



CONTRA COSTA COUNTY SELF-HELP CENTER

GUARDIANSHIP LHI PROGRAM INSTRUCTIONS

YOU MUST READ THIS PRIOR TO STARTING!!!!

Law Help Interactive is a program which helps you complete the forms necessary to file for a guardianship of the Person. **Please print out this page, so that you can refer to it as you use the program.**

I. **BEFORE:**

- a. **Before you start using the program, you must gather information to allow you to answer the questions in the program. This will not be filed, but it is essential.**
 - i. **Parental Diagram** – By California state law, the parents of the minor and all relatives within the second degree of family must be notified (unless the court waives notice) that you are filing for guardianship. This form helps you organize all of the information that you will need. It is organized for the maternal (mother’s) relatives and the paternal (father’s) relatives.
 1. If you know the name and address of the person, fill in their information.
 2. If you know the name of the person, but they are deceased, mark the Deceased box.
 3. If you know the name of the person, but not the address, write “Unknown” in the space for Address.
 4. If you do not know the name of the person, write “Unknown” in the space for Name.

II. **LHI PROGRAM:**

- a. **Go to the LHI program at:**
<https://lawhelpinteractive.org/Interview/GenerateInterview/5057/engine>
- b. **Answer the questions**
 - i. You **MUST** create an account. Otherwise if something happens, all of your work will be lost or you will be unable to continue. **Save answers as you go through the program.**
 1. To save answers, click on the Finish button in the bottom corner. Then mark the orange box to “Save Answers.” You will also need to save answers on the bottom of the page. You can then return to “Edit Answers.”
 2. If you leave your computer for more than two hours, the program closes and you will lose any unsaved answers.

- ii. You must be very careful to spell the names correctly. Once you input your name and the minor(s) name, it will be used to fill in all of the forms. Use the legal name for yourself and the minor(s).
- iii. You will want to fill out both the Temporary Guardianship and the General Guardianship. Both of these are filed with the court at the same time. The Temporary Guardianship can be issued within 3 to 4 days and then the process for the General Guardianship will begin. The General Guardianship takes about 4-6 months.
- iv. **In order to have the program create the Temporary Guardianship paperwork, on Question #6 (they are not actually numbered) the program asks “Is this a Medical or Other Emergency or other immediate threat of harm to the minor?” You must answer “Yes” and explain that you need to obtain medical services for the child, the child is in danger of being harmed, or there is no one else to take care of the child. The program then asks, “Do you want to request an emergency hearing?” You must answer “Yes.” Later, the program will ask why you need a Temporary Guardianship.**
- v. **You will want to fill out the Fee Waiver. The fee waiver is based on the minor’s income. If the child is not receiving any public benefits, and has no income, you will need to mark by hand #8b and fill out #14, 15, and 16 using ONLY the minor’s info.**
- vi. You will be filing at the Wakefield Taylor courthouse located at 725 Court Street, Martinez.
- vii. Decide who will be the guardian. There can be more than one guardian, but more than two may be difficult.
- viii. Usually you would be the Petitioner and a Guardian and the other guardian(s) will be listed on the Petition.
- ix. There can be more than one child on the same Petition. If the children are siblings or half siblings, fill out one Petition. The program will fill out a Form 210(CA) – Child Attachment for each child. If the children are half siblings, fill out an additional Parental Diagram to keep relatives straight.
- x. The program asks if the child has Indian heritage. If there is none, answer “No.” If the child has Indian heritage but no known Indian tribal membership, answer appropriately.
 - 1. In Question # 27, the program asks:
 - a. “Have you tried to find out whether this child has any Indian Heritage?” The answer is Yes.
 - b. Is the child a member of an Indian tribe? The answer is No.

- xi. The program will ask if you want the court to waive notice for any persons. List the persons that you completed a GC-02 for because you have no way to give them notice. You will also list the persons if you don't know their name or if they have signed a consent, eg. Father: Name unknown. Mary Smith, mother: Consent given. John Smith, maternal grandfather: Unable to locate.
 - xii. The program will ask if the parents have agreed for you to have the child. If they are **not signing a Consent GC-211** consenting to the guardianship, you would say "Unknown at this time." Even if they have told you it was okay before, if you cannot find them now, you must put "No" or "Don't Know." Otherwise the wrong forms will be generated!
 - xiii. Once you finish the program, check to make sure you have answered correctly. If you have saved the answers, you can edit the answers. You can also amend the printed forms by hand, if needed.
- c. After you have completed the questions:
- i. **Before you print the forms, please email them to the Probate Facilitator and they will review them. At the end of the program, there will be an option to email. After you click the "Email" button, enter probfac@contracosta.courts.ca.gov. This will save you a lot of time later.**
 - ii. **When you print the forms, make sure your printer is set for single sided. (Otherwise, it will print the forms so they overlap each other.)**
 - iii. Date and sign the forms in the correct places: for Petitioner and Guardian. If there are other guardians, have them sign where indicated. On the Letters of Guardianship, all guardians sign one document side by side. Fill in "Date" and "Place" (City, CA)

III. ADDITIONAL FORMS

- a. **There are some forms that you may need for filing for guardianship, but are not included in the LHI program. If these are needed, you can access them at the court's website: www.cc-courts.org. Click "General Info", then "Forms", then "All Forms" or "Local Forms."**
- i. **GC-212 (Confidential Guardian Screening Form)** - All adults living in the household must complete the Confidential Screening Form. If there is any person living with you other than yourself or a co-guardian, they **must** fill out the Form GC-212. If any of the answers are "yes", it does not disqualify the guardianship, but the person must explain on "MC-025 – Attachment to GC-212." You as guardian will fill out this form in the program.
 - ii. **Local Form GC-02 (Declaration Regarding Notice)** – If you know the name of any of the persons on your Parental Diagram and they are alive, but you do not know how to serve them, you must fill out a GC-02 for each of these people. You must not be able to find their address by calling them, or calling a relative or

friend, or looking them up on Inmate Locator websites. (It is easy to find someone who is incarcerated.)

1. You must answer each question. For instance, when it says “contact a former employer” but you do not know where the person used to work, you can write, “I do not know any former employers.”
 2. Under #8 – Other: Tell the court why you cannot find this person. For example: “Father has not been in contact with the child for ten years.” You have to convince the judge that you have tried everything to find the person.
 3. The program will ask if you want the court to waive notice for any persons. You would list the persons that you completed a GC-02 for because you have no way to give them notice.
- iii. **GC-211 (Consent of Proposed Guardian)**: If any person on the list agrees to the guardianship and will sign a consent form, fill out the top portion with your name, address, phone number, and the child’s name. Then, send the GC-211 to that person, ask them to sign on #4, and return the form to you.
 - iv. **Request for Interpreter**: Please complete this if you need an interpreter.

IV. FILING:

a. **Take your forms to the Probate Examiners Office for review. The Probate Examiners must review your paperwork before it is filed.**

- i. Put all of the original forms (no copies, the Probate Examiners will make copies), along with a sheet of paper with your telephone number and email written on it, into a large manila envelope.
- ii. Put another large self-addressed envelope with enough postage (about 5 stamps) to get your copies back into this same envelope.
- iii. Next, get another large self-addressed envelope with 3 stamps on it and write “ORDER” on the bottom corner. Also, write a request to be given three certified copies of the Letters and staple this to the envelope. Place this envelope inside of the original envelope. This is so the court can send you the Order and Letters when they are filed.
- iv. Once you have put all of the above inside the original large envelope, bring it all to the Probate Examiner’s Office in Room 210 of the Wakefield Taylor Courthouse located at 725 Court St., Martinez, CA 94553.
 1. Or, if you are mailing your forms, mail them to Contra Costa Superior Court, Attn: Probate Examiners, 725 Court St, Martinez, CA 94553

b. You must bring your forms to the Probate Examiners in Room 210 of the Wakefield Taylor Courthouse located at 725 Court Street, Martinez, CA so they can review them.

- i. The Probate Examiner's Office is open from 8:00 to 11 a.m.
 - 8 am to 9 am: Sign up for review until slots are filled.
 - 9 am to 11 am: Review
- c. While you wait, the Probate Examiners will review the packet to make sure everything is included.
- d. Once they review your forms, they will give them to the judge. A criminal background check will be run on all of the adults. The judge will decide whether to grant a Temporary Guardianship, if you have completed the petition for one, without a hearing (ex parte). This takes about four to seven days.
- e. Copies of your filed paperwork will be sent to you.

V. **SERVICE**

- a. Once your documents are filed, you will need to complete service to all of the persons on your Parental Diagram whose whereabouts you know, plus the minor if they are over the age of 12, unless the court has waived notice. They must be served by a third party, **not by you**. Follow the "Checklist and Instructions for Service" on the Probate page of the court's website, here: <https://www.cc-courts.org/probate/probate.aspx>. For information about how to complete this step, please contact the Probate Facilitator.
- b. Email: probfac@contracosta.courts.ca.gov Telephone: 925-608-2066