



SUPERIOR COURT OF CALIFORNIA

C O U N T Y O F T U L A R E

www.tulare.courts.ca.gov
(559) 730-5000

**GUARDIANSHIP OF THE ESTATE/
GUARDIANSHIP OF THE PERSON AND ESTATE**

Forms included in this packet:		
For you to read		Instructions
	Information on Probate Guardianship of the Estate	Judicial Council Form # GC-206-INFO
For you to complete and file	Petition for Appointment of Guardian of Minor <i>(use instead of GC-210(P))</i>	Judicial Council Form # GC-210
Complete/file (Temporary Guardianship)	Petition for Appointment of Temporary Guardian <i>(use instead of GC-110(P))</i>	Judicial Council Form # GC-110
Complete/file within 90 days of appointment	Inventory and Appraisal	Judicial Council Form # DE-160/GC-040
	Inventory and Appraisal Attachment	Judicial Council Form # DE-161/GC-041
For server to Complete and sign	Notice of Filing of Inventory and Appraisal and How to Object to the Inventory or the Appraised Value of Property	Judicial Council Form # DE-162/GC-042
	Attachment to Notice of Filing of Inventory and Appraisal and How to Object to the Inventory or the Appraised Value of Property	Judicial Council Form # DE-162(MA)/ GC-042(MA)

SELF HELP RESOURCE CENTER

If you are filing for a guardianship and do not have an attorney representing you, there is free assistance 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 (South County Justice Center), Porterville, CA 93257**

NOTE: This packet contains documents you will need to use to file for Guardianship of the Estate in addition to, or instead of Guardianship of the Person. If you want to petition for Guardianship of the Person exclusively, please use only that packet.

The Self-Help Resource Center (also known as the Family Law Facilitator) does not assist with Guardianship of the Estate beyond providing these instructions and will **NOT** represent you in court. Please be aware that filing for Guardianship of the Estate may require legal expertise or advice from an attorney.

The Self-Help Resource Center provides the online Guardianship Orientation class, which all proposed guardians **MUST** complete. You can also obtain a Live Scan receive a Livescan 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 www.courtinfo.ca.gov/selfhelp/family/guardianship (select the Spanish icon at the right of the webpage for information in Spanish) prior to beginning your case.

GUARDIANSHIP OF THE ESTATE

What is a guardian of the estate?

A guardian of the estate manages a child's income, money, or other property until the child turns 18. A child may need a guardian of the estate if s/he inherits money or assets. A guardianship of the estate is created to manage a child's property. It is needed when the child owns or receives valuable property, like if a child inherited a house or a large amount of money, or is receiving a large life insurance settlement,

Who can be appointed as guardian of the Estate?

In most cases, the Court appoints the surviving parent to be the guardian of the child's Estate. In some cases, the same person can be the guardian of the person and of the estate. In other cases, the Court will appoint two different people.

What are the Duties of a Guardian of the Estate?

The guardian of the estate must manage the child's money; make smart investments; and manage the child's property carefully.

Do I need to have Guardianship of the Estate?

A guardianship of the estate is not needed when a child only owns inexpensive toys and clothing or the child receives social security benefits or TANF/CalWorks (welfare).

IMPORTANT: If you are not sure if a guardianship of the estate is needed, talk to a lawyer. If a guardianship of the estate is needed, it is best to use a lawyer to set it up, and to represent the guardian of the estate. This is because the *fiduciary duty* (this is the highest duty the law recognizes) owed by the guardian to the child requires that all the laws and rules be followed, and that the child's assets (property) be protected. A lawyer can make sure that the guardian of the estate does everything correctly. The lawyer's fees are paid from the estate and must be approved by the court so there is protection for the child.

FILING YOUR FORMS:

If you are filing for Guardianship of the Estate, *follow all of the instructions contained in the Guardianship of the Person packet*, except that you will file the **Petition for Appointment of Guardian of Minor (GC-210)** instead of the Petition for Appointment of Guardian of the Person (GC-210(P)). If you are filing for temporary guardianship, you will also file the **Petition for Appointment of Temporary Guardian (GC-110)** instead of the Petition for Appointment of Temporary Guardian of the Person GC-110(P). You will check all the necessary boxes that apply to Guardianship of the Estate, and provide an estimated value for the proposed ward's estate.

FILING AND SERVING YOUR INVENTORY AND APPRAISAL:

If you are granted Guardianship of the Estate, you must file an **Inventory and Appraisal** (GC-040) with the Clerk of Court within 90 days after appointment. You must serve this inventory, along with the **Notice of Filing of Inventory and Appraisal and How to Object to the Inventory or the Appraised Value of Property** (GC-042), on all parties who were required to be served in the original Guardianship proceedings. These can be served by mail. The person who mails these will complete and sign the **Proof of Mailing** on page 2 of the form. This is your proof that all the necessary parties were served. If you need to serve more than three people, you can attach the **MC-042(MA)**

You will file the form with the original signature, along with one copy, with the Clerk.

IF THE WARD DIES AFTER APPOINTMENT

You will need to file a final accounting before the court can close the case and the Investigator's office will close its file.

GC-206-INFO Information on Probate Guardianship of the Estate

This form is about acting as a *guardian of the estate* to manage a child's money or other property and preserving it until the child reaches 18 years of age.

The form explains:

- What is a guardian of the estate and who can be appointed as one;
- Who can nominate a guardian of the estate, and how;
- The court process for appointment of a guardian of the estate;
- The powers, duties, and liabilities of a guardian of the estate;
- The court's authority to oversee the guardian of the estate in the performance of the guardian's duties; and
- The procedures for removing and replacing a guardian or terminating a guardianship of the estate.

For information about probate *guardianship of the person*, read Judicial Council form GC-205-INFO. For information about *juvenile court guardianship*, read form JV-350-INFO. For a comparison of guardianship with *juvenile court placement* with a relative caregiver or foster (resource) family, read form GC-207-INFO/JV-352-INFO.

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

- Does the child really need a guardianship?
- What alternatives are available?
- Would any of the alternatives be better for the child?
- Do the parents agree to the guardianship?
- If the parents don't agree, is there enough evidence to show that the child needs a guardian?
- Do you need legal advice or assistance?

CAUTION: This form is not a substitute for legal advice. Only a licensed attorney can give advice about how the law applies to a specific situation. Click this link, www.courts.ca.gov/selfhelp-findlawyer.htm, for help finding a lawyer. For more information, visit the *California Courts Online Self-Help Center* or talk to your court's *self-help center*.

1 What is a guardian of the estate?

A guardian of the estate is a person appointed by the probate court to take control of a child's money or other property, manage that property, and preserve it for the child until the child reaches the age of 18 and can take control of the property for themselves. The court takes appointment of a guardian of the estate very seriously, and the law requires the guardian to collect and make an *inventory and appraisal* of the property, keep accurate financial records, and file regular financial accountings with the court. Consulting an attorney for legal advice in managing the estate is highly recommended.

measures can be used without the appointment of a guardian of the estate. These financial arrangements can be complicated; consulting with an attorney before choosing one over another is highly encouraged.

Note: *Some financial institutions, insurance companies, and courts require the appointment of a guardian of the estate before they will release funds to a person acting on behalf of a minor child.*

3 Who can be appointed as guardian?

To become the court-appointed guardian of a child's estate, you must:

- Be an adult (18 years old or older); and
- Show the court that your appointment would be in the best interest of the child, considering both:
 - Your ability to manage and preserve the child's estate (money and property); and
 - Your concern for and interest in the welfare of the child.

2 Are there alternatives to guardianship?

Yes. The law allows a parent or any other person from whom the child receives property to make financial arrangements for the child's property. For example, money received by a child may be deposited in an account accessible only in specified circumstances or by court order until the child reaches 18 years of age. This and other protective



4 Can a parent or other person name a person they want to be appointed as guardian?

Yes. A parent can *nominate* a guardian of the estate if:

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

In addition, any person from whom, or by designation of whom, a minor child receives property may nominate a guardian of that property.

The nomination must be made in the petition for appointment of the guardian, at the hearing on the petition, or in a writing signed either before or after the petition is filed.

A nomination is valid when made, except that a written nomination may specify that it is to take effect only if one or more events, such as the incapacity, detention, or death of the person making the nomination, occur.

Unless a written nomination provides expressly otherwise, a nomination remains effective even if the person making the nomination dies or becomes legally incapacitated.

5 Who can file a petition for appointment of a guardian of the estate?

A relative or other person, or the child if 12 years of age or older, may file a petition for appointment of a guardian in probate court using *Petition for Appointment of Guardian of Minor* (form GC-210) in probate court.

THE APPOINTMENT PROCESS

6 Filing the petition

Once a person has decided that a child needs a guardian, the first step in the process is to complete *Petition for Appointment of Guardian of Minor* (form GC-210) 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 in a different county.

Some courts have additional local forms that need to be filed along with the statewide forms.

The petition needs to ask the court to appoint a guardian of the estate 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 may request that the court waive the fee requirement. The court clerk can provide the required fee waiver forms.

7 Notice of the hearing

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 couldn't 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 *-serving* them personally or, if that's 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.

8 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. The court investigator will contact the proposed guardian, 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 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 can also waive its fee because of hardship.

If someone objects to the appointment of a guardian or to the petitioner's appointment as guardian at or before the hearing, the court may decide it needs to hold a trial. 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 doesn't need a guardianship and deny all the petitions.

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 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 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.

9 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 doesn't 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*. The petitioner must prove to the court that a guardianship is needed.

The court must appoint the person nominated as guardian of the estate unless the court determines that the nominee is not suitable. Subject to the preference for a nominee, the court will consider the best interest of the child, taking into account the proposed guardian's ability to manage and preserve the estate property and their concern for and interest in the welfare of the child. If the child is old enough to form an intelligent preference about whom should be appointed, the court must also consider that preference.

10 Oath, letters, and bond

For an appointment as guardian to be valid, the court must sign the *Order Appointing Guardian or Extending Guardianship of the Person* (form GC-240). The guardian then needs to complete *Letters of Guardianship* (form GC-250) and take both forms to the clerk's office. After the guardian affirms that they will perform their duties according to law and posts the court-ordered bond, the clerk will issue *Letters of Guardianship* as proof of appointment as guardian of the child's estate. The clerk will keep the original *Letters* in the case file. The guardian should buy a certified copy from the clerk, make copies of it for use, and keep the certified copy in a safe place. Showing the *Letters* to banks and other financial institutions will help the guardian perform duties, such as opening accounts or making investments, by verifying the legal authority to act on the child's behalf.

MANAGING THE ESTATE—POWERS AND DUTIES

11 Prudent investments

As guardian of the estate, you must manage the child's money and property 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.

12 Separation of estate money and property

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.

13 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 \$250,000 in any single institution. You should consult with an attorney before making other kinds of investments.

14 Blocked accounts

A *blocked account* is a type of account with a financial institution in which money or securities are 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 choose **or the court may require** that estate money or other 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.

15 Other restrictions

Other restrictions on your authority to deal with estate assets exist. Without a 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. You may not use estate funds to purchase real property without prior court order.

If you spend estate funds without court permission, the court may compel you to reimburse the estate from your own funds and remove you 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 whose estate you are managing 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 request approval in the original petition and set forth exceptional circumstances that justify any use of guardianship assets for the child's support. The court ordinarily will grant such a petition for only a limited period of time, usually not more than one year, and only for specific and limited purposes.

16 Inventory and appraisal of estate property

You must locate, take possession of, and protect the child's income and property that will be part of 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.

Next, you must arrange to have a designated probate referee determine the value of the estate property unless this requirement is waived by the court. You, not the referee, must determine the value of certain "cash items." An attorney can advise you on this.

After you have gathered all the child's money and property and determined how much it is worth, you must complete and file an *Inventory and Appraisal* with the court within 90 days of appointment using forms GC-040 and GC-041. The court may order you to return 90 days after your appointment to ensure that you properly file the inventory and appraisal.

17 Insurance

You should make sure that the property of the estate and any risks to it are protected by appropriate and sufficient insurance. You should maintain the insurance coverage throughout the entire period of the guardianship or until the insured property is sold.

18 Records and accounts

You must keep complete, accurate records of each financial transaction affecting the estate. The checkbook for the guardianship checking account is an indispensable tool 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 periodic accountings of all money and property you have received, what you have spent, the date of each transaction, and its purpose. You will also have to describe in detail the money and property remaining after you have paid the estate's expenses.

Beginning one year after initial appointment as guardian of the estate and then at least every two years after that, you must file an accounting for the previous period with a petition asking the court to review and approve the accounting. The court may ask that you explain or justify some or all expenses charged to the estate. You should have receipts, account statements, and other related documents available for inspection in case the court requests them.

If you do not file your accounting as required, the court will order you to do so. You may be removed as guardian if you don't file an accounting. If you know you are going to need extra time to prepare and file an accounting, be sure to ask the court for an extension ahead of the deadline.

You must comply with all state and local rules when filing your accounting. The Probate Code requires that all accounts be submitted on Judicial Council forms. There is a set of forms for standard accounts; the numbers of all these forms start with GC-400. There is also a set of forms for simplified accounts; the numbers of these forms start with GC-405.

California Rules of Court, rule 7.575 explains the accounting process and the forms. You should also check local rules for any special local requirements.

An attorney can advise you and help you prepare the inventory, accountings, and petitions. If you have any questions, you should consult with an attorney.

FURTHER COURT PROCEEDINGS**19 Court oversight**

The guardian is subject to the regulation and control of the court in performing their duties. In addition to reviewing periodic accountings, the court may order you to enter into specific transactions or prohibit transactions for the benefit of the child. The guardian, the child, or any interested person can ask the court for such an order. After notice and a hearing, the court will make orders in the best interest of the child.

20 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 the court must allow the resignation if it appears proper.

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

21 Termination of guardianship

A guardianship of the estate terminates when the child reaches age 18 or if the child dies before age 18, subject to the duty to keep and preserve the estate until it is delivered to the child's personal representative and to settle the estate's accounts.

The court may also terminate the guardianship if it decides that is in the child's best interest. At termination, the guardian must distribute the estate property and file a final account and petition for discharge with the court.

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

1. **Petitioner (name each):****requests that**

- a. (name):
(address):
(telephone):
be appointed guardian of the PERSON of the minor or minors named in item 2 and *Letters* issue upon qualification.
- b. (Not applicable to proposed wards 18 years of age and older.)
 (name)
(address):
(telephone):
be appointed guardian of the ESTATE of the minor or minors named in item 2 and *Letters* issue upon qualification.
- c. (1) bond not be required because the petition is for guardian of the person only because the proposed guardian is a corporate fiduciary or an exempt government agency for the reasons stated in Attachment 1c.
(2) \$ _____ bond be fixed. It will be furnished by an authorized surety company or as otherwise provided by law. (Specify reasons in Attachment 1c if the amount is different from the minimum required by Prob. Code, § 8482.)
(3) \$ _____ in deposits in a blocked account be allowed. Receipts will be filed. (Specify institution and location):
- d. authorization be granted under Probate Code section 2590 to exercise the powers specified in Attachment 9.
- e. orders relating to the powers and duties of the proposed guardian of the person under Probate Code sections 2351-2358 be granted (specify orders, facts, and reasons in Attachment 1e).
- f. an order dispensing with notice to the persons named in Attachment 10 be granted.
- g. other orders be granted (specify in Attachment 1g).

2. Attached is a copy of *Guardianship Petition-Child Information Attachment* (form GC-210(CA)) for each minor for whom this petition requests the appointment of a guardian. The full legal name and date of birth of each minor is:

- a. Name: _____ Date of Birth (month/day/year): _____
- b. Name: _____ Date of Birth (month/day/year): _____
- c. Name: _____ Date of Birth (month/day/year): _____
- d. Name: _____ Date of Birth (month/day/year): _____

The names and dates of birth of additional minors are specified on Attachment 2 to this petition.

***Under section 1510.1(d) of the Probate Code, the terms *child*, *minor*, and *ward* include a youth 18 to 20 years of age.**

****You MAY use this form or form GC-210(P) for a guardianship of the person. You MUST use this form for a guardianship of the estate or of the person and estate. Do NOT use this form for a temporary guardianship.**

GUARDIANSHIP OF *(name)*:

CASE NUMBER:

3. Petitioner is
- related to the minor or minors named in item 2, as shown in item 7 of each minor's attached form GC-210(CA).
 - the minor named in item 2, who is 12 years of age or older.
 - other person on behalf of minor or minors named in item 2, as shown in item 7 of each minor's attached form GC-210(CA).
4. The proposed guardian is *(check all that apply)*:
- a nominee *(affix a copy of nomination as Attachment 4a or file Nomination of Guardian (form GC-211, items 2 and 3) with this petition.*
 - related to the minor or minors named in item 2, as shown in item 3 of each minor's attached form GC-210(CA).
 - other, as shown in item 3 of each minor's attached form GC-210(CA).
 - a professional fiduciary within the meaning of the Professional Fiduciaries Act. The proposed guardian's license status is shown in item 1 on page 1 of the attached Professional Fiduciary Attachment. *(Use form GC-210(A-PF)/GC-310(A-PF) for this attachment.)*
5. Petitioner, with intent to adopt, has accepted or intends to accept physical care or custody of the minor.
6. A person other than the proposed guardian has been nominated as the guardian of the minor by will other writing. A copy of the nomination is affixed as Attachment 6. *(Specify name and address of nominee in item 2 of minor's attached form GC-210(CA).)*
7. Character and estimated value of property of the estate *(complete if petition requests appointment of a guardian of the estate or the person and estate)*:
- Personal property: \$
 - Annual gross income from all sources, including real and personal property, wages, pensions, and public benefits: \$
 - Total:** \$ _____
 - Real property: \$
8. Appointment of a guardian of the person estate of the minor or minors named in item 2 is necessary or convenient for the following reasons:

- Continued in Attachment 8. Parental custody would be detrimental to the minor or minors named in item 2 *(not applicable to proposed wards 18 years of age and older).*
9. Granting the proposed guardian of the estate powers to be exercised independently under Probate Code section 2590 would be to the advantage and benefit and in the best interest of the guardianship estate. Reasons for this request and the powers requested are specified in Attachment 9.
10. Notice to the persons named in Attachment 10 should be dispensed with under Probate Code section 1511 because
- they cannot with reasonable diligence be given notice *(specify names and efforts to locate in Attachment 10).*
 - giving notice to them would be contrary to the interest of justice *(specify names and reasons in Attachment 10).*

GUARDIANSHIP OF <i>(name)</i> :	CASE NUMBER:
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11. (Complete this item if this petition is filed by a person who is not related to a minor named in item 2 and is not a petition for appointment of a guardian of the estate only.)
- a. Petitioner is the proposed guardian and will promptly furnish all information requested by any agency referred to in Probate Code section 1543.
- b. Petitioner is not the proposed guardian. A statement by the proposed guardian that he or she will promptly furnish all information requested by any agency referred to in Probate Code section 1543 is affixed as Attachment 11b.
- c. The proposed guardian's home is is not a licensed foster family home.
- d. The proposed guardian has never filed a petition for adoption of the minor except as specified in Attachment 11d.
12. Attached to this petition is a *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form GC-120) concerning each child under 18 years of age listed in item 2 (*guardianship of the person or person and estate only*).
13. 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* (form GC-110)
 - Petition for Appointment of Temporary Guardian of the Person* (form GC-110(P))
 - Confidential Guardianship Screening Form* (form GC-212)
 - Petition for Special Immigrant Juvenile Findings* (form GC-220)
 - Other (*specify*):

14. All attachments to this form are incorporated by this reference as though placed here in this form. Number of pages attached:

Date: _____

▶ _____
(SIGNATURE OF ATTORNEY*)

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

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 PETITIONER)

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

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

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

Date: _____

(TYPE OR PRINT NAME) ▶ _____
(SIGNATURE OF PROPOSED WARD)

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:	
TEMPORARY GUARDIANSHIP OF (Name): _____	CASE NUMBER: _____
PETITION FOR APPOINTMENT OF TEMPORARY GUARDIAN <input type="checkbox"/> Person* <input type="checkbox"/> Estate* <input type="checkbox"/> Person and Estate*	HEARING DATE: _____ DEPT.: _____ TIME: _____

1. **Petitioner** (name each): _____ requests that

- a. (Name): _____
 (Address and telephone number): _____
 be appointed temporary guardian of the PERSON of the minor and Letters issue upon qualification.
- b. (Name): _____
 (Address and telephone number): _____
 be appointed temporary guardian of the ESTATE of the minor and Letters issue upon qualification.
- c. (1) bond not be required because petition is for a temporary guardianship of the person only.
 (2) bond not be required for the reasons stated in attachment 1c.
 (3) \$ _____ bond be fixed. It will be furnished by an admitted surety insurer or as otherwise provided by law.
 (Specify reasons in Attachment 1c if the amount is different from maximum required by Probate Code section 2320 and Cal. Rules of Court, rule 7.207(c).)
 (4) \$ _____ in deposits in a blocked account be allowed. Receipts will be filed.
 (Specify institution and location): _____
- d. a request for an exception to notice of the hearing on this petition for good cause is filed with this petition.
- e. the powers specified in attachment 1e be granted in addition to the powers provided by law.
- f. other orders be granted (specify in attachment 1f).

2. **The minor is** (name): _____
 Current address: _____ Current telephone no.: _____

3. **The minor requires a temporary guardian** to provide for temporary care, maintenance, and support
 protect property from loss or injury because (facts are specified in attachment 3 as follows):

***You MAY use this form or form GC-110(P) for a temporary guardianship of the person. You MUST use this form for a temporary guardianship of the estate or the person and estate.**

TEMPORARY GUARDIANSHIP OF (Name):	CASE NUMBER:
MINOR	

3. (Facts supporting appointment of a temporary guardian (continued)):

4. **Temporary guardianship is required**

- a. pending the hearing on the petition for appointment of a general guardian.
- b. pending the appeal under Probate Code section 1301.
- c. during the suspension of powers of the guardian.

5. **Character and estimated value of the property of the estate** (complete if a temporary guardianship of the estate or person and estate is requested):

- a. Personal property: \$ _____
- b. Annual gross income from all sources, including real and personal property, wages, pensions, and public benefits: \$ _____
- c. Additional amount for cost of recovery on the bond, calculated as required under Cal. Rules of Court, rule 7.207(c): \$ _____
- d. **Total:** \$ _____

6. Petitioner believes the minor will will not attend the hearing.

7. All attachments to this form are incorporated by this reference as though placed here in this form. There are _____ pages attached to this form.

Date: _____
 * (Signature of all petitioners also required (Prob. Code, § 1020).) ▶ _____ (SIGNATURE OF ATTORNEY*)

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 PETITIONER)

_____ (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:	
ESTATE OF (Name): <div style="text-align: center;"> <input type="checkbox"/> DECEDENT <input type="checkbox"/> CONSERVATEE <input type="checkbox"/> MINOR </div>	
<div style="text-align: center;"> INVENTORY AND APPRAISAL </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Partial No.: <input type="checkbox"/> Final <input type="checkbox"/> Supplemental </div> <div style="width: 45%;"> <input type="checkbox"/> Corrected <input type="checkbox"/> Reappraisal for Sale <input type="checkbox"/> Property Tax Certificate </div> </div>	CASE NUMBER: Date of Death of Decedent or of Appointment of Guardian or Conservator:

APPRAISALS

- | | | |
|---|-----------|--|
| 1. Total appraisal by representative, guardian or conservator (Attachment 1): | \$ | |
| 2. Total appraisal by referee (Attachment 2): | \$ | |
| TOTAL: | \$ | |

DECLARATION OF REPRESENTATIVE, GUARDIAN, CONSERVATOR, OR SMALL ESTATE CLAIMANT

3. Attachments 1 and 2 together with all prior inventories filed contain a true statement of
 all a portion of the estate that has come to my knowledge or possession, including particularly all money and all just claims the estate has against me. I have truly, honestly, and impartially appraised to the best of my ability each item set forth in Attachment 1.
4. No probate referee is required by order of the court dated (specify):
5. **Property tax certificate.** I certify that the requirements of Revenue and Taxation Code section 480
- a. are not applicable because the decedent owned no real property in California at the time of death.
- b. have been satisfied by the filing of a change of ownership statement with the county recorder or assessor of each county in California in which the decedent owned property at the time of death.

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; INCLUDE TITLE IF CORPORATE OFFICER)	▶	(SIGNATURE)
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STATEMENT ABOUT THE BOND

(Complete in all cases. Must be signed by attorney for fiduciary, or by fiduciary without an attorney.)

6. Bond is waived, or the sole fiduciary is a corporate fiduciary or an exempt government agency.
7. Bond filed in the amount of: \$ _____ Sufficient Insufficient
8. Receipts for: \$ _____ have been filed with the court for deposits in a blocked account at (specify institution and location):

Date:

(TYPE OR PRINT NAME)	▶	(SIGNATURE OF ATTORNEY OR PARTY WITHOUT ATTORNEY)
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ESTATE OF <i>(Name)</i> : <input type="checkbox"/> DECEDENT <input type="checkbox"/> CONSERVATEE <input type="checkbox"/> MINOR	CASE NUMBER:
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DECLARATION OF PROBATE REFEREE

- 9. I have truly, honestly, and impartially appraised to the best of my ability each item set forth in Attachment 2.
- 10. A true account of my commission and expenses actually and necessarily incurred pursuant to my appointment is:

Statutory commission:	\$
Expenses <i>(specify)</i> :	\$
TOTAL:	\$

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 REFEREE)
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INSTRUCTIONS

(See Probate Code sections 2610-2616, 8801, 8804, 8852, 8905, 8960, 8961, and 8963 for additional instructions.)

- 1. See Probate Code section 8850 for items to be included in the inventory.
- 2. If the minor or conservatee is or has been during the guardianship or conservatorship confined in a state hospital under the jurisdiction of the State Department of Mental Health or the State Department of Developmental Services, mail a copy to the director of the appropriate department in Sacramento. (Prob. Code, § 2611.)
- 3. The representative, guardian, conservator, or small estate claimant shall list on Attachment 1 and appraise as of the date of death of the decedent or the date of appointment of the guardian or conservator, at fair market value, moneys, currency, cash items, bank accounts and amounts on deposit with each financial institution (as defined in Probate Code section 40), and the proceeds of life and accident insurance policies and retirement plans payable upon death in lump sum amounts to the estate, except items whose fair market value is, in the opinion of the representative, an amount different from the ostensible value or specified amount.
- 4. The representative, guardian, conservator, or small estate claimant shall list in Attachment 2 all other assets of the estate which shall be appraised by the referee.
- 5. If joint tenancy and other assets are listed for appraisal purposes only and not as part of the probate estate, they must be separately listed on additional attachments and their value excluded from the total valuation of Attachments 1 and 2.
- 6. Each attachment should conform to the format approved by the Judicial Council. (See *Inventory and Appraisal Attachment* (form DE-161/GC-041) and Cal. Rules of Court, rules 2.100-2.119.)

ESTATE OF (Name):

CASE NUMBER:

**INVENTORY AND APPRAISAL
ATTACHMENT NO.:** _____

*(In decedents' estates, attachments must conform to Probate
Code section 8850(c) regarding community and separate property.)*

Page: _____ of: _____ total pages.
(Add pages as required.)

<u>Item No.</u>	<u>Description</u>	<u>Appraised value</u>
		\$

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:	
<input type="checkbox"/> CONSERVATORSHIP <input type="checkbox"/> GUARDIANSHIP OF THE <input type="checkbox"/> PERSON AND ESTATE OF (Name): _____ <div style="text-align: right;"><input type="checkbox"/> CONSERVATEE <input type="checkbox"/> MINOR</div>	
NOTICE OF FILING INVENTORY AND APPRAISAL AND HOW TO OBJECT TO THE INVENTORY OR THE APPRAISED VALUE OF PROPERTY	CASE NUMBER: _____


1. **NOTICE is given that (name):**
 Conservator Guardian of the estate of the above-named conservatee or ward, filed with the court a
 Partial No.: _____ Final Supplemental Corrected Reappraisal for Sale
Inventory and Appraisal on (date filed): .

2. If you object to the *Inventory and Appraisal* identified above or to the appraised value of any property listed in it, and you want the court to hear your objections, they must be in writing, signed by you under penalty of perjury, and filed with the court at the court's address stated above. **If you object to the appraised value of any property listed in the *Inventory and Appraisal*, you must file your objections with the clerk of the court no later than 30 days after the date specified in item 1 above.**

3. If you object to a Final *Inventory and Appraisal* or to an *Inventory and Appraisal* filed on or after the later of (1) 90 days from the date of the order appointing the conservator or guardian or (2) the last day of any extension granted by the court for filing the *Inventory and Appraisal*, in addition to the objections described above you may also object to that *Inventory and Appraisal* and all others previously filed on the ground that they do not list property that should have been listed and valued as property of the estate.

4. You may prepare your written objections on **form GC-045, *Objections to Inventory and Appraisal of Conservator or Guardian***. When you file your objections, the court will set a date, time, and place for a hearing on them. Unless the court orders otherwise, you then must arrange for someone other than yourself to mail, at least 15 days before the hearing date, copies of your objections and copies of another form, **form GC-020, *Notice of Hearing - Guardianship or Conservatorship***, showing the date, time, and place of the court hearing, to (1) the conservator or guardian of the estate; (2) the conservator's or guardian's attorney, if any, at the address shown at the top of this form; (3) the conservatee or the minor (if the minor is at least 12 years of age; if not, to the minor's parents, guardian, or other adult residing with the minor who has legal custody); (4) the spouse or registered domestic partner of the conservatee or the spouse of the minor; (5) any person who has filed **form DE-154/GC-035, *Request for Special Notice***, in this case; and (6) any probate referee who made an appraisal of property to which you object. (You do not have to ask someone to mail copies to you if you are one of the persons listed above.) You must then arrange for the person who did the mailing to complete and sign the proof of service on page 2 of the original *Notice of Hearing* and file the *Notice* with the court before the date of the hearing.

5. At the hearing the court will consider and determine the merits of your objections and may fix the true value of any property to the appraised value of which you have objected. The court may order an independent reappraisal by one or more additional appraisers at the expense of the conservatorship or guardianship estate, **but if your objection to the appraisal of any property that the court orders to be reappraised is not upheld by the court, the cost of the reappraisal may be charged to you.**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available upon request if at least five days notice is provided. Contact the clerk's office for <i>Request for Accommodations by Persons With Disabilities and Order</i> (form MC-410). (Civ. Code, § 54.8.)	
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<input type="checkbox"/> CONSERVATORSHIP OF (Name): _____	<input type="checkbox"/> GUARDIANSHIP OF THE	<input type="checkbox"/> PERSON AND ESTATE	CASE NUMBER: _____
<input type="checkbox"/> CONSERVATEE		<input type="checkbox"/> MINOR	

**ATTACHMENT TO NOTICE OF FILING OF INVENTORY AND APPRAISAL AND
HOW TO OBJECT TO THE INVENTORY OR THE APPRAISED VALUE OF PROPERTY**

(This attachment is for use with form GC-042.)

NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED

	<u>Name and relationship to conservatee or ward</u>	<u>Address (number, street, city, state, and zip code)</u>
_____	<input style="width: 100%;" type="text"/> Relationship: <input style="width: 80%;" type="text"/>	<input style="width: 100%; height: 40px;" type="text"/>
_____	<input style="width: 100%;" type="text"/> Relationship: <input style="width: 80%;" type="text"/>	<input style="width: 100%; height: 40px;" type="text"/>
_____	<input style="width: 100%;" type="text"/> Relationship: <input style="width: 80%;" type="text"/>	<input style="width: 100%; height: 40px;" type="text"/>
_____	<input style="width: 100%;" type="text"/> Relationship: <input style="width: 80%;" type="text"/>	<input style="width: 100%; height: 40px;" type="text"/>
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_____	<input style="width: 100%;" type="text"/> Relationship: <input style="width: 80%;" type="text"/>	<input style="width: 100%; height: 40px;" type="text"/>