

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: probfac@contracosta.courts.ca.gov Tel: (925) 608-2066

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

Correo electrónico: probfac@contracosta.courts.ca.gov Tel: (925) 608-2066



GUARDIANSHIP FILING INSTRUCTIONS

Once your forms are complete, follow these instructions to submit them to the court.

MAKE SURE ALL FORMS ARE DATED AND SIGNED

- Letters of Guardianship and Temporary Guardianship must be signed by all guardians.
 - However, the Letters of Guardianship – GC-250 should **NOT** be filed with the other forms. They must be signed and brought to the final court hearing.
- In addition, above the signature lines, you will see a section in which you state when and where you executed the form.
 - Enter the date you signed next to the word “Date” and then fill in the city and state in which you signed next to the word “Place.”

A. TAKE THE COMPLETED PACKET TO THE PROBATE EXAMINER’S OFFICE FOR REVIEW

1. You must bring the packet to the Probate Examiners so they can review it. Please bring all the original forms (no copies, the Probate Examiners will make copies).
 - a. The Probate Examiner’s Office is in Room 210 of the Wakefield Taylor Courthouse located at 725 Court Street, Martinez, CA 94553. They are open Monday through Friday from 8:00am to 11:00am.
 - 1) 8AM-9AM: Sign up for Review until slots are filled. You must sign in by 9AM.
 - 2) 9AM-11AM: Review
2. While you wait, the Probate Examiners will review the packet to make sure everything is included. They will explain the Notice requirements for a Temporary Guardianship.
3. Once they review the packet, they will give it to the Judge. A criminal background check will be run on all the adults living in the home. If you have completed the Petition for a Temporary Guardianship, the Judge will decide ex parte whether to grant it (ex parte means without a hearing). This takes about four – seven days.

- a. Make sure that you and every other adult living in the home have completed a Confidential Guardian Screening Form – GC-212. This form is required to determine if you are eligible for temporary guardianship. If you do not have this form, please visit:
www.courts.ca.gov/sites/default/files/courts/default/2024-11/gc212.pdf
4. The Probate Examiners will notify you when to pick up your copies and have them filed. Or if you do not plan to pick up the copies in person, leave a large self-addressed envelope with enough postage (about 5 stamps) to have copies of your forms mailed back to you.

B. AFTER THE DOCUMENTS ARE FILED

1. **Hearing**: A hearing date will be set about 30 days away. Once you get your papers back, you need to serve the child (if 12 years or older), the child's parents, grandparents, all siblings 12 years or older, and the parent or guardian of any siblings that are under the age of 12 years old. This has to be done by someone 18 or older other than yourself. Whoever serves the papers needs to fill out the Proof of Service form. Your server can use the GC-020 if the forms were mailed or the GC-020(P) if the forms were handed to a person directly.

Do this immediately. They need to be served 15 days before the hearing. The Proof of Service needs to be filed with the court five days before your court hearing.

2. **Investigative Report**: A court investigator completes an Investigative Report for every guardianship case. Therefore, **within 5 days** of filing your guardianship, you must fill out and submit the Proposed Guardian Information Form – GC-20. If you do not have the form, please visit: <https://www.cc-courts.org/docs/revGC-20.pdf>. If the Investigators finish their report by your first hearing, the Judge can order the Guardianship. However, if something is missing, the Judge will continue the hearing.
3. **Tentative Ruling**: About 7-10 days before your hearing, the court will prepare a Tentative Ruling which says if you are missing anything. To see what is missing or how to appear remotely for the hearing, go to the court's website at www.cc-courts.org. On the first page, click "Online Services", then "Tentative Rulings".
4. **Court Public Portal**: If you need to check the date, time, and courtroom of your hearing, you can do so by going to the court's website at www.cc-courts.org, click on "Online Services", then click "Court Public Portal" and enter your case number.



INSTRUCCIONES PARA PRESENTAR LAS TUTELAS

Una vez que sus formularios estén completos, siga estas instrucciones para presentarlos a la corte.

ASEGÚRESE DE QUE TODOS LOS FORMULARIOS ESTÉN FECHADOS Y FIRMADOS

- Las Cartas de Tutela y Tutela Temporal deben estar firmadas por todos los guardianes.
 - Sin embargo, las Cartas de Tutela – GC-250 **NO deben** presentarse con los otros formularios. Deben ser firmados y llevados a la audiencia final de la corte.
- Además, encima de las líneas de firma, verá una sección en la que indica cuándo y dónde ejecuto el formulario.
 - Ingrese la fecha en que firmó junto a la palabra "Date" y luego complete la ciudad y el estado en el que firmó junto a la palabra "Place".

A. LLEVE EL PAQUETE COMPLETO A LA OFICINA DEL EXAMINADOR DE TESTAMENTARIOS PARA SU REVISIÓN

1. Debe llevar el paquete a los Examinadores Testamentarios para que puedan revisarlo. Por favor, traiga todos los formularios originales (no copias, los Examinadores Testamentarios harán copias)).
 - a. La Oficina del Examinador Testamentario está en la Sala 210 de la Wakefield Taylor Courthouse ubicada en 725 Court Street, Martinez, CA 94553. Están abiertos de lunes a viernes de 8:00am a 11:00am.
 - 1) 8AM-9AM: Regístrese para la revisión hasta que se llenen los espacios. Debe registrarse antes de las 9AM.
 - 2) 9AM-11AM: Revisión
2. Mientras espera, los Examinadores Testamentarios revisarán el paquete para asegurarse de que todo esté incluido. Ellos explicarán los requisitos de Aviso para una Tutela Temporal.
3. Una vez que revisen el paquete, se lo entregarán al Juez. Se realizará una verificación de antecedentes penales a todos los adultos que vivan en el hogar.

Si usted completo la Petición de una Tutela Temporal, el Juez decidirá ex parte si la concede (ex parte significa sin audiencia). Esto tarda entre cuatro y siete días.

- a. Asegúrese de que usted y todos los demás adultos que vivan en el hogar hayan completado un Confidential Guardian Screening Form - GC-212. Este formulario es necesario para determinar si usted es elegible para la tutela temporal. Si no tiene este formulario, por favor visite a:
www.courts.ca.gov/sites/default/files/courts/default/2024-11/gc212.pdf.
4. Los Examinadores Testamentarios le notificarán cuándo recoger sus copias y archivarlas. O si no planea recoger las copias en persona, deje un sobre grande con su dirección con suficiente franqueo (aproximadamente 5 estampillas) para que le envíen copias de sus formularios por correo.

B. DESPUÉS DE PRESENTAR LOS DOCUMENTOS

1. **Audiencia:** Se fijará una fecha de audiencia a unos 30 días de distancia. Una vez que le devuelvan sus documentos, tiene que hacer la entrega legal al menor (si tiene 12 años o más), a los padres del niño, a los abuelos, a todos los hermanos de 12 años o más y al padre o guardián de cualquier hermano menor de 12 años. Esto debe hacerlo alguien mayor de 18 años que no sea usted. La persona que hace la entrega legal de los documentos tiene que llenar el formulario Proof of Service. Su servidor puede usar la GC-020 Si los formularios se enviaron por correo o GC-020(P) Si los formularios fueron entregados personalmente.

Inmediatamente haga esto: Se les debe hacer la entrega legal 15 días antes de la audiencia. La Prueba de Entrega debe presentarse ante la corte cinco días antes de su audiencia en la corte.

2. **Reporte de Investigación:** Un investigador de la corte completa un Reporte de investigación para cada caso de tutela. Por lo tanto, **dentro de los 5 días** posteriores a la presentación de su tutela, debe completar y enviar el formulario Proposed Guardian Information Form- GC-20. Si no tiene el formulario, por favor visite: <https://www.cc-courts.org/docs/revGC-20.pdf>. Si los investigadores terminan su reporte para su primera audiencia, el Juez puede ordenar la tutela. Sin embargo, si falta algo, el Juez continuará la audiencia
3. **Fallo tentativo:** Aproximadamente de 7 a 10 días antes de su audiencia, la corte preparará un Fallo Tentativo que dice si le falta algo. Para ver lo que falta o cómo comparecer de forma remota a la audiencia, visite el sitio web de la corte en www.cc-courts.org. En la primera página, haga clic en "Online Services", luego "Tentative Rulings".

4. **Portal Público** de la Corte: Si necesita verificar la fecha, la hora y la sala de su audiencia, puede hacerlo visitando el sitio web de la corte a www.cc-courts.org, haga clic en “Online Services”, A continuación, haga clic en “Court Public Portal” e ingrese su número de caso.

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.	Guardianship Petition-Child Information Attachment	GC-210(CA)
4.	Declaration (if necessary)	MC-030
5.	Indian Child Inquiry Attachment	ICWA-010(A)
6.	Confidential Guardian Screening Form	GC-212
7.	Declaration Under the Uniform Child Custody Jurisdiction and Enforcement Act-UCCJEA	FL-105/GC-120
8.	Attachment to Declaration Under Uniform Child Custody Jurisdiction and Enforcement ACT (UCCJEA)	FL-105(A)/GC-120(A)
9.	Parental Notification of Indian Status	ICWA-020
10.	Consent of Proposed Guardian, Nomination of Guardian, & Consent to Appoint of Guardian & Waiver of Notice	GC-211
11.	Notice of Hearing--Guardianship or Conservatorship is page 1 and Proof of Service by Mail is page 2.	GC-020
12.	Notice of Hearing-Guardianship or Conservatorship—Proof of Personal Service	GC-020(P)
13.	Declaration Regarding Notice (if necessary)	GC-02 (Local Form)
14.	Duties of Guardian	GC-248
15.	Order Appointing Guardian or Extending Guardianship of the Person	GC-240
16.	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. The Probate Examiners Office is open from 8:00 a.m. to 11:00 a.m., Monday through Friday. However, you **must sign in** for

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

help between the hours of **8:00 a.m. to 9:00 a.m.** The Probate Examiners will begin reviewing documents starting at 9:00 a.m. each day, but only if you have already signed in before 9:00 a.m. 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.

- **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. The Probate Examiners Office is open from 8:00 a.m. to 11:00 a.m., Monday through Friday. However, you **must sign in** for help between the hours of **8:00 a.m. to 9:00 a.m.** The Probate Examiners will begin reviewing documents starting at 9:00 a.m. each day, but only if you have already signed in before 9:00 a.m. 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(CA)**); Indian Child Inquiry Attachment (**ICWA-010(A)**); Notice of Hearing-Guardianship or Conservatorship (**GC-020**); and Order Appointing Temporary Guardianship (**GC-240**), 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. Click on Online Services and then click on **Tentative Rulings** which will take you to the tentative ruling for civil/probate. Scroll down and click on your department number which should

open a list of dates. 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.

CHECKLIST FOR GUARDIANSHIP SERVICE

Email: Probfac@contracosta.courts.ca.gov

Telephone: 925-608-2066

**YOU ARE REQUIRED BY STATE LAW TO NOTIFY ALL OF THE PARENTS,
GRANDPARENTS AND SIBLINGS 12 or OLDER
ABOUT THE GUARDIANSHIP**

THE COURT MAY NOT MAKE ANY ORDERS ON THE CASE UNTIL THIS IS COMPLETE

AFTER YOU HAVE RECEIVED YOUR FILED COPIES AND AT LEAST 15 DAYS BEFORE THE HEARING HAVE AN ADULT OTHER THAN YOU--IT MUST BE A THIRD PARTY OVER 18 AND NOT A PARTY TO THIS CASE--SERVE THE RELATIVES AS LISTED BELOW

WHAT TO DO:

- **If you know their address: Have them served:**
 - Have 3rd party server complete form on page 2 of GC-020 if by mail. Or complete and attach GC-020P to GC-020 if by personal service
- **If they are deceased:**
 - Complete Declaration Form MC-030 stating that.
- **If you cannot locate them by trying diligently:**
 - Complete Local Form GC-02, Declaration of Notice, for each ****

NOTE:

- **IF ANY PARENT, GRANDPARENT, OR SIBLING SIGNS A CONSENT FORM**
 - (GC-211), YOU DON'T NEED TO SERVE THEM.

Serve in person:

Both Parents and minor (12 or older)

Serve by Mail:

- **All grandparents,**
- **Siblings (including half-sisters & brothers)-12 or older**

1. **Father and Mother** copies of filed forms:

- **GC-140** – Temporary Order
- **GC-020** – Notice of Hearing
- **GC-210(P)** - Petition

2. **Minor:** copies of filed forms:

- **GC-020**
- **GC-210(P)** - Petition

Copies of Filed Forms:

- **GC-020** - Notice of Hearing
- **GC-210(P)** - Petition

To:

- a. **Father's Father**
- b. **Father's Mother**
- c. **Mother's Father**
- d. **Mother's Mother**
- e. **Minor's Brothers/Sisters-12 or older**
- f. **Minor's Half Brothers/Sisters-12 or older**
- g. **If you are not a relative of the minor:**

SDSS

744 "P" Street MS-3-34,
Sacramento, CA 95814

INSTRUCTIONS FOR SERVICE

- 1) Take Petition GC-210(P) and Notice of Hearing GC-020 (for Petition of Appointment of Guardian with the date of the hearing filled in) out of packet of filed documents
- 2) Count how many relatives (and SDSS if non-relative) you have to serve ****
- 3) Make enough copies to serve to everyone and one extra Notice of Hearing GC-020. Put the extra Notice of Hearing aside to use as the Proof of Service.
- 4) Choose someone who will be the Server. Non-party, over 18 years old.
- 5) The parents must be served personally.
 - Have the server give the copy of the Petition, Notice of Hearing, and Order for Temporary Guardianship to the Mother and Father. Have the Server fill out a GC-020(P) filling it out completely. Date and sign. Attach this to the extra Notice of Hearing.
- 6) The minor must be served personally if 12 or older.
 - Have the server give the copy of the Petition and Notice of Hearing to the minor
 - Have the Server fill out the GC-020(P) filling it out completely. Date and sign. Attach this to the extra Notice of Hearing.
- 7) The other relatives listed on the Service Checklist must be served by mail.
 - Have the Server mail a copy of the Petition and Notice of Hearing to each relative.
 - Have the Server fill out the Proof of Service on page 2 of the extra Notice of Hearing with their address, date and place it was mailed, name and address of each person served, and date and sign it.
- 8) If you are not a relative you must have the Server send a copy of the Petition and Notice of Hearing to the State Department of Social Services (SDSS)
 - Have the Server mail a copy of the Petition and Notice of the Hearing to the SDSS.
 - Have the Server fill out the Proof of Service on page 2 of the extra Notice of Hearing with the address of the SDSS.
 - The address is:
SDSS
744 "P" Street MS-3-34, Sacramento, CA 95814

******If any of the persons have signed a Consent Form GC-211,
they do not have to be served.**

**If you need a form, go to cc-courts.org Click General Info Click Forms. Consent Form GC-211 is under All Forms. Local Form GC-02 is under Local Forms.
Make three copies of each, Proof of Service and Consents.
Keep one copy. File the originals and two copies at the Clerk's Office at
725 Court Street, Martinez**

For Assistance: Probfac@contracosta.courts.ca.gov or 925-608-2066

2/21/2021

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.	Notice of Hearing-guardianship or Conservatorship (Ex Parte) is page 1 and Proof of Service by Mail is page 2.*	GC-020	2
3.	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
4.	Order Appointing Temporary Guardian of Minor	GC-140	2
5.	Letters of Temporary Guardianship	GC-150	2
6.	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 8:00 a.m. to 10:00 a.m.

For assistance please contact the Probate Facilitator by sending an e-mail to probfac@contracosta.courts.ca.gov or calling (925) 608-2066.

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 Contra Costa
725 Court Street
P.O. Box 911
Martinez, CA 94553

Clerk fills in case number when form is filed.

Case Number:
P

- 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:

P

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

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

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

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

a. Child's full legal name:

Child's current address: _____

Child's current phone number: _____

b. Child's full legal name:

Child's current address: _____

Child's current phone number: _____

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

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

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

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



Case Number: P

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

Case Number:

P

**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): IN PRO PER	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF CONTRA COSTA STREET ADDRESS: 725 Court Street MAILING ADDRESS: P. O. Box 911 CITY AND ZIP CODE: Martinez, CA 94553 BRANCH NAME: Wakefield Taylor Courthouse	
<input checked="" type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP OF THE <input checked="" type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name): _____ <input checked="" type="checkbox"/> MINOR <input type="checkbox"/> (PROPOSED) CONSERVATEE	
NOTICE OF HEARING—GUARDIANSHIP OR CONSERVATORSHIP	CASE NUMBER: P

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.

- NOTICE is given that (name):
(representative capacity, if any):
has filed (specify):
EX-PARTE PETITION FOR APPOINTMENT OF TEMPORARY GUARDIANSHIP OF A PERSON-MINOR
- 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.)
- ☐ 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.
- A HEARING on the matter will be held as follows:

a. Date:	Time:	<input type="checkbox"/> Dept.:	<input type="checkbox"/> Room:
----------	-------	---------------------------------	--------------------------------

 b. Address of court ☒ same as noted above ☐ is (specify):

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



<input checked="" type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP OF THE <input checked="" type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name): _____ <div style="text-align: right; padding-right: 50px;"> <input checked="" type="checkbox"/> MINOR <input type="checkbox"/> (PROPOSED) CONSERVATEE </div>	CASE NUMBER: _____
---	--------------------

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

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

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

☐ Continued on Attachment 4.

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

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

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

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

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

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

Date:

Date:



(SIGNATURE)



(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <div style="display: flex; justify-content: space-between;"> <div>TELEPHONE NO.:</div> <div>FAX NO. (Optional):</div> </div> E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
TEMPORARY GUARDIANSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name):	
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 (Name): MINOR	CASE NUMBER:
---	--------------

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 ☐ GUARDIANSHIP ☐ CONSERVATORSHIP

OF (name):

☐ MINOR☐ CONSERVATEE

CASE NUMBER:

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

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

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

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

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

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

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

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

① What Is a Guardianship?

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

With a couple of exceptions (see ③, below), parents may not be appointed guardians of their own child.

Appointment of a guardian of the person completely suspends the parents' rights to have the child live with them and to make decisions for the child for as long as the guardianship lasts. The appointment of a guardian does not,

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

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

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



2

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

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

a. Caregiver's Authorization Affidavit

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

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

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

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

b. Written caregiver agreement (power of attorney)

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

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

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

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

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



c. Voluntary Placement Agreement

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

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

d. Indian custodianship

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

③ Who Can Be Appointed as Guardian?

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

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

A parent can nominate a guardian if:

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

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

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

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

⑤ Who Can Request Appointment of a Guardian?

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



6 Filing the Petition and Giving Notice of the Hearing

a. Petition

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

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

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

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

b. Notice

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

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

7 Investigation

a. Guardianship investigation

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

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

b. Child welfare referral and investigation

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



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

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

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

8 Hearing and Standard for Appointment

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

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

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

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

9 Affirmation and Letters

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

10 Custody and Visitation Rights—Guardians and Parents

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

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

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



11 Guardian's Rights and Duties

a. Basic rights and duties

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

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

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

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

b. Residence

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

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

c. Education

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

d. Health care

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

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

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

e. Financial support

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



f. Consent to changes to child's legal status

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

(1) United States passport application

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

(2) Driver's license application

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

(3) Enlistment in the armed services

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

(4) Marriage

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

g. Liability for child's misconduct

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

h. Additional duties

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

12**Financial Support and Services for Children in Probate Guardianship**

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

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

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

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

(1) CalWORKs childcare vouchers:

CalWORKs childcare has three stages:

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



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

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

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

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

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

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

(3) California State Preschool Program (CSPP):

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

(4) Head Start and Early Head Start:

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

(5) Transitional Kindergarten:

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

c. Other community resources

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

13 Court Oversight of Guardian

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



13

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

14 Removal and Replacement of Guardian

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

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

15 Termination of Guardianship

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

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

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

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

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

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

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

16 Legal Advice and Resources

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

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

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 #
1.	Interpreter Request (If Necessary)	MC-300e&S
2.	Petition for Appoint of Guardian of the Person	GC-210(P)
3.	Guardianship Petition-Child Information Attachment <i>NOTE: Complete 1 petition for each child (make copies if needed).</i>	GC-210(CA)
4.	Confidential Guardian Screening Form <i>NOTE: Complete 1 Form for each adult living in your home (make copies if needed).</i>	GC-212
5.	Declaration Under the Uniform Child Custody Jurisdiction and Enforcement Act-UCCJEA	FL-105/GC-120
6.	Attachment to Declaration Under Uniform Child Custody Jurisdiction and Enforcement ACT (UCCJEA)	FL-105(A)/GC-120(A)
7.	Parental Notification of Indian Status	ICWA-020
8.	Consent of Proposed Guardian, Nomination of Guardian, & Consent to Appoint of Guardian & Waiver of Notice	GC-211
9.	Notice of Hearing--Guardianship or Conservatorship is page 1 and Proof of Service by Mail is page 2.	GC-020
10.	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)
11.	Duties of Guardian	GC-248
12.	Order Appointing Guardian or Extending Guardianship of the Person	GC-240
13.	Letters of Guardianship	GC-250

For assistance please contact the Probate Facilitator by sending an e-mail to probfac@contracosta.couts.ca.gov or calling (925) 608-2066.

Superior Court of California, County of Contra Costa

Interpreter Request

If you need an interpreter, please complete the form below and submit it to any Filing Window or courtroom.

Case Number: _____

Case Type:

- | | |
|---|---|
| <input type="checkbox"/> Criminal | <input type="checkbox"/> Small Claims – (\$12,500 or less) |
| <input type="checkbox"/> Traffic | <input type="checkbox"/> Civil - <input type="checkbox"/> \$25,000 <input type="checkbox"/> over \$25,000 |
| <input type="checkbox"/> Civil Harassment | <input type="checkbox"/> Civil – Other _____ |
| <input type="checkbox"/> Conservatorship | <input type="checkbox"/> Family Law |
| <input type="checkbox"/> Proceedings to terminate parental rights | <input type="checkbox"/> Unlawful Detainer |
| <input type="checkbox"/> Dependent Adult Abuse | <input type="checkbox"/> Guardianship |
| <input type="checkbox"/> Juvenile | <input type="checkbox"/> Elder Abuse |

Party Requesting Interpreter: _____

Is interpreter for a witness? ☐ Yes ☐ No

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

Solicitud Para Intérprete

Si necesita un intérprete, favor completar este formulario y presentarlo en cualquier ventanilla para archivar documentos o con la secretaria del tribunal.

Número de Caso: _____

Tipo de Caso:

- | | |
|--|--|
| <input type="checkbox"/> Criminal | <input type="checkbox"/> Demanda Civil – (\$12,500 o menos) |
| <input type="checkbox"/> Tráfico | <input type="checkbox"/> Demanda Civil -
<input type="checkbox"/> \$25,000 <input type="checkbox"/> más de \$25,000 |
| <input type="checkbox"/> Acoso Civil | <input type="checkbox"/> Civil – otro tipo _____ |
| <input type="checkbox"/> Conservador | <input type="checkbox"/> Casos de Familia |
| <input type="checkbox"/> Casos para Terminar Derechos de Madre o Padre | <input type="checkbox"/> Juicio de Desalojo |
| <input type="checkbox"/> Abuso de Adultos Incapacitados | <input type="checkbox"/> Tutela |
| <input type="checkbox"/> Tribunal de Menores | <input type="checkbox"/> Abuso de Personas Mayores |

Persona que Necesita Intérprete: _____

☐ Marque aquí si esta persona es un testigo

Número Telefónico: _____

Fecha de la Audiencia Judicial: _____ Hora: _____

Departamento: _____ Ciudad: ☐ Martinez ☐ Pittsburg ☐ Richmond ☐ Walnut Creek

Idioma Solicitado: ☐ Español ☐ Mandarín ☐ Cantonés ☐ Vietnamita

☐ Otro Idioma: _____

Para evitar la posibilidad que su audiencia sea aplazada, favor the presentar este formulario al menos una semana antes de la fecha de su audiencia.

Información actualizada 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. _____

- 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 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:

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*

Guardianship of (all children's names): _____

This child's name: _____

Fill out a separate copy of this form for **each child** for whom your petition asks the court to appoint a guardian.**This form is attached to the Petition,** ☐ **form GC-210, item 2,** or ☐ **form GC-210(P), item 8.**The petition asks the court to appoint a guardian of this child's (specify): ☐ person ☐ estate ☐ person and estate.**1 Tell the court about this child**a. Child's full legal name: _____ Date of birth: _____
First Middle Last mm/dd/yyyyb. Child's current address: _____

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

☐ I have asked whether the child is or may be a member of one or more Indian tribes recognized by the federal government, or eligible for membership in such a tribe and the biological child of a tribal member, and whether the child or parents live or are domiciled on a reservation or rancheria or in an Alaskan Native village. Form ICWA-010(A), *Indian Child Inquiry Attachment*, is attached to this form.☐ I have not asked about the child's Indian heritage because the parents are unavailable or deceased.

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

d. Is this child married? ☐ Yes ☐ No ☐ Never married If you checked "No," was this child married in the past but the marriage was dissolved or ended in divorce? ☐ Yes ☐ No
(The court cannot appoint a guardian of the person for a minor child who is married or whose marriage was dissolved or ended in divorce.)e. Is this child receiving public benefits? ☐ Yes ☐ No ☐ I don't know (If you checked "Yes," fill in below.)

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

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

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

_____

Guardianship of (all children's names): _____

Case Number: _____

This child's name: _____

1 Tell the court about this child (continued)

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

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

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

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

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

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



Guardianship of (all children's names): _____

Case Number: _____

This child's name: _____

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

Relationship	Name	Home Address (Street, City, State, Zip)
Spouse (Guardianship of the estate only)	_____	_____
Person nominated as guardian of this child (if someone other than a proposed guardian named in 3)	_____	_____
Indian custodian (if any)	_____	_____
Child's tribe (if any and if known)	_____	_____
<input type="checkbox"/> (Check here if there is more than one tribe that the child may be eligible for membership in, and list the names and addresses on a separate sheet of paper. Write "Form GC-210(CA)," the name of the child, and "Attachment 2: Child's tribes" at the top of the paper and attach it to this form.)		

3 Information about the proposed guardian:

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

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

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

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

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

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

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

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

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



Guardianship of (all children's names): _____

Case Number: _____

This child's name: _____

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

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

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

(1) That the court needs to appoint a guardian for the child?

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

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

(2) That the person named in 3 should be the child's guardian?

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

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

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

(1) That the court needs to appoint a guardian for the child?

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

(2) That the person named in 3 should be the child's guardian?

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

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

Your relationship to this child:

☐ Relative (specify relationship): _____

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

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

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

1. Name of child:

2. (Check one)

☐ I have not yet been able to complete the inquiry about the child's Indian status because:

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

☐ I have asked or ☐ I am advised by: _____ and on information and belief confirm that this person has completed inquiry by asking the child, the child's parents, and other required and available persons about the child's Indian status. Each of these persons was asked whether they had any information that the child is or may be an Indian child; whether the parents or child are or were domiciled or lived on a reservation, rancheria, Alaska Native village, or other tribal trust land, or had ancestors who were members of an Indian tribe. The person(s) questioned are:

Name:

Name:

Address:

Address:

City, state, zip:

City, state, zip:

Telephone:

Telephone:

Date questioned:

Date questioned:

Relationship to child:

Relationship to child:

☐ Additional persons questioned and their information is attached. (Form MC-020 may be used for this purpose.)

3. This inquiry (check one)

☐ gave me reason to believe the child is or may be an Indian child. (If checked, continue to 4.)

☐ gave me no reason to believe the child is or may be an Indian child. (If checked, continue to signature page at end of form.)

4. ☐ I contacted the tribe(s) that the child may be affiliated with and worked with them to establish whether the child is a member or citizen or eligible for membership or citizenship in the tribe(s). Information detailing the tribes contacted, the names of the individuals contacted, and the manner of the contacts is attached.

5. Based on inquiry and tribal contacts (check all that apply):

a. ☐ the child is or may be a member or citizen of or eligible for membership or citizenship in a tribe.

Name of tribe(s):

Location of tribe(s):

b. ☐ the child's parents, grandparents, or great-grandparents are or were members or citizens of a tribe.

Name of tribe(s):

Location of tribe(s):

c. ☐ the residence or domicile of the child, child's parents, or Indian custodian is on a reservation, rancheria, Alaska Native village, or other tribal trust land.

d. ☐ the child or the child's family has received services or benefits from a tribe or services that are available to Indians from tribes or the federal government, such as the Indian Health Service or Tribal Temporary Assistance to Needy Families (TANF).

e. ☐ the child is or has been a ward of a tribal court.

Name of tribe(s):

Location of tribe(s):

f. ☐ either parent or the child possesses an Indian identification card indicating membership or citizenship in an Indian tribe.

Name of tribe(s):

Location of tribe(s):



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

6. If this is a delinquency proceeding under Welfare and Institutions Code section 601 or 602,

☐ the child is in foster care.

☐ it is probable the child will be entering foster care.

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

Date:

(TYPE OR PRINT NAME)



(SIGNATURE)

CONFIDENTIAL (DO NOT ATTACH TO PETITION)

GC-212

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): In Pro Per		FOR COURT USE ONLY	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Contra Costa STREET ADDRESS: 725 Court Street MAILING ADDRESS: P.O. Box 911 CITY AND ZIP CODE: Martinez CA 94553 BRANCH NAME: Wakefield Taylor Courthouse			
GUARDIANSHIP OF (Name): MINOR		CASE NUMBER: P	
CONFIDENTIAL GUARDIAN SCREENING FORM Guardianship of <input checked="" 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:
e. Telephone numbers: Home: Work: Other: State:
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

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

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

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

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

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

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

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

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

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

CASE NAME:	CASE NUMBER:
------------	--------------

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

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

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

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

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

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

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

a. Name and address of person:

☐ Has physical custody
☐ Claims custody rights
☐ Claims visitation rights

Name of each child:

b. Name and address of person:

☐ Has physical custody
☐ Claims custody rights
☐ Claims visitation rights

Name of each child:

c. Name and address of person:

☐ Has physical custody
☐ Claims custody rights
☐ Claims visitation rights

Name of each child:

7. ☐ Number of pages attached: _____

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

Date:

 (NAME OF DECLARANT)



 (SIGNATURE OF DECLARANT)

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

CASE NAME:

CASE NUMBER:

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

Instructions: *If all the children subject to the proceeding have not lived together for the last five years, use as many copies of this form as needed to list all the children. Number each item and each page consecutively, and attach all pages to form FL-105/GC-120.*

3. b. _____ Name of child: *(Provide the child's current address and their residence history for the past **five years**. If the current address is confidential under Family Code section 3429, check the box and provide only the state of residence.)*

☐ Residence information is the same as given for the child listed in item 2a on form FL-105/GC-120. *(If **not** the same, provide the information below.)*

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

3. b. _____ Name of child: *(Provide the child's current address and their residence history for the past **five years**. If the current address is confidential under Family Code section 3429, check the box and provide only the state of residence.)*

☐ Residence information is the same as given for the child listed in item 2a on form FL-105/GC-120. *(If **not** the same, provide the information below.)*

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

Page ____ of ____

ATTORNEY OR PARTY WITHOUT ATTORNEY: NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: EMAIL ADDRESS: ATTORNEY FOR (<i>name</i>):	STATE BAR NUMBER: STATE: ZIP CODE: FAX NO.:	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
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 other attorneys on the case, and the social worker or probation officer, or the court investigator know immediately and an updated form must be filed with the court.

1. Name:

2. Relationship to child: ☐ Parent ☐ Indian custodian ☐ Guardian ☐ Other:

Indian status

3. a. ☐ I am or may be a member or citizen of, or eligible for membership or citizenship in, a federally recognized Indian tribe.
 Name of tribe(s) (*name each*):

 Location of tribe(s):
- b. ☐ The child is or may be a member or citizen of, or eligible for membership or citizenship in, a federally recognized Indian tribe because (*state why you think the child is or may be a member or citizen or eligible for membership or citizenship in the tribe*):
 Name of tribe(s) (*name each*):

 Location of tribe(s):
- c. ☐ One or more of the child's parents, grandparents, or other lineal ancestors is or was a member or citizen of a federally recognized tribe.
 Name of tribe(s) (*name each*):

 Location of tribe(s):

 Name and relationship of ancestor(s):
- d. ☐ I am a resident of or am domiciled, live, or have lived on a reservation, rancheria, Alaska Native village, or other tribal trust land.
- e. ☐ The child is a resident of or is domiciled, lives, or has lived on a reservation, rancheria, Alaska Native village, or other tribal trust land.



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

3. f. ☐ The child is or has been a ward of a tribal court of the: _____ tribe.
- g. ☐ Either parent or the child possesses an Indian identification card indicating membership or citizenship in an Indian tribe.
 Name of tribe(s) (*name each*): _____
- Membership or citizenship number (*if any*): _____
- h. ☐ None of the above apply.

4. A previous form ICWA-020 ☐ has ☐ has not been filed with the court.

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

Date:

_____		_____
(TYPE OR PRINT NAME)		(SIGNATURE)

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

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>): In Pro Per	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Contra Costa STREET ADDRESS: 725 Court Street MAILING ADDRESS: P.O. Box 911 CITY AND ZIP CODE: Martinez, CA 94553 BRANCH NAME: Wakefield Taylor Courthouse	
GUARDIANSHIP OF THE <input checked="" type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (<i>Name</i>): _____	
<input checked="" 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: <div style="text-align: center; font-size: 1.5em;">P</div>

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.

FOR COURT USE ONLY

TELEPHONE NO.:

FAX NO. (Optional): _____

E-MAIL ADDRESS (Optional):

ATTORNEY FOR (Name): IN PRO PER

SUPERIOR COURT OF CALIFORNIA, COUNTY OF CONTRA COSTA

STREET ADDRESS: 725 Court Street

MAILING ADDRESS: P. O. Box 911

CITY AND ZIP CODE: Martinez, CA 94553

BRANCH NAME: Wakefield Taylor Courthouse

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

☒ MINOR ☐ (PROPOSED) CONSERVATEE

NOTICE OF HEARING—GUARDIANSHIP OR CONSERVATORSHIP

CASE NUMBER:

P

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):

PETITION FOR APPOINTMENT OF GENERAL GUARDIANSHIP OF A PERSON

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

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

a. Date: _____ Time: Dept.: Room:

b. Address of court ☒ same as noted above ☐ is (specify):

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



<input checked="" type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP OF THE <input checked="" type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name): _____ <div style="text-align: right; padding-right: 50px;"> <input checked="" type="checkbox"/> MINOR <input type="checkbox"/> (PROPOSED) CONSERVATEE </div>	CASE NUMBER: _____
---	--------------------

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)

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

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

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

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

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

- 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: P
---------------------	-------	--------------------------

- 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: P
---------------------	-------	--------------------------

- 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:

P

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

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

ACKNOWLEDGMENT OF RECEIPT

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

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF PETITIONER)

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF PETITIONER)

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF PETITIONER)

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

1. The petition for appointment of a guardian or extension of a guardianship of the person came on for hearing as follows (check boxes c, d, and e to indicate personal presence):

- a. Judge (name):
- b. Hearing date: Time: ☐ Dept.: ☐ Room:
- c. ☐ Petitioner (name):
- d. ☐ Attorney for Petitioner (name):
- e. ☐ Attorney for (proposed) ward (name, address, e-mail, and telephone):

THE COURT FINDS

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

Do NOT use this form for a temporary guardianship.

Page 1 of 3

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

THE COURT ORDERS

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

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

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

☐ (name):
(address): (telephone):

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

c. ☐ The appointment of
(name):
(address): (telephone):

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

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

10. a. ☐ Bond is not required.

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

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

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

☐ Additional orders in Attachment 10c.

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

11. ☐ For legal services rendered on behalf of the (proposed) ward, ☐ the parents of the (proposed) ward
☐ the (proposed) ward's estate shall pay to (name):
the sum of: \$
☐ forthwith ☐ as follows (specify terms, including any combination of payers):

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

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

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

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

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

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

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

18. Number of pages attached: _____

Date:

JUDGE OF THE SUPERIOR COURT

☐ SIGNATURE FOLLOWS LAST ATTACHMENT

1. ☐ (Name): _____ is appointed guardian of the ☐ person ☐ estate
of (name): _____
2. ☐ The appointment of (name): _____ as guardian of the person of
(name): _____
is extended past the ward's 18th birthday as of (date): _____
3. ☐ Other powers have been granted and conditions have been imposed as follows:
 - a. ☐ Powers to be exercised independently under Probate Code section 2590 are specified in attachment 3a (*specify powers, restrictions, conditions, and limitations*).
 - b. ☐ Conditions relating to the care and custody of the property under Probate Code section 2402 are specified in attachment 3b.
 - c. ☐ Conditions relating to the care, treatment, education, and welfare of the ward under Probate Code section 2358 are specified in attachment 3c.
 - d. ☐ Other powers granted or conditions imposed are ☐ specified on attachment 3d ☐ specified below.
4. ☐ The guardian is not authorized to take possession of money or any other property without a specific court order.
5. The guardianship of the person terminates by operation of law on (date): _____
6. Number of pages attached: _____

(SEAL)

Date: _____

Clerk, by _____, Deputy

GUARDIANSHIP OF
(name):

CASE NUMBER:

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

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

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

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

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

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

LETTERS OF GUARDIANSHIP

AFFIRMATION

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

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

(TYPE OR PRINT NAME)

(SIGNATURE OF APPOINTEE)

CERTIFICATION

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

(SEAL)

Date: _____

Clerk, by _____, Deputy