent-child relationship be maintained, within reason. However, the court may place restrictions on the visits, such as the requirement of supervision. The court may also impose other conditions in the child's best interest.
- i. **Driver's license** - As guardian of the person, you have the authority to consent to the minor's application for a driver's license. If you consent, you will become liable for any civil damages that may result if the minor causes an accident. The law requires that anyone signing the DMV application obtain insurance to cover the minor.
- j. **Enlistment in the armed services** - The guardian may consent to a minor's enlistment in the armed services. If the minor enters into active duty with the armed forces, the minor becomes emancipated under California law.
- k. **Marriage** - For the minor to marry, the guardian **and the court** must give permission. If the minor enters a valid marriage, the minor becomes emancipated under California law.
- l. **Change of address** - A guardian must notify the court in writing of any change in the address of either the child or the guardian. This includes any changes that result from the child's leaving the guardian's home or returning to the parent's home. You **must** always obtain **court permission** before you move the child to another state or country.
- m. **Court visitors and status reports** - Some counties have a program in which "court visitors" track and review guardianships. If your county has such a program, you will be expected to cooperate with all requests of the court visitor. As guardian, you may also be required to fill out and file status reports. In all counties, you must cooperate with the court and court investigators.
- n. **Misconduct of the child** - A guardian, like a parent, is liable for the harm and damages caused by the willful misconduct of a child. There are special rules concerning harm caused by the use of a firearm. If you are concerned about your possible liability, you should consult an attorney.
- o. **Additional responsibilities** - The court may place other conditions on the guardianship or additional duties upon you, as guardian. For example, the court may require the guardian to complete counseling or parenting classes, to obtain specific services for the child, or to follow a scheduled visitation plan between the child and the child's parents or relatives. As guardian, you must follow all court orders.

(Continued on page three)

DUTIES OF GUARDIAN
(Probate)

GUARDIAN OF (Name):

MINOR

CASE NUMBER:

- p. **Termination of guardianship of the person** - A guardianship of the person automatically ends when the child reaches the age of 18, is adopted, marries, is emancipated by court order, enters into active military duty, or dies. If none of these events has occurred, the child, a parent, or the guardian may petition the court for termination of guardianship. But it must be shown that the guardianship is no longer necessary or that termination of the guardianship is in the child's best interest.

2. GUARDIANSHIP OF THE ESTATE

If the court appoints you as *guardian of the child's estate*, you will have additional duties and obligations. The money and other assets of the child are called the child's "estate." Appointment as guardian of a child's estate is taken very seriously by the court. The guardian of the estate is required to manage the child's funds, collect and make an inventory of the assets, keep accurate financial records, and regularly file financial accountings with the court.

MANAGING THE ESTATE

- a. **Prudent investments** - As guardian of the estate, you must manage the child's assets with the care of a prudent person dealing with someone else's property. This means that you must be cautious and may not make speculative or risky investments.
- b. **Keeping estate assets separate** - As guardian of the estate, you must keep the money and property of the child's estate separate from everyone else's, including your own. When you open a bank account for the estate, the account name must indicate that it is a *guardianship* account and not your personal account. You should use the child's social security number when opening estate accounts. You should never deposit estate funds in your personal account or otherwise mix them with your own funds or anyone else's funds, even for brief periods. Securities in the estate must be held in a name that shows that they are estate property and not your personal property.
- c. **Interest-bearing accounts and other investments** - Except for checking accounts intended for ordinary expenses, you should place estate funds in interest-bearing accounts. You may deposit estate funds in insured accounts in federally insured financial institutions, but you should not put more than \$100,000 in any single institution. You should consult with an attorney before making other kinds of investments.
- d. **Blocked accounts** - A *blocked account* is an account with a financial institution in which money is placed. No person may withdraw funds from a blocked account without the court's permission. Depending on the amount and character of the child's property, the guardian may elect **or the court may require** that estate assets be placed in a blocked account. As guardian of the estate, you must follow the directions of the court and the procedures required to deposit funds in this type of account. The use of a blocked account is a safeguard and may save the estate the cost of a bond.
- e. **Other restrictions** - As guardian of the estate, you will have many other restrictions on your authority to deal with estate assets. Without prior court order, you **may not** pay fees to yourself or your attorney. You may not make a gift of estate assets to anyone. You may not borrow money from the estate. As guardian, you may not use estate funds to purchase real property without a prior court order. If you do not obtain the court's permission to spend estate funds, you may be compelled to reimburse the estate from your own personal funds and may be removed as guardian. You should consult with an attorney concerning the legal requirements relating to sales, leases, mortgages, and investment of estate property. If the child of whose estate you are the guardian has a living parent or if that child receives assets or is entitled to support from another source, you must obtain court approval before using guardianship assets for the child's support, maintenance, or education. You must file a petition or include a request for approval in the original petition, and set forth which exceptional circumstances justify any use of guardianship assets for the child's support. The court will ordinarily grant such a petition for only a limited period of time, usually not to exceed one year, and only for specific and limited purposes,

INVENTORY OF ESTATE PROPERTY

- f. **Locate the estate's property** - As guardian of the estate, you must locate, take possession of, and protect the child's income and assets that will be administered in the estate. You must change the ownership of all assets into the guardianship estate's name. For real estate, you should record a copy of your *Letters of Guardianship* with the county recorder in each county where the child owns real property.

(Continued on reverse)

DUTIES OF GUARDIAN (Probate)

GUARDIAN OF (Name):

MINOR

CASE NUMBER:

- g. **Determine the value of the property** - As guardian of the estate, you must arrange to have a court-appointed referee determine the value of the estate property unless the appointment is waived by the court. You-not the referee-must determine the value of certain "cash items." An attorney can advise you about how to do this.
- h. **File an inventory and appraisal** - As guardian of the estate, you must file an inventory and appraisal within 90 days after your appointment. You may be required to return to court 90 days after your appointment as guardian of the estate to ensure that you have properly filed the inventory and appraisal.

INSURANCE

- i. **Insurance coverage** - As guardian of the estate, you should make sure that there is appropriate and sufficient insurance covering the assets and risks of the estate. You should maintain the insurance in force throughout the entire period of the guardianship or until the insured asset is sold.

RECORD KEEPING AND ACCOUNTING

- j. **Records** - As guardian of the estate, you must keep complete, accurate records of each financial transaction affecting the estate. The checkbook for the guardianship checking account is essential for keeping records of income and expenditures. You should also keep receipts for all purchases. Record keeping is critical because you will have to prepare an accounting of all money and property that you have received, what you have spent, the date of each transaction, and its purpose. You will also have to be able to describe in detail what is left after you have paid the estate's expenses.
- k. **Accountings** - As guardian of the estate, you must file a petition requesting that the court review and approve your accounting one year after your appointment and at least every two years after that. The court may ask that you justify some or all expenditures. You should have receipts and other documents available for the court's review, if requested. If you do not file your accounting as required, the court will order you to do so. You may be removed as guardian for failure to file an accounting.
- l. **Format** - As guardian of the estate, you must comply with all state and local rules when filing your accounting. A particular format is specified in the Probate Code, which you must follow when you present your account to the court. You should check local rules for any special local requirements.
- m. **Legal advice** - An attorney can advise you and help you prepare your inventories, accountings, and petitions to the court. If you have questions, you should consult with an attorney.

3. OTHER GENERAL INFORMATION

- a. **Removal of guardian** - A guardian may be removed for specific reasons or when it is in the child's best interest. A guardian may be removed either on the court's own motion or by a petition filed by the child, a relative of the child, or any other interested person. If necessary, the court may appoint a successor guardian, or the court may return the child to a parent if that is found to be in the child's best interest.
- b. **Legal documents** - For your appointment as guardian to be valid, the *Order Appointing Guardian of Minor* must be signed. Once the court signs the order, the guardian **must** go to the clerk's office, where *Letters of Guardianship* will be issued. *Letters of Guardianship* is a legal document that provides proof that you have been appointed and are serving as the guardian of a minor. You should obtain several certified copies of the *Letters* from the clerk. These legal documents will be of assistance to you in the performance of your duties, such as enrolling the child in school, obtaining medical care, and taking care of estate business.
- c. **Attorney and legal resources** - If you have an attorney, the attorney will advise you on your duties and responsibilities, the limits of your authority, the rights of the child, and your dealings with the court. **If you have legal questions, you should consult with your attorney.** Please remember that the court staff cannot give you legal advice.

(Continued on page five)

DUTIES OF GUARDIAN
(Probate)

GUARDIAN OF (Name):

MINOR

CASE NUMBER:

If you are not represented by an attorney, you may obtain answers to your questions by contacting community resources, private publications, or your local law library.

NOTICE: This statement of duties is a summary and is not a complete statement of the law. Your conduct as a probate guardian is governed by the law itself and not by this summary.

ACKNOWLEDGMENT OF RECEIPT

1. I have petitioned the court to be appointed as a guardian.
2. I acknowledge that I have received a copy of this statement of the duties of the position of guardian.

Date:

 (TYPE OR PRINT NAME)

 (SIGNATURE OF PETITIONER)

Date:

 (TYPE OR PRINT NAME)

 (SIGNATURE OF PETITIONER)

Date:

 (TYPE OR PRINT NAME)

 (SIGNATURE OF PETITIONER)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) : TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name) : _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF	
STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
GUARDIANSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name) :	
<input type="checkbox"/> CONSENT OF PROPOSED GUARDIAN <input type="checkbox"/> NOMINATION OF GUARDIAN <input type="checkbox"/> CONSENT TO APPOINTMENT OF GUARDIAN AND WAIVER OF NOTICE	CASE NUMBER:

CONSENT OF PROPOSED GUARDIAN

1. I consent to serve as guardian of the person estate of the minor.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF PROPOSED GUARDIAN)

NOMINATION OF GUARDIAN

2. I am a parent of the minor a donor of a gift to the minor. I nominate (name and address) :

as guardian of the person estate of the minor.

3. I am a parent of the minor a donor of a gift to the minor. I nominate (name and address) :

as guardian of the person estate of the minor.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE)

NOTICE: The guardian of the person of a minor child has full legal and physical custody until the child becomes an adult or is adopted, the court changes guardians, or the court terminates the guardianship. Parents or other interested persons must petition the court to terminate the guardianship. The court will not do so unless the judge decides that termination would be in the child's best interest.

CONSENT TO APPOINTMENT OF GUARDIAN AND WAIVER OF NOTICE

4. I consent to appointment of the guardian as requested in the *Petition for Appointment of Guardian of Minor*, filed on (date): . I am entitled to notice in this proceeding, but I waive notice of hearing of the petition, including notice of any request for independent powers contained in it. I waive timely receipt of a copy of the petition.

DATE

(TYPE OR PRINT NAME)

(SIGNATURE)

RELATIONSHIP TO MINOR

DATE

(TYPE OR PRINT NAME)

(SIGNATURE)

RELATIONSHIP TO MINOR

DATE

(TYPE OR PRINT NAME)

(SIGNATURE)

RELATIONSHIP TO MINOR

Continued on Attachment 4.

CONFIDENTIAL (DO NOT ATTACH TO PETITION)

GC-212

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) :		FOR COURT USE ONLY	
TELEPHONE NO.: _____ FAX NO. (Optional): _____			
E-MAIL ADDRESS (Optional): _____			
ATTORNEY FOR (Name): _____			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF			
STREET ADDRESS: _____			
MAILING ADDRESS: _____			
CITY AND ZIP CODE: _____			
BRANCH NAME: _____			
GUARDIANSHIP OF _____		CASE NUMBER: _____	
(Name) :		MINOR	
CONFIDENTIAL GUARDIAN SCREENING FORM Guardianship of <input type="checkbox"/> Person <input type="checkbox"/> Estate		HEARING DATE AND TIME: _____	DEPT.: _____

The proposed guardian must complete and sign this form. The person requesting appointment of a guardian must submit the completed and signed form to the court with the guardianship petition. This form must remain confidential.

How This Form Will Be Used

This form is **confidential** and will not be a part of the public file in this case. Each proposed guardian must complete and sign a separate copy of this form under rule 7.1001 of the California Rules of Court. The information provided will be used by the court and by persons and agencies designated by the court to assist the court in determining whether to appoint the proposed guardian as guardian. The proposed guardian **must** respond to each item.

1. a. **Proposed guardian (name):**
b. Date of birth: _____
c. Social security number: _____ d. Driver's license number: _____ State: _____
e. Telephone numbers: Home: _____ Work: _____ Other: _____
2. I am I am not required to register as a sex offender under California Penal Code section 290.
(If you checked "I am," explain in Attachment 2.)
3. I have I have not been charged with, arrested for, or convicted of a crime deemed to be a felony or a misdemeanor. (If you checked "I have," explain in Attachment 3.)
 (Check here if you have been arrested for drug or alcohol-related offenses.)
4. I have I have not had a restraining order or protective order filed against me in the last 10 years.
(If you checked "I have," explain in Attachment 4.)
5. I am I am not receiving services from a psychiatrist, psychologist, or therapist for a mental health-related issue.
(If you checked "I am," explain in Attachment 5.)
6. Do you, or does any other person living in your home, have a social worker or parole or probation officer assigned to him or her?
 Yes No (If you checked "Yes," explain in Attachment 6 and provide the name and address of each social worker, parole officer, or probation officer.)
7. Have you, or has any other person living in your home, been charged with, arrested for, or convicted of any form of child abuse, neglect, or molestation? Yes No (If you checked "Yes," explain in Attachment 7.)
8. I am I am not aware of any reports alleging any form of child abuse, neglect, or molestation made to any agency charged with protecting children (e.g., Child Protective Services) or any other law enforcement agency regarding me or any other person living in my home. (If you checked "I am," explain in Attachment 8 and provide the name and address of each agency.)
9. Have you, or has any other person living in your home, habitually used any illegal substances or abused alcohol?
 Yes No (If you checked "Yes," explain in Attachment 9.)

Page 1 of 2

GUARDIANSHIP OF (Name): <div style="text-align: right;">MINOR</div>	CASE NUMBER:
--	----------------------

10. Have you, or has any other person living in your home, been charged with, arrested for, or convicted of a crime involving illegal substances or alcohol?
 Yes No *(If you checked "Yes," explain in Attachment 10.)*
11. Do you or does any other person living in your home suffer from mental illness?
 Yes No *(If you checked "Yes," explain in Attachment 11.)*
12. Do you suffer from any physical disability that would impair your ability to perform the duties of guardian?
 Yes No *(If you checked "Yes," explain in Attachment 12.)*
13. I have or may have I do not have an adverse interest that the court may consider to be a risk to, or to have an effect on, my ability to faithfully perform the duties of guardian.
(If you checked "I have or may have," explain in Attachment 13.)
14. I have I have not previously been appointed guardian, conservator, executor, or fiduciary in another proceeding.
(If you checked "I have," explain in Attachment 14.)
15. I have I have not been removed as guardian, conservator, executor, or fiduciary in any other proceeding.
(If you checked "I have," explain in Attachment 15.)
16. I am I am not a private professional fiduciary, as defined in Business and Professions Code section 6501(f).
(If you checked "I am," respond to item 17. If you checked "I am not," go to item 18.)
17. I am I am not currently licensed by the Professional Fiduciaries Bureau of the Department of Consumer Affairs. My license status and information is stated in item 1 on page 1 of the Professional Fiduciary Attachment signed by me and attached to the petition that proposes my appointment as guardian in this matter. *(Complete and sign the Professional Fiduciary Attachment and attach it to the petition, or deliver it to the petitioner for attachment, before the petition is filed. See item 4d of the petition. Use form GC-210(A-PF)/GC-310(A-PF) for this attachment.)*
18. I am I am not a responsible corporate officer authorized to act for *(name of corporation):*

a California nonprofit charitable corporation that meets the requirements for appointment as guardian of the proposed ward under Probate Code section 2104. I certify that the corporation's articles of incorporation specifically authorize it to accept appointments as guardian. *(If you checked "I am," explain the circumstances of the corporation's care of, counseling of, or financial assistance to the proposed ward in Attachment 18.)*
19. I have I have not filed for bankruptcy protection within the last 10 years.
(If you checked "I have," explain in Attachment 19.)

MINORS' CONTACT INFORMATION

- | | | |
|--------------------------------------|-------------------------------------|------------------|
| 20. Minor's name:
Home telephone: | School (name):
School telephone: | Other telephone: |
| 21. Minor's name:
Home telephone: | School (name):
School telephone: | Other telephone: |
| 22. Minor's name:
Home telephone: | School (name):
School telephone: | Other telephone: |
- Information on additional minors is attached.

DECLARATION

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

Date:

_____ (TYPE OR PRINT NAME OF PROPOSED GUARDIAN)	▶	_____ (SIGNATURE OF PROPOSED GUARDIAN)*
--	---	--

*Each proposed guardian must fill out and file a separate screening form.

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
GUARDIANSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (name):	
ORDER APPOINTING GUARDIAN OR EXTENDING GUARDIANSHIP OF THE PERSON	
CASE NUMBER:	
WARNING: THIS APPOINTMENT IS NOT EFFECTIVE UNTIL LETTERS HAVE ISSUED.	

1. The petition for appointment of a guardian or extension of a guardianship of the person came on for hearing as follows (check boxes c, d, and e to indicate personal presence):
- a. Judge (name) :
 - b. Hearing date: _____ Time: _____ Dept.: _____ Room: _____
 - c. Petitioner (name) :
 - d. Attorney for Petitioner (name) :
 - e. Attorney for (proposed) ward (name, address, e-mail, and telephone):

THE COURT FINDS

2. a. All notices required by law have been given.
 - b. Notice of hearing to the following persons has been should be dispensed with (names):
3. Appointment of a guardian of the person estate of the proposed ward is necessary or convenient. (NOTE: The Probate Code does not authorize the appointment of a guardian of the estate for a proposed ward 18 years of age or older.)
 4. Extension of the guardianship of the person past the ward's 18th birthday is necessary or convenient.
 5. Granting the guardian powers to be exercised independently under Probate Code section 2590 is to the advantage and benefit and is in the best interest of the guardianship estate.
 6. Attorney (name) : _____ has been appointed by the court as legal counsel to represent the (proposed) ward in these proceedings. The cost for representation is: \$ _____
 7. The appointed court investigator, probation officer, or domestic relations investigator is (name, title, address, and telephone): _____

Do NOT use this form for a temporary guardianship.

Page 1 of 3

GUARDIANSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (name):	CASE NUMBER:
---	--------------

THE COURT ORDERS

8. a. (name):
(address):
- (telephone):

is appointed guardian of the PERSON of (name):
and *Letters* shall issue upon qualification.

- b. (Not applicable to a proposed ward 18 years of age or older.)

(name):
(address):

(telephone):

is appointed guardian of the ESTATE of (name):
and *Letters* shall issue upon qualification.

- c. The appointment of

(name):
(address):

(telephone):

as guardian of the PERSON of (name):
is extended past the ward's 18th birthday and new *Letters* shall issue forthwith.

9. Notice of hearing to the persons named in item 2b is dispensed with.

10. a. Bond is not required.

b. Bond is fixed at: \$ _____ to be furnished by an authorized surety company or as otherwise provided by law.

c. Deposits of: \$ _____ are ordered to be placed in a blocked account at (specify institution and location):

and receipts shall be filed. No withdrawals shall be made without a court order.

Additional orders in Attachment 10c.

- d. The guardian is not authorized to take possession of money or any other property without a specific court order.

11. For legal services rendered on behalf of the (proposed) ward, the parents of the (proposed) ward

the (proposed) ward's estate shall pay to (name):

the sum of: \$ _____

forthwith as follows (specify terms, including any combination of payors):

12. The guardian of the estate is granted authorization under Probate Code section 2590 to exercise independently the powers specified in Attachment 12 subject to the conditions provided.

13. Orders are granted relating to the powers and duties of the guardian of the person under Probate Code sections 2351-2358 as specified in Attachment 13.

GUARDIANSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF <i>(name):</i>	CASE NUMBER:
--	--------------

14. Orders are granted relating to the conditions imposed under Probate Code section 2402 upon the guardian of the estate as specified in Attachment 14.

15. Other orders as specified in Attachment 15 are granted.

16. The probate referee appointed is *(name and address)*:

17. Number of boxes checked in items 9-16: _____

18. Number of pages attached: _____

Date:

JUDGE OF THE SUPERIOR COURT

SIGNATURE FOLLOWS LAST ATTACHMENT

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NO.: STATE: ZIP CODE: FAX NO.:	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
GUARDIANSHIP OF (name):		
LETTERS OF GUARDIANSHIP <input type="checkbox"/> Person <input type="checkbox"/> Estate		CASE NUMBER:

LETTERS

1. (Name): _____ is appointed guardian of the person estate
of (name): _____

2. The appointment of (name): _____ as guardian of the person of
(name): _____
is extended past the ward's 18th birthday as of (date): _____

3. Other powers have been granted and conditions have been imposed as follows:
 - a. Powers to be exercised independently under Probate Code section 2590 are specified in attachment 3a (*specify powers, restrictions, conditions, and limitations*).
 - b. Conditions relating to the care and custody of the property under Probate Code section 2402 are specified in attachment 3b.
 - c. Conditions relating to the care, treatment, education, and welfare of the ward under Probate Code section 2358 are specified in attachment 3c.
 - d. Other powers granted or conditions imposed are specified on attachment 3d specified below.

4. The guardian is not authorized to take possession of money or any other property without a specific court order.
5. The guardianship of the person terminates by operation of law on (date): _____
6. Number of pages attached: _____

WITNESS, clerk of the court, with seal of the court affixed.

(SEAL)	Date: _____ Clerk, by _____, Deputy
--------	--

GUARDIANSHIP OF (name):	CASE NUMBER:
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NOTICE TO INSTITUTIONS AND FINANCIAL INSTITUTIONS
(Probate Code sections 2890-2893)

When these *Letters of Guardianship* (Letters) are delivered to you as an employee or other representative of an *institution* or *financial institution* (described below) in order for the guardian of the estate (1) to take possession or control of an asset of the minor named above held by your institution (including changing title, withdrawing all or any portion of the asset, or transferring all or any portion of the asset) or (2) to open or change the name of an account or a safe-deposit box in your financial institution to reflect the guardianship, you must fill out Judicial Council form GC-050 (for an institution) or form GC-051 (for a financial institution). An officer authorized by your institution or financial institution must date and sign the form, and you must file the completed form with the court.

There is no filing fee for filing the form. You may either arrange for personal delivery of the form or mail it to the court for filing at the address given for the court on page 1 of these Letters.

The guardian should deliver a blank copy of the appropriate form to you with these Letters, but it is your institution's or financial institution's responsibility to complete the correct form, have an authorized officer sign it, and file the completed form with the court. If the correct form is not delivered with these Letters or is unavailable for any other reason, blank copies of the forms may be obtained from the court. The forms may also be accessed from the judicial branch's public website free of charge. The Internet address (URL) is www.courts.ca.gov/forms.htm. Select the form group *Probate—Guardianships and Conservatorships* and scroll down to form GC-050 for an institution or form GC-051 for a financial institution. The forms may be printed out as blank forms and filled in by typewriter (nonfillable form) or may be filled out online and printed out ready for signature and filing (fillable form).

An *institution* under California Probate Code section 2890(c) is an insurance company, insurance broker, insurance agent, investment company, investment bank, securities broker-dealer, investment advisor, financial planner, financial advisor, or any other person who takes, holds, or controls an asset subject to a conservatorship or guardianship other than a financial institution. Institutions must file a *Notice of Taking Possession or Control of an Asset of Minor or Conservatee* (form GC-050) for an asset of the minor or conservatee held by the institution. A single form may be filed for all affected assets held by the institution.

A *financial institution* under California Probate Code section 2892(b) is a bank, trust (including a Totten trust account but excluding other trust arrangements described in Probate Code section 82(b)), savings and loan association, savings bank, industrial bank, or credit union. Financial institutions must file a *Notice of Opening or Changing a Guardianship or Conservatorship Account or Safe-Deposit Box* (form GC-051) for an account or a safe-deposit box held by the financial institution. A single form may be filed for all affected accounts or safe-deposit boxes held by the financial institution.

LETTERS OF GUARDIANSHIP
AFFIRMATION

I solemnly affirm that I will perform according to law the duties of guardian.

Executed on (date): _____, at (place): _____

(TYPE OR PRINT NAME)

(SIGNATURE OF APPOINTEE)

CERTIFICATION

I certify that this document, including any attachments, is a correct copy of the original on file in my office, and that the Letters issued to the person appointed above have not been revoked, annulled, or set aside, and are still in full force and effect.

(SEAL)

Date:

Clerk, by _____, Deputy

LETTERS OF GUARDIANSHIP
(Probate-Guardianships and Conservatorships)

**Petition for Appointment of
Temporary Guardian of the Person**

Clerk stamps date here when form is filed.

Temporary guardianship of (all children's names): _____

You may use this form or Petition for Appointment of Temporary Guardian or Conservator (form GC-110) to ask the court to appoint a temporary guardian of the person for a minor child. (You must use form GC-110 to ask for appointment of a temporary guardian of a minor child's estate or person and estate.) You may use this form to request appointment of a temporary guardian for one or more than one child. A petition for appointment of a (general) guardian concerning this child or these children (form GC-210 or form GC-210(P)) must have already been filed in this case or filed with this petition.

1 Your name (include the names of all persons who are requesting the court to appoint them or the person named in **4** as temporary guardian of the child or children named above and in **6**. All must sign this form.):

a. _____
b. _____

2 Your address and telephone number:

Street: _____ Apt.: _____
City: _____
State: _____ Zip: _____ Phone: _____

3 Your lawyer (if you have one):

Name: _____ Bar No.: _____
Firm name, if any: _____
Street: _____ Suite: _____
City: _____ State: _____ Zip: _____
Phone: _____ Fax (optional): _____ E-mail (optional): _____

4 I/We want to be the temporary guardian of the child or children named in **6.** (Go to **5**.)

I/We want the person or persons named here to be the temporary guardian of the child or children named above. Tell the court about the proposed guardian(s) below.

Name(s): _____
Street: _____ Apt.: _____
City: _____ State: _____ Zip: _____
Phone: _____

I am the child or one of the children named in **6 and one of the persons named in **1**.**
I am at least 12 years old. I want the person named here to be my temporary guardian.
My date of birth is (month/day/year): _____

Fill in court name and street address:

Superior Court of California,
County of _____

Clerk fills in case number when form is filed.

Case Number: _____



Temporary guardianship of (all children's names): _____

Case Number:

5 The relationship of the proposed temporary guardian named in ① or ④ to the child or children named in ⑥ is (check all that apply):

- Grandmother (father's mother)
- Grandfather (father's father)
- Grandmother (mother's mother)
- Grandfather (mother's father)
- Other Relative (explain relationship to child or children): _____
- Aunt
- Uncle
- Brother (adult)
- Sister (adult)

Not related to the child or children (explain proposed guardian's interest in or connection to the child):

6 The child or children who need a temporary guardian are:

- a. Child's full legal name: _____
Child's current address: _____
Child's current phone number: _____
- b. Child's full legal name: _____
Child's current address: _____
Child's current phone number: _____

Check here if you want a temporary guardian for additional children. Give the information asked above for each additional child on a separate sheet of paper. Write "Form GC-110(P)-Attachment 6: Additional Children" at the top of the paper and attach it to this form.

7 Why do the child or children in ⑥ need a temporary guardian right now?

The child or children need temporary care, maintenance, and support right now because (explain):

Check here if you need more space. Continue your explanation on a separate sheet of paper. Write "GC-110(P)-Item 7: Reasons for Appointment of Temporary Guardian" at the top of the paper and attach it to this form.

Temporary guardianship of (all children's names): _____

Case Number: _____

8 Do I/we believe the child or children in **⑥** will go to the court hearing? Yes No

9 I/We ask the court to:

a. Appoint the person named in **①** or **④** temporary guardian of the person of the child or children named in **⑥** and issue Letters of Temporary Guardianship of the Person.

b. Order that I am/we are excused from having to give notice of the hearing on this petition for appointment of temporary guardian to (review the information given on the next page and check all items that apply below):

- (1) The child or children in **⑥**.
- (2) The child's father (name): _____
- (3) The child's mother (name): _____
- (4) A person other than a parent who has a court order for visitation with the child (name): _____

Good cause exists for this request for the following reasons (explain, and include in your explanation efforts to find a person who could not be found): _____

Check here if you need more space. Continue your explanation on a separate sheet of paper. Write "Form GC-110(P) - Attachment 9: Request for a Good Cause Exception to Giving Notice" at the top of the paper and attach it to this form.

Temporary guardianship of (all children's names): _____

Case Number: _____

INFORMATION ABOUT GIVING NOTICE OF THE HEARING ON YOUR PETITION AND REQUESTING A GOOD CAUSE EXCEPTION TO GIVING NOTICE

You must give at least five days advance written notice of the court hearing on your petition for appointment of a temporary guardian. The written notice must be personally delivered to (1) the child if he or she is at least 12 years old, (2) the child's parents, and (3) any person who has a valid and effective visitation order with the child. Written notice is given by delivering a filled-in copy of this petition and a filled-in copy of a *Notice of Hearing-Guardianship or Conservatorship* (form GC-020), showing the date, time, and place of the hearing and the title of this petition. See *What Is "Proof of Service" in a Guardianship?* (form GC-510) for more information on how to give notice in a guardianship and how to prove that you have given notice. The instructions in that form for personal service apply here, but the time limits for giving notice mentioned in that form do not apply to a temporary guardianship. There is much less time to complete this task when a petition for appointment of a temporary guardian is involved.

The court may waive (excuse) or change the requirement of giving notice if you can show the court good cause why an exception should be made to the requirement of giving notice. This showing may be made by completing item 9b on page 3 of this form.

If you want the court to waive notice to someone because he or she cannot be found, you must show the court that you have made reasonable efforts to find that person. See rules 7.52 and 7.1012 of the California Rules of Court for information on making reasonable efforts to find a person and on the good cause exception to notice of the hearing on a petition for appointment of a temporary guardian.

10 All attachments are made part of this form as though placed here.

There are _____ pages attached to this form. (If none, write "0.")

All persons named in 1 (petitioners) and their attorney (if they have one) must read and sign below.

Date: _____
Petitioner's Attorney types or prints name here *Petitioner's Attorney signs here*

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

Date: _____
Petitioner types or prints name here *Petitioner signs here*

Date: _____
Petitioner types or prints name here *Petitioner signs here*

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i> TELEPHONE NO.: _____ FAX NO. <i>(Optional):</i> _____ E-MAIL ADDRESS <i>(Optional):</i> _____ ATTORNEY FOR <i>(Name):</i> _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
TEMPORARY GUARDIANSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF <i>(Name):</i> _____ <div style="text-align: right;">MINOR</div>	
ORDER APPOINTING TEMPORARY GUARDIAN	CASE NUMBER: _____
WARNING: THIS APPOINTMENT IS NOT EFFECTIVE UNTIL LETTERS HAVE ISSUED.	

1. The petition for appointment of temporary guardian came on for hearing as follows *(check boxes c-l to indicate personal presence)*:

- a. Judicial officer *(name):* _____
- b. Hearing date: _____ Time: _____ Dept.: _____ Room: _____
- c. Petitioner *(name):* _____
- d. Attorney for petitioner *(name):* _____
- e. Minor *(name):* _____
- f. Attorney for minor *(name):* _____
- g. Minor's parents *(names):* _____
- h. Attorney for minor's parents *(names):* _____
- i. Person with valid visitation order *(name):* _____
- j. Attorney for person with valid visitation order *(name):* _____
- k. Public Guardian *(name):* _____
- l. Attorney for Public Guardian *(name):* _____

THE COURT FINDS

- 2. a. Notice of the time and place of hearing has been given as required by law.
 - b. Notice of the time and place of hearing has been should be dispensed with for *(names):* _____
3. It is necessary that a temporary guardian be appointed to provide for temporary care, maintenance, and support
 protect property from loss or injury pending the hearing on the petition for appointment of a general guardian.
 pending an appeal under Probate Code section 1301. during the suspension of powers of the guardian.

THE COURT ORDERS

4. a. *(Name):* _____ *(Telephone):* _____
(Address): _____

is appointed temporary guardian of the PERSON of *(name):* _____
 and Letters shall issue upon qualification.

- b. *(Name):* _____ *(Telephone):* _____
(Address): _____

is appointed temporary guardian of the ESTATE of *(name):* _____
 and Letters shall issue upon qualification.

TEMPORARY GUARDIANSHIP OF (Name):	CASE NUMBER:
MINOR	

5. Notice of hearing to the persons named in item 2b is dispensed with.

6. a. Bond is not required.

b. Bond is fixed at: \$ _____ to be furnished by an authorized surety company or as otherwise provided by law.

c. Deposits of: \$ _____ are ordered to be placed in a blocked account at (specify institution and location):

and receipts shall be filed. No withdrawals shall be made without a court order. Additional orders in attachment 6c.

d. The temporary guardian is not authorized to take possession of money or any other property without a specific court order.

7. In addition to the powers granted by law, the temporary guardian is granted other powers. These powers are specified in attachment 7. below (specify):

8. Other orders as specified in attachment 8 are granted.

9. Unless modified by further order of the court, this order expires on (date):

10. Number of boxes checked in items 4-9: _____

11. Number of pages attached: _____

Date:

JUDICIAL OFFICER

SIGNATURE FOLLOWS LAST ATTACHMENT

ATTORNEY OR PARTY WITHOUT ATTORNEY (name, address, and State Bar number):

After recording, return to:

TEL NO.: FAX NO. (optional):

E-MAIL ADDRESS (optional):

ATTORNEY FOR (name):

SUPERIOR COURT OF CALIFORNIA, COUNTY OF

STREET ADDRESS:

MAILING ADDRESS:

CITY AND ZIP CODE:

BRANCH NAME:

FOR RECORDER'S USE ONLY

TEMPORARY GUARDIANSHIP CONSERVATORSHIP

OF (name):

MINOR CONSERVATEE

CASE NUMBER:

LETTERS OF TEMPORARY GUARDIANSHIP CONSERVATORSHIP

Person Estate

FOR COURT USE ONLY

LETTERS

- (Name):
is appointed temporary guardian conservator of the person
 estate of (name):
- Other powers that have been granted or restrictions imposed on the temporary
 guardian conservator are specified in Attachment 2.
 specified below:

- These Letters shall expire
 - on (date): _____ or upon earlier issuance of Letters to a general guardian or conservator.
 - on other date (specify): _____
- The temporary guardian conservator is not authorized to take possession of money or any other property without a specific court order.
- Number of pages attached: _____

WITNESS, clerk of the court, with seal of the court affixed.

(SEAL)

Date: _____

Clerk, by _____, Deputy

This form may be recorded as notice of the establishment of a temporary conservatorship of the estate as provided in Probate Code section 1875.

TEMPORARY <input type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP OF (name):	CASE NUMBER:
<input type="checkbox"/> MINOR <input type="checkbox"/> CONSERVATEE	

NOTICE TO INSTITUTIONS AND FINANCIAL INSTITUTIONS
(Probate Code sections 2890-2893)

When these *Letters of Temporary Guardianship* or *Letters of Temporary Conservatorship* (Letters) are delivered to you as an employee or other representative of an *institution* or *financial institution* (described below) in order for the temporary guardian or temporary conservator of the estate (1) to take possession or control of an asset of the minor or conservatee named above held by your institution (including changing title, withdrawing all or any portion of the asset, or transferring all or any portion of the asset) or (2) to open or change the name of an account or a safe-deposit box in your financial institution to reflect the guardianship or conservatorship, you must fill out Judicial Council form GC-050 (for an institution) or form GC-051 (for a financial institution). An officer authorized by your institution or financial institution must date and sign the form, and you must file the completed form with the court.

There is no filing fee for filing the form. You may either arrange for personal delivery of the form or mail it to the court for filing at the address given for the court on page 1 of these Letters.

The temporary guardian or temporary conservator should deliver a blank copy of the appropriate form to you with these Letters, but it is your institution's or financial institution's responsibility to complete the correct form, have an authorized officer sign it, and file the completed form with the court. If the correct form is not delivered with these Letters or is unavailable for any other reason, blank copies of the forms may be obtained from the court. The forms may also be accessed from the judicial branch's public Web site free of charge. The Internet address (URL) is www.courts.ca.gov/forms/. Select the form group *Probate—Guardianships and Conservatorships* and scroll down to form GC-050 for an institution or form GC-051 for a financial institution. The forms may be printed out as blank forms and filled in by typewriter, or may be filled out online and printed out ready for signature and filing.

An *institution* under California Probate Code section 2890(c) is an insurance company, insurance broker, insurance agent, investment company, investment bank, securities broker-dealer, investment advisor, financial planner, financial advisor, or any other person who takes, holds, or controls an asset subject to a conservatorship or guardianship other than a financial institution. Institutions must file a *Notice of Taking Possession or Control of an Asset of Minor or Conservatee* (form GC-050) for an asset of the minor or conservatee held by the institution. A single form may be filed for all affected assets held by the institution.

A *financial institution* under California Probate Code section 2892(b) is a bank, trust (including a Totten trust account but excluding other trust arrangements described in Probate Code section 82(b)), savings and loan association, savings bank, industrial bank, or credit union. Financial institutions must file a *Notice of Opening or Changing a Guardianship or Conservatorship Account or Safe-Deposit Box* (form GC-051) for an account or a safe deposit box held by the financial institution. A single form may be filed for all affected accounts or safe deposit boxes held by the financial institution.

LETTERS OF TEMPORARY **GUARDIANSHIP** **CONSERVATORSHIP**

AFFIRMATION

I solemnly affirm that I will perform according to law the duties of temporary guardian. conservator.

Executed on (date): _____, at (place): _____

_____ ▶ _____
 (TYPE OR PRINT NAME) (SIGNATURE OF APPOINTEE)

CERTIFICATION

I certify that this document, including any attachments, is a correct copy of the original on file in my office and that the Letters issued to the person appointed above have not been revoked, annulled, or set aside and are still in full force and effect.

(SEAL)

Date: _____

Clerk, by _____, Deputy

LETTERS OF TEMPORARY GUARDIANSHIP OR CONSERVATORSHIP
(Probate-Guardianships and Conservatorships)

ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME AND ADDRESS) NO.:	TELEPHONE	<i>FOR COURT USE ONLY</i>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF TULARE STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE:		
<input type="checkbox"/> Guardianship <input type="checkbox"/> Conservatorship <input type="checkbox"/> Estate of		
DECLARATION OF DUE DILIGENCE		CASE NUMBER:

Note: Please use one form for each person you are unable to serve/locate.

I, the undersigned, declare:

1. I made a reasonable search and cannot locate and serve the following person:

Name	Relationship to Minor/Conservator/Decedent

2. I do not know the name of the person I am to serve and I am unable to find out that information because:

3. The last known address of the person named in item 1 is: _____

4. I spoke with the following relatives and friends of the person named in item 1, or others having knowledge of the person's whereabouts: (MANDATORY)

Name	Date of Contact	Relationship to Person in item1	Result

(Complete at least three of items 5 through 9)

5. I searched the telephone directory for _____ County (where the person was last known to live) and this was the result: _____

6. I contacted the California Prisoner Locator System at (916) 445-6713 and this was the result [complete only if there is reason to believe the person is incarcerated in California]: _____

<i>Insert Case Name:</i>	Case #
--------------------------	--------

7. I searched the internet to locate the person and this was the result: _____

8. I checked with the following persons who may have knowledge concerning the whereabouts of the person named in item 1:

Last known employer:	Date of contact:	Result:

Last known landlord:	Date of contact:	Result:

9. I have checked public records in _____ County with the following results:

Tax Assessor's Name:	
Voter Registration Records:	
Other:	

10. The last contact I had with the person named in item 1 was or the last information concerning his/her whereabouts is as follows: (MANDATORY) _____

11. If requesting Notice by Publication, the newspaper most likely to give notice is: _____ because _____.

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

Executed on (date) _____, at (city) _____, California.

Type or print name _____ Signature _____

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, state bar number, and address</i>) :	TELEPHONE AND FAX NOS.:	FOR COURT USE ONLY
ATTORNEY FOR (<i>Name</i>) :		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF		
STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
<input type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP OF (<i>Name</i>) :		
<input type="checkbox"/> MINOR <input type="checkbox"/> CONSERVATEE		
ORDER DISPENSING WITH NOTICE		CASE NUMBER:

1. **THE COURT FINDS** that a petition for (*specify*) :
has been filed and

- a. (*for guardianship only*) the following persons cannot with reasonable diligence be given notice (*names*) :
- b. (*for guardianship only*) the giving of notice to the following persons is contrary to the interest of justice (*names*) :
- c. good cause exists for dispensing with notice to the following persons referred to in Probate Code section 1460(b) (*names*) :
- d. other (*specify*) :

2. **THE COURT ORDERS** that notice of hearing on the petition for (*specify*) :

- a. is not required except to persons requesting special notice under Probate Code section 2700.
- b. is dispensed with to the following persons (*names*) :

Date:

JUDGE OF THE SUPERIOR COURT

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
PARENTAL NOTIFICATION OF INDIAN STATUS	CASE NUMBER:

To the parent, Indian custodian, or guardian of the above-named child: You must provide all the requested information about the child's Indian status by completing this form. If you get new information that would change your answers, you must let your attorney, all the attorneys on the case, and the social worker or probation officer, or the court investigator know immediately and an updated form must be filed with the court.

1. Name: _____
2. Relationship to child: Parent Indian custodian Guardian Other: _____

Indian Status

3. a. I am or may be a member of, or eligible for membership in, a federally recognized Indian tribe.
 Name of tribe(s) (name each): _____
 Location of tribe(s): _____
- b. The child is or may be a member of, or eligible for membership in, a federally recognized Indian tribe.
 Name of tribe(s) (name each): _____
 Location of tribe(s): _____
- c. One or more of my parents, grandparents, or other lineal ancestors is or was a member of a federally recognized tribe.
 Name of tribe(s) (name each): _____
 Location of tribe(s): _____
 Name and relationship of ancestor(s): _____
- d. I am a resident of or am domiciled on a reservation, rancheria, Alaska Native village, or other tribal trust land.
- e. The child is a resident of or is domiciled on a reservation, rancheria, Alaska Native village, or other tribal trust land.
- f. The child is or has been a ward of a tribal court.
- g. Either parent or the child possesses an Indian identification card indicating membership or citizenship in an Indian tribe.
 Name of tribe(s) (name each): _____
 Membership or citizenship number (if any): _____
- h. None of the above apply.
4. A previous form ICWA-020 has has not been filed with the court.

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

Date: _____

_____ ▶ _____
 (TYPE OR PRINT NAME) (SIGNATURE)

Note: This form is not intended to constitute a complete inquiry into Indian heritage. Further inquiry may be required by the Indian Child Welfare Act.

Notice of the hearing on a petition for appointment of a probate guardian must include a copy of this form.

A California court can order care, custody, and control of a child transferred from a parent to another caregiver in a variety of cases. This form compares juvenile court and probate guardianship cases. In juvenile court, a foster parent, sometimes called a resource family, is a temporary caregiver. A guardian is a “permanent” caregiver. A probate court can also appoint a guardian, using different procedures and standards. The three charts in this form compare the rights and duties, available services and supports, and court processes in juvenile court and probate guardianship cases.

Charts in this form

- 1. The Rights and Duties of Different Types of Caregivers, at pages 2–4**
Compares foster parents/resource families with probate guardians and juvenile court guardians
- 2. The Services and Financial Support Available to Different Types of Caregivers, at pages 5–8**
Compares foster parents/resource families, probate guardians, and juvenile court guardians
- 3. How a Guardian Is Appointed and What Happens Afterward, at pages 9–11**
Compares probate guardians with juvenile court guardians

For more information on probate guardianship of the person, see *Information on Probate Guardianship of the Person* (form GC-205-INFO). For information on probate guardianship of the estate, see *Information on Probate Guardianship of the Estate* (form GC-206-INFO). For more information on juvenile court guardianship, see *Information on Juvenile Court Guardianship* (form JV-350-INFO).

CAUTION: This form does not replace legal advice from a lawyer. Parents, potential caregivers, and potential guardians should consult a lawyer for answers to questions or concerns about their specific situation. Click this link, www.courts.ca.gov/selfhelp-findlawyer.htm, for help finding a lawyer.

Starting a case in probate court or juvenile court

A probate guardianship case begins when a private person files a petition to appoint a guardian. A juvenile dependency case begins only if the child welfare agency files a petition. However, a private person can ask the agency to file a petition. If the agency does not, that person can ask the juvenile court to order the agency to file a petition. Even if the agency files a petition, the juvenile court can deny it if the child doesn’t meet the legal standard. If the probate court thinks a juvenile dependency case might be appropriate after a guardianship case begins but before a guardian is appointed, the court can ask the agency to file a dependency petition and, if the agency does not, can ask the juvenile court to order the agency to file a petition.

Families can also arrange for care and a place to live for a child without going to court. These arrangements are usually temporary and often involve documents such as a Caregiver’s Authorization Affidavit (see www.courts.ca.gov/documents/caregiver.pdf) or a Voluntary Placement Agreement with a child welfare agency (see www.cdss.ca.gov/cdssweb/entres/forms/english/soc155.pdf). *Information on the Probate Guardianship of the Person* (form GC-205-INFO) gives information about these arrangements.

Foster parents/resource families

If a juvenile court finds that a child cannot continue living safely at home, the court will order the child placed out of the home in the care and custody of the county child welfare agency (sometimes called *child protective services* or CPS). The agency can then place the child in the home of an approved foster parent. If a foster parent has been approved through the resource family approval (RFA) process, the foster parent is sometimes called a *resource family*, so this form uses the term “foster parent/resource family.” Approval as a foster parent/resource family is difficult and takes time. Some families will not be approved because they do not meet the strict standards.

Guardians

A guardian is an adult appointed by either the probate court or the juvenile court to take long-term care, custody, and control of a child when the child’s parents are unavailable or unable to care for the child. A relative or nonrelative can be appointed as guardian if the court finds the appointment is in the child’s best interest. In general, probate guardians have the same rights and duties as juvenile court guardians. However, probate guardians have access to different, and often fewer, financial supports, services, and resources.

1. The *Rights and Duties* of Different Types of Caregivers

Foster Parents/Resource Families	Guardians (Probate and Juvenile Court)
<i>Caregiver’s Fundamental Responsibilities and General Duties</i>	
<p>A foster parent/resource family works with child welfare agency social workers to provide care, supervision, and housing for the child.</p> <p>A foster parent/resource family receives foster care funds for the child’s needs, such as food and clothing, and works with the social worker to make sure the child receives available resources and services if the child has special needs.</p>	<p>A guardian, whether appointed by a probate court or juvenile court, has the same general rights and duties toward the child as a parent. In other words, a guardian has care, custody, and control of the child. However, the court that appoints the guardian can order the guardian to do or not to do certain things.</p> <p>The guardian is responsible for providing for food, clothing, shelter, education, and all the medical and dental needs of the child.</p> <p>The guardian must provide for the safety, protection, and physical and emotional growth of the child. Like a parent, a guardian should maintain close contact with the child’s school and doctor.</p> <p>If the child has special needs, the guardian must strive to meet those needs and secure appropriate services. Some children may have physical or learning disabilities. Other children come from abusive homes or have been victims of abuse. Counseling and other services may be necessary to help these children.</p>
<i>Custody and Visitation</i>	
<p>Physical custody of the child—that is, the right to decide where the child lives—is with the child welfare agency unless the court orders a specific placement.</p> <p>Parents retain legal custody subject to limitations set by the court.</p> <p>A foster parent/resource family must make sure the child takes part in visits and phone calls with parents and others authorized by the social worker or ordered by the court.</p> <p>A foster parent/resource family cannot, on their own, ask the court to terminate parental rights and adopt the child. They can, however, tell the social worker they would like to adopt the child.</p>	<p>The guardian has legal and physical custody of the child.</p> <p>Parents can no longer make decisions for the child while there is a guardianship. The rights of the parents are completely suspended—but not terminated—as long as the guardianship remains in effect.</p> <p>If a guardian is appointed, a parent or other person can ask the court to order the guardian to let them visit or spend time with the child. (In juvenile court, the court must allow the parent to visit the child unless it would be <i>detrimental</i> to the child.) If the court does not make an order, the guardian can decide who visits the child.</p> <p>After the child has been in the guardian’s custody for a minimum time, varying from six months to three years depending on the circumstances, the guardian may petition to terminate parental rights and adopt the child.</p>
<i>Residence</i>	
<p>The social worker and the court decide who the child will live with.</p>	<p>A guardian decides where the child lives. The child normally will live with the guardian, but the guardian can make other arrangements if they are in the best interest of the child.</p> <p>A guardian must give proper notice to the court and others of any address change of either the child or the guardian.</p> <p>A guardian must get court permission before changing the child’s residence to a place outside California.</p>

Foster Parents/Resource Families	Guardians (Probate and Juvenile Court)
Health Care	
<p>The social worker arranges care and treatment for the child’s medical, dental, and mental health needs, but the foster parent/resource family might be responsible for scheduling and transporting the child to these appointments.</p> <p>Parents keep their rights to make health-care decisions for the child except in an emergency or if the court orders otherwise.</p>	<p>The guardian must make sure that the child’s health-care needs are met. In most cases, the guardian has the authority to consent to the child’s medical treatment. However, if the child is 14 years of age or older, surgery may not be performed on the child unless (1) both the child and the guardian consent, (2) a court order specifically authorizes the surgery, or (3) an emergency exists.</p> <p>A guardian may not place a child in a mental health treatment facility against the child’s wishes. A separate legal process is required for such a placement. However, the guardian must obtain any counseling or other necessary mental health services needed by the child.</p> <p>The law also allows children to consent to certain types of treatment—including outpatient mental health treatment, medical care related to pregnancy or sexually transmitted diseases, and drug or alcohol treatment—without the consent of a parent or guardian.</p>
Education	
<p>When a child is in foster care, parents retain the rights to make educational and developmental-services decisions for the child unless the court limits these rights and assigns them to another person.</p> <p>If the court limits parental rights to make educational and developmental-services decisions, it may assign those rights to a foster parent/resource family. Otherwise, a foster parent/resource family cannot make those decisions or attend Individualized Education Program (IEP) meetings for the child unless invited by the person holding educational rights.</p> <p>A foster parent/resource family is responsible for making sure that the child attends school. If the child is receiving special education services, the foster parent/resource family works with the school district and service providers to ensure that the child receives all the services and supports in the child’s IEP. (See page 8 for information about financial support for children with special needs.)</p>	<p>A guardian is responsible for the child’s education and holds the child’s educational and developmental-services decisionmaking rights, unless the court appoints someone else to hold them. If a child needs special education and related services, the guardian must advocate for the child with the school district and make the appropriate arrangements. (See page 8 for information about financial support for children with special needs.)</p>

Foster Parents/Resource Families	Guardians (Probate and Juvenile Court)
<i>Consent to Changes to the Child's Status</i>	
<p>A foster parent/resource family cannot consent to the child's marriage, military enlistment, or driver's license application, but the juvenile court can consent.</p>	<p>A guardian and the court must give permission for a minor child to get married.</p> <p>A guardian may consent to a minor child's enlistment in the armed services or application for a driver's license.</p> <p>A guardian may apply for a passport for a minor child.</p>
<i>Financial Obligations</i>	
<p>A foster parent/resource family receives foster care funds to pay for the child's needs.</p>	<p>The guardian is responsible for the day-to-day financial support of the child, even though the parents are still obligated to support the child. The guardian may take legal action or contact the local child support agency to obtain child support from a parent.</p> <p>The child may also be eligible for Aid to Families with Dependent Children—Foster Care (AFDC-FC), Social Security benefits, Veterans Administration benefits, Indian child welfare benefits, and support from other public or private sources. (See Chart 2.)</p>
<i>Legal Liability</i>	
<p>Except in limited circumstances, a foster parent/resource family is immune from liability in a civil action to recover damages for injury, death, or loss to person or property caused by an act or omission of a child or nonminor dependent while the child or nonminor dependent is placed in the home of the foster parent/resource family. (See Welfare and Institutions Code section 362.06(b)(2).)</p>	<p>A guardian, like a parent, is liable for the harm and damage caused by the willful misconduct of a child. (See Civil Code, § 1714.1(a).) There is usually a limit on how much a guardian may be required to pay. There are special rules concerning harm caused by the use of a firearm.</p>
If you are concerned about your liability for a child's conduct, you should contact an attorney.	
<i>Other Rights or Duties</i>	
<p>Foster parents/resource families are entitled to notice of statutory review hearings and permanency hearings. They may attend the hearings and give information about the child to the court. Caregivers who wish to submit information in writing may use <i>Caregiver Information Form</i> (form JV-290).</p> <p>Foster parents/resource families must be included in a child's Child and Family Team (CFT) and must be notified of every CFT meeting. They may be invited to participate in or support a child's services, such as counseling or other types of treatment.</p>	<p>The court may require the guardian to perform other duties, such as completing a parenting class or attend counseling sessions with the child. The guardian must follow all court orders and cooperate with court investigators.</p> <p>Court visitors and status reports: Some counties have programs in which "court visitors" track and review guardianships. If your county has such a program, you will be expected to cooperate with all the court visitor's requests. In addition, a guardian may have to fill out and file status reports.</p>



2. The Services and Financial Support Available to Different Types of Caregivers

The payment amounts discussed below are updated annually based on the cost of living. Payments are made retroactively. For example, a child placed with a caregiver in January would receive funds for the month of January in February. The payment amounts given below are in effect from July 1, 2022, to June 30, 2023. For updated amounts, see www.cdss.ca.gov/inforesources/letters-regulations/letters-and-notice/all-county-letters.

Foster Parent/Resource Family	Probate Guardian	Juvenile Court Guardian
Cash Payments per Child—Relatives		
<p>Before a relative is approved as a foster parent/resource family, Emergency Caregiver (EC) funding is available at the foster care basic rate starting from the date the child is placed with the relative. EC funding is limited to the foster care basic rate, \$1,129 per month.</p> <p>After approval, the foster parent/resource family will receive foster care payments through federal Aid for Families with Dependent Children—Foster Care (AFDC-FC). These payments are set at the foster care basic rate, \$1,129 per month.</p> <p>There are different eligibility requirements for federal and state AFDC-FC. The child welfare agency will determine eligibility. For a child in relative foster care who is not eligible for federal AFDC-FC or EC, Approved Relative Caregiver (ARC) payments are available. These payments are set at the foster care basic rate, \$1,129 per month.</p> <p>California foster youth who are placed with a relative out of state are eligible for funds at the foster care rate in the state where they are placed.</p>	<p>Child-only California Work Opportunity and Responsibility to Kids Program (CalWORKs) payments are available for a child living with a relative guardian. The income of the family is considered in calculating the amount of cash aid the family receives.</p> <p>Payments are approximately one-half of the foster care basic rate paid to nonrelatives. A relative caregiver can receive this assistance before appointment as guardian if the child lives with the relative. Payments can drop below one-half of the foster care basic rate if there are multiple children in the home.</p> <p>CalWORKs Maximum Aid Payment (MAP) levels depend on variables such as geographic region and exempt/nonexempt status and are hard to calculate. From October 1, 2022, to September 30, 2024, MAP amounts for one child in California are expected to range from \$669 to \$779 per month. A social worker who specializes in benefits would be the best person to ask about MAP levels for cash aid.</p> <p>Payments end when the child turns 18 years old, but it is possible to extend payments to age 19 if the child is completing high school.</p>	<p>Kinship Guardianship Assistance Payment (Kin-GAP) payments are available to children who have lived with an approved relative guardian for at least six months. Kin-GAP families sign a written agreement with the county. The Kin-GAP payments begin once the agreement is signed and the juvenile court terminates the dependency case.</p> <p>Payments cannot exceed the amount the child was receiving in foster care, but they can include the foster care basic rate and any special needs supplements the child was receiving. The income of the child’s parents, Kin-GAP guardian, or any other relative living in the household is <i>not</i> used to determine the child’s Kin-GAP eligibility.</p> <p>Kin-GAP payments generally end when a child turns 18 but can continue until age 19 if the child is completing high school or until age 21 if the Kin-GAP payments started after the child turned 16 or if the child has an ongoing disability.</p> <p>If the court keeps the juvenile case open after appointing a relative guardian, the guardian can receive Approved Relative Caregiver (ARC) or foster care payments instead of Kin-GAP.</p> <p>In very rare situations, a relative guardian may not qualify for Kin-GAP, foster care, or ARC payments, but may still qualify for California Work Opportunity and Responsibility to Kids Program (CalWORKs) payments.</p>



Foster Parent/Resource Family	Probate Guardian	Juvenile Court Guardian
Cash Payments per Child—Nonrelatives		
<p>Before approval as a resource family, a nonrelative foster parent/resource family may receive Emergency Caregiver (EC) funding at the foster care basic rate, \$1,129 per month, starting from the date the child is placed with the nonrelative.</p> <p>After approval, the foster parent/resource family will receive foster care payments. Nonrelative resource families receive Aid to Families with Dependent Children—Foster Care (AFDC-FC) funds. There are federal and state AFDC-FC funding programs, and they have different eligibility requirements. The foster care basic rate is \$1,129 per month.</p>	<p>No cash payments are available until a guardian is appointed and the child begins living with the guardian.</p> <p>An eligible child living with a <i>nonrelative</i> probate guardian may receive state Aid to Families with Dependent Children—Foster Care (AFDC-FC) payments equivalent to the foster care basic rate, \$1,129 per month, after the court establishes a temporary guardianship.</p> <p>Payments usually end when the child turns 18 years old but may continue to age 19 if the child is completing high school or to age 21 if the child has a disability.</p>	<p>State Aid to Families with Dependent Children—Foster Care (AFDC-FC) is available to children who live with a nonrelative guardian. This rate may change depending on where you live, so before you move, ask if there will be a rate change. The foster care basic rate is \$1,129 per month.</p> <p>A youth who continues living with a former nonrelative guardian after reaching age 18 can continue to receive AFDC-FC payments until they turn 21 if they meet certain participation criteria related to work, school, or activities designed to remove barriers to employment.</p>
Medical Insurance		
<p>Children who qualify for the cash payments described above are also eligible for full-scope Medi-Cal services. Youth are eligible for Former Foster Youth Medi-Cal up to age 26.</p>	<p>A child who qualifies for CalWORKs (relative guardian) or AFDC-FC (nonrelative guardian) payments is eligible for Medi-Cal. After turning 18, a youth is <i>not</i> eligible for Former Foster Youth Medi-Cal but may qualify for Medi-Cal based on income.</p>	<p>Children who qualify for Kin-GAP, ARC, or CalWORKs payments also receive full-scope Medi-Cal health care services.</p>
Extended Foster Care and Other Transition Age Supports		
<p>Extended Foster Care benefits are available for youth living in foster care when they turn 18. These <i>nonminor dependents</i> can receive ongoing case management and EFC payments until they turn 21; they may also qualify for transitional housing and independent living placements.</p>	<p>A youth who turns 18 in a probate guardianship is <i>not</i> eligible for Extended Foster Care, Independent Living Program services, or Chafee Education and Training Vouchers.</p>	<p>Extended Foster Care benefits are <i>not</i> available for a youth who is under juvenile court guardianship when the youth turns 18 years old. But if the former guardian dies or no longer provides ongoing support to the youth, the youth can ask the juvenile court to open the dependency case again. If the court does, the youth may qualify for EFC payments if they complete the requirements.</p>

Foster Parent/Resource Family	Probate Guardian	Juvenile Court Guardian
<i>Extended Foster Care and Other Transition Age Supports</i>		
<p>Payment amounts vary by the type of living arrangement. They range from the foster care basic rate of \$1,129 per month to \$5,720 per month for a parenting youth living in transitional housing in a high-cost county.</p> <p>Independent Living Program funding is available for current and former foster youth up to age 21, if they were in foster care on or after they reached age 16. This funding can help youth learn household and money management and help them with education, housing, and employment.</p> <p>Chafee Education and Training Vouchers for postsecondary education are available for youth who were in foster care on or after age 16. Vouchers are worth up to \$5,000 per year.</p>	<p>However, a youth living with a former guardian and receiving CalWORKs (relative) or AFDC-FC (nonrelative) payments may continue receiving payments until age 19 if the youth is completing high school or another eligible education program or until age 21 if the youth has a disability.</p>	<p>Independent Living Program funding is available for current and former foster youth up to age 21, if they were in foster care on or after age 16, they entered into a Kin-GAP guardianship after age 16, or they entered into a nonrelated legal guardianship through juvenile court after age 8. This funding can help youth learn to manage their household and money and help them with education, housing, and employment.</p> <p>Chafee Education and Training Vouchers may be available. See the Foster Parent/Resource Family column for details.</p>
<i>Childcare Assistance</i>		
<p>The Emergency Child Care Bridge program provides childcare vouchers and navigation support to caregivers of children in foster care and to foster youth who have children of their own. Eligibility depends on available funding and county policy.</p>	<p>Income-based childcare assistance may be available to children in probate guardianships.</p>	<p>Emergency Child Care Bridge program benefits are not available after a guardianship is established, but income-based childcare assistance may be available.</p>
<p>California offers a variety of publicly funded childcare programs to eligible families. <i>Information on Probate Guardianship of the Person</i> (form GC-205-INFO) and <i>Information on Juvenile Court Guardianship</i> (form JV-350-INFO) give more information on these programs. Local childcare resource and referral agencies help families find childcare and determine whether they qualify for publicly funded childcare. Parents and guardians can find a local resource and referral agency here: https://rrnetwork.org/family-services/find-child-care.</p>		

GC-207-INFO/JV-352-INFO Comparison of Guardians With Other Nonparent Caregivers

Foster Parent/Resource Family	Probate Guardian	Juvenile Court Guardian
Special Needs Supplemental Payments		
<p>Special needs supplemental payments may be available. These payments are in addition to the basic rate, and can include:</p> <p>Level of Care based on the physical, behavioral, emotional, educational, health, and permanency care provided to a child. Payments range from \$1,129 to \$1,510 per month.</p> <p>Intensive Services Foster Care for children with intensive medical, behavioral, developmental, or emotional needs. The payment is \$2,946 per month.</p> <p>Specialized Care Increments for children with special medical, behavioral, developmental, or emotional needs. The amounts of these payments are set by the county. For more information, see www.cdss.ca.gov/inforesources/foster-care/specialized-care or speak to a social worker.</p> <p>Dual Agency Rate for children in foster care who also qualify for regional center services. These rates are \$1,323 per month for a child up to 3 years old and \$2,955 per month for a child over 3.</p> <p>Whole Family Foster Home and Infant Supplement payments are available to support youth living in foster care with their nondependent children. This rate is \$900 per month.</p> <p>An Expectant Parent Payment is available to support a youth in foster care for the last three months of pregnancy. This payment is \$2,700.</p> <p>A Clothing Allowance is available for foster children in some counties. The payment amount varies by county.</p> <p>Education Travel Reimbursement is available to caregivers who transport a child to the child's school of origin (the school the child was attending before being placed in the resource family home). This rate is set by the state based on two round trips per day between the foster/resource family home and the school.</p>	<p>No special needs supplemental payments are available to a child with living with a <i>relative</i> probate guardian.</p> <p>A child living with a nonrelative probate guardian and receiving state AFDC-FC payments may also, if eligible, receive a specialized care increment, a clothing allowance, or the teen parent part of a Whole Family Foster Home payment.</p> <p>See the Foster Parent/Resource Family column for details about these payments.</p>	<p>Special needs supplemental payments may be available. These include:</p> <ul style="list-style-type: none"> • Level of Care • Intensive Services Foster Care • Specialized Care Increments • Dual Agency Rate • Whole Family Foster Home and Infant Supplement • Clothing Allowance <p>See the Foster Parent/Resource Family column for details about these payments.</p>

GC-207-INFO/JV-352-INFO Comparison of Guardians With Other Nonparent Caregivers

3. How a Guardian Is Appointed and What Happens Afterward

STAGE	Probate Guardian	Juvenile Court Guardian
Petition	A person who wants to be appointed guardian of a child must file a petition with the probate court. The child’s parent or the child, if at least 12 years old, can also file the petition. (See <i>Information on Probate Guardianship of the Person</i> (form GC-205-INFO).)	To start a juvenile court case, a county social worker or prosecuting attorney must file a petition in juvenile court.
Investigation	Before the court decides to appoint a guardian, an investigation is usually required. If the proposed guardian is a relative, a court investigator conducts the investigation. If the proposed guardian is not a relative, a county social worker conducts the investigation. The investigator prepares a report, makes a recommendation whether the petition should be granted, and files the report with the court, which makes it available to all persons served in the proceeding and their attorneys. The parent and the proposed guardian are responsible for the costs of the investigation unless payment would be a hardship.	The social worker or probation officer conducts an investigation to determine, among other things, whether to detain the child temporarily out of the parent’s home and whether to recommend that the court remove the child from the parent’s home. A person who wants to serve as guardian of a child in juvenile court should contact the child’s social worker or probation officer early in the case to ask if the child can live with them.
Appointment of Counsel	The probate court has the authority to appoint an attorney to represent the child. The court may also appoint an attorney for the Indian custodian or biological parent of an Indian child but does not otherwise have the authority to appoint counsel for a parent.	In a dependency case, the juvenile court must appoint counsel for the child unless it finds that the child would not benefit from the appointment. And in almost every case, the court appoints counsel for a parent who cannot afford counsel. In a juvenile justice case, the court must appoint counsel for the child if the child appears without counsel. The court may also appoint separate counsel for a parent in specific circumstances.
Hearing	The court holds a hearing to decide whether to appoint a guardian. A parent or other interested person may go to the hearing and object, orally or in writing, to the appointment of a guardian for the child or to the appointment of the person proposed as guardian in the petition. The court will decide whether appointing a guardian is necessary and in the child’s best interest.	The court holds a hearing to decide if the petition is true and whether to order the child placed out of the parent’s home. If it decides the child cannot live safely at home, the court will not appoint a guardian right away unless the parents and child agree. Instead, it will order the child placed first with a foster parent/resource family and order the social worker or probation officer to provide reunification services (see below).
Reunification Services	The probate court cannot order family reunification services but can order supportive services for the guardian and child, if needed.	The juvenile court can order services to help the parents and child reunify (live together safely) <i>before</i> it chooses a permanent plan (e.g., guardianship) but not afterward.

GC-207-INFO/JV-352-INFO Comparison of Guardians With Other Nonparent Caregivers

STAGE	Probate Guardian	Juvenile Court Guardian
<p>Decision to Appoint a Guardian</p>	<p>If the probate court finds that appointment of a guardian is necessary and in the child’s best interest, the court may appoint a guardian.</p>	<p>The juvenile court may appoint a guardian at different times during the case, after making the required findings. In a dependency case, if the court finds that the petition is true, it can appoint a guardian for the child at the dispositional hearing, if the parents and the child agree and the court finds that appointing the guardian is in the child’s best interest. In a juvenile justice case, the court can appoint a guardian for the child at any time after the dispositional hearing if the probation officer recommends it or the child’s attorney requests it. In either a dependency or juvenile justice case, if the court has ordered out-of-home placement and denied or terminated reunification services, the court can appoint a guardian as the child’s permanent plan at a separate hearing. The court decides whom to appoint as guardian. The person who has been caring for the child is almost always appointed.</p> <p>The procedures for appointing a guardian are generally the same in dependency and juvenile justice, but there are some differences. For more information, see <i>Information on Juvenile Court Guardianship</i> (form JV-350-INFO), and check with the social worker or probation officer.</p>
<p>Court Oversight</p>	<p>After a guardian is appointed, there are no regular court hearings, although the probate court has the authority to regulate and control the guardian’s actions. The court can order the guardian to allow visitation of the child with parents or other persons.</p> <p>The court may order the guardian to submit an annual status report to the court and, depending on the county, the court may hold a hearing. (See <i>Information on Probate Guardianship of the Person</i> (form GC-205-INFO).)</p> <p>On receipt of a request, the court may order the guardian to take action. The court may also order the guardian to appear and explain actions they have taken; the court may approve or rescind those actions.</p>	<p>The juvenile court keeps jurisdiction over the guardianship. When the court appoints a guardian, it must also issue parental visitation orders unless it finds that visitation would be detrimental to the child.</p> <p>In many cases after the guardianship is granted, especially if the guardian is related to the child, the court will terminate dependency or juvenile justice jurisdiction and will not hold any more regularly scheduled court hearings. In other cases, the court will grant the guardianship, keep dependency or juvenile justice jurisdiction, and continue to hold regular review hearings. After it terminates juvenile jurisdiction, the juvenile court keeps jurisdiction over the guardianship and can give orders to the guardian.</p> <p>Any request to change a court order, including a visitation order, or to end the guardianship must be filed in the juvenile court using <i>Request to Change Court Order</i> (form JV-180).</p>



GC-207-INFO/JV-352-INFO Comparison of Guardians With Other Nonparent Caregivers

STAGE	Probate Guardian	Juvenile Court Guardian
<i>Role of Social Worker or Probation Officer</i>	<p>A county social worker is responsible for screening any proposed guardian and for conducting the guardianship investigation if the proposed guardian is not related to the child.</p> <p>If the probate court thinks a child who is the subject of a guardianship petition may be abused or neglected, it can ask a social worker to investigate and file a dependency petition in the juvenile court before it decides whether to appoint a guardian. If the social worker files a dependency petition, then the juvenile court will have authority over the child’s custody and placement. The probate court case will be put on hold until the juvenile court case is over.</p> <p>After a probate guardian is appointed, no social worker is involved unless the child or guardian receives public financial support or services.</p>	<p>If the dependency or juvenile justice case is kept open after guardianship is granted, the social worker or probation officer will provide support to the guardian and child and prepare reports for scheduled juvenile court hearings.</p> <p>If the juvenile dependency or juvenile justice case is closed after guardianship is granted, the juvenile court will continue to oversee the guardianship. Continued involvement by the social worker or probation officer will depend on any services and financial support the child continues to receive.</p>
<i>Terminating Guardianship</i>	<p>The guardianship automatically terminates (ends) when the child turns 18 or if, before turning 18, the child dies, is emancipated by court order, gets married, joins the armed services, or is adopted.</p> <p>If the guardian, a parent, the child, an Indian custodian, or the child’s tribe shows that it is in the child’s best interest, the court can end the guardianship before the child turns 18. The longer the child has lived with the guardian, the harder it is to show that termination is in the child’s best interest.</p> <p>If the child consents, the court can extend a guardianship up to the child’s 21st birthday to let the child complete a federal application for Special Immigrant Juvenile status.</p>	<p>The guardianship automatically terminates when the child turns 18 or if, before reaching age 18, the child dies, is emancipated by court order, gets married, joins the armed services, or is adopted.</p> <p>The court can terminate the guardianship if it finds that another permanent plan, such as adoption, is in the child’s best interest. A social worker or probation officer, the guardian, a parent, the child, an Indian custodian, or the child’s tribe can file a request with the juvenile court to terminate the guardianship.</p>
<i>Terminating Parental Rights</i>	<p>Appointment of a probate guardian suspends parental rights, but does not terminate them.</p> <p>However, under the Probate Code, if a child has been living with the guardian for at least two years, the guardian can file a petition to terminate parental rights so that the guardian can adopt the child. Parents are entitled to appointed counsel if this happens. In some situations, specified in the Family Code, the guardian can ask to adopt the child after as few as six months have passed or may need to wait up to three years.</p> <p>If the child is an Indian child, the Indian Child Welfare Act requires different procedures.</p>	<p>Appointment of a juvenile court guardian suspends parental rights, but does not terminate them. A social worker or probation officer, the guardian, or the child can file a request with the juvenile court to terminate parental rights and change the permanent plan to adoption. The court will hold a hearing to decide whether to grant the request. Each parent is entitled to notice of the hearing, to participate, and to have an attorney appointed for them.</p> <p>If the child is an Indian child, the Indian Child Welfare Act requires different procedures.</p>



Superior Court of the State of California

Stephanie Cameron
 Court Executive Officer/
 Jury Commissioner

COUNTY OF TULARE
FAMILY COURT SERVICES
 221 S. Mooney Blvd., Room 203
 Visalia, California 93291
 Telephone: (559) 730-5000
 Facsimile: (559) 737-6973

ADDRESSES OF STATE AND LOCAL AGENCIES FOR NOTICE PURPOSES FOR PROBATE GUARDIANSHIP AND CONSERVATORSHIP	
<p style="text-align: center;">Tulare County Health and Human Services Attention: Child Welfare Services 3500 W. Mineral King, Suite A Visalia, CA. 93291 (Pursuant to Probate Code section 1542)</p>	<p style="text-align: center;">Director of Department of Social Services 744 P Street Sacramento, CA 95814 (Probate code 1542 for Unrelated Guardians)</p>
<p style="text-align: center;">Director of California Department of Developmental Services 1600 9th Street, Ste. #240 Sacramento, CA 95814 Attn: Office of Legal Affairs (Pursuant to Probate Code section 1461 and 1542)</p>	<p style="text-align: center;">Director of Central Valley Regional Center 4615 N. Marty Ave. Fresno, CA 93722 (Pursuant to Probate Code section 1461.4)</p>
<p style="text-align: center;">California Department of Veteran’s Affairs P.O. Box 942895 Sacramento, CA 94295 (Probate Code section 1461.5)</p>	<p style="text-align: center;">Veteran’s Administration (Federal) Salt Lake City Regional Office 550 Foothill Drive Salt Lake City, UT 84158</p>
<p style="text-align: center;">Bureau of Indian Affairs Director of Pacific Regional Office 2800 Cottage Way Sacramento, CA 95825 {Pursuant to Probate Code section 1460.2(b)(4)}</p>	<p style="text-align: center;">Bureau of Indian Affairs Department of the Interior 1849 C Street, N.W. MS-4606-MIB Washington, D.C. 20240</p>
<p style="text-align: center;">Superior Court of California, County of Tulare Attn: Family Court Services 221 S. Mooney Blvd., Room 203 Visalia, CA 93291</p>	<p style="text-align: center;">Public Guardian of Tulare County 3500 W Mineral King Blvd, Suite C Visalia, CA 93291 (Pursuant to Probate Code section 1822)</p>
<p style="text-align: center;">California Department of Social Services Fresno District Office 1310 E. Shaw Fresno, CA 93710-7708 Attn.: Holly Simpson, Field Office Supervisor</p>	<p style="text-align: center;">Director of California Department of State Hospitals 1600 9th Street Room 151 Sacramento, CA. 95814 (Probate Code 1461 & 1542)</p>
	<p style="text-align: center;">Mr. Timothy J. Simon Tulare County Probate Referee 1306 N. Irwin St. Hanford, CA 93230</p>