

# GUARDIANSHIP PACKET

## of Person and Estate or Estate Only

What you will find in this packet:

- **How to File for Guardianship of Person and Estate or Estate Only (GC-03a)**
- **Emergency (Temporary) Guardianship Forms (GC-03b)**
- **Petition for Appointment of Temporary Guardian (GC-110)**
- **Declaration (MC-030)**
- **Notice of Hearing-Guardianship or Conservatorship (GC-020)**
- **Proof of Personal Service of Notice of Hearing-Guardianship or Conservatorship (GC-020(P))**
- **Order Appointing Temporary Guardian (GC-140)**
- **Letters of Temporary Guardianship or Conservatorship (GC-150)**
- **Information on Probate Guardianship of the Person (GC-205-INFO)**
- **General Guardianship Forms (GC-03c)**
- **Interpreter Request (MC-300e&s)**
- **Petition for Appointment of Guardian of Minor (GC-210)**
- **Petition to Extend Guardianship of the Person (GC-210(PE))**
- **Guardianship Petition-Child Information Attachment (GC-210(CA))**
- **Indian Child Inquiry Attachment ICWA-010(A)**
- **Declaration (MC-030)**
- **Confidential Guardian Screening Form (GC-212)**
- **Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) (FL-105/GC-120)**
- **Parental Notification of Indian Status (ICWA-020)**
- **Consent of Proposed Guardian, Nomination of Guardian, and Consent to Appointment of Guardian and Waiver of Notice (GC-211)**
- **Notice of Hearing-Guardianship or Conservatorship (GC-020)**
- **Proof of Personal Service of Notice of Hearing-Guardianship or Conservatorship (GC-020(P))**
- **Declaration Regarding Notice (GC-02)**
- **Duties of Guardian (GC-248)**
- **Order Appointing Guardian of Minor (GC-240)**
- **Letters of Guardianship (GC-250)**
- **Additional Guardianship Forms (GC-03d)**
- **Notice of Filing of Inventory and Appraisal and How to Inventory or the Appraised Value of Property (GC-042)**

(Continued on back)

- **Attachment to Notice of Filing of Inventory and Appraisal and How to Object to the Inventory or the Appraised Value of Property (GC-042(MA))**
- **Objections to Inventory and Appraisal of Conservator or Guardian (GC-045)**
- **Pre-Move Notice of Proposed Change of Personal Residence of Conservatee or Ward (GC-079)**
- **Attachment to Pre-Move Notice of Proposed Change of Personal Residence of Conservatee or Ward (GC-079(MA))**
- **Post-Move Notice of Change of Residence of Conservatee or Ward (GC-080)**
- **Attachment to Post-Move Notice of Change of Residence of Conservatee or Ward (GC-080(MA))**

***You Can Get Court Forms FREE at: [www.cc-courts.org/forms](http://www.cc-courts.org/forms)***

# HOW TO FILE FOR GUARDIANSHIP (OF A PERSON AND ESTATE OR ESTATE 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;
- 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:<sup>1</sup>

#	FORM NAME	FORM #
1.	Petition for Appointment of Temporary Guardian	GC-110
2.	Declaration (if necessary)	MC-030
3.	Notice of Hearing-Guardianship or Conservatorship-Personal Service	GC-020(P)
4.	Order Appointing Temporary Guardian of Minor	GC-140
5.	Letters of Temporary Guardianship	GC-150
6.	Guardianship Pamphlet ( <b>YELLOW</b> pages-for information only-nothing to fill out- <b>KEEP</b> this form)	GC-205

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

<sup>1</sup> 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.<sup>2</sup>

#	FORM NAME	FORM #
1.	Interpreter Request	MC-300e&s
2.	Petition for Appointment of Guardian of Minor	GC-210
3.	Petition to Extend Guardianship of the Person	GC-210(PE)
4.	Guardianship Petition-Child Information Attachment	GC-210(CA)
5.	Indian Child Inquiry Attachment	ICWA-010(A)
6.	Declaration (if necessary)	MC-030
7.	Confidential Guardian Screening Form	GC-212
8.	Declaration Under the Uniform Child Custody Jurisdiction and Enforcement Act-UCCJEA	FL-105/GC-120
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 help between the hours of 8:00 a.m. to 9:00 a.m. The Probate Examiners will begin

<sup>2</sup> These forms are included in the packet attached to these instructions.

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**); (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**); (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](http://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**)<sup>3</sup>.

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.

### **WHAT IS GUARDIANSHIP OF AN ESTATE?**

A guardian of a minor's estate is usually necessary if the minor has substantial assets, such as an inheritance. Generally, you need a guardianship of the minor's estate to handle an inheritance even if you are the minor's parent.

### **WHAT FORMS DO I HAVE TO COMPLETE TO BECOME THE GUARDIAN OF THE PERSON AND ESTATE?**

#### **Petition for Guardianship of Person & Estate**

If you are petitioning for a temporary guardianship and a general guardianship of the person and estate you must complete both the petitions.

However, on the Petition for Appointment of Guardian (**Form GC-210**) be certain that:

- You check the box for person and for estate;
- **Item #1c.:** this item deals with the requirement that the guardian of a minor's estate post a "bond" to insure that the estate will be reimbursed if the guardian takes improper actions, such as stealing or mishandling estate funds.
- Check Item #1c(1): if both living parents nominate you as guardian and agree to **waive** bond and the court does not require otherwise; (2) the estate consists of property given by another person to the minor, and that person has requested waiver of the bond, either in a written nomination of guardian or in a will.

If you do not qualify to have bond waived you will have to post a bond from a surety company. The guardians may: (1) obtain bond from personal sureties - such as friends or relatives; (2) deposit non-estate money, certificates of deposit, or certain bond with the court clerk or assign an interest in financial accounts to the court clerk; or (3) place funds from the minor's estate in a

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

“blocked account.” A blocked account requires written permission from the court before the guardian can withdraw funds or remove assets.

- Check Item # 1c(2): if you do not qualify to have bond waived. You choose to post a bond, you will then have to calculate the amount of bond needed.
- Item # 1e: This box is not usually checked this box. This box is checked only when you wish the court to allow you to undertake certain unusual or speculative actions in handling the minor’s estate.
- Item #7: List the total estimated value of what the minor owns.
- Item #9: This box is not usually checked.

You follow the same procedure outlined above for the filing and service of a guardianship of a person.

### **WHAT FORMS DO I FILE AFTER APPOINTMENT OF GUARDIAN OF PERSON & ESTATE OR ESTATE ONLY?**

After an appointment of guardian of person and estate or estate only, the forms listed below, which follow the blue sheet, may have to be filed at a later date during the guardianship:

#	FORM NAME	FORM #
1.	Notice of Filing Inventory and Appraisal and How to Object to the Inventory of the Appraised Value of Property	GC-042
2.	Attachment to Notice of Filing of Inventory and Appraisal and How to Object to the Inventory or Appraised Value of Property	GC-042(MA)
3.	Objections to Inventory and Appraisal of Conservator or Guardian	GC-045
4.	Pre-Move Notice of Proposed change of Personal Residence of Conservatee or Ward	GC-079
5.	Attachment to Pre-Move Notice of Proposed change of Personal Residence of Conservatee or Ward	GC-079(MA)
6.	Post-Move Notice of change of Residence of Conservatee or Ward	GC-080
7.	Attachment to Post-Move Notice of Change of residence of Conservatee or Ward	GC-080(MA)

\* \* \* \* \*

## 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.	<b>Petition for Appointment of Temporary Guardian</b>	GC-110	2
2.	<b>Declaration</b> <i>NOTE: Use this form if you need additional space to answer questions</i>	MC-030	2
3.	<b>Notice of Hearing-guardianship or Conservatorship (Ex Parte)</b> is page 1 and Proof of Service by Mail is page 2.*	GC-020	2
4.	<b>Notice of Hearing-Guardianship or Conservatorship-Proof of Personal Service</b> <i>NOTE: To be filed after the Petition and Notice of Hearing have been personally served on parents and minors 12 years of age and older.</i>	GC-020(P)	1
5.	<b>Order Appointing Temporary Guardian of Minor</b>	GC-140	2
6.	<b>Letters of Temporary Guardianship</b>	GC-150	2
7.	<b>Guardianship Pamphlet</b> <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.

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

## 1. Petitioner (name each):

requests that

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

## 2. The minor is (name):

Current address:

Current telephone no.:

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

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

Page 1 of 2

TEMPORARY GUARDIANSHIP OF (Name):	CASE NUMBER: MINOR
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3.  (Facts supporting appointment of a temporary guardian (continued)):

4. **Temporary guardianship is required**

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

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

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

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

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

Date:

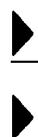


(SIGNATURE OF ATTORNEY\*)

\* (Signature of all petitioners also required (Prob. Code, § 1020).)

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

Date:



(SIGNATURE OF PETITIONER)

(TYPE OR PRINT NAME)



(SIGNATURE OF PETITIONER)

(TYPE OR PRINT NAME)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):		FOR COURT USE ONLY
TELEPHONE NO.:		FAX NO. (Optional):
E-MAIL ADDRESS (Optional):		
ATTORNEY FOR (Name):		
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b>		
STREET ADDRESS:		
MAILING ADDRESS:		
CITY AND ZIP CODE:		
BRANCH NAME:		
PLAINTIFF/PETITIONER:		
DEFENDANT/RESPONDENT:		
<b>DECLARATION</b>		CASE NUMBER:

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

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

Attorney for    Plaintiff    Petitioner    Defendant  
 Respondent    Other (Specify): \_\_\_\_\_

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

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

1. NOTICE is given that (name):  
*(representative capacity, if any):*  
 has filed (specify):
2. You may refer to documents on file in this proceeding for more information. *(Some documents filed with the court are confidential. Under some circumstances you or your attorney may be able to see or receive copies of confidential documents if you file papers in the proceeding or apply to the court.)*
3.  The petition includes an application for the independent exercise of powers by a guardian or conservator under  
 Probate Code section 2108  Probate Code section 2590.  
 Powers requested are  specified below  specified in Attachment 3.
4. A HEARING on the matter will be held as follows:

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

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



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

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

**PROOF OF SERVICE BY MAIL**

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

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

Date:

(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)

(SIGNATURE OF PERSON COMPLETING THIS FORM)

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

Name of person served

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

1.	
2.	
3.	
4.	

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

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

**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):
  - not a registered California process server.
  - a California sheriff or marshal.
  - a registered California process server.
  - an employee or independent contractor of a registered California process server.
  - 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):		FOR COURT USE ONLY
TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
TEMPORARY GUARDIANSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name): MINOR		
<b>ORDER APPOINTING TEMPORARY GUARDIAN</b>		CASE NUMBER:

**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):	CASE NUMBER:  MINOR
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5.  Notice of hearing to the persons named in item 2b is dispensed with.

6. a.  Bond is not required.  
b.  Bond is fixed at: \$ \_\_\_\_\_ to be furnished by an authorized surety company or as otherwise provided by law.  
c.  Deposits of: \$ \_\_\_\_\_ are ordered to be placed in a blocked account at (specify institution and location):

and receipts shall be filed. No withdrawals shall be made without a court order.  Additional orders in attachment 6c.

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

7.  In addition to the powers granted by law, the temporary guardian is granted other powers. These powers are specified  in attachment 7.  below (specify):

8.  Other orders as specified in attachment 8 are granted.

9.  Unless modified by further order of the court, this order expires on (date): \_\_\_\_\_

10. Number of boxes checked in items 4–9: \_\_\_\_\_

11. Number of pages attached: \_\_\_\_\_

Date:

\_\_\_\_\_  
JUDICIAL OFFICER

SIGNATURE FOLLOWS LAST ATTACHMENT

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

TEL NO.: FAX NO. (optional):

E-MAIL ADDRESS (optional):

ATTORNEY FOR (name):

SUPERIOR COURT OF CALIFORNIA, COUNTY OF

STREET ADDRESS:

MAILING ADDRESS:

CITY AND ZIP CODE:

BRANCH NAME:

FOR RECORDER'S USE ONLY

TEMPORARY  GUARDIANSHIP  CONSERVATORSHIP

CASE NUMBER:

OF (name):

MINOR  CONSERVATEE

LETTERS OF TEMPORARY  GUARDIANSHIP  CONSERVATORSHIP

FOR COURT USE ONLY

Person  Estate

### 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

This form may be recorded as notice of the establishment of a temporary conservatorship of the estate as provided in Probate Code section 1875.

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

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

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

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

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

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

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

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**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](http://www.courts.ca.gov/selfhelp-findlawyer.htm), for help finding a lawyer. More information is available from the [California Courts Online Self-Help Center](#) and private publications and resources. The superior court clerk's office or [self-help center](#) also has general information, as well as information about any local procedures or rules.

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

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

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

## 1 What Is a Guardianship?

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

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

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

however, terminate parental rights without additional action by the guardian and the court. For more information, see ⑩ and ⑯, below.

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

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



2

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

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

#### a. Caregiver's Authorization Affidavit

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

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

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

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

#### b. Written caregiver agreement (*power of attorney*)

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

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

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

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

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

### c. Voluntary Placement Agreement

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

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

### d. Indian custodianship

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

### 3 Who Can Be Appointed as Guardian?

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

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

A parent can nominate a guardian if:

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

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

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

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

### 5 Who Can Request Appointment of a Guardian?

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

## 6 Filing the Petition and Giving Notice of the Hearing

### a. Petition

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

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

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

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

### b. Notice

Before the court can hold a hearing to decide the petition, the person who filed the petition must give *notice* of the hearing to specific persons unless the court finds that the petitioner tried diligently and could not give notice to a person or that notice would be against the interests of justice. The notice must include a copy of the petition and a copy of *Comparison of Guardians With Other Nonparent Caregivers* (form GC-207-INFO/JV-352-INFO). Notice must be given to the child if 12 years old or older, the parents, anyone else with legal custody, and anyone nominated to be the guardian by serving them personally or, if that is not possible, by first-class mail with an acknowledgment of receipt requested. For more information about service of notice, see *What Is "Proof of Service" in a Guardianship?* (form GC-510). Other persons may be given notice personally, by mail, or, if they consent, electronically. If the child is an Indian child, notice must be mailed to any Indian custodian and the child's tribe as required by the Indian Child Welfare Act.

## 7 Investigation

### a. Guardianship investigation

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

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

### b. Child welfare referral and investigation

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

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

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

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

## 8 Hearing and Standard for Appointment

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

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

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

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

## 9 Affirmation and Letters

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

## 10 Custody and Visitation Rights—Guardians and Parents

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

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

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

## 11 Guardian's Rights and Duties

### a. Basic rights and duties

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

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

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

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

### b. Residence

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

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

### c. Education

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

### d. Health care

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

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

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

### e. Financial support

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

**f. Consent to changes to child's legal status**

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

**(1) United States passport application**

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

**(2) Driver's license application**

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

**(3) Enlistment in the armed services**

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

**(4) Marriage**

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

**g. Liability for child's misconduct**

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

**h. Additional duties**

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

12

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

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

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

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

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

**(1) CalWORKs childcare vouchers:**

CalWORKs childcare has three stages:

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

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

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

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

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

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

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

**(3) California State Preschool Program (CSPP):**

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

**(4) Head Start and Early Head Start:**

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

**(5) Transitional Kindergarten:**

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

**c. Other community resources**

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

**13 Court Oversight of Guardian**

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

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

# 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](http://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 secretaría 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"/> Acoso Civil	<input type="checkbox"/> \$25,000 <input type="checkbox"/> más de \$25,000
<input type="checkbox"/> Conservador	<input type="checkbox"/> Civil – otro tipo _____
<input type="checkbox"/> Casos para Terminar Derechos de Madre o Padre	<input type="checkbox"/> Casos de Familia
<input type="checkbox"/> Abuso de Adultos Incapacitados	<input type="checkbox"/> Juicio de Desalojo
<input type="checkbox"/> Tribunal de Menores	<input type="checkbox"/> Tutela
	<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 de 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](http://www.cc-courts.org/interpreter)

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

## 1. Petitioner (name each):

## requests that

- (name):  
(address):  
(telephone):  
be appointed guardian of the PERSON of the minor or minors named in item 2 and *Letters* issue upon qualification.
- (Not applicable to proposed wards 18 years of age and older.)  
 (name):  
(address):  
(telephone):  
be appointed guardian of the ESTATE of the minor or minors named in item 2 and *Letters* issue upon qualification.
- (1)  bond not be required  because the petition is for guardian of the person only  because the proposed guardian is a corporate fiduciary or an exempt government agency  for the reasons stated in Attachment 1c.
- (2)  \$ bond be fixed. It will be furnished by an authorized surety company or as otherwise provided by law. (Specify reasons in Attachment 1c if the amount is different from the minimum required by Prob. Code, § 8482.)
- (3)  \$ in deposits in a blocked account be allowed. Receipts will be filed. (Specify institution and location):

- authorization be granted under Probate Code section 2590 to exercise the powers specified in Attachment 9.
- orders relating to the powers and duties of the proposed guardian of the person under Probate Code sections 2351–2358 be granted (specify orders, facts, and reasons in Attachment 1e).
- an order dispensing with notice to the persons named in Attachment 10 be granted.
- other orders be granted (specify in Attachment 1g).

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

- Name: Date of Birth (month/day/year):

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

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

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

GUARDIANSHIP OF (name):	CASE NUMBER:
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3. Petitioner is

- related to the minor or minors named in item 2, as shown in item 7 of each minor's attached form GC-210(CA).
- the minor named in item 2, who is 12 years of age or older.
- another person on behalf of minor or minors named in item 2, as shown in item 7 of each minor's attached form GC-210(CA).

4. The proposed guardian is (check all that apply):

- a nominee (affix a copy of nomination as Attachment 4a or file Nomination of Guardian (form GC-211, items 2 and 3) with this petition.
- related to the minor or minors named in item 2, as shown in item 3 of each minor's attached form GC-210(CA).
- other, as shown in item 3 of each minor's attached form GC-210(CA).
- a professional fiduciary within the meaning of the Professional Fiduciaries Act. The proposed guardian's license status is shown in item 1 on page 1 of the attached Professional Fiduciary Attachment. (Use form GC-210(A-PF)/GC-310(A-PF) for this attachment.)

5.  Petitioner, with intent to adopt, has accepted or intends to accept physical care or custody of the minor.

6.  A person other than the proposed guardian has been nominated as the guardian of the minor by  will  other writing. A copy of the nomination is affixed as Attachment 6. (Specify name and address of nominee in item 2 of minor's attached form GC-210(CA).)

7.  Character and estimated value of property of the estate (complete if petition requests appointment of a guardian of the estate or the person and estate):

- Personal property: \$ \_\_\_\_\_
- Annual gross income from all sources, including real and personal property, wages, pensions, and public benefits: \$ \_\_\_\_\_
- Total:** \$ \_\_\_\_\_
- Real property: \$ \_\_\_\_\_

8. Appointment of a guardian of the  person  estate of the minor or minors named in item 2 is necessary or convenient for the following reasons:

Continued in Attachment 8.  Parental custody would be detrimental to the minor or minors named in item 2 (not applicable to proposed wards 18 years of age and older).

9.  Granting the proposed guardian of the estate powers to be exercised independently under Probate Code section 2590 would be to the advantage and benefit and in the best interest of the guardianship estate. Reasons for this request and the powers requested are specified in Attachment 9.

10.  Notice to the persons named in Attachment 10 should be dispensed with under Probate Code section 1511 because
 

- they cannot with reasonable diligence be given notice (specify names and efforts to locate in Attachment 10).
- giving notice to them would be contrary to the interest of justice (specify names and reasons in Attachment 10).

GUARDIANSHIP OF (name):	CASE NUMBER:
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11.  (Complete this item if this petition is filed by a person who is not related to a minor named in item 2 and is not a petition for appointment of a guardian of the estate only.)

- a.  Petitioner is the proposed guardian and will promptly furnish all information requested by any agency referred to in Probate Code section 1543.
- b.  Petitioner is not the proposed guardian. A statement by the proposed guardian that he or she will promptly furnish all information requested by any agency referred to in Probate Code section 1543 is affixed as Attachment 11b.
- c. The proposed guardian's home  is  is not a licensed foster family home.
- d.  The proposed guardian has never filed a petition for adoption of the minor  except as specified in Attachment 11d.

12.  Attached to this petition is a *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form GC-120) concerning each child under 18 years of age listed in item 2 (*guardianship of the person or person and estate only*).

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

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

Other (specify):

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

Date:

(SIGNATURE OF ATTORNEY\*)

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

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

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF PETITIONER)

(TYPE OR PRINT NAME)

(SIGNATURE OF PETITIONER)

(TYPE OR PRINT NAME)

(SIGNATURE OF PETITIONER)

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

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF PROPOSED WARD)

**GC-210(PE)****Petition to Extend  
Guardianship of the Person**

Clerk stamps date here when form is filed.

Guardianship of the person of (*all wards' names*):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_**You may use this form to petition, or ask, the court to extend an existing guardianship of the person past a ward's\* 18th birthday.****1 Your name** (Include the names of all persons who are asking the court to extend the appointment of the person named in **4** as guardian for the ward named in **5**. Everyone making the request must sign this form.):a. \_\_\_\_\_  
b. \_\_\_\_\_  
c. \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of****2 Your address and telephone number:**

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

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

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

Clerk fills in information below when form is filed.

**Case Number:****Hearing Date and Time:** \_\_\_\_\_ **Dept.:** \_\_\_\_\_**3 □ Your Lawyer** (if you have one):

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

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

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

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

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

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

Name(s):

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

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

Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

**□ I am the ward named in **5** and a person named in **1**. I am not yet 18 years old. I want the person(s) named here to continue as my guardian(s) after my 18th birthday.****My date of birth is** (month/day/year): \_\_\_\_\_ **Tell the court about the proposed guardian(s) below.**

Name(s):

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

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

Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

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

Guardianship of the person of ( <i>wards' names</i> ):	Case Number:

**5** The guardian named in **①** or **④** was appointed guardian of the person of  
*name of ward:* \_\_\_\_\_ (*date of birth, if not in **④**:* \_\_\_\_\_)  
**by the court on** (*date*): \_\_\_\_\_.

- Letters of Guardianship* (form GC-250) were issued on *(date)*: \_\_\_\_\_ and remain in full force and effect.
- An updated copy of *Guardianship Petition—Child Information Attachment* (form GC-210(CA)), showing the ward's name at the top of each page, is attached to this petition.

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

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

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

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

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

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

*Notice of the hearing on this petition must be given to the following persons unless they are petitioners: the ward, the ward's attorney, the guardian, the guardian's attorney, and any person who was nominated as a guardian of the person in the initial guardianship proceeding. The court may dispense with (excuse) this requirement if you can show that you do not know where the person is located after making reasonable efforts to find him or her or if giving notice to that person might harm the ward or otherwise be contrary to the interests of justice. See rule 7.52 of the California Rules of Court for information on making reasonable efforts to find a person.*



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

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

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

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

- Consent of Proposed Guardian (form GC-211, item 1)
- Petition for Special Immigrant Juvenile Findings (form GC-220)
- Other (specify):

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

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

Date: \_\_\_\_\_  Petitioner's attorney types or prints name here Petitioner's attorney signs here

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

Date: \_\_\_\_\_  Petitioner types or prints name here Petitioner signs here

Date: \_\_\_\_\_  Petitioner types or prints name here Petitioner signs here

Date: \_\_\_\_\_  Petitioner types or prints name here Petitioner signs here

I consent to the extension past my 18th birthday of the appointment of the person named in 1 or 4 as guardian of my person and to his or her performance of the duties of a guardian on my behalf.

Date: \_\_\_\_\_  Ward types or prints name here Ward signs here

Guardianship of (all children's names): \_\_\_\_\_

This child's name: \_\_\_\_\_

Fill out a separate copy of this form for **each child** for whom 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	_____	_____

(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)	_____	_____

(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:

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(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):

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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:
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1. Name of child:

2. (Check one)

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

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

I have asked or  I am advised by: \_\_\_\_\_ and on information and belief confirm that this person has completed inquiry by asking the child, the child's parents, and other required and available persons about the child's Indian status. 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:
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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:

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(TYPE OR PRINT NAME)



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(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):		FOR COURT USE ONLY
TELEPHONE NO.:		FAX NO. (Optional):
E-MAIL ADDRESS (Optional):		
ATTORNEY FOR (Name):		
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b>		
STREET ADDRESS:		
MAILING ADDRESS:		
CITY AND ZIP CODE:		
BRANCH NAME:		
PLAINTIFF/PETITIONER:		
DEFENDANT/RESPONDENT:		
<b>DECLARATION</b>		CASE NUMBER:

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

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

Attorney for    Plaintiff    Petitioner    Defendant  
 Respondent    Other (Specify): \_\_\_\_\_

# CONFIDENTIAL (DO NOT ATTACH TO PETITION)

GC-212

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):		FOR COURT USE ONLY	
TELEPHONE 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:			
GUARDIANSHIP OF (Name):		CASE NUMBER:	
		MINOR	
CONFIDENTIAL GUARDIAN SCREENING FORM Guardianship of <input type="checkbox"/> Person <input type="checkbox"/> Estate		HEARING DATE AND TIME:	DEPT.:

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

#### How This Form Will Be Used

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

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

**CONFIDENTIAL**

GC-212

GUARDIANSHIP OF (Name):	CASE NUMBER:
MINOR	

10. Have you, or has any other person living in your home, been charged with, arrested for, or convicted of a crime involving illegal substances or alcohol?

Yes  No *(If you checked "Yes," explain in Attachment 10.)*

11. Do you or does any other person living in your home suffer from mental illness?

Yes  No *(If you checked "Yes," explain in Attachment 11.)*

12. Do you suffer from any physical disability that would impair your ability to perform the duties of guardian?

Yes  No *(If you checked "Yes," explain in Attachment 12.)*

13.  I have or may have  I do not have an adverse interest that the court may consider to be a risk to, or to have an effect on, my ability to faithfully perform the duties of guardian.

*(If you checked "I have or may have," explain in Attachment 13.)*

14.  I have  I have not previously been appointed guardian, conservator, executor, or fiduciary in another proceeding.

*(If you checked "I have," explain in Attachment 14.)*

15.  I have  I have not been removed as guardian, conservator, executor, or fiduciary in any other proceeding.

*(If you checked "I have," explain in Attachment 15.)*

16.  I am  I am not a private professional fiduciary, as defined in Business and Professions Code section 6501(f).

*(If you checked "I am," respond to item 17. If you checked "I am not," go to item 18.)*

17.  I am  I am not currently licensed by the Professional Fiduciaries Bureau of the Department of Consumer Affairs. My license status and information is stated in item 1 on page 1 of the Professional Fiduciary Attachment signed by me and attached to the petition that proposes my appointment as guardian in this matter. *(Complete and sign the Professional Fiduciary Attachment and attach it to the petition, or deliver it to the petitioner for attachment, before the petition is filed. See item 4d of the petition. Use form GC-210(A-PF)/GC-310(A-PF) for this attachment.)*

18.  I am  I am not a responsible corporate officer authorized to act for *(name of corporation)*:

a California nonprofit charitable corporation that meets the requirements for appointment as guardian of the proposed ward under Probate Code section 2104. I certify that the corporation's articles of incorporation specifically authorize it to accept appointments as guardian. *(If you checked "I am," explain the circumstances of the corporation's care of, counseling of, or financial assistance to the proposed ward in Attachment 18.)*

19.  I have  I have not filed for bankruptcy protection within the last 10 years.

*(If you checked "I have," explain in Attachment 19.)*

**MINORS' CONTACT INFORMATION**

20. Minor's name:

Home telephone:

School (name):

Other telephone:

21. Minor's name:

Home telephone:

School (name):

Other telephone:

22. Minor's name:

Home telephone:

School (name):

Other telephone:

Information on additional minors is attached.

**DECLARATION**

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

Date:



(TYPE OR PRINT NAME OF PROPOSED GUARDIAN)

(SIGNATURE OF PROPOSED GUARDIAN)\*

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

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

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

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

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

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

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

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

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

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

Page 1 of 2

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

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

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

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

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

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

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

a. Name and address of person: b. Name and address of person: c. Name and address of person:

--	--	--

Has physical custody  
 Claims custody rights  
 Claims visitation rights

Has physical custody  
 Claims custody rights  
 Claims visitation rights

Has physical custody  
 Claims custody rights  
 Claims visitation rights

Name of each child:

Name of each child:

Name of each child:

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

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

Date:



(NAME OF DECLARANT)

(SIGNATURE OF DECLARANT)

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

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

**To the parent, Indian custodian, or guardian of the above named child: You must provide all the requested information about the child's Indian status by completing this form. If you get new information that would change your answers, you must let your attorney, all the 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:
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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 (Name, State Bar number, and address):		FOR COURT USE ONLY
TELEPHONE NO.: <input type="text"/> E-MAIL ADDRESS (Optional): <input type="text"/> ATTORNEY FOR (Name): <input type="text"/>		
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b>		
STREET ADDRESS: <input type="text"/> MAILING ADDRESS: <input type="text"/> CITY AND ZIP CODE: <input type="text"/> BRANCH NAME: <input type="text"/>		
GUARDIANSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name): <input type="text"/>		
<input type="checkbox"/> <b>CONSENT OF PROPOSED GUARDIAN</b> <input type="checkbox"/> <b>NOMINATION OF GUARDIAN</b> <input type="checkbox"/> <b>CONSENT TO APPOINTMENT OF GUARDIAN AND WAIVER OF NOTICE</b>		CASE NUMBER: <input type="text"/>

**CONSENT OF PROPOSED GUARDIAN**

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

Date: (TYPE OR PRINT NAME) (SIGNATURE OF PROPOSED GUARDIAN) **NOMINATION OF GUARDIAN**

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

as guardian of the  person  estate of the minor.

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

as guardian of the  person  estate of the minor.Date: (TYPE OR PRINT NAME) (SIGNATURE) 

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

**CONSENT TO APPOINTMENT OF GUARDIAN AND WAIVER OF NOTICE**

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

DATE (TYPE OR PRINT NAME) (SIGNATURE) RELATIONSHIP TO MINOR DATE (TYPE OR PRINT NAME) (SIGNATURE) RELATIONSHIP TO MINOR DATE (TYPE OR PRINT NAME) (SIGNATURE) RELATIONSHIP TO MINOR  Continued on Attachment 4.

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

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

1. NOTICE is given that (name):  
*(representative capacity, if any):*  
 has filed (specify):
2. You may refer to documents on file in this proceeding for more information. *(Some documents filed with the court are confidential. Under some circumstances you or your attorney may be able to see or receive copies of confidential documents if you file papers in the proceeding or apply to the court.)*
3.  The petition includes an application for the independent exercise of powers by a guardian or conservator under  
 Probate Code section 2108  Probate Code section 2590.  
 Powers requested are  specified below  specified in Attachment 3.
4. A HEARING on the matter will be held as follows:

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

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



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

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

**PROOF OF SERVICE BY MAIL**

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

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

Date:

(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)

(SIGNATURE OF PERSON COMPLETING THIS FORM)

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

Name of person served

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

1.	
2.	
3.	
4.	

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

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

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

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

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

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

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

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

Date:

Date:

► \_\_\_\_\_  
(SIGNATURE)

► \_\_\_\_\_  
(SIGNATURE)

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

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

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

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

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

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

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

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

7.  Other (specify):

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

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

Date: \_\_\_\_\_

.....  
(TYPE OR PRINT NAME)

\_\_\_\_\_  
(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):		FOR COURT USE ONLY
TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
GUARDIANSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE		
OF (Name): <span style="float: right;">MINOR</span>		
<b>DUTIES OF GUARDIAN</b> <b>and Acknowledgment of Receipt</b>		CASE NUMBER:

## DUTIES OF GUARDIAN

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.

### 1. GUARDIANSHIP OF THE PERSON

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

- a. Fundamental responsibilities** - The guardian of the person of a child has the care, custody, and control of the child. As guardian, you are responsible for providing for food, clothing, shelter, education, and all the medical and dental needs of the child. You must provide for the safety, protection, and physical and emotional growth of the child.
- b. Custody** - As guardian of the person of the child, you have full legal and physical custody of the child and are responsible for **all** decisions relating to the child. The child's parents can no longer make decisions for the child while there is a guardianship. The parents' rights are suspended—not terminated—as long as a guardian is appointed for a minor.
- c. Education** - As guardian of the person of the child, you are responsible for the child's education. You determine where the child should attend school. As the child's advocate within the school system, you should attend conferences and play an active role in the child's education. For younger children, you may want to consider enrolling the child in Head Start or other similar programs. For older children, you should consider their future educational needs such as college or a specialized school. You must assist the child in obtaining services if the child has special educational needs. You should help the child in setting and attaining his or her educational goals.
- d. Residence** - As guardian, you have the right to determine where the child lives. The child will normally live with you, but when it is necessary, you are allowed to make other arrangements if it is in the best interest of the child. You should obtain court approval before placing the child back with his or her parents.

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

(Continued on reverse)

GUARDIAN OF (Name):	MINOR	CASE NUMBER:
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- e. **Medical treatment** - As guardian, you are responsible for meeting the medical needs of the child. In most cases, you have the authority to consent to the child's medical treatment. However, if the child is 14 years or older, surgery may not be performed on the child unless either (1) both the child and the guardian consent or (2) a court order is obtained that specifically authorizes the surgery. This holds true except in emergencies. A guardian may not place a child involuntarily in a mental health treatment facility under a probate guardianship. A mental health conservatorship proceeding is required for such an involuntary commitment. However, the guardian may secure counseling and other necessary mental health services for the child. The law also allows older and more mature children to consent to their own treatment in certain situations such as outpatient mental health treatment, medical care related to pregnancy or sexually transmitted diseases, and drug and alcohol treatment.
- f. **Community resources** - There are agencies in each county that may be helpful in meeting the specific needs of children who come from conflicted, troubled, or deprived environments. If the child has special needs, you must strive to meet those needs or secure appropriate services.
- g. **Financial support** - Even when the child has a guardian, the parents are still obligated to financially support the child. The guardian may take action to obtain child support. The child may also be eligible for Temporary Aid for Needy Families, TANF (formerly known as AFDC), social security benefits, Veterans Administration benefits, Indian child welfare benefits, and other public or private funds.
- h. **Visitation** - The court may require that you allow visitation or contact between the child and his or her parents. The child's needs often require that the parent-child relationship be maintained, within reason. However, the court may place restrictions on the visits, such as the requirement of supervision. The court may also impose other conditions in the child's best interest.
- i. **Driver's license** - As guardian of the person, you have the authority to consent to the minor's application for a driver's license. If you consent, you will become liable for any civil damages that may result if the minor causes an accident. The law requires that anyone signing the DMV application obtain insurance to cover the minor.
- j. **Enlistment in the armed services** - The guardian may consent to a minor's enlistment in the armed services. If the minor enters into active duty with the armed forces, the minor becomes emancipated under California law.
- k. **Marriage** - For the minor to marry, the guardian **and the court** must give permission. If the minor enters a valid marriage, the minor becomes emancipated under California law.
- l. **Change of address** - A guardian must notify the court in writing of any change in the address of either the child or the guardian. This includes any changes that result from the child's leaving the guardian's home or returning to the parent's home. You **must** always obtain **court permission** before you move the child to another state or country.
- m. **Court visitors and status reports** - Some counties have a program in which "court visitors" track and review guardianships. If your county has such a program, you will be expected to cooperate with all requests of the court visitor. As guardian, you may also be required to fill out and file status reports. In all counties, you must cooperate with the court and court investigators.
- n. **Misconduct of the child** - A guardian, like a parent, is liable for the harm and damages caused by the willful misconduct of a child. There are special rules concerning harm caused by the use of a firearm. If you are concerned about your possible liability, you should consult an attorney.
- o. **Additional responsibilities** - The court may place other conditions on the guardianship or additional duties upon you, as guardian. For example, the court may require the guardian to complete counseling or parenting classes, to obtain specific services for the child, or to follow a scheduled visitation plan between the child and the child's parents or relatives. As guardian, you must follow all court orders.

(Continued on page three)

GUARDIAN OF (Name):	MINOR	CASE NUMBER:
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**p. Termination of guardianship of the person** - A guardianship of the person automatically ends when the child reaches the age of 18, is adopted, marries, is emancipated by court order, enters into active military duty, or dies. If none of these events has occurred, the child, a parent, or the guardian may petition the court for termination of guardianship. But it must be shown that the guardianship is no longer necessary or that termination of the guardianship is in the child's best interest.

## 2. GUARDIANSHIP OF THE ESTATE

If the court appoints you as *guardian of the child's estate*, you will have additional duties and obligations. The money and other assets of the child are called the child's "estate." Appointment as guardian of a child's estate is taken very seriously by the court. The guardian of the estate is required to manage the child's funds, collect and make an inventory of the assets, keep accurate financial records, and regularly file financial accountings with the court.

### MANAGING THE ESTATE

- a. Prudent investments** - As guardian of the estate, you must manage the child's assets with the care of a prudent person dealing with someone else's property. This means that you must be cautious and may not make speculative or risky investments.
- b. Keeping estate assets separate** - As guardian of the estate, you must keep the money and property of the child's estate separate from everyone else's, including your own. When you open a bank account for the estate, the account name must indicate that it is a *guardianship* account and not your personal account. You should use the child's social security number when opening estate accounts. You should never deposit estate funds in your personal account or otherwise mix them with your own funds or anyone else's funds, even for brief periods. Securities in the estate must be held in a name that shows that they are estate property and not your personal property.
- c. Interest-bearing accounts and other investments** - Except for checking accounts intended for ordinary expenses, you should place estate funds in interest-bearing accounts. You may deposit estate funds in insured accounts in federally insured financial institutions, but you should not put more than \$100,000 in any single institution. You should consult with an attorney before making other kinds of investments.
- d. Blocked accounts** - A *blocked account* is an account with a financial institution in which money is placed. No person may withdraw funds from a blocked account without the court's permission. Depending on the amount and character of the child's property, the guardian may elect **or the court may require** that estate assets be placed in a blocked account. As guardian of the estate, you must follow the directions of the court and the procedures required to deposit funds in this type of account. The use of a blocked account is a safeguard and may save the estate the cost of a bond.
- e. Other restrictions** - As guardian of the estate, you will have many other restrictions on your authority to deal with estate assets. Without prior court order, you **may not** pay fees to yourself or your attorney. You may not make a gift of estate assets to anyone. You may not borrow money from the estate. As guardian, you may not use estate funds to purchase real property without a prior court order. If you do not obtain the court's permission to spend estate funds, you may be compelled to reimburse the estate from your own personal funds and may be removed as guardian. You should consult with an attorney concerning the legal requirements relating to sales, leases, mortgages, and investment of estate property. If the child of whose estate you are the guardian has a living parent or if that child receives assets or is entitled to support from another source, you must obtain court approval before using guardianship assets for the child's support, maintenance, or education. You must file a petition or include a request for approval in the original petition, and set forth which exceptional circumstances justify any use of guardianship assets for the child's support. The court will ordinarily grant such a petition for only a limited period of time, usually not to exceed one year, and only for specific and limited purposes.

### INVENTORY OF ESTATE PROPERTY

- f. Locate the estate's property** - As guardian of the estate, you must locate, take possession of, and protect the child's income and assets that will be administered in the estate. You must change the ownership of all assets into the guardianship estate's name. For real estate, you should record a copy of your *Letters of Guardianship* with the county recorder in each county where the child owns real property.

(Continued on reverse)

GUARDIAN OF (Name):	MINOR	CASE NUMBER:
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- g. **Determine the value of the property** - As guardian of the estate, you must arrange to have a court-appointed referee determine the value of the estate property unless the appointment is waived by the court. You—not the referee—must determine the value of certain "cash items." An attorney can advise you about how to do this.
- h. **File an inventory and appraisal** - As guardian of the estate, you must file an inventory and appraisal within 90 days after your appointment. You may be required to return to court 90 days after your appointment as guardian of the estate to ensure that you have properly filed the inventory and appraisal.

## INSURANCE

- i. **Insurance coverage** - As guardian of the estate, you should make sure that there is appropriate and sufficient insurance covering the assets and risks of the estate. You should maintain the insurance in force throughout the entire period of the guardianship or until the insured asset is sold.

## RECORD KEEPING AND ACCOUNTING

- j. **Records** - As guardian of the estate, you must keep complete, accurate records of each financial transaction affecting the estate. The checkbook for the guardianship checking account is essential for keeping records of income and expenditures. You should also keep receipts for all purchases. Record keeping is critical because you will have to prepare an accounting of all money and property that you have received, what you have spent, the date of each transaction, and its purpose. You will also have to be able to describe in detail what is left after you have paid the estate's expenses.
- k. **Accountings** - As guardian of the estate, you must file a petition requesting that the court review and approve your accounting one year after your appointment and at least every two years after that. The court may ask that you justify some or all expenditures. You should have receipts and other documents available for the court's review, if requested. If you do not file your accounting as required, the court will order you to do so. You may be removed as guardian for failure to file an accounting.
- l. **Format** - As guardian of the estate, you must comply with all state and local rules when filing your accounting. A particular format is specified in the Probate Code, which you must follow when you present your account to the court. You should check local rules for any special local requirements.
- m. **Legal advice** - An attorney can advise you and help you prepare your inventories, accountings, and petitions to the court. If you have questions, you should consult with an attorney.

## 3. OTHER GENERAL INFORMATION

- a. **Removal of a guardian** - A guardian may be removed for specific reasons or when it is in the child's best interest. A guardian may be removed either on the court's own motion or by a petition filed by the child, a relative of the child, or any other interested person. If necessary, the court may appoint a successor guardian, or the court may return the child to a parent if that is found to be in the child's best interest.
- b. **Legal documents** - For your appointment as guardian to be valid, the *Order Appointing Guardian of Minor* must be signed. Once the court signs the order, the guardian **must** go to the clerk's office, where *Letters of Guardianship* will be issued. *Letters of Guardianship* is a legal document that provides proof that you have been appointed and are serving as the guardian of a minor. You should obtain several certified copies of the *Letters* from the clerk. These legal documents will be of assistance to you in the performance of your duties, such as enrolling the child in school, obtaining medical care, and taking care of estate business.
- c. **Attorneys and legal resources** - If you have an attorney, the attorney will advise you on your duties and responsibilities, the limits of your authority, the rights of the child, and your dealings with the court. **If you have legal questions, you should consult with your attorney.** Please remember that the court staff cannot give you legal advice.

(Continued on page five)

GUARDIAN OF (Name):

MINOR

CASE NUMBER:

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

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

#### ACKNOWLEDGMENT OF RECEIPT

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

Date:

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(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: TELEPHONE NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NO.: STATE: ZIP CODE: FAX NO.:	FOR COURT USE ONLY
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
GUARDIANSHIP OF THE (name):		<input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF
<b>ORDER APPOINTING GUARDIAN OR EXTENDING GUARDIANSHIP OF THE PERSON</b>		CASE NUMBER:
<b>WARNING: THIS APPOINTMENT IS NOT EFFECTIVE UNTIL LETTERS HAVE ISSUED.</b>		

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

a. Judge (name): \_\_\_\_\_

b. Hearing date: \_\_\_\_\_ Time: \_\_\_\_\_ Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

c.  Petitioner (name): \_\_\_\_\_

d.  Attorney for Petitioner (name): \_\_\_\_\_

e.  Attorney for (proposed) ward (name, address, e-mail, and telephone): \_\_\_\_\_

**THE COURT FINDS**

2. a.  All notices required by law have been given.

b.  Notice of hearing to the following persons  has been  should be dispensed with (names): \_\_\_\_\_

3.  Appointment of a guardian of the  person  estate of the proposed ward is necessary or convenient.  
*(NOTE: The Probate Code does not authorize the appointment of a guardian of the estate for a proposed ward 18 years of age or older.)*

4.  Extension of the guardianship of the person past the ward's 18th birthday is necessary or convenient.

5.  Granting the guardian powers to be exercised independently under Probate Code section 2590 is to the advantage and benefit and is in the best interest of the guardianship estate.

6.  Attorney (name): \_\_\_\_\_ has been appointed by the court as legal counsel to represent the (proposed) ward in these proceedings. The cost for representation is: \$ \_\_\_\_\_

7.  The appointed court investigator, probation officer, or domestic relations investigator is (name, title, address, and telephone): \_\_\_\_\_

**Do NOT use this form for a temporary guardianship.**

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

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

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

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

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

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

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

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

10. a.  Bond is not required.  
b.  Bond is fixed at: \$ to be furnished by an authorized surety company or as otherwise provided by law.  
c.  Deposits of: \$ are ordered to be placed in a blocked account at (specify institution and location):

and receipts shall be filed. No withdrawals shall be made without a court order.  
 Additional orders in Attachment 10c.

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

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

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

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

GUARDIANSHIP OF THE (name):	<input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE   OF	CASE NUMBER:
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14.  Orders are granted relating to the conditions imposed under Probate Code section 2402 upon the guardian of the estate as specified in Attachment 14.

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

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

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

18. Number of pages attached: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
JUDGE OF THE SUPERIOR COURT

SIGNATURE FOLLOWS LAST ATTACHMENT

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

**LETTERS**

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

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

(SEAL)

Date:

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

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

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

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

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

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

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

**LETTERS OF GUARDIANSHIP**

**AFFIRMATION**

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

Executed on (date): \_\_\_\_\_, at (place): \_\_\_\_\_

(TYPE OR PRINT NAME)

(SIGNATURE OF APPOINTEE)

**CERTIFICATION**

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

(SEAL)

Date: \_\_\_\_\_

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

**ADDITIONAL FORMS FOR  
GUARDIANSHIP OF PERSON AND  
ESTATE OR ESTATE ONLY**

**The following are forms that may have to be filed at a later date after the filing of the Petition for General/Temporary Guardianship of a Person and Estate or Estate Only has been filed.**

#	FORM NAME	FORM #	# of Pages
1.	<b>Notice of Filing Inventory and Appraisal and How to Object to the Inventory of the Appraised Value of Property</b>	GC-042	
2.	<b>Attachment to Notice of Filing of Inventory and Appraisal and How to Object to the Inventory or Appraised Value of Property</b>	GC-042(MA)	
3.	<b>Objections to Inventory and Appraisal of Conservator or Guardian</b>	GC-045	
4.	<b>Pre-Move Notice of Proposed change of Personal Residence of Conservatee or Ward</b>	GC-079	
5.	<b>Attachment to Pre-Move Notice of Proposed change of Personal Residence of Conservatee or Ward</b>	GC-079(MA)	
6.	<b>Post-Move Notice of change of Residence of Conservatee or Ward</b>	GC-080	
7.	<b>Attachment to Post-Move Notice of Change of residence of Conservatee or Ward</b>	GC-080(MA)	

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):		FOR COURT USE ONLY
TELEPHONE NO.: <input type="text"/> FAX NO. (Optional): <input type="text"/>		
E-MAIL ADDRESS (Optional): <input type="text"/>		
ATTORNEY FOR (Name): <input type="text"/>		
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b>		
STREET ADDRESS: <input type="text"/>		
MAILING ADDRESS: <input type="text"/>		
CITY AND ZIP CODE: <input type="text"/>		
BRANCH NAME: <input type="text"/>		
<input type="checkbox"/> CONSERVATORSHIP <input type="checkbox"/> GUARDIANSHIP OF THE <input type="checkbox"/> PERSON AND ESTATE OF (Name): <input type="text"/> <input type="checkbox"/> CONSERVATEE <input type="checkbox"/> MINOR		
<b>NOTICE OF FILING INVENTORY AND APPRAISAL AND HOW TO OBJECT TO THE INVENTORY OR THE APPRAISED VALUE OF PROPERTY</b>		
		CASE NUMBER: <input type="text"/>

1. **NOTICE is given that (name):**

Conservator  Guardian of the estate of the above-named conservatee or ward, filed with the court a  
 Partial No.:  Final  Supplemental  Corrected  Reappraisal for Sale

*Inventory and Appraisal* on (date filed):  .

- If you object to the *Inventory and Appraisal* identified above or to the appraised value of any property listed in it, and you want the court to hear your objections, they must be in writing, signed by you under penalty of perjury, and filed with the court at the court's address stated above. **If you object to the appraised value of any property listed in the *Inventory and Appraisal*, you must file your objections with the clerk of the court no later than 30 days after the date specified in item 1 above.**
- If you object to a Final *Inventory and Appraisal* or to an *Inventory and Appraisal* filed on or after the later of (1) 90 days from the date of the order appointing the conservator or guardian or (2) the last day of any extension granted by the court for filing the *Inventory and Appraisal*, in addition to the objections described above you may also object to that *Inventory and Appraisal* and all others previously filed on the ground that they do not list property that should have been listed and valued as property of the estate.
- You may prepare your written objections on **form GC-045, Objections to Inventory and Appraisal of Conservator or Guardian**. When you file your objections, the court will set a date, time, and place for a hearing on them. Unless the court orders otherwise, you then must arrange for someone other than yourself to mail, at least 15 days before the hearing date, copies of your objections and copies of another form, **form GC-020, Notice of Hearing—Guardianship or Conservatorship**, showing the date, time, and place of the court hearing, to (1) the conservator or guardian of the estate; (2) the conservator's or guardian's attorney, if any, at the address shown at the top of this form; (3) the conservatee or the minor (if the minor is at least 12 years of age; if not, to the minor's parents, guardian, or other adult residing with the minor who has legal custody); (4) the spouse or registered domestic partner of the conservatee or the spouse of the minor; (5) any person who has filed **form DE-154/GC-035, Request for Special Notice**, in this case; and (6) any probate referee who made an appraisal of property to which you object. (You do not have to ask someone to mail copies to you if you are one of the persons listed above.) You must then arrange for the person who did the mailing to complete and sign the proof of service on page 2 of the original *Notice of Hearing* and file the *Notice* with the court before the date of the hearing.
- At the hearing the court will consider and determine the merits of your objections and may fix the true value of any property to the appraised value of which you have objected. The court may order an independent reappraisal by one or more additional appraisers at the expense of the conservatorship or guardianship estate, but if your objection to the appraisal of any property that the court orders to be reappraised is not upheld by the court, the cost of the reappraisal may be charged to you.

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



Page 1 of 2

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

#### INSTRUCTIONS TO CONSERVATOR OR GUARDIAN

Each time you file an *Inventory and Appraisal* in this matter, you must complete this *Notice of Filing Inventory and Appraisal and How to Object to the Inventory or the Appraised Value of Property*. You, your attorney, or an employee of your attorney must mail copies of the completed *Notice* and court file-stamped copies of the filed *Inventory and Appraisal* to the conservatee, the attorney for the conservatee or ward, the conservatee's spouse or registered domestic partner, and the conservatee's first-degree relatives (parents and children) or, if none, to the conservatee's nearest relative. The person who does the mailing must complete and sign the proof of mailing below. You then must file the original *Notice* with the court.

#### PROOF OF MAILING

1. I am over the age of 18. I am the appointed conservator or guardian, the conservator's or guardian's attorney, or an employee of the attorney. I am a resident of or employed in the county where the mailing occurred.
2. My residence or business address is (specify):
3. I mailed the foregoing *Notice of Filing Inventory and Appraisal and How to Object to the Inventory or the Appraised Value of Property* on each person named below by enclosing a copy in an envelope addressed as shown below AND
  - a.  **depositing** the sealed envelope with the United States Postal Service on the date and at the place shown in item 4 with the postage fully prepaid.
  - b.  **placing** the envelope for collection and mailing on the date and at the place shown in item 4 following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
4. a. Date mailed: b. Place mailed (city, state):
5. I mailed with this *Notice of Filing Inventory and Appraisal and How to Object to the Inventory or the Appraised Value of Property* a copy of the *Inventory and Appraisal* identified in item 1 on page 1 of this *Notice*, showing the date it was 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 OF PERSON COMPLETING THIS FORM)

(SIGNATURE OF PERSON COMPLETING THIS FORM)

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

Name and relationship to conservatee or ward

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

1.	<input type="text"/>	<input type="text"/>
	Conservatee	
2.	<input type="text"/>	<input type="text"/>
	Attorney for conservatee or ward	
3.	<input type="text"/>	<input type="text"/>
	Spouse or registered domestic partner of conservatee	

Continued on an attachment. (You may use form GC-042(MA) to show additional persons served.)

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

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

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

Name and relationship to conservatee or ward

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

Objections to Inventory and Appraisal  
of Conservator or Guardian

Clerk stamps date here when form is filed.

 Conservatorship  Guardianship of the Estate of

(Name):

 Conservatee  Minor**(You may use this form to object to an Inventory and Appraisal filed by the Conservator or Guardian of the Estate of the person named above.)****1 Your name** (include the names of all persons or organizations that are objecting to the Inventory and Appraisal of the conservator or guardian described in ⑤. All persons listed must sign this form.):

a. \_\_\_\_\_  
 b. \_\_\_\_\_  
 c. \_\_\_\_\_

**2 Your address and telephone number** (If more than one name is listed in ①, choose one address and phone number that will be acceptable for mail and phone calls by all persons or organizations listed):

Street: \_\_\_\_\_ Apt. or Suite: \_\_\_\_\_

Mailing address ( if different): \_\_\_\_\_

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

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

Fill in court name and street address:

Superior Court of California,  
County of \_\_\_\_\_

Fill in Case Number. When you file this form, the clerk will fill in the hearing date and time, and court department.

Case Number: \_\_\_\_\_

Hearing Date and Time: \_\_\_\_\_

Dept.: \_\_\_\_\_

**3 Your lawyer** (if you have one):

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

Firm Name, if any: \_\_\_\_\_

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

Mailing address ( if different): \_\_\_\_\_

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

Phone: \_\_\_\_\_ Fax (optional): \_\_\_\_\_ e-mail (optional): \_\_\_\_\_

**4 Your relationship to conservatee or minor** (check all that apply to the persons listed in ①): Conservatee or minor  Spouse or registered domestic partner  Conservator or guardian Relative (specify): \_\_\_\_\_ Creditor (explain on an attached page, titled "Attachment 4," with the name of this case and the case number at the top of the page. You may use form MC-025, Attachment, for this purpose. Your explanation should include the nature and amount of your claim, the date it became or will become due, whether it is contingent, and whether it is now a judgment or the subject of a pending action.) Interested person (explain your interest below or on an attached page prepared as described above):

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Conservatorship    Guardianship of   the Estate of

(Name):

**Case Number:**

Conservatee  Minor

5 I/We object to the  Partial No.:  Final  Supplemental  Corrected

**Reappraisal for Sale**    **Inventory and Appraisal filed on (date):**

**by the Conservator or Guardian.**

a.  I/We object to the entire *Inventory and Appraisal* because (check all that apply):

(1)  The Final *Inventory and Appraisal* or other *Inventory and Appraisal* mentioned above and all prior inventories filed do not list or appraise all assets of the conservatee's or ward's estate. The reasons for this objection are stated in c or in the attachment mentioned there. *(This objection may be made only to the Final Inventory and Appraisal or to any Inventory and Appraisal filed on or after the later of (1) 90 days after the date of the order appointing a conservator or guardian or (2) the last day of any extension to file granted by the court. This objection and these Objections to Inventory and Appraisal of Conservator or Guardian are not a petition for an order of conveyance or transfer of property under Probate Code sections 850–859.)*

(2)  The reasons for my objection to all appraisals contained in the *Inventory and Appraisal* mentioned above are stated in c or in the attachment mentioned there.

b.  I/We object to one or more of the appraisals contained in the *Inventory and Appraisal* mentioned above for the reasons stated in c or in the attachment mentioned there.

c. The specific grounds, or reasons, for my/our objections to the entire *Inventory and Appraisal* or the appraisal of particular assets or properties listed in the *Inventory and Appraisal* are  stated on an attached page, titled "Attachment 5."  as follows:

All persons named in ① (objectors) and their attorney (if they have one) must read and sign below.

Date:

*Objector's attorney types or prints name here*

*Objector's attorney signs here*

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

Date:

*Object or prints name here*

*Objector signs here*

Date:

*Objector types or prints name here*

*Objector signs here*

Date:

*Objector types or prints name here*

*Objector signs here*

ATTORNEY OR PARTY WITHOUT ATTORNEY		STATE BAR NUMBER:	FOR COURT USE ONLY
NAME:			
FIRM NAME:			
STREET ADDRESS:			
CITY:		STATE:	ZIP CODE:
TELEPHONE NO.:		FAX NO.:	
EMAIL ADDRESS:			
ATTORNEY FOR (name):			
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b>			
STREET ADDRESS:			
MAILING ADDRESS:			
CITY AND ZIP CODE:			
BRANCH NAME:			
<input type="checkbox"/> CONSERVATORSHIP		<input type="checkbox"/> GUARDIANSHIP	OF THE PERSON <input type="checkbox"/> AND ESTATE
OF (name): <input type="checkbox"/> CONSERVATEE <input type="checkbox"/> WARD			
<b>NOTICE BEFORE PROPOSED CHANGE OF RESIDENCE OF</b>			CASE NUMBER:
<input type="checkbox"/> CONSERVATEE <input type="checkbox"/> WARD (name):			
<b>INFORMATION FOR CONSERVATOR OR GUARDIAN OF THE PERSON</b>			
<p>(1) <b>At least 20 days before</b> a proposed change of a conservatee's residence <b>OR at least 15 days before</b> a proposed change of a ward's residence (unless you can show that an emergency requires a shorter time), you must give notice of the proposed change to the conservatee or, if 12 years of age or older, the ward; the conservatee's or ward's attorney; any interested person who has requested special notice of the matter under Probate Code section 2700; and</p> <p>(a) <b>in a conservatorship</b>, the conservatee's spouse or registered domestic partner and the conservatee's relatives within the second degree or—if you do not know of any spouse, registered domestic partner, or second-degree relative—then the persons named in Probate Code section 1821(b)(1)–(4) as the conservatee's "deemed relatives"; or</p> <p>(b) <b>in a guardianship</b>, the ward's parents, any person who had legal custody of the ward when the first petition for appointment of a guardian was filed in this case, any guardian of the ward's estate, and any person who was nominated but not appointed as guardian of the ward.</p> <p>(2) <b>Use this form for the notice described in (1).</b> Deliver a copy of the completed form to each person in (1), as applicable. File the original completed form and proof of delivery with the court. See page 2 of this form for a proof of delivery by mail. If you are guardian of more than one ward in this case, deliver and file a separate notice for each ward who will move.</p> <p>(3) You must also give notice to the court and other persons <b>after</b> any change of the conservatee's or ward's residence. <b>Do not use this form for that notice.</b> Instead, use <i>Notice After Change of Residence of Conservatee or Ward</i> (form GC-080).</p> <p>(4) <b>Note:</b> You must obtain the court's permission before you place the conservatee or ward in a new residence outside of California. Use <i>Petition to Fix Residence Outside the State of California</i> (form GC-085) to ask the court for the required permission.</p>			

**NOTICE IS GIVEN** as follows:

1. I plan to change the residence of the conservatee or ward named above on (date of proposed change):
2. The conservatee's or ward's residence address after the change will be (street address, including residence or facility name and room or apartment number, if any, and city, county, and zip code):
3. The new residence will be a (describe type of residence or facility, for example, single family home; apartment or condominium; board-and-care home; intermediate-care facility; or skilled-nursing facility):
4.  I cannot give at least **20 days'** notice of the proposed change (conservatee) **or** at least **15 days'** notice of the proposed change (ward) because (explain why the conservatee or ward must change residences before the end of the notice period):

Continued on Attachment 4. (Give the case name and number and the title of this form at the top of the attached page.)

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

Date:



(TYPE OR PRINT NAME OF CONSERVATOR OR GUARDIAN)

(SIGNATURE OF CONSERVATOR OR GUARDIAN)

Page 1 of 2

<input type="checkbox"/> CONSERVATORSHIP	<input type="checkbox"/> GUARDIANSHIP	OF THE PERSON	<input type="checkbox"/> AND ESTATE	CASE NUMBER:
OF (name):				
<input type="checkbox"/> CONSERVATEE				<input type="checkbox"/> WARD

### PROOF OF DELIVERY BY MAIL

1. I am over the age of 18. I am the appointed conservator or guardian of the conservatee or ward named above, the conservator's or guardian's attorney, or an employee of the attorney. I am a resident of or employed in the county where the mailing occurred.
2. My residence or business address is (specify):
3. I mailed the foregoing *Notice Before Proposed Change of Residence of Conservatee or Ward* to each person named below by enclosing a copy in an envelope addressed as shown below AND
  - a.  **depositing** the sealed envelope on the date and at the place shown in item 4 with the United States Postal Service with the postage fully prepaid.
  - b.  **placing** the envelope for collection and mailing on the date and at the place shown in item 4 following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
4. a. Date mailed: \_\_\_\_\_ b. Place mailed (city, state): \_\_\_\_\_

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

Date: \_\_\_\_\_



(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)

(SIGNATURE OF PERSON COMPLETING THIS FORM)

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

<u>Name and relationship to conservatee or ward</u>	<u>Address (number, street, city, state, and zip code)</u>
1. <input type="text"/> Conservatee or, if 12 years of age or older, ward	<input type="text"/>
2. <input type="text"/> Attorney for conservatee or ward	<input type="text"/>
3. <input type="text"/> Spouse or domestic partner of conservatee	<input type="text"/>
4. <input type="text"/> Parent of ward	<input type="text"/>
5. <input type="text"/> Parent of ward	<input type="text"/>
6. <input type="text"/> Person with legal custody of ward at beginning of proceeding	<input type="text"/>
7. <input type="text"/> Guardian of the estate	<input type="text"/>

Continued on an attachment. (You may use form GC-079(1) to show additional persons to whom notice was mailed.)

CONSERVATORSHIP  GUARDIANSHIP OF THE PERSON  AND ESTATE  
OF (name): CASE NUMBER:

**ATTACHMENT TO NOTICE BEFORE PROPOSED CHANGE  
OF RESIDENCE OF CONSERVATEE OR WARD**

*(This attachment is for use with form GC-079.)*

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

**NOTICE IS GIVEN** as follows:

1. On *(date)*: \_\_\_\_\_, the conservatee or ward named above changed residences to the location in item 2.
2. New residence *(name (if facility), street address, city, county, and zip code)*:

Telephone number:

Other contact telephone number, if any (*if none, write "None"*):

Email address:

3.  The new residence, identified in item 2, is the least restrictive appropriate residence that is available and necessary to meet the needs of the conservatee or ward and is in the conservatee's or ward's best interests.

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

Date:

(TYPE OR PRINT NAME OF CONSERVATOR OR GUARDIAN)

(SIGNATURE OF CONSERVATOR OR GUARDIAN)

CONSERVATORSHIP  GUARDIANSHIP OF THE PERSON  AND ESTATE  
OF (name):  CONSERVATEE  WARD CASE NUMBER:

**PROOF OF DELIVERY BY MAIL**

1. I am over the age of 18. I am the appointed conservator or guardian of the conservatee or ward named above, the conservator's or guardian's attorney, or an employee of the attorney. I am a resident of or employed in the county where the mailing occurred.
2. My residence or business address is (specify):
3. I mailed the foregoing *Notice After Change of Residence of Conservatee or Ward* to each person named below by enclosing a copy in an envelope addressed as shown below **and**
  - a.  **depositing** the sealed envelope on the date and at the place shown in item 4 with the United States Postal Service with the postage fully prepaid.
  - b.  **placing** the envelope for collection and mailing on the date and at the place shown in item 4 following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
4. a. Date mailed: \_\_\_\_\_ b. Place mailed (city, state): \_\_\_\_\_

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

Date:

(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)

(SIGNATURE OF PERSON COMPLETING THIS FORM)

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

Name and relationship  
to conservatee or ward

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

1. <input type="text"/>	Attorney for conservatee or ward
2. <input type="text"/>	Spouse or domestic partner of conservatee
3. <input type="text"/>	Parent of ward
4. <input type="text"/>	Parent of ward
5. <input type="text"/>	Person with legal custody of ward at beginning of proceeding
6. <input type="text"/>	Guardian of the estate
7. <input type="text"/>	Person nominated as guardian but not appointed

Continued on an attachment. (You may use form GC-080(MA) to show additional persons to whom notice was mailed.)

CONSERVATORSHIP  GUARDIANSHIP OF THE PERSON  AND ESTATE  
OF (name): CASE NUMBER:

**ATTACHMENT TO NOTICE AFTER CHANGE OF RESIDENCE OF CONSERVATEE OR WARD**

*(This attachment is for use with form GC-080.)*

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