

GUARDIANSHIP PACKET (PERSON Only)

PAQUETE DE TUTELA (de la Persona Solamente)

PACKET INCLUDES--(PAQUETE INCLUYE)

- **HOW TO FILE** a Petition for Temporary Guardianship
(Como archivar una Petición de Tutela Temporal)
- **HOW TO FILE** a Petition for General Guardianship
(Como archivar una Petición de Tutela General)

ALSO--(ADEMÁS)

- **FORMS** for Petitioning for Temporary Guardianship
(Formularios para la Petición de Tutela Temporal)
- **FORMS** for Petitioning for General Guardianship
(Formularios para la Petición de Tutela Temporal)

For **FREE HELP** completing the guardianship forms
contact the Probate Facilitator:

Email: probac@contracosta.courts.ca.gov Tel: (925) 957-5784

Para obtener **AYUDA GRATIS** para llenar los formularios para la tutela
póngase en contacto con el Facilitador de Probate:

Correo electrónico: probac@contracosta.courts.ca.gov Tel: (925) 957-5784

HOW TO FILE FOR GUARDIANSHIP (of a PERSON Only)

WHAT IS GUARDIANSHIP OF A PERSON?

Guardianship is a court proceeding in which a judge gives someone who is not the parent custody of a child under the age of 18. A petition for guardianship of the person is filed when a minor child is living with an adult who is not the parent and the adult needs the legal right to make decisions on behalf of the child. When a guardian of the person is appointed, the guardian is awarded custody of the child and the natural parents no longer have the right to determine where the child will live or how he or she will be educated. Instead, the guardian has those rights, including the responsibility to determine medical treatment for the child.

TYPES OF GUARDIANSHIP OF A PERSON

The Court can grant two types of guardianships: (1) temporary (emergency) guardianship, which is granted for a limited period of time; and (2) a general guardianship which is granted until the minor reaches 18 years of age.

TEMPORARY (EMERGENCY) GUARDIANSHIP

The court may grant a temporary (emergency) guardianship if:

There is an immediate and compelling need for the appointment; and

Personal notice to the parent(s) is given **five (5) days** in advance of the hearing, **or** there is good cause to waive notice to the parent(s), **or** they consent and waive notice for the temporary guardianship.

To obtain temporary (emergency) guardianship of a person complete the following forms that follow the **PINK** cover page:¹

#	FORM NAME	FORM #
1.	Petition for Appointment of Temporary Guardian of the Person	GC-110(P)
2.	Declaration (if necessary)	MC-030
3.	Notice of Hearing-Guardianship or Conservatorship (Ex parte) is page 1 and Proof of Service by Mail is page 2.	GC-020
4.	Notice of Hearing-Guardianship or Conservatorship-Personal Service	GC-020(p)
5.	Order Appointing Temporary Guardian of Minor	GC-140
6.	Letters of Temporary Guardianship	GC-150
7.	Guardianship Pamphlet (YELLOW pages-for information only-nothing to fill out- KEEP this form)	GC-205

Remember that you must also complete a general guardianship petition when you are filing for a temporary (emergency) guardianship.

¹ These forms are included in the packet attached to these instructions.

GENERAL GUARDIANSHIP

To obtain general guardianship of a person complete the following general guardianship forms that follow the **ORANGE** cover page:²

#	FORM NAME	FORM #
1.	Interpreter Request	MC-300e&s
2.	Petition for Appointment of Guardian of the Person	GC-210(P)
3.	Petition to Extend Guardianship of the Person	GC-210(PE)
4.	Guardianship Petition-Child Information Attachment	GC-210(CA)
5.	Declaration (if necessary)	MC-030
6.	Confidential Guardian Screening Form	GC-212
7.	Declaration Under the Uniform Child Custody Jurisdiction and Enforcement Act-UCCJEA	FL-105/GC-120
8.	Parental Notification of Indian Status	ICWA-020
9.	Consent of Proposed Guardian, Nomination of Guardian, & Consent to Appoint of Guardian & Waiver of Notice	GC-211
10.	Notice of Hearing--Guardianship or Conservatorship is page 1 and Proof of Service by Mail is page 2.	GC-020
11.	Notice of Hearing-Guardianship or Conservatorship—Proof of Personal Service	GC-020(P)
12.	Declaration Regarding Notice (if necessary)	GC-02 (Local Form)
13.	Duties of Guardian	GC-248
14.	Order Appointing Guardian or Extending Guardianship of the Person	GC-240
15.	Letters of Guardianship	GC-250

WHAT DO I DO WITH THE FORMS ONCE THEY ARE COMPLETED?

- **Temporary (emergency) Guardianship Petition Forms**

Remember that when you file a temporary (emergency) guardianship petition YOU MUST ALSO COMPLETE all of the forms for a general guardianship petition.

So, if you are petitioning for both a temporary and general guardianship, take your completed temporary and general guardianship forms to the Probate Examiners in Room 210 of the Wakefield Taylor Courthouse, 725 Court St., Martinez, CA, between the hours of 9:30 a.m. to 11:00 a.m., Monday through Friday. The Probate Examiners will review your documents and ask you to make whatever corrections, if any, are necessary. They will then give you further instructions relating to serving and filing the petitions.

² These forms are included in the packet attached to these instructions.

- **General Guardianship Petition Forms**

If you are only filing a petition for a general guardianship, you also take your completed forms to Room 210 of the Wakefield Taylor Courthouse, 725 Court St., Martinez, CA, between the hours of 9:30 a.m. to 11:00 a.m., Monday through Friday. The Probate Examiners will review your documents and ask you to make whatever corrections, if any, that are necessary.

Once the review is completed, they will make two copies of your general petition. You will take the original and the two copies and file them with the Probate Clerk in Room 103, in the Wakefield Taylor Courthouse, 725 Court Street, Martinez, CA. The clerk will keep the original and one copy and return to you an endorsed filed copy which will have the **hearing date** when the court will hear the general guardianship petition and have your case number. You will have to serve the Notice of Hearing and Petition on all necessary parties.

HOW DO I SERVE THE GUARDIANSHIP FORMS?

- **Serving the Temporary Guardianship Forms**

The law requires that parents and certain relatives be given a copy of the petition for guardianship and certain other court forms you filed with the court. After all, they have to know that you are petitioning for guardianship of the minor. The legal term for this is “serving notice.” Someone else--**NOT YOU**--must serve the documents. You must do this right or you will have to start all over.

Personal Service-the parents (or any person having legal custody of the child) and the minor who is the subject of the petition and over the age of 12 **must be personally served**.

This means that someone-**not you**-who is over 18 years of age personally hands them a copy of: (1) Petition for Appointment of Temporary Guardian of the Person (**GC-110(P)**); (2) Notice of Hearing (GC-020) at least **five (5) days** before the hearing.

In Contra Costa County, the court requires that **only the parents and minors over 12 years of age** be personally served with the temporary (emergency) guardianship forms.

- **Serving the general guardianship forms**

Personal Service-You must personally serve the mother and father of the minor and also the minor if the minor is over 12 years of age. You must serve the following: (1) Petition for Appointment of Guardian of the Person (**GC-210(P)**); (2) Guardianship Petition-Child Information Attachment (**GC-210**); Notice of Hearing-Guardianship or Conservatorship (**GC-020**); and Order Appointing Temporary Guardianship (if granted). The general Petition must be served **fifteen (15) days** before the court hearing.

Service by mail-Paternal and maternal **grandparents**, the child’s **brothers and sisters**, including half-brothers and half-sisters, and any person having the care of the proposed child of the guardianship (if other than the person having legal custody) [and any spouse named in the petition **may be served by mail.**] This means that someone—**not you**-mails them a copy of the Notice of Hearing and Petition for Appointment of Guardian of the Person at least **15 days** before the court hearing.

WHAT IF I DO NOT KNOW WHERE THE PARENTS OR RELATIVES ARE?

If you do not know where the parents or relatives are, you must make a reasonable and diligent effort to locate them. Try to find them by:

- Asking all family members, friends, acquaintances, and employers;

- Searching the real and personal property indexes in the recorder's and assessor's offices for the county where the person last lived;
- Looking in the phone book;
- Calling telephone information;
- Searching on the internet & social media websites; and
- Doing anything else you can think of to find them.

If you have done everything you can to locate the parents or relatives and you still can't locate them, you can ask the court to allow you to proceed without giving notice to those persons. To do this, fill out a Declaration Regarding Notice (**Form GC-02**), which is included in this packet, and file it at least **five days** prior to the court hearing.

WHAT DO I DO WITH THE PROOF OF SERVICE ONCE THE FORMS ARE SERVED?

If the forms were served by personal delivery to the parents or relatives, the person who served the forms fills out a Proof of Personal Service of Notice of Hearing-Guardianship form (**GC-020(P)**). If the forms were served by mail (not allowed for parents or minor(s) in the case), the person who served the forms fills out the Proof of Service by mail on page 2 of the Notice of Hearing form (**GC-020**). The Notice of Hearing must be attached to the proof of service.

After the forms have been properly filled out, signed and dated, make two copies and file the forms at least **five (5) days** before your hearing.

WHAT IF THE PARENTS AND RELATIVES AGREE THAT I CAN BE THE GUARDIAN, DO I STILL HAVE TO SERVE THEM?

If anyone who is required to receive notice of the guardianship petition (parents and relatives) agree that you can be the guardian, they can sign the Consent of Proposed Guardian, Nomination of Guardian, and Consent to Appointment of Guardian, and Waiver of Notice form (**GC-211**). You do not have to give notice to anyone who signs the consent portion of that form. If a person tells you verbally they agree you can be the guardian, but does not sign a written consent, you will still have to give the person notice.

WHAT SHOULD I DO BEFORE THE HEARING DATE?

Before your court hearing date, a probate examiner will review the paperwork you submitted and make notes for the probate judge. These notes are available **6 to 7 court** days before the hearing and can be read by going to www.cc-courts.org and clicking onto **Tentative Rulings** in the blue panel on left side of the screen which will take you to the tentative ruling for civil/probate. Click onto **probate** and you can find the notes made by the probate examiners by clicking on the date of your hearing, opening the document and searching for your name or case number or the minor's name.

It is **IMPORTANT** that you check the ruling because if there are things that are missing and/or corrections to be made they will appear in the tentative ruling. Ordinarily the defects need to be corrected before your petition will be granted by the judge. If defects are noted, attend the hearing to assure the judge you still want the guardianship. The court may continue the hearing to a later date to allow you time to correct the defects.

If the court grants your petition for guardianship at the hearing, the court will sign the Order Appointing Guardian of Minor (**GC-240**) and the clerk will issue the Letters of Guardianship (**GC-250**). The Letters of Guardianship are evidence of your authority to act on behalf of the child.

WHAT ARE THE FEES FOR FILING A PETITION FOR GUARDIANSHIP?

The fee for filing a petition for appoint of guardian of the person only **(GC-210(P))** is \$225.00. Additional fees may be assessed based on each case which may include fees for conducting an investigation.

WHAT IF I CANNOT AFFORD THE FEES?

If you cannot afford the filing fee, you can request a fee waiver by completing and filing a Request to Waive Court Fees **(FW-001-GC)** and Order on Court Fee Wavier **(FW-003-GC)**³.

A court fee waiver requested by you to be appointed guardian of a person will be based on the **financial condition of the proposed minor and/or his parents and not on your financial condition**. However, you are responsible for completing all forms and providing all information asked for in the forms.

* * * * *

³ These forms are not included in the packet. They have to be purchased separately.

EMERGENCY (TEMPORARY) GUARDIANSHIP FORMS

To file for an EMERGENCY GUARDIANSHIP (called a “TEMPORARY GUARDIANSHIP”), you must complete and file all temporary guardianship forms and all general guardianship forms at the same time.

#	FORM NAME	FORM #	# of Pages
1.	Petition for Appointment of Temporary Guardian of the Person	GC-110(P)	4
2.	Declaration <i>NOTE: Use this form if you need additional space to answer questions</i>	MC-030	2
3.	Notice of Hearing-guardianship or Conservatorship (Ex Parte) is page 1 and Proof of Service by Mail is page 2.*	GC-020	2
4.	Notice of Hearing-Guardianship or Conservatorship-Proof of Personal Service <i>NOTE: To be filed after the Petition and Notice of Hearing have been personally served on parents and minors 12 years of age and older.</i>	GC-020(P)	1
5.	Order Appointing Temporary Guardian of Minor	GC-140	2
6.	Letters of Temporary Guardianship	GC-150	2
7.	Guardianship Pamphlet <i>(YELLOW - for information only, nothing to fill out - KEEP IT)</i>	GC-205	7

* **You must** inform the **parent(s)** of your petition for temporary guardianship **or** you can get the parent(s) **consent** to be the minor(s)' guardian. If the minor is 12 years old or older, you **must also** inform the minor. Giving notice is both very important and can be complicated. If you need help with this please contact the probate facilitator or go to room 210 of the courthouse between 9:30 a.m. to 11:00 a.m.

For assistance please contact the Probate Facilitator by sending an e-mail to probfac@contracosta.courts.ca.gov or calling (925) 957-5784.

GC-110(P)

Petition for Appointment of Temporary Guardian of the Person

Clerk stamps date here when form is filed.

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

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

Fill in court name and street address:

Superior Court of California,
County of _____

Clerk fills in case number when form is filed.

Case Number: _____

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): _____



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.



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): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
<input type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name): <input type="checkbox"/> MINOR <input type="checkbox"/> (PROPOSED) CONSERVATEE	
NOTICE OF HEARING—GUARDIANSHIP OR CONSERVATORSHIP	CASE NUMBER: _____

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

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

2. You may refer to documents on file in this proceeding for more information. (Some documents filed with the court are confidential. Under some circumstances you or your attorney may be able to see or receive copies of confidential documents if you file papers in the proceeding or apply to the court.)

3. The petition includes an application for the independent exercise of powers by a guardian or conservator under Probate Code section 2108 Probate Code section 2590.
Powers requested are specified below specified in Attachment 3.

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

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

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



<input type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name): _____ <div style="text-align: center;"><input type="checkbox"/> MINOR <input type="checkbox"/> (PROPOSED) CONSERVATEE</div>	CASE NUMBER: _____
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PROOF OF PERSONAL SERVICE OF NOTICE OF HEARING—GUARDIANSHIP OR CONSERVATORSHIP

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

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

Continued on Attachment 4.

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

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

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

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

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

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

Date: _____

Date: _____

▶ _____

▶ _____

(SIGNATURE)

(SIGNATURE)

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

WARNING: THIS APPOINTMENT IS NOT EFFECTIVE UNTIL LETTERS HAVE ISSUED.

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 <i>(Name):</i>	CASE NUMBER:
MINOR	

5. Notice of hearing to the persons named in item 2b is dispensed with.
6. a. Bond is not required.
- b. Bond is fixed at: \$ _____ to be furnished by an authorized surety company or as otherwise provided by law.
- c. Deposits of: \$ _____ are ordered to be placed in a blocked account at *(specify institution and location)*: _____
- and receipts shall be filed. No withdrawals shall be made without a court order. Additional orders in attachment 6c.
- d. The temporary guardian is not authorized to take possession of money or any other property without a specific court order.
7. In addition to the powers granted by law, the temporary guardian is granted other powers. These powers are specified in attachment 7. below *(specify)*: _____

8. Other orders as specified in attachment 8 are granted.
9. Unless modified by further order of the court, this order expires on *(date)*: _____
10. Number of boxes checked in items 4–9: _____
11. Number of pages attached: _____

Date: _____

 JUDICIAL OFFICER

SIGNATURE FOLLOWS LAST ATTACHMENT

ATTORNEY OR PARTY WITHOUT ATTORNEY (name, address, and State Bar number):
After recording, return to:

TEL NO.: FAX NO. (optional):
E-MAIL ADDRESS (optional):
ATTORNEY FOR (name):

SUPERIOR COURT OF CALIFORNIA, COUNTY OF
STREET ADDRESS:
MAILING ADDRESS:
CITY AND ZIP CODE:
BRANCH NAME:

FOR RECORDER'S USE ONLY

TEMPORARY GUARDIANSHIP CONSERVATORSHIP
OF (name): MINOR CONSERVATEE

CASE NUMBER:

LETTERS OF TEMPORARY GUARDIANSHIP CONSERVATORSHIP
 Person Estate

FOR COURT USE ONLY

LETTERS

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

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

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

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

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

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

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

LETTERS OF TEMPORARY GUARDIANSHIP CONSERVATORSHIP
AFFIRMATION

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

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

(TYPE OR PRINT NAME)

(SIGNATURE OF APPOINTEE)

CERTIFICATION

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

(SEAL)

Date: _____

Clerk, by _____, Deputy

Legal advice – An attorney can advise you and help you prepare your inventories, accountings, and petitions to the court. If you have any questions, you should consult with an attorney.

OTHER GENERAL INFORMATION

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.

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 take prepared *Letters of Guardianship* to the clerk's office where the clerk will issue the letters. *Letters of Guardianship* is a legal document that provides proof that you have been appointed and are serving as the guardian for 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.

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.

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.

GUARDIANSHIP PAMPHLET

(FOR GUARDIANSHIPS OF CHILDREN
IN THE PROBATE COURT)

This pamphlet provides basic information about probate guardianships for children. It includes general information about court procedures, the duties and responsibilities of probate guardians, and other helpful material to assist you in fulfilling the obligations of a guardian. (For information about becoming a guardian of a dependent or ward of the Juvenile Court, you should consult the separate pamphlet on that subject.) Further information about probate guardianships may be obtained from an attorney, the Probate Code, and private publications and resources. You should also consult the court or the court clerk's office regarding special procedures or rules in your county.

What is Guardianship?

Guardianship is a court process by which a person other than a parent is given custody of a child or authority over a child's property. Appointment as guardian requires the filing of a petition and approval by the court. This pamphlet will provide you with some basic information about guardianships. If the court establishes a probate guardianship, the guardianship may be:

- A guardianship of the person of the child (custody);
- A guardianship of the child's "estate" (property); or
- Both.

If the court appoints you as a guardian for a child, you will assume important duties and obligations. You will become responsible to the court. It is essential that you clearly understand your duties and responsibilities as guardian. If you have any questions, you should consult with an attorney who is qualified to advise you in these matters.

What is a Legal Guardian?

A legal guardian is an adult to whom the court has given authority and responsibility to provide care for a child, or to manage the child's assets, or both.

Who May Be Legal Guardians?

Relatives, friends of the family, or other interested persons may be considered as potential legal guardians.

Before You File the Petition

Before you file a petition for guardianship, you should consider the following:

- Is a guardianship really necessary?
- Have you considered the alternatives?
- Do the parents consent to the guardianship?
- Without parental consent, is there enough evidence for you to prove the need for a guardianship?
- Do you need legal advice or assistance?

INSURANCE

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

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 your 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 an accounting 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 be able to describe in detail what is left after you have paid the estate's expenses.

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.

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.

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 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.

INVENTORY OF ESTATE PROPERTY

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.

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, rather than the referee, must determine the value of certain "cash items." An attorney can advise you about how to do this.

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.

Some Alternatives to Guardianship

Private agreements – You can make a private agreement with the child's parents to provide care for the child. A written agreement can be made showing that you have "custody" of the child with the parents' consent. Normally it is also beneficial to secure a medical release for emergencies, especially if a parent is not readily available. *Note: The parents may revoke this type of agreement at any time.*

Caregiver's Authorization Affidavit – The California Family Code allows a person who is related to a child to fill out a *Caregiver's Authorization Affidavit*. The affidavit normally allows that person, as a caregiver, to enroll the child in school and secure medical treatment for the child.

You may read Family Code section 6550 for details about this law. The caregiver form may be available through your local county clerk's office, through private legal publications, or from a private attorney. *Note: The parents may revoke your authority or override your decision under this type of agreement at any time.*

Other financial arrangements – The law allows parents to make other financial arrangements for property inherited by or given to their children. For instance, a blocked account and other protective measures can be used without the appointment of a guardian of the estate. Consultation with an attorney for these types of matters is highly recommended. *Note: Some financial institutions, insurance companies, and courts require the appointment of a guardian of the estate before they will release funds on behalf of a minor.*

THE PROCESS – BRIEFLY

If you decide that a child needs a probate guardianship, the first step in the process of establishing guardianship is to fill out and file the petition and other required documents with the clerk of the court. Some counties have additional "local forms" that need to be filed along with the standard forms.

Any interested party or the child, if 12 years or older, may file the petition. Specific persons must be given notice of the petition, unless excused by the court, before the court can hear the case.

The court may order that an investigation be completed before it makes its decision. If this occurs, you, the child, and any other persons deemed essential will probably be contacted about the case. The investigator will give the court a report and make a recommendation on what should occur. At that stage, the case may go to trial. The court may grant the petition or may find that there are insufficient grounds to establish a guardianship.

There is a fee for filing a guardianship petition. In addition, you may be charged a fee for a guardianship investigation. If neither you nor the child's estate can afford to pay the fees, you may request that the court waive the fee requirement. The court clerk can provide you with a fee waiver form.

GUARDIANSHIP OF THE PERSON

The probate court may appoint a *guardian of the person* for a child when no parent is available to meet the needs of the child because of the parents' death, incapacity, abandonment, military obligations, or other reasons.

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. Like a parent, you should maintain close contact with the child's school and physician.

Raising children is not always easy. You should become familiar with community resources that can assist both you and the child. You may get help and information from a support group for guardians.

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. If you wish, you may ask the parents for their opinions about matters relating to the child.

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.

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.

Blocked accounts – A *blocked account* is an 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 elect **or the court may require** that estate assets be placed in a blocked account. As guardian of the estate, you must follow the direction 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.

Other restrictions – As guardian of the estate, you will have other restrictions on your authority to deal with estate assets. Without prior court order of the court, 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 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.

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.

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 military service, 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.

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 a solemn matter. It 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. The use of an attorney for legal advice in managing the estate is recommended.

MANAGING THE ESTATE

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.

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.

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.

Residence – As guardian, you have the right to determine where the child lives. The child normally will live with you, but when it is necessary, you are allowed to make other arrangements if they are 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 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.

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. A variety of counseling services is available to

help children. As guardian, you are expected to secure necessary services, cooperate with counselors, and maintain regular contacts with the child's treatment providers.

The law 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.

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. 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 unpleasant life experiences. If you need assistance, you should check with the court or with your local child protective services agency for a referral to agencies that can help you and the child.

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 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.

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.

Under most circumstances, it is best for you to have a working relationship with the parents if possible. However, in every case, you must follow all orders of the court, including those that may restrict contacts and visitation.

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.

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.

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.

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.

Court visitors and status reports – Some counties have a program 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. Also, as guardian, you may be required to fill out and file status reports. In all counties, you must cooperate with the court and court investigators.

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 the use of a firearm. If you are concerned about your possible liability, you should consult an attorney.

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

GENERAL GUARDIANSHIP FORMS

To file for a **GENERAL GUARDIANSHIP** which grants guardianship until a minor is 18 years of age, you must fill out and file **ALL** of the below applicable forms at the same time.

#	FORM NAME	FORM #	# of Pages
1.	Interpreter Request (If Necessary)	MC-300e&S	1
2.	Petition for Appoint of Guardian of the Person	GC-210(P)	4
3.	Petition to Extend Guardianship of the Person	GC-210(PE)	3
4.	Guardianship Petition-Child Information Attachment <i>NOTE: Complete 1 petition for each child (make copies if needed).</i>	GC-210(CA)	5
5.	Declaration <i>NOTE: Use this form ONLY if you need additional space to answer questions.</i>	MC-030	1
6.	Confidential Guardian Screening Form <i>NOTE: Complete 1 Form for each adult living in your home (make copies if needed).</i>	GC-212	2
7.	Declaration Under the Uniform Child Custody Jurisdiction and Enforcement Act-UCCJEA	FL-105/GC-120	2
8.	Parental Notification of Indian Status	ICWA-020	1
9.	Consent of Proposed Guardian, Nomination of Guardian, & Consent to Appoint of Guardian & Waiver of Notice	GC-211	1
10.	Notice of Hearing--Guardianship or Conservatorship is page 1 and Proof of Service by Mail is page 2.	GC-020	2
11.	Notice of Hearing-Guardianship or Conservatorship—Proof of Personal <i>NOTE: To be filed after the Petition and Notice of Hearing have been personally served on those person who have to be served personally.</i>	GC-020(P)	1
12.	Declaration Regarding Notice <i>NOTE: If you cannot locate the person(s) who should be served with the Petition and Notice of Hearing, use this form to explain what efforts you made to find the person.</i>	GC-02 (Local Form)	2
13.	Duties of Guardian	GC-248	5
14.	Order Appointing Guardian or Extending Guardianship of the Person	GC-240	3
15.	Letters of Guardianship	GC-250	2

For assistance please contact the Probate Facilitator by sending an e-mail to probfac@contracosta.couts.ca.gov or calling (925) 957-5784.

Superior Court of California, County of Contra Costa

- | | | | | | |
|---|---|--|---|---|---|
| <input type="checkbox"/> MARTINEZ
Wakefield Taylor Courthouse
725 Court Street
Martinez, CA 94553 | <input type="checkbox"/> MARTINEZ
Spinetta Family Law Bldg
751 Pine Street
Martinez, CA 94553 | <input type="checkbox"/> MARTINEZ
A.F. Bray Building
1020 Ward Street
Martinez, CA 94553 | <input type="checkbox"/> PITTSBURG
1000 Center Drive
Pittsburg, CA 94565 | <input type="checkbox"/> RICHMOND
100 37 th Street
Richmond, CA 94805 | <input type="checkbox"/> WALNUT CREEK
640 Ygnacio Valley Road
Walnut Creek, CA 94596 |
|---|---|--|---|---|---|

Interpreter Request

If you need an interpreter, please complete the form below and submit it to the Filing Window Clerk in the Martinez, Pittsburg, Richmond, or Walnut Creek courthouse.

Case Number: _____

Case Type:

- | | |
|---|--|
| <input type="checkbox"/> Criminal | <input type="checkbox"/> Juvenile |
| <input type="checkbox"/> Traffic | <input type="checkbox"/> Family Law |
| <input type="checkbox"/> Civil Harassment | <input type="checkbox"/> Unlawful Detainer |
| <input type="checkbox"/> Conservatorship | <input type="checkbox"/> Guardianship |
| <input type="checkbox"/> Proceedings to terminate parental rights | <input type="checkbox"/> Elder Abuse |
| <input type="checkbox"/> Dependent Adult Abuse | |

Party Requesting Interpreter: _____

Phone Number(s) where party can be reached: _____

Date of Hearing: _____ Time of Hearing: _____

Department: _____ Location: Martinez Pittsburg Richmond Walnut Creek

Language Needed: Spanish Mandarin Cantonese Vietnamese

Other: _____

To avoid the risk that your hearing will have to be postponed, please submit this form a minimum of one week in advance.

Current information about this program is available at our website:

www.cc-courts.org/interpreter

Superior Court of California, County of Contra Costa

- | | | | | | |
|---|---|--|---|---|---|
| <input type="checkbox"/> MARTINEZ
Wakefield Taylor Courthouse
725 Court Street
Martinez, CA 94553 | <input type="checkbox"/> MARTINEZ
Spinetta Family Law Bldg
751 Pine Street
Martinez, CA 94553 | <input type="checkbox"/> MARTINEZ
A.F. Bray Building
1020 Ward Street
Martinez, CA 94553 | <input type="checkbox"/> PITTSBURG
1000 Center Drive
Pittsburg, CA 94565 | <input type="checkbox"/> RICHMOND
100 37 th Street
Richmond, CA 94805 | <input type="checkbox"/> WALNUT CREEK
640 Ygnacio Valley Road
Walnut Creek, CA 94596 |
|---|---|--|---|---|---|

Formulario Para Pedir un Intérprete

Si necesita un intérprete, favor de rellenar el formulario siguiente y presentarlo en la ventanilla para archivar documentos en la corte de Martinez, Pittsburg, Richmond o Walnut Creek.

Número de Caso: _____

Tipo de Caso:

- | | |
|--|--|
| <input type="checkbox"/> Criminal | <input type="checkbox"/> Juvenil |
| <input type="checkbox"/> Tráfico | <input type="checkbox"/> Casos de Familia |
| <input type="checkbox"/> Acoso Civil | <input type="checkbox"/> Juicio de Desalojo |
| <input type="checkbox"/> Conservador | <input type="checkbox"/> Tutela |
| <input type="checkbox"/> Casos para Terminar Derechos de Madre o Padre | <input type="checkbox"/> Abuso de Personas Mayores |
| <input type="checkbox"/> Abuso de Adultos Incapacitados | |

Persona que Necesita Intérprete: _____

Número Telefónico: _____

Fecha de la Audiencia Judicial: _____ Hora de Comienza: _____

Departamento: _____ Ciudad: Martinez Pittsburg Richmond Walnut Creek

Idioma Solicitado: Español Mandarín Cantonés Vietnamita

Otro Idioma: _____

Para evitar la posibilidad que su audiencia judicial sea aplazada, favor de presentar este formulario lo mínimo una semana antes de la fecha de su audiencia.

Información actual acerca de este servicio se encuentra en nuestra página web:

www.cc-courts.org/interpreter

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 <i>(all children’s names)</i> :	Case Number:

- 5 The proposed guardian named in 1 or 4 is (check all that apply):
- a. Related to the child or children named in 8, as shown in item 3 of the child’s or children’s attached *Guardianship Petition—Child Information Attachment* (form(s) GC-210(CA)).
 - b. Not related to the child or children named in 8.
 - c. A nominee of a parent of one or more of the children named in 8, as shown in item 5 of the child’s or children’s attached *Guardianship Petition—Child Information Attachment* (form(s) GC-210(CA)).
- 6 Check this box if you checked the box in item 5b (guardian unrelated to child or children). Answer the question in item a and check the box in item b or c. If you check the box in c, provide the signed statement of the proposed guardian on a separate sheet of paper. Write “Form GC-210(P)—Attachment 6: Statement of Unrelated Guardian” at the top of the paper and attach it to this form.
- a. Does the proposed guardian run a licensed foster family home? Yes No
 - b. I am the proposed guardian. I will promptly furnish any information requested by an agency investigating an adoption or a local agency designated by the county to provide public social services.
 - c. I am **not** the proposed guardian. The signed statement of the proposed guardian agreeing to promptly furnish any information requested by an agency investigating an adoption or a local agency designated by the county to provide public social services is attached to this form as Attachment 6.
- 7 A person other than the proposed guardian(s) named in 1 or 4 has been nominated in a will or other writing as guardian of the child or children named in 8. A copy of the written nomination is attached. Write “Form GC-210(P)—Attachment 7: Nomination of Another Person as Guardian” at the top of the writing and attach it to this form. Fill in the nominated person’s name and address in item 2 of the *Guardianship Petition—Child Information Attachment* (form GC-210(CA)) for each child for whom the person was nominated as guardian.
- 8 Tell the court about the child or children who need a guardian.
Fill out and attach to this form a separate copy of *Guardianship Petition—Child Information Attachment* (form GC-210(CA)) for each child named below. Show all children’s names at the top of all pages of this form. Fill out and attach to this form a Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) (form FL-105/GC-120) concerning all children under 18 years of age listed below.

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

a. Name: _____ Date of birth: _____

First
Middle
Last
Month/Day/Year

b. Name: _____ Date of birth: _____

First
Middle
Last
Month/Day/Year

c. Name: _____ Date of birth: _____

First
Middle
Last
Month/Day/Year

d. Name: _____ Date of birth: _____

First
Middle
Last
Month/Day/Year

e. Name: _____ Date of birth: _____

First
Middle
Last
Month/Day/Year

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

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

9 The guardianship is necessary or convenient for the reasons given below.
(Explain why each child listed in 8 needs a guardian.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Petition to Extend
Guardianship of the Person**

Guardianship of the person of (all wards' names):

Clerk stamps date here when form is filed.

You may use this form to petition, or ask, the court to extend an existing guardianship of the person past a ward's 18th birthday.*

1 Your name (Include the names of all persons who are asking the court to extend the appointment of the person named in **4** as guardian for the ward named in **5**. Everyone making the request must sign this form.):

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

2 Your address and telephone number:

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

3 Your Lawyer (if you have one):

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

4 I/We want to continue as guardian of the ward named in 5 after the ward's 18th birthday.

I/We want the person or persons named here to continue as the guardian of the ward named in 5 after the ward's 18th birthday. Tell the court about the guardian(s) below.

Name(s):

Street: _____ Apt.: _____
City: _____ State: _____ Zip: _____
Phone: _____ E-mail: _____

I am the ward named in 5 and a person named in 1. I am not yet 18 years old. I want the person(s) named here to continue as my guardian(s) after my 18th birthday.

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 (<i>wards' names</i>):	Case Number:

- 5 The guardian named in ① or ④ was appointed guardian of the person of**
name of ward: _____ (*date of birth, if not in ④*): _____
by the court on (*date*): _____.
- Letters of Guardianship* (form GC-250) were issued on (*date*): _____ and remain in full force and effect.
 An updated copy of *Guardianship Petition—Child Information Attachment* (form GC-210(CA)), showing the ward's name at the top of each page, is attached to this petition.

6 The extension of the guardianship is necessary or convenient for the reasons given below.

(*Explain why the ward named in ⑤ will continue to need a guardian beyond his or her 18th birthday.*)

Check here if you need more space. Continue your explanation on a separate sheet of paper. Write "Form GC-210(PE)—Attachment 6: Need for Guardian" at the top of the paper and attach it to this form.

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

- a. Extend the appointment of the person named in ① or ④ as guardian of the person of the ward named in ⑤ past the ward's 18th birthday and issue new *Letters of Guardianship* (form GC-250).
- b. Make orders relating to the powers and duties of the guardian of the person under Probate Code sections 2351–2358, as specified in Attachment 7b (*specify orders, facts, and reasons in the attachment*).
- c. Excuse me/us from having to give notice of the hearing on this petition to the following person(s) for the reasons given below (*specify (1) the name and relationship to the ward of each of the persons to whom you want the court to excuse you from giving notice, and (2) the reasons for your request, including the steps, if any, you have taken to find each person*):

Check here if you need more space. Continue your explanation on a separate sheet of paper. Write "Form GC-210(PE)—Attachment 7c: Request for Waiver of Notice" at the top of the paper and attach it to this form.

Notice of the hearing on this petition must be given to the following persons unless they are petitioners: the ward, the ward's attorney, the guardian, the guardian's attorney, and any person who was nominated as a guardian of the person in the initial guardianship proceeding. The court may dispense with (excuse) this requirement if you can show that you do not know where the person is located after making reasonable efforts to find him or her or if giving notice to that person might harm the ward 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 wards' names)</i> :	Case Number:

7 d. Make the following additional orders *(specify)*:

Check here if you need more space. Continue your request for additional orders on a separate sheet of paper. Write "Form GC-210(PE)—Attachment 7d: Additional Orders" at the top of the paper and attach it to this form.

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

Consent of Proposed Guardian (form GC-211, item 1)

Petition for Special Immigrant Juvenile Findings (form GC-220)

Other *(specify)*:

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

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.

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 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*

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

I consent to the extension past my 18th birthday of 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: _____ *Ward types or prints name here* _____ *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 you want the court to appoint a guardian.**This form is attached to the Petition, item 2 of form GC-210, or item 8 of form GC-210(P).**The Petition asks for the appointment of 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* *Month/Day/Year*b. Child's current address: _____

_____c. *(If the Petition to which this form is attached asks for the appointment of a guardian of this child's estate only, skip this item 1c, select item 8 a on page 5, and answer the rest of the items in this form. If the Petition asks for the appointment of a guardian of this child's person or this child's person and estate, complete the steps described here. Ask the child, if he or she is old enough, and the child's parents or any other legal guardian, and any Indian custodian, whether the child is or may be an Indian (Native American) child. You may not rely merely on your own knowledge and belief about the child. If possible, ask these persons before you file your petition, including this form, so you can use the information you receive to answer questions (1) and (2) below. Answer those questions, item 8 on page 5, and the rest of the items in this form.)****(For more information about your duties concerning a child who is or may be an Indian child involved in a guardianship of the person under the Indian Child Welfare Act ("ICWA") (25 U.S.C. § 1901 et seq.) and California law, including making the inquiry described above and completing this form, see the Information Sheet on Indian Child Inquiry Attachments and Notice of Child Custody Proceeding For Indian Child (form ICWA-005-INFO).)***(1) Is this child a member of, or eligible for membership in, one or more Indian tribes recognized by the federal government? No Not sure Yes (*specify tribe or tribes*): _____

_____*(If you checked "Yes" to item (1), this guardianship case is subject to ICWA. If you checked "Not sure" or "No" to item (1), answer item (2).)*(2) Do you know or have reason to know (within the meaning of Prob. Code, §§ 1460.2(a), Welf. & Inst. Code, § 224.3(b), and Cal. Rules of Court, rule 7.1015), whether this child is or may be an Indian child?
 No Yes (*If you checked "Yes" to either item (1) or (2), you must file and serve a Notice of Child Custody Proceeding for Indian Child (form ICWA-030), in addition to service of any other notices required in this case. For information about what is "reason to know whether the child is or may be an Indian child" and the notice requirement, including who must be served, how to serve them, and how to prove to the court that you have done so, and how to fill out and file the Notice, see the Information Sheet on Indian Child Inquiry Attachments 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 formerly married 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.)

Guardianship of (all children's names): _____

Case Number: _____

This child's name: _____

1 Tell the court about this child (continued)

e. Is this child receiving public assistance? Yes No Unknown (If you checked "Yes," fill out 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 with legal custody.)

Name and address of the person this child lives with (has the care of the child): _____

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

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

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

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

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



Guardianship of (all children's names): _____

Case Number: _____

This child's name: _____

2 Names and addresses of this child's relatives and other persons (continued):

Relationship	Name	Home Address (Street, City, State, Zip)
Brother/Sister	_____	_____
Brother/Sister	_____	_____
Brother/Sister	_____	_____
Brother/Sister	_____	_____
Brother/Sister	_____	_____
Brother/Sister	_____	_____
Brother/Sister	_____	_____
Brother/Sister	_____	_____

(Check here if this child has additional brothers or sisters, including half-brothers and half-sisters, 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 Siblings" at the top of the paper and attach it to this form.)

Spouse
(Guardianship of the estate only) _____

Person nominated as guardian of this child
(Other than a proposed guardian listed in 3) _____

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 relationships of all proposed guardians to the child): _____

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



Guardianship of (all children's names): _____

Case Number: _____

This child's name: _____

4 Explain why appointing the person in 3 guardian would be best for this child: _____

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:—Best Interest of Child" at the top of the paper and attach it to this form.)

5 Do one or both of this child's parents agree that the person in 3 can be the child's guardian?

- a. Father: Yes No Not known at this time.
b. Mother: Yes No Not known at this time.

You may file a filled-out Consent to Appointment of Guardian and Waiver of Notice (form GC-211, item 4) signed by the child's parent or parents (or any adult relative listed in 2) who agree. The court may excuse you from having to give notice of the court hearing on your request for appointment of a guardian to a parent or other relative who signs that form.)

6 Suitability for guardianship of this child

- a. Does this child live with the person in 3 now? Yes No
b. If the court approves the guardianship, will this child live with the person in 3? Yes No
c. Does the person in 3 plan to adopt this child now? Yes No

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

Your relationship to this child:
Relative (specify):
Not a relative (explain your interest in or connection to this child):

Guardianship of (all children's names): _____

Case Number: _____

This child's name: _____

- 8 An Indian child inquiry concerning the child named above:
- a. is not required; this is a guardianship of the estate only. (If you check this box, skip the rest of item 8.)
 - b. has not been made or completed for the following reasons (check all that apply):
 - (1) Petitioner knows the child is an Indian child and has identified the child's tribe or tribes in item 1.
 - (2) Petitioner (or the proposed guardian if he or she is not the petitioner) is the child's Indian custodian.
 - (3) Petitioner has been unable to communicate with the child's parents, other legal guardian, or Indian custodian for the following reasons and despite the following efforts to do so (describe):

 - (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 8b(3):—Indian Child Inquiry" at the top of the paper and attach it to this form.)
 - c. has been made and the following information was obtained (check all that apply):
 - (1) The names, relationships to the child named above, addresses, and telephone numbers, of the persons interviewed by Petitioner to collect or confirm the information given below, and the date or dates the interviews took place, are provided on one or more separate sheets of paper attached to this form. (Write "Form GC-210(CA)," the name of this child, and "Attachment 8c(1):—Indian Child Inquiry" at the top of each page of paper you attach to this form to complete this item.)
 - (2) The child is or may be a member of or eligible for membership in a tribe.
Tribe or tribes: _____
Band (if applicable): _____
 - (3) The child's parents, grandparents, or great-grandparents are or were members of a tribe or tribes.
Tribe or tribes: _____
Band (if applicable): _____
 - (4) The residence or domicile of the child, the child's parents, or the child's Indian custodian is in a predominantly Indian community.
 - (5) 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).
 - (6) The child may have Indian ancestry.
 - (7) Other reason or reasons to know the child is or may be an Indian child: _____

 - (8) The child has no known Indian ancestry.

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

CONFIDENTIAL (DO NOT ATTACH TO PETITION)

GC-212

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

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

How This Form Will Be Used

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

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

Page 1 of 2

CONFIDENTIAL

GC-212

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

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

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

MINORS' CONTACT INFORMATION		
20. Minor's name:	School (name):	
Home telephone:	School telephone:	Other telephone:
21. Minor's name:	School (name):	
Home telephone:	School telephone:	Other telephone:
22. Minor's name:	School (name):	
Home telephone:	School telephone:	Other telephone:
<input type="checkbox"/> Information on additional minors is attached.		

DECLARATION

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

Date:

(TYPE OR PRINT NAME OF PROPOSED GUARDIAN)



(SIGNATURE OF PROPOSED GUARDIAN)*

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

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

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

a. Child's name	Place of birth	Date of birth	Sex																													
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- c. Additional residence information for a child listed in item a or b is continued on attachment 3c.
- d. Additional children are listed on form FL-105(A)/GC-120(A). *(Provide all requested information for additional children.)*

SHORT TITLE: _____	CASE NUMBER: _____
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4. Do you have information about, or have you participated as a party or as a witness or in some other capacity in, another court case or custody or visitation proceeding, in California or elsewhere, concerning a child subject to this proceeding?
 Yes No (If yes, attach a copy of the orders (if you have one) and provide the following information):

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

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

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

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

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

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

Date: _____

_____ _____
 (TYPE OR PRINT NAME) (SIGNATURE OF DECLARANT)

7. Number of pages attached: _____

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

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): <hr/> TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____ E-MAIL ADDRESS (<i>Optional</i>): _____ ATTORNEY FOR (<i>Name</i>): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CASE NAME:	
CHILD'S NAME:	
PARENTAL NOTIFICATION OF INDIAN STATUS	CASE NUMBER:

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

1. Name: _____
2. Relationship to child: Parent Indian custodian Guardian Other _____
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*): _____
 Name of band (*if applicable*): _____
- b. I may have Indian ancestry. _____
 Name of tribe(s): _____
 Name of band (*if applicable*): _____
- c. The child is or may be a member of, or eligible for membership in, a federally recognized Indian tribe.
 Name of tribe (*name each*): _____
 Name of band (*if applicable*): _____
- d. I have no Indian ancestry as far as I know.
- e. One or more of my parents, grandparents, or other lineal ancestors is or was a member of a federally recognized tribe.
 Name of tribe (*name each*): _____
 Name of band (*if applicable*): _____
 Name and relationship of ancestor(s): _____
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 <i>(Name, State Bar number, and address):</i> <hr/> <p style="text-align: center;">TELEPHONE NO.: _____ FAX NO. <i>(Optional)</i>: _____</p> <p>E-MAIL ADDRESS <i>(Optional)</i>: _____</p> <p>ATTORNEY FOR <i>(Name)</i>: _____</p>	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 <i>(Name)</i> :	
<input type="checkbox"/> CONSENT OF PROPOSED GUARDIAN <input type="checkbox"/> NOMINATION OF GUARDIAN <input type="checkbox"/> CONSENT TO APPOINTMENT OF GUARDIAN AND WAIVER OF NOTICE	CASE NUMBER:

CONSENT OF PROPOSED GUARDIAN

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

Date:

_____ ▶ _____

(TYPE OR PRINT NAME) (SIGNATURE OF PROPOSED GUARDIAN)

NOMINATION OF GUARDIAN

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

as guardian of the person estate of the minor.

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

as guardian of the person estate of the minor.

Date:

_____ ▶ _____

(TYPE OR PRINT NAME) (SIGNATURE)

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

CONSENT TO APPOINTMENT OF GUARDIAN AND WAIVER OF NOTICE

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

DATE	(TYPE OR PRINT NAME)	▶	(SIGNATURE)	RELATIONSHIP TO MINOR
DATE	(TYPE OR PRINT NAME)	▶	(SIGNATURE)	RELATIONSHIP TO MINOR
DATE	(TYPE OR PRINT NAME)	▶	(SIGNATURE)	RELATIONSHIP TO MINOR

Continued on Attachment 4.

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

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

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

2. You may refer to documents on file in this proceeding for more information. (*Some documents filed with the court are confidential. Under some circumstances you or your attorney may be able to see or receive copies of confidential documents if you file papers in the proceeding or apply to the court.*)

3. The petition includes an application for the independent exercise of powers by a guardian or conservator under Probate Code section 2108 Probate Code section 2590.
Powers requested are specified below specified in Attachment 3.

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

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

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



<input type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name): _____ <div style="text-align: right; margin-top: 10px;"> <input type="checkbox"/> MINOR <input type="checkbox"/> (PROPOSED) CONSERVATEE </div>	CASE NUMBER: _____
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PROOF OF PERSONAL SERVICE OF NOTICE OF HEARING—GUARDIANSHIP OR CONSERVATORSHIP

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

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

Continued on Attachment 4.

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

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

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

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

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

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

Date: _____

Date: _____

▶ _____

▶ _____

(SIGNATURE)

(SIGNATURE)

PARTY'S NAME AND ADDRESS: TELEPHONE NO.:	FOR COURT USE ONLY CASE NUMBER
IN PRO PER CONTRA COSTA COUNTY SUPERIOR COURT – MARTINEZ 725 Court Street P.O. Box 911 Martinez, CA 94553	
IN RE GUARDIANSHIP OF:	
DECLARATION REGARDING NOTICE	

I, _____, declare that I am the petitioner in this guardianship case, and that I have attempted to locate _____ who is related to the minor in this action as _____. To date my efforts have been unsuccessful. I have done the following things to try to locate this person:

1. I checked in telephone directories for listings. The details of my attempts are:

2. I checked with directory assistance. The details of my attempts are:

3. I checked with friends and relatives. The details of my attempts are:

4. I checked with former employers. The details of my attempts are:

5. I checked the last known residence address. The details of my attempts are:

6. I checked the real and personal property indexes in the recorder's and assessor's offices for the county where the person was last known or believed to reside.

7. Other (specify):

I have no other information or resources available which might enable me to locate and serve the person indicated above.

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)

GUARDIAN OF (Name):	CASE NUMBER:
MINOR	

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

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

ACKNOWLEDGMENT OF RECEIPT

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

Date: _____

(TYPE OR PRINT NAME)

▶

(SIGNATURE OF PETITIONER)

Date: _____

(TYPE OR PRINT NAME)

▶

(SIGNATURE OF PETITIONER)

Date: _____

(TYPE OR PRINT NAME)

▶

(SIGNATURE OF PETITIONER)

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NO.: 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.

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 <i>(name):</i>	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

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NO.: 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 (name):	
LETTERS OF GUARDIANSHIP <input type="checkbox"/> Person <input type="checkbox"/> Estate	CASE NUMBER:

LETTERS

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

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

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

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

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

(SEAL)

Date: _____

Clerk, by _____, Deputy

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

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

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

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

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

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

LETTERS OF GUARDIANSHIP
AFFIRMATION

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

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

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