

**THERE WILL BE NO REFUNDS OR EXCHANGES ON SUPERIOR COURT FORMS OR PACKETS**



**SUPERIOR COURT OF CALIFORNIA**

**County of Kings**

**1640 Kings County Drive, Hanford, CA 93230**

**(559) 582-1010**

# **GUARDIANSHIP OF A PERSON ONLY PACKET (FOR A MINOR)**



Online Assistance: [www.courts.ca.gov/selfhelp.htm](http://www.courts.ca.gov/selfhelp.htm)

The California Courts Self-Help Center

E-file California: <https://www.kings.courts.ca.gov/online-services/online-case-filing>

Kings County Superior Court: [www.kings.courts.ca.gov](http://www.kings.courts.ca.gov)

Hours of Operation (Except for Court Holidays): Monday – Friday 8:00a.m. to 4:00p.m.

## **FORMS INCLUDED IN THIS PACKET**

Information on Probate Guardianship of the Person	Judicial Council Form GC-205-INFO
Information on Probate Guardianship of the Estate	Judicial Council Form GC-206-INFO
Forms You Need to Ask the Court to Appoint a Guardian of the Person	Judicial Council Form GC-505
What is Proof of Service in a Guardianship?	Judicial Council Form GC-510
Petition for Appointment of Guardian of the Person	Judicial Council Form GC-210(P)
Guardianship Petition-Child Information Attachment	Judicial Council Form GC-210(CA)
Attachment to Judicial Council Form	Judicial Council Form MC-025
Indian Child Inquiry Attachment	Judicial Council Form ICWA-010(A)
Parental Notification of Indian Status	Judicial Council Form ICWA-020
Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)	Judicial Council Form GC-120
Consent of Proposed Guardian, Nomination of Guardian, and Consent to Appointment of Guardian and Waiver of Notice	Judicial Council Form GC-211
Confidential Guardian Screening Form	Judicial Council Form GC-212
Duties of Guardian	Judicial Council Form GC-248
Notice of Hearing	Judicial Council Form GC-020
Declaration of Diligent Search	Local Form
Proof of Service for Personal Service or by Notice and Acknowledgment of Receipt	Local Form
Order Appointing Guardian of Extending Guardianship of the Person	Judicial Council Form GC-240
Letters of Guardianship	Judicial Council Form GC-250
Order Dispensing with Notice	Judicial Council Form GC-021
Petition for Appointment of Temporary Guardian of the Person	Judicial Council Form GC-110(P)
Order Appointing Temporary Guardian	Judicial Council Form GC-140
Letters of Temporary Guardianship	Judicial Council Form GC-150
<b>Filing Fee:</b>	
• <b>Petition for Appointment of Temporary Guardian of a Person or Petition for Appointment of Guardian of a Person</b>	<b>\$225.00</b>
• <b>Investigation Fee</b>	<b>600.00</b>

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](http://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.

## 2

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](http://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 *serving* 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.

**12****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/](http://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.

## 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](http://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.

### 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

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.

#### 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.

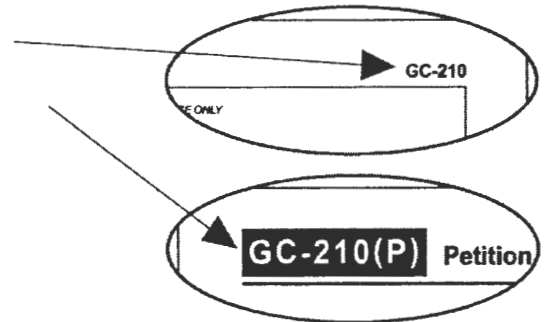
**21 Termination of guardianship**

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.

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](http://www.courtinfo.ca.gov/selfhelp/family/guardianship) (English) or [www.courtinfo.ca.gov/selfhelp/espanol/familia/tutela](http://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](http://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"?

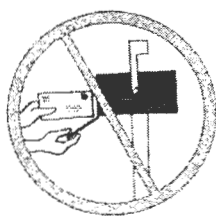
- When you are involved in a court case, you are responsible for delivery ("**service**") of copies of important papers you file with the court to other people involved in the case. Depending on the circumstances, these papers must be served by personal delivery (called "**personal service**"), or may be served by mail (called "**service by mail**").
- If you file a petition for appointment of a 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-20(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.**)

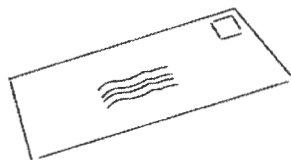
**Who signs the Proof of Personal Service?**

- 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](http://www.courtinfo.ca.gov/selfhelp/family/guardianship) (English) or [www.courtinfo.ca.gov/selfhelp/espanol/familia/tutela](http://www.courtinfo.ca.gov/selfhelp/espanol/familia/tutela) (Spanish).

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

Unless the courts 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 filled 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.

**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. \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

- ② **Your address and telephone number:**

Street: \_\_\_\_\_ Apt.: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone: \_\_\_\_\_

Clerk fills in information below when form is filed.

**Case Number:****Hearing Date and Time:****Dept.:**

- ③ ☐ **Your Lawyer** *(if you have one):*

Name: \_\_\_\_\_ Bar No.: \_\_\_\_\_

Firm name, if any: \_\_\_\_\_

Street: \_\_\_\_\_ Suite: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ 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
  - b. Name: \_\_\_\_\_ Date of birth: \_\_\_\_\_  

First
Middle
Last
  - c. Name: \_\_\_\_\_ Date of birth: \_\_\_\_\_  

First
Middle
Last
  - d. Name: \_\_\_\_\_ Date of birth: \_\_\_\_\_  

First
Middle
Last
  - e. Name: \_\_\_\_\_ Date of birth: \_\_\_\_\_  

First
Middle
Last
- ☐ 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.)*

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☐ 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.)*

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☐ 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)*:

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☐ 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)*:  


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**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*

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/yyyyb. 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 (explain): _____	\$ _____
<input type="checkbox"/> Social Security	\$ _____	<input type="checkbox"/> Other (explain): _____	\$ _____
<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): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Case Number:

**1 Tell the court about this child (continued)**

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

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

☐ (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)
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Spouse

(Guardianship of the estate only)

Person nominated

as guardian of this child (if someone other than a proposed guardian named in 3)

Indian custodian

(if any)

Child's tribe

(if any and if known)

☐ (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.

SHORT TITLE:  	CASE NUMBER:  
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ATTACHMENT (Number): \_\_\_\_\_

*(This Attachment may be used with any Judicial Council form.)*

*(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)*

Page \_\_\_\_\_ of \_\_\_\_\_

*(Add pages as required)*

CHILD'S NAME:	CASE NUMBER:
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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)

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

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NUMBER:  <b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
(This section applies to cases other than probate guardianships.) PETITIONER: RESPONDENT: OTHER PARTY: CHILD'S NAME (Juvenile cases only):	
(This section applies only to probate guardianship cases.) GUARDIANSHIP OF (name):	
Minor	
<b>DECLARATION UNDER UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT (UCCJEA)</b>	

1. I am (check one): ☐ a party to this proceeding to determine custody of a child ☐ the authorized representative of the agency, which is a party to this proceeding to determine custody of a child.

2. There are (specify number): \_\_\_\_\_ minor children who are subject to this proceeding, as follows (list oldest child first):

Full Name	Date of birth	Place of birth (city and state)
a.		
b.		
c.		
d.		

☐ Check this box if you need to list more children. (On form MC-020 or a separate piece of paper, write "FL-105, Attachment 2, Additional Children" at the top, provide all requested information for each additional child, and attach to this form.)

3. a. ☐ Check this box if there is only one child or if all of the children listed in item 2 have lived together for the past five years. (Provide the current address of the child listed in item 2a and their residence history for the past five years. If the current address is confidential under Family Code section 3429, check the box and provide only the state of residence.)

Dates of residence (Month/Year)		Residence (City, State)	Person child lived with and complete current address	Relationship
From:	To: present			
		<input type="checkbox"/> Confidential (list state only)	<input type="checkbox"/> Confidential (list state only)	
From:	To:			
From:	To:			
From:	To:			
From:	To:			

☐ Additional addresses are listed on Attachment 3a. (Form MC-020 may be used for this purpose.)

- b. ☐ Check this box if there is more than one child and all the children have not lived together for the past five years. (Attach form FL-105(A)/GC-120(A) and list each other child's current address and their residence history for the past five years.)

Page 1 of 2

CASE NAME:

CASE NUMBER:

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

Proceeding	Case Number	Court (name, state or tribe, location)
d. <input type="checkbox"/> Juvenile		
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 or Tribe	Case Number (if known)	Orders expire (date)
a. <input type="checkbox"/> Criminal				
b. <input type="checkbox"/> Family				
c. <input type="checkbox"/> Juvenile				
d. <input type="checkbox"/> Other				

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

a. Name and address of person:	b. Name and address of person:	c. Name and address of person:
<div></div>	<div></div>	<div></div>
<input type="checkbox"/> Has physical custody	<input type="checkbox"/> Has physical custody	<input type="checkbox"/> Has physical custody
<input type="checkbox"/> Claims custody rights	<input type="checkbox"/> Claims custody rights	<input type="checkbox"/> Claims custody rights
<input type="checkbox"/> Claims visitation rights	<input type="checkbox"/> Claims visitation rights	<input type="checkbox"/> Claims visitation rights
Name of each child:	Name of each child:	Name of each child:
<div></div>	<div></div>	<div></div>

7. ☐ Number of pages attached: \_\_\_\_\_

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

Date:

(NAME OF DECLARANT)

(SIGNATURE OF DECLARANT)

**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.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  <div style="display: flex; justify-content: space-between;"> <div>TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):</div> <div>FAX NO. (Optional):</div> </div>	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b>  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"/> <b>CONSENT OF PROPOSED GUARDIAN</b> <input type="checkbox"/> <b>NOMINATION OF GUARDIAN</b> <input type="checkbox"/> <b>CONSENT TO APPOINTMENT OF GUARDIAN AND WAIVER OF NOTICE</b>	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):   TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____		<b>FOR COURT USE ONLY</b>          	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____			
GUARDIANSHIP OF _____ (Name): _____		CASE NUMBER: _____	
MINOR		HEARING DATE AND TIME: _____	
<b>CONFIDENTIAL GUARDIAN SCREENING FORM</b> Guardianship of <input type="checkbox"/> Person <input type="checkbox"/> Estate		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



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.

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.

Form Adopted for Mandatory Use  
Judicial Council of California  
GC-248 (New January 1, 2001)

GUARDIAN OF (Name):	MINOR	CASE NUMBER:
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- 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)

GUARDIAN OF (Name):	MINOR	CASE NUMBER:
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- 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)

GUARDIAN OF (Name):	MINOR	CASE NUMBER:
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- 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 a 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. **Attorneys 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)

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)

**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: \_\_\_\_\_ Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

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

**NOTE: \***

A copy of this *Notice of Hearing—Guardianship or Conservatorship* ("Notice") must be "served" on—delivered to—each person who has the right under the law to be notified of the date, time, place, and purpose of a court hearing in a guardianship or conservatorship. Copies of this Notice may be served by mail in most situations. In a guardianship, however, copies of this Notice must sometimes be personally served on certain persons; and copies of this Notice may be personally served instead of served by mail in both guardianships and conservatorships. The petitioner (the person who requested the court hearing) **may not personally perform either service by mail or personal service**, but must show the court that copies of this Notice have been served in a way the law allows. The petitioner does this by arranging for someone else to perform the service and complete and sign a proof of service, which the petitioner then files with the original Notice.

This page contains a proof of service that may be used only to show service by mail. To show personal service, each person who performs the service must complete and sign a proof of personal service, and each signed copy of that proof of service must be attached to this Notice when it is filed with the court.. You may use form GC-020(P) to show personal service of this Notice.

\* (This Note replaces the clerk's certificate of posting on prior versions of this form. If notice by posting is desired, attach a copy of form GC-020(C), Clerk's Certificate of Posting Notice of Hearing—Guardianship or Conservatorship. (See Prob. Code, § 2543(c).)

**PROOF OF SERVICE BY MAIL**

1. I am over the age of 18 and not a party to this cause. I am a resident of or employed in the county where the mailing occurred.
2. My residence or business address is (*specify*): \_\_\_\_\_
3. I served the foregoing *Notice of Hearing—Guardianship or Conservatorship* on each person named below by enclosing a copy in an envelope addressed as shown below AND
  - a. ☐ **depositing** the sealed envelope with the United States Postal Service on the date and at the place shown in item 4 with the postage fully prepaid.
  - b. ☐ **placing** the envelope for collection and mailing on the date and at the place shown in item 4 following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
4. a. Date mailed: \_\_\_\_\_ b. Place mailed (*city, state*): \_\_\_\_\_
5. ☐ I served with the *Notice of Hearing—Guardianship or Conservatorship* a copy of the petition or other document referred to in the Notice.

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 PERSON COMPLETING THIS FORM)

\_\_\_\_\_  
(SIGNATURE OF PERSON COMPLETING THIS FORM)

**NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED**

Name of person served

Address (number, street, city, state, and zip code)

1.		
2.		
3.		
4.		

☐ Continued on an attachment. (You may use form DE-120(MA)/GC-020(MA) to show additional persons served.)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address)       TELEPHONE NO: (                      ) _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF KINGS</b> STREET ADDRESS: 1640 Kings County Drive CITY AND ZIP CODE: Hanford, CA 93230 BRANCH NAME: _____	
GUARDIANSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name):  _____	
<div style="text-align: right;">MINOR</div>	
<div style="text-align: center;"> <b>DECLARATION OF DILIGENT SEARCH</b>            (Guardianship)         </div>	CASE NUMBER:

I, \_\_\_\_\_, do declare as follows:

1. I am the Petitioner in the above-entitled action.
2. I am unable to locate the following individual in this matter: \_\_\_\_\_.
3. I have made the following efforts to locate \_\_\_\_\_, whose last known residence address is \_\_\_\_\_ and last known business address is \_\_\_\_\_.
4. I last saw \_\_\_\_\_ at \_\_\_\_\_ on \_\_\_\_\_.
5. Within the last 30 days I visited the last known residential address of \_\_\_\_\_ and learned the following:

<b>Person contacted:</b>	
Information learned:	
Follow up steps taken:	
<b>Person contacted:</b>	
Information learned:	
Follow up steps taken:	

6. Within the last 30 days I have contacted the following people in the vicinity at the last known business name and address of \_\_\_\_\_ and I learned the following:

<b>Person contacted:</b>	
Information learned:	
Follow up steps taken:	

<b>Person contacted:</b>	
Information learned:	
Follow up steps taken:	

7. Within the last 30 days, I have contacted the following known family members of \_\_\_\_\_ and learned the following:

<b>Person contacted:</b>	
Information learned:	
Follow up steps taken:	

<b>Person contacted:</b>	
Information learned:	
Follow up steps taken:	

8. Within the last 30 days, I have contacted the following known friends and acquaintances of \_\_\_\_\_ and learned the following:

<b>Person contacted:</b>	
<b>Information learned:</b>	
<b>Follow up steps taken:</b>	

<b>Person contacted:</b>	
<b>Information learned:</b>	
<b>Follow up steps taken:</b>	

9. I have examined the following telephone directories within the last 30 days and learned the following:

<b>Telephone directory:</b>	
<b>Name found:</b>	
<b>Information learned:</b>	

<b>Telephone directory:</b>	
<b>Name found:</b>	
<b>Information learned:</b>	

<b>Telephone directory:</b>	
<b>Name found:</b>	
<b>Information learned:</b>	

10. I have examined the records of the County Tax Assessor of the following counties within the last 30 days and have learned the following:

County:	
Name found:	
Information learned:	
Follow up steps taken:	

County:	
Name found:	
Information learned:	
Follow up steps taken:	

11. Searched other sources as follows (e.g., internet) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Executed this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_, California.

➤ \_\_\_\_\_  
(Signature of Petitioner)

TELEPHONE NO: ( ) \_\_\_\_\_  
ATTORNEY FOR (Name): \_\_\_\_\_

SUPERIOR COURT OF CALIFORNIA, COUNTY OF KINGS

STREET ADDRESS: 1640 Kings County Drive

CITY AND ZIP CODE: Hanford, CA 93230

GUARDIANSHIP OF THE ☐ PERSON ☐ ESTATE OF (Name):

MINOR

### PROOF OF SERVICE FOR PERSONAL SERVICE OR BY NOTICE AND ACKNOWLEDGMENT OF RECEIPT

(CCP SECTIONS 415.10, 415.30)

CASE NUMBER:

I declare that:

1. At the time of service I was at least 18 years of age and not a party to this legal action.
2. I am a resident or employed in the county where the mailing occurred, if service was by mail.
3. My business or residence address is: \_\_\_\_\_

4. I served copies of the following paper(s) in the manner shown:

- ☐ Petition for Appointment of Guardianship  
☐ Notice of Hearing (Guardianship)  
☐ Other [list exact title of paper(s)]: \_\_\_\_\_

5. Manner of service:

- a. ☐ **Personal service.** I personally delivered these papers to:

- (1) Name of person served: \_\_\_\_\_
- (2) Address where served: \_\_\_\_\_
- (3) Date served: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ Time served: \_\_\_\_ ☐ a.m. / ☐ p.m.

- b. ☐ By **mailing** copies by first-class mail, postage prepaid, along with two copies of a Notice and Acknowledgement of Receipt and a self-addressed, stamped envelope to:

- (1) Name of person served: \_\_\_\_\_
- (2) Address to which documents were mailed: \_\_\_\_\_  
\_\_\_\_\_
- (3) Date documents were mailed: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_
- (4) City and state where mailing occurred: \_\_\_\_\_, \_\_\_\_\_
- (5) The completed Notice and Acknowledgment of Receipt is attached.

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

Dated:           /           /

(Type or Print Name)

(Signature of Person Who Served Papers)

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.**

**ORDER APPOINTING GUARDIAN  
OR EXTENDING GUARDIANSHIP OF THE PERSON**  
(Probate—Guardianships and Conservatorships)

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

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 (name):	CASE NUMBER:
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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

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: \_\_\_\_\_

(SEAL)

Page 1 of 2

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](http://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



**GC-110(P)****Petition for Appointment of  
Temporary Guardian of the Person**

Temporary guardianship of (all children's names): \_\_\_\_\_

Clerk stamps date here when form is filed.

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):**

- |  |  |
|--|--|
| <input type="checkbox"/> Grandmother (father's mother)   | <input type="checkbox"/> Aunt            |
| <input type="checkbox"/> Grandfather (father's father)   | <input type="checkbox"/> Uncle           |
| <input type="checkbox"/> Grandmother (mother's mother)   | <input type="checkbox"/> Brother (adult) |
| <input type="checkbox"/> Grandfather (mother's father)   | <input type="checkbox"/> Sister (adult)  |
| <input type="checkbox"/> Other Relative <i>(explain relationship to child or children)</i> : _____ |  |

- ☐ 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.

Case Number:

**9 I/We ask the court to:**

- 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 (Name, State Bar number, and address):       TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
TEMPORARY GUARDIANSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name): _____	
MINOR	
<b>ORDER APPOINTING TEMPORARY GUARDIAN</b>	CASE NUMBER: _____
<b>WARNING: THIS APPOINTMENT IS NOT EFFECTIVE UNTIL LETTERS HAVE ISSUED.</b>	

1. The petition for appointment of a 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): \_\_\_\_\_  
 (Address): \_\_\_\_\_ (Telephone): \_\_\_\_\_  
 is appointed temporary guardian of the PERSON of (name): \_\_\_\_\_  
 and Letters shall issue upon qualification.
- b. ☐ (Name): \_\_\_\_\_  
 (Address): \_\_\_\_\_ (Telephone): \_\_\_\_\_  
 is appointed temporary guardian of the ESTATE of (name): \_\_\_\_\_  
 and Letters shall issue upon qualification.

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

1. (Name):

is appointed temporary ☐ guardian ☐ conservator of the ☐ person  
☐ estate of (name):

2. ☐ Other powers that have been granted or restrictions imposed on the temporary  
☐ guardian ☐ conservator are ☐ specified in Attachment 2.  
☐ specified below:

3. These Letters shall expire

- a. ☐ on (date): or upon earlier issuance of Letters to a general guardian or conservator.  
b. ☐ on other date (specify):

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

5. Number of pages attached:

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

(SEAL)

Date:

Clerk, by \_\_\_\_\_, Deputy

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/](http://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)
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Date: \_\_\_\_\_

Clerk, by \_\_\_\_\_, Deputy