

# **GUARDIANSHIP PACKET**

## **(ESTATE Only)**

# **PAQUETE DE TUTELA**

## **(SOLAMENTE DEL PATRIMONIO)**

### **PACKET INCLUDES--(PAQUETE INCLUYE)**

- **HOW TO FILE** a Petition for Temporary Guardianship of an Estate Only  
(Como archivar una Petición de Tutela Temporal Solamente del Patrimonio)
- **HOW TO FILE** a Petition for General Guardianship of an Estate Only  
(Como archivar una Petición de Tutela General Solamente del Patrimonio)

### **ALSO--(ADEMÁS)**

- **FORMS** for Petitioning for Temporary Guardianship of Estate Only  
(Formularios para la Petición de Tutela Temporal Solamente del Patrimonio)
- **FORMS** for Petitioning for General Guardianship of Estate Only  
(Formularios para la Petición de Tutela Temporal Solamente del Patrimonio)

**PLEASE NOTE:** The forms in this packet have pre-checked boxes and court information pre-printed in some places.



## GUARDIANSHIP FILING INSTRUCTIONS

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

### **MAKE SURE ALL FORMS ARE DATED AND SIGNED.**

- Letters of Guardianship and Temporary Guardianship must be signed by all guardians.
- In addition, above the signature lines, you will see a section in which you state when and where you executed the form.
  - a) Enter the date you signed next to the word “Date” and then fill in the city and state in which you signed next to the word “Place.”

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

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

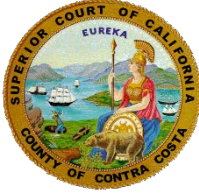
- a. The Probate Examiner's Office is open from 8:00 to 11 a.m.
    - i. 8 am to 9 am: Sign up for review until slots are filled.
    - ii. 9 am to 11 am: Review
- 3) While you wait, the Probate Examiners will review the packet to make sure everything is included.
- 4) Once they review your forms, they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

## **B. AFTER THE DOCUMENTS ARE FILED**

- 1) A hearing date will be set about 30 days away. Once you get your papers back, you need to serve the child, the child's parents, grandparents, and all siblings over the age of 12 years old. For more information, see the "Checklist for Guardianship Service" included in this packet. Service must be done by someone over the age of 18 years old other than yourself. (This means that you cannot serve the papers.) Whoever serves the papers needs to fill out a Proof of Service form. Your server can use the GC-020 if the forms were mailed or the GC-020(P) if the forms were handed to the other parties.

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

- 2) An Investigative Report is done by court Investigators. If everything is complete by your first hearing, the judge can order the Guardianship then. However, if something is missing, the judge will continue the hearing.
- 3) About 7-10 days before your hearing, the judge will write a Tentative Ruling which says if you are missing anything. To see it, go to the court's website at cc-courts.org. At the first page, click "Online Services." Then, click "Tentative Rulings" if you want to check on what is needed at the next hearing or how to appear remotely. Or, click "Court Public Portal" to check the date, time, and courtroom of the hearing.



## INSTRUCCIONES DE PRESENTACIÓN DE TUTELA

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

### **ASEGÚRESE DE QUE TODOS LOS FORMULARIOS ESTÉN FECHADOS Y FIRMADOS.**

- Las Cartas de Tutela y Tutela Temporal **deben** estar firmados por **todos los guardianes**.
- Además, encima de las líneas de firma, verá una sección en la que indica cuándo y dónde ejecutó el formulario.
  - a) Entre la fecha que firmó junto a la palabra "Date" y luego complete la ciudad y el estado en el que firmó junto a la palabra "Place."

### **B. LLEVE EL PAQUETE COMPLETADO AL OFICINA DEL EXAMINADOR TESTAMENTARIO PARA REVISIÓN**

- 6) Coloque todos los formularios originales (sin copias, los Examinadores Testamentarios harán copias), junto con una hoja de papel con su nombre, número de teléfono y correo electrónico escrito en ella, en un sobre grande de manila.
  - a. Coloque otro sobre grande con su dirección propia con suficiente franqueo (aproximadamente 5 estampillas) para que sus copias vuelvan en este mismo sobre.
  - b. A continuación, obtenga otro sobre grande con 3 estampillas y escriba "ORDER" en la esquina inferior. Además, escriba una solicitud para que se le entreguen tres copias certificadas de las Cartas y engrape esto en el sobre. Coloque este sobre dentro del sobre original. Esto es para que la corte pueda enviarle la Orden y las Cartas cuando se archiven.
  - c. Una vez que haya puesto todo lo anterior dentro del sobre grande original, llévelo todo a la Oficina del Examinador Testamentario en la Sala 210 de la Corte de Wakefield Taylor ubicado en 725 Court St., Martinez, CA 94553.
    - i. O, si está enviando sus formularios por correo, envíelos por correo a Contra Costa Superior Court, Attn: Probate Examiners, 725 Court St, Martinez, CA 94553

- 7) Debe llevar sus formularios a los Examinadores Testamentarios a la Sala 210 de la Corte de Wakefield Taylor ubicado en 725 Court Street, Martinez, CA para que puedan revisarlos.
  - a. La Oficina del Examinador Testamentario está abierta de 8:00 a 11 a.m.
    - i. 8 am a 9 am: Regístrese para revisión hasta que se llenen los espacios.
    - ii. 9 am a 11 am: Revisión
- 8) Mientras espera, los Examinadores Testamentarios revisarán el paquete para asegurarse de que todo esté incluido.
- 9) Una vez que revisen sus formularios, se los entregarán al juez. Se realizará una verificación de antecedentes penales en todos los adultos. El juez decidirá si otorga una Tutela Temporal, si usted ha completado la petición de una, sin una audiencia (ex parte). Esto toma alrededor de cuatro a siete días.
- 10) Se le enviarán copias de su documentación archivada.

## **B. DESPUÉS DE QUE SE PRESENTEN LOS DOCUMENTOS**

- 4) Se fijará una fecha de audiencia a unos 30 días de distancia. Una vez que recupere sus documentos, debe servir a los padres, abuelos y todos los hermanos mayores de 12 años del niño. Para obtener más información, consulte la "Lista de verificación para el servicio de tutela" incluida en este paquete. El servicio debe ser realizado por alguien mayor de 18 años que no sea usted. (Esto significa que usted no puede entregar los documentos). Quien entregue los documentos debe completar un formulario de Prueba de Servicio. Su servidor puede usar el GC-020 si los formularios se enviaron por correo o el GC-020 (P) si los formularios se entregaron en persona a los otros partidos.

**Haga esto de inmediato.** Los otros partidos deben ser notificados 15 días antes de la audiencia. La Prueba de Notificación debe presentarse ante la corte cinco días antes de su audiencia en la corte.

- 5) Un informe de investigación es realizado por los investigadores de la corte. Si todo está completo para su primera audiencia, el juez puede ordenar la tutela entonces. Sin embargo, si falta algo, el juez continuará la audiencia.
- 6) Aproximadamente 7-10 días antes de su audiencia, el juez escribirá un fallo tentativo que dice si le falta algo. Para verlo, vaya al sitio web de la corte en cc-courts.org. En la primera página, haga clic en "Online Services". Luego, haga clic en "Tentative Rulings" si desea verificar lo que se necesita para la próxima audiencia o cómo comparecer de forma remota. O bien, haga clic en "Court Public Portal" para verificar la fecha, hora y sala de audiencias de la audiencia.

# HOW TO FILE FOR GUARDIANSHIP (of an ESTATE Only)

## 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.

## TYPES OF GUARDIANSHIP OF AN ESTATE

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.

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 of the Estate   | GC-110    |
| 2. | Notice of Hearing-Guardianship or Conservatorship-Service by Mail  | GC-020    |
| 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    |

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<sup>1</sup> These forms are included in the packet attached to these instructions.

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

### **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 the Estate  | GC-210      |
| 3.  | Guardianship Petition-Child Information Attachment  | GC-210(CA)  |
| 4.  | Indian Child Inquiry Attachment   | ICWA-010(A) |
| 4.  | Confidential Guardian Screening Form  | GC-212      |
| 5.  | Consent of Proposed Guardian, Nomination of Guardian, & Consent to Appointment of Guardian & Waiver of Notice | GC-211      |
| 6.  | Notice of Hearing--Guardianship or Conservatorship is page 1 and Proof of Service by Mail is page 2.          | GC-020      |
| 7.  | Notice of Hearing-Guardianship or Conservatorship—Proof of Personal Service                                   | GC-020(P)   |
| 8.  | Duties of Guardian  | GC-248      |
| 9.  | Order Appointing Guardian or Extending Guardianship of the Person   | GC-240      |
| 10. | 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 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 filing **ONLY** 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

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

**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's estate. 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 Estate (**GC-110**); and (2) Notice of Hearing (**GC-020**) at least **five (5) court 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 Estate (**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). This means that someone--**not you**--mails them a copy of the Notice of Hearing and Petition for Appointment of Guardian of the Estate 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 of 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 OF AN ESTATE?**

The fee for filing a petition for appointment of guardian of the estate only (**GC-210**) is \$435.00. 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 Waiver (**FW-003-GC**)<sup>3</sup>.

A court fee waiver requested by you to be appointed guardian of an estate 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. You submit Forms **FW-001-GC** and **FW-003-GC** when you submit your petition in Room 103, at 725 Court Street, Martinez, CA.

## **WHAT FORMS DO I FILE AFTER APPOINTMENT OF GUARDIAN OF AN ESTATE ONLY?**

After an appointment of guardian of 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. | Inventory and Appraisal   | GC-040     |
| 2. | Notice of Filing Inventory and Appraisal and How to Object to the Inventory of the Appraised Value of Property              | GC-042     |
| 3. | Attachment to Notice of Filing of Inventory and Appraisal and How to Object to the Inventory or Appraised Value of Property | GC-042(MA) |
| 4. | Objections to Inventory and Appraisal of Conservator or Guardian  | GC-045     |

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

## EMERGENCY (TEMPORARY) GUARDIANSHIP OF AN ESTATE ONLY 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 #    |
|----|--|-----------|
| 1. | <b>Petition for Appointment of Temporary Guardian of the Estate</b>  | GC-110    |
| 2. | <b>Notice of Hearing-guardianship or Conservatorship (Ex Parte)</b> is page 1 and Proof of Service <b>by Mail</b> is page 2.*  | GC-020    |
| 3. | <b>Notice of Hearing-Guardianship or Conservatorship-Proof of Personal Service</b><br><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) |
| 4. | <b>Order Appointing Temporary Guardian of Minor</b>  | GC-140    |
| 5. | <b>Letters of Temporary Guardianship of Estate</b>   | GC-150    |
| 6. | <b>Guardianship Pamphlet</b><br><i>(YELLOW - for information only, nothing to fill out - KEEP IT)</i>  | GC-205    |

|   |  |              |             |
|---|--|--------------|-------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):<br><br><br><br><br><br>TELEPHONE NO.: _____ FAX NO. (Optional): _____<br>E-MAIL ADDRESS (Optional): _____<br>ATTORNEY FOR (Name): <b>IN PRO PER</b>                     | <b>FOR COURT USE ONLY</b>  |              |             |
| <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF CONTRA COSTA</b><br>STREET ADDRESS: <b>725 COURT STREET</b><br>MAILING ADDRESS: <b>P.O. BOX 911</b><br>CITY AND ZIP CODE: <b>MARTINEZ, CA 94553</b><br>BRANCH NAME: <b>WAKEFIELD TAYLOR COURTHOUSE</b> |  |              |             |
| TEMPORARY GUARDIANSHIP OF<br>(Name): _____ MINOR  | CASE NUMBER:<br><div style="text-align: center; font-size: 1.5em;">P</div>   |              |             |
| <div style="text-align: center;"> <b>PETITION FOR APPOINTMENT OF TEMPORARY GUARDIAN</b><br/> <input type="checkbox"/> Person*   <input checked="" type="checkbox"/> Estate*   <input type="checkbox"/> Person and Estate*         </div>          | HEARING DATE: _____<br><table style="width: 100%; border: none;"> <tr> <td style="border: none; width: 60%;">DEPT.: _____</td> <td style="border: none; width: 40%;">TIME: _____</td> </tr> </table> | DEPT.: _____ | TIME: _____ |
| 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<br>(Name):<br><div style="text-align: right;">MINOR</div> | CASE NUMBER:<br><div style="text-align: center; font-size: 1.5em;">P</div> |
|---|--|

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:

(TYPE OR PRINT NAME)

(SIGNATURE OF PETITIONER)

(TYPE OR PRINT NAME)

(SIGNATURE OF PETITIONER)

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

EX-PARTE PETITION FOR APPOINTMENT OF TEMPORARY GUARDIANSHIP OF THE ESTATE

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.

a. Date: \_\_\_\_\_ Time: \_\_\_\_\_ Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

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





|   |  |
|---|--|
| <input checked="" type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP    OF THE <input type="checkbox"/> PERSON <input checked="" type="checkbox"/> ESTATE<br>OF (Name): _____<br><div style="text-align: right; padding-right: 50px;"><input checked="" type="checkbox"/> MINOR    <input type="checkbox"/> (PROPOSED) CONSERVATEE</div> | CASE NUMBER:<br><div style="text-align: center; font-size: 1.5em; margin-top: 10px;">P</div> |
|---|--|

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

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

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

☐ Continued on Attachment 4.

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

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

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

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

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

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

▶ \_\_\_\_\_  
 (SIGNATURE)

▶ \_\_\_\_\_  
 (SIGNATURE)



|   |   |
|---|---|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):<br><br><br><br><br><br><br>TELEPHONE NO.: _____ FAX NO. (Optional): _____<br>E-MAIL ADDRESS (Optional): _____<br>ATTORNEY FOR (Name): <b>IN PRO PER</b> | <b>FOR COURT USE ONLY</b>   |
| <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF CONTRA COSTA</b><br>STREET ADDRESS: 725 Court Street<br>MAILING ADDRESS: P. O. Box 911<br>CITY AND ZIP CODE: Martinez, CA 94553<br>BRANCH NAME: Wakefield Taylor Courthouse            |   |
| TEMPORARY GUARDIANSHIP OF THE <input type="checkbox"/> PERSON <input checked="" type="checkbox"/> ESTATE OF<br>(Name): _____  |   |
| MINOR   |   |
| <b>ORDER APPOINTING TEMPORARY GUARDIAN</b>  | CASE NUMBER: <span style="float: right; font-size: 1.5em;">P</span> |
| <b>WARNING: THIS APPOINTMENT IS NOT EFFECTIVE UNTIL LETTERS HAVE ISSUED.</b>  |   |

1. The petition for appointment of a temporary guardian came on for hearing as follows (check boxes c–l to indicate personal presence):

- a. Judicial officer (name): \_\_\_\_\_
- b. Hearing date: \_\_\_\_\_ Time: \_\_\_\_\_ ☐ Dept.: \_\_\_\_\_ ☐ Room: \_\_\_\_\_
- c. ☒ Petitioner (name): \_\_\_\_\_
- d. ☐ Attorney for petitioner (name): \_\_\_\_\_
- e. ☐ Minor (name): \_\_\_\_\_
- f. ☐ Attorney for minor (name): \_\_\_\_\_
- g. ☐ Minor's parents (names): \_\_\_\_\_
- h. ☐ Attorney for minor's parents (names): \_\_\_\_\_
- i. ☐ Person with valid visitation order (name): \_\_\_\_\_
- j. ☐ Attorney for person with valid visitation order (name): \_\_\_\_\_
- k. ☐ Public Guardian (name): \_\_\_\_\_
- l. ☐ Attorney for Public Guardian (name): \_\_\_\_\_

#### THE COURT FINDS

2. a. ☐ Notice of the time and place of hearing has been given as required by law.
- b. ☐ Notice of the time and place of hearing ☐ has been ☐ should be dispensed with for (names): \_\_\_\_\_

3. It is necessary that a temporary guardian be appointed to ☐ provide for temporary care, maintenance, and support
- ☒ protect property from loss or injury ☒ pending the hearing on the petition for appointment of a general guardian.
- ☐ pending an appeal under Probate Code section 1301. ☐ during the suspension of powers of the guardian.

#### THE COURT ORDERS

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

|   |                       |
|---|-----------------------|
| TEMPORARY GUARDIANSHIP OF<br>(Name):<br><br>MINOR | CASE NUMBER:<br><br>P |
|---|-----------------------|

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: 1

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*): IN PRO PER

SUPERIOR COURT OF CALIFORNIA, COUNTY OF CONTRA COSTA

STREET ADDRESS: 725 COURT STREET

MAILING ADDRESS: P.O. BOX 911

CITY AND ZIP CODE: MARTINEZ, CA 94553

BRANCH NAME: WAKEFIELD TAYLOR COURTHOUSE

FOR RECORDER'S USE ONLY

TEMPORARY ☒ GUARDIANSHIP ☐ CONSERVATORSHIP  
OF (*name*):

☒ MINOR ☐ CONSERVATEE

CASE NUMBER:

P

LETTERS OF TEMPORARY ☒ GUARDIANSHIP ☐ CONSERVATORSHIP  
☐ Person ☒ Estate

FOR COURT USE ONLY

### LETTERS

1. (*Name*):

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

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

3. These Letters shall expire

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

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

5. Number of pages attached:

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

(SEAL)

Date:

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

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 checked="" type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP<br>OF (name): | CASE NUMBER: P |
| <input checked="" type="checkbox"/> MINOR <input type="checkbox"/> CONSERVATEE                                    |                |

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

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

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

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

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

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

**LETTERS OF TEMPORARY ☒ GUARDIANSHIP ☐ CONSERVATORSHIP**  
**AFFIRMATION**

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

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

(TYPE OR PRINT NAME)

(SIGNATURE OF APPOINTEE)

**CERTIFICATION**

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

(SEAL)

Date:

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

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

#### OTHER GENERAL INFORMATION

**Removal of a guardian** – A guardian may be removed for specific reasons or when it is in the child's best interest. A guardian may be removed either on the court's own motion or by a petition filed by the child, a relative of the child, or any other interested person. If necessary, the court may appoint a successor guardian, or the court may return the child to a parent if that is found to be in the child's best interest.

**Legal documents** – For your appointment as guardian to be valid, the *Order Appointing Guardian of Minor* must be signed. Once the court signs the order, the guardian must take prepared *Letters of Guardianship* to the clerk's office where the clerk will issue the letters. *Letters of Guardianship* is a legal document that provides proof that you have been appointed and are serving as the guardian for a minor. You should obtain several certified copies of the *Letters* from the clerk. These legal documents will be of assistance to you in the performance of your duties, such as enrolling the child in school, obtaining medical care, and taking care of estate business.

**Attorneys and legal resources** – If you have an attorney, the attorney will advise you on your duties and responsibilities, the limits of your authority, the rights of the child, and your dealings with the court. **If you have legal questions, you should consult with your attorney.** Please remember that the court staff cannot give you legal advice.

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

# GUARDIANSHIP PAMPHLET

(FOR GUARDIANSHIPS OF CHILDREN  
IN THE PROBATE COURT)

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

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### **What is Guardianship?**

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

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

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

### **What is a Legal Guardian?**

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

### **Who May Be Legal Guardians?**

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

### **Before You File the Petition**

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

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

### **INSURANCE**

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

### **RECORD KEEPING AND ACCOUNTING**

**Records** – As guardian of the estate, you must keep complete, accurate records of each financial transaction affecting the estate. The checkbook for the guardianship checking account is your indispensable tool for keeping records of income and expenditures. You should also keep receipts for all purchases.

Record keeping is critical because you will have to prepare an accounting of all money and property you have received, what you have spent, the date of each transaction, and its purpose. You will also have to be able to describe in detail what is left after you have paid the estate's expenses.

**Accountings** – As guardian of the estate, you must file a petition requesting that the court review and approve your accounting one year after your appointment and at least every two years after that. The court may ask that you justify some or all expenditures. You should have receipts and other documents available for the court's review, if requested.

If you do not file your accounting as required, the court will order you to do so. You may be removed as guardian for failure to file an accounting.

**Format** – As guardian of the estate, you must comply with all state and local rules when filing your accounting. A particular format is specified in the Probate Code, which you must follow when you present your account to the court. You should check local rules for any special local requirements.

If the child of whose estate you are the guardian has a living parent or if that child receives assets or is entitled to support from another source, you must obtain court approval before using guardianship assets for the child's support, maintenance, or education. You must file a petition or include a request for approval in the original petition, and set forth which exceptional circumstances justify any use of guardianship assets for the child's support. The court ordinarily will grant such a petition for only a limited period of time, usually not more than one year, and only for specific and limited purposes.

### INVENTORY OF ESTATE PROPERTY

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

**Determine the value of the property** – As guardian of the estate, you must arrange to have a court-appointed referee determine the value of the estate property unless the appointment is waived by the court. You, rather than the referee, must determine the value of certain "cash items." An attorney can advise you about how to do this.

**File an inventory and appraisal** – As guardian of the estate, you must file an inventory and appraisal within 90 days after your appointment. You may be required to return to court 90 days after your appointment as guardian of the estate, to ensure that you have properly filed the inventory and appraisal.

### Some Alternatives to Guardianship

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

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

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

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

### THE PROCESS – BRIEFLY

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

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

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

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

### **GUARDIANSHIP OF THE PERSON**

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

**Fundamental Responsibilities** – The guardian of the person of a child has the care, custody, and control of the child. As guardian, you are responsible for providing for food, clothing, shelter, education, and all the medical and dental needs of the child. You must provide for the safety, protection, and physical and emotional growth of the child. Like a parent, you should maintain close contact with the child's school and physician.

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

**Custody** – As guardian of the person of the child, you have full legal and physical custody of the child and are responsible for all decisions relating to the child. The child's parents can no longer make decisions for the child while there is a guardianship. The parents' rights are suspended—not terminated—as long as a guardian is appointed for a minor. If you wish, you may ask the parents for their opinions about matters relating to the child.

You should use the child's social security number when opening estate accounts. You should never deposit estate funds in your personal account or otherwise mix them with your own funds or anyone else's funds, even for brief periods. Securities in the estate must be held in a name that shows that they are estate property and not your personal property.

**Interest-bearing accounts and other investments** – Except for checking accounts intended for ordinary expenses, you should place estate funds in interest-bearing accounts. You may deposit estate funds in insured accounts in federally insured financial institutions, but you should not put more than \$100,000 in any single institution. You should consult with an attorney before making other kinds of investments.

**Blocked accounts** – A *blocked account* is an account with a financial institution in which money or securities are placed. No person may withdraw funds from a blocked account without the court's permission.

Depending on the amount and character of the child's property, the guardian may elect **or the court may require** that estate assets be placed in a blocked account. As guardian of the estate, you must follow the direction of the court and the procedures required to deposit funds in this type of account. The use of a blocked account is a safeguard and may save the estate the cost of a bond.

**Other restrictions** – As guardian of the estate, you will have other restrictions on your authority to deal with estate assets. Without prior court order of the court, you may not pay fees to yourself or your attorney. You may not make a gift of estate assets to anyone. You may not borrow money from the estate. You may not use estate funds to purchase real property without prior court order.

If you do not obtain the court's permission to spend estate funds, you may be compelled to reimburse the estate from your own personal funds and may be removed as guardian. You should consult with an attorney concerning the legal requirements relating to sales, leases, mortgages, and investment of estate property.



services for the child, or to follow a scheduled visitation plan between the child and the child's parents or relatives. As guardian, you must follow all court orders.

**Termination of guardianship of the person** – A guardianship of the person automatically ends when the child reaches the age of 18, is adopted, marries, is emancipated by court order, enters military service, or dies. If none of these events has occurred, the child, a parent, or the guardian may petition the court for termination of guardianship. But it must be shown that the guardianship is no longer necessary or that termination of the guardianship is in the child's best interest.

## GUARDIANSHIP OF THE ESTATE

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

## MANAGING THE ESTATE

**Prudent investments** – As guardian of the estate, you must manage the child's assets with the care of a prudent person dealing with someone else's property. This means that you must be cautious and may not make speculative or risky investments.

**Keeping estate assets separate** – As guardian of the estate, you must keep the money and property of the child's estate separate from everyone else's, including your own. When you open a bank account for the estate, the account name must indicate that it is a **guardianship** account and not your personal account.

**Education** – As guardian of the person of the child, you are responsible for the child's education. You determine where the child should attend school. As the child's advocate within the school system, you should attend conferences and play an active role in the child's education. For younger children, you may want to consider enrolling the child in Head Start or other similar programs. For older children, you should consider their future educational needs such as college or a specialized school. You must assist the child in obtaining services if the child has special educational needs. You should help the child in setting and attaining his or her educational goals.

**Residence** – As guardian, you have the right to determine where the child lives. The child normally will live with you, but when it is necessary, you are allowed to make other arrangements if they are in the best interest of the child. You should obtain court approval before placing the child back with his or her parents.

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

**Medical treatment** – As guardian, you are responsible for meeting the medical needs of the child. In most cases, you have the authority to consent to the child's medical treatment. However, if the child is 14 years or older, surgery may not be performed on the child unless either (1) both the child and the guardian consent or (2) a court order is obtained that specifically authorizes the surgery. This holds true except in emergencies.

A guardian may not place a child involuntarily in a mental health treatment facility under a probate guardianship. A mental health conservatorship proceeding is required for such an involuntary commitment. However, the guardian may secure counseling and other necessary mental health services for the child. A variety of counseling services is available to

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

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

**Community resources** – There are agencies in each county that may be helpful in meeting the specific needs of children who come from conflicted, troubled, or deprived environments. If the child has special needs, you must strive to meet those needs or secure appropriate services. Some children may have physical or learning disabilities. Other children come from abusive homes or have been victims of abuse. Counseling and other services may be necessary to assist a child who has special needs or has had unpleasant life experiences. If you need assistance, you should check with the court or with your local child protective services agency for a referral to agencies that can help you and the child.

**Financial support** – Even when the child has a guardian, the parents are still obligated to support the child financially. The guardian may take action to obtain child support. You may contact the local child support agency in your county to collect support from a parent. The child may also be eligible for Temporary Aid for Needy Families, TANF, formerly known as AFDC, social security benefits, Veterans Administration benefits, Indian child welfare benefits, and other public or private funds.

**Visitation** – The court may require that you allow visitation or contact between the child and his or her parents. The child's needs often require that the parent-child relationship be maintained, within reason. However, the court may place restrictions on the visits, such as the requirement of supervision. The court may also impose other conditions in the child's best interest.

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

**Driver's license** – As guardian of the person, you have the authority to consent to the minor's application for a driver's license. If you consent, you will become liable for any civil damages that may result if the minor causes an accident. The law requires that anyone signing the DMV application obtain insurance to cover the minor.

**Enlistment in the armed services** – The guardian may consent to a minor's enlistment in the armed services. If the minor enters into active duty with the armed forces, the minor becomes emancipated under California law.

**Marriage** – For the minor to marry, the guardian **and the court** must give permission. If the minor enters a valid marriage, the minor becomes emancipated under California law.

**Change of address** – A guardian must notify the court in writing of any change in the address of either the child or the guardian. This includes any changes that result from the child's leaving the guardian's home or returning to the parent's home. You **must** always obtain **court permission** before you move the child to another state or country.

**Court visitors and status reports** – Some counties have a program which "court visitors" track and review guardianships. If your county has such a program, you will be expected to cooperate with all requests of the court visitor. Also, as guardian, you may be required to fill out and file status reports. In all counties, you must cooperate with the court and court investigators.

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

**Additional responsibilities** – The court may place other conditions on the guardianship or additional duties upon you, as guardian. For example, the court may require the guardian to complete counseling or parenting classes, to obtain specific

## GENERAL GUARDIANSHIP OF AN ESTATE ONLY FORMS

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

| #   | FORM NAME   | FORM #                       |
|-----|---|------------------------------|
| 1.  | <b>Interpreter Request (If Necessary)</b>   | MC-300e&s                    |
| 2.  | <b>Petition for Appoint of Guardian of the Estate</b>   | GC-210                       |
| 3.  | <b>Guardianship Petition-Child Information Attachment</b><br><i>NOTE: Complete 1 petition for each child (make copies if needed).</i>   | GC-210(CA)                   |
| 4.  | <b>Confidential Guardian Screening Form</b><br><i>NOTE: Complete 1 Form for each adult living in your home (make copies if needed).</i>   | GC-212                       |
| 5.  | <b>Consent of Proposed Guardian, Nomination of Guardian, &amp; Consent to Appoint of Guardian &amp; Waiver of Notice</b>  | GC-211                       |
| 6.  | <b>Notice of Hearing--Guardianship or Conservatorship is page 1 and Proof of Service by Mail is page 2.</b>   | GC-020                       |
| 7.  | <b>Declaration Regarding Notice</b><br><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<br><b>(Local Form)</b> |
| 8.  | <b>Duties of Guardian</b>   | GC-248                       |
| 9.  | <b>Order Appointing Guardian of the Estate</b>  | GC-240                       |
| 10. | <b>Letters of Guardianship of the Estate</b>  | GC-250                       |

# 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 secretaria del tribunal.

Número de Caso: \_\_\_\_\_

### Tipo de Caso:

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

Persona que Necesita Intérprete: \_\_\_\_\_

☐ Marque aquí si esta persona es un testigo

Número Telefónico: \_\_\_\_\_

Fecha de la Audiencia Judicial: \_\_\_\_\_ Hora: \_\_\_\_\_

Departamento: \_\_\_\_\_ Ciudad: ☐ Martinez ☐ Pittsburg ☐ Richmond ☐ Walnut Creek

Idioma Solicitado: ☐ Español ☐ Mandarín ☐ Cantonés ☐ Vietnamita

☐ Otro Idioma: \_\_\_\_\_

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

Información actualizada acerca de este servicio se encuentra en nuestra página web:  
[www.cc-courts.org/interpreter](http://www.cc-courts.org/interpreter)

|  |  |
|--|--|
| ATTORNEY OR PARTY WITHOUT ATTORNEY<br>NAME:<br>FIRM NAME:<br>STREET ADDRESS:<br>CITY: STATE: ZIP CODE:<br>TELEPHONE NO.: FAX NO.:<br>E-MAIL ADDRESS:<br>ATTORNEY FOR (name): IN PRO PER  | <b>FOR COURT USE ONLY</b>  |
| <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF CONTRA COSTA</b><br>STREET ADDRESS: 725 COURT STREET<br>MAILING ADDRESS: P.O. BOX 911<br>CITY AND ZIP CODE: MARTINEZ, CA 94553<br>BRANCH NAME: WAKEFIELD TAYLOR COURTHOUSE  |  |
| GUARDIANSHIP OF (name):  | CASE NUMBER:<br><div style="text-align: center; font-size: 1.2em;">P</div> |
| <b>PETITION FOR APPOINTMENT OF GUARDIAN OF</b> <input checked="" type="checkbox"/> <b>MINOR*</b> <input type="checkbox"/> <b>MINORS*</b><br><div style="display: flex; justify-content: space-around; margin-top: 5px;"> <span><input type="checkbox"/> Person**</span> <span><input checked="" type="checkbox"/> Estate**</span> </div> | HEARING DATE AND TIME: DEPT.:  |

1. **Petitioner** (name each):

**requests that**

- a. ☐ (name):  
 (address):  
 (telephone):  
 be appointed guardian of the PERSON of the minor or minors named in item 2 and *Letters* issue upon qualification.
- b. (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.
- c. (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):
- d. ☐ authorization be granted under Probate Code section 2590 to exercise the powers specified in Attachment 9.
- e. ☐ 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).
- f. ☐ an order dispensing with notice to the persons named in Attachment 10 be granted.
- g. ☐ 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:

- |          |                                 |
|----------|---------------------------------|
| a. Name: | Date of Birth (month/day/year): |
| b. Name: | Date of Birth (month/day/year): |
| c. Name: | Date of Birth (month/day/year): |
| d. 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:

P

## 3. Petitioner is

- a. ☐ related to the minor or minors named in item 2, as shown in item 7 of each minor's attached form GC-210(CA).  
 b. ☐ the minor named in item 2, who is 12 years of age or older.  
 c. ☐ 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. ☐ 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.  
 b. ☐ related to the minor or minors named in item 2, as shown in item 3 of each minor's attached form GC-210(CA).  
 c. ☐ other, as shown in item 3 of each minor's attached form GC-210(CA).  
 d. ☐ 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):

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

P

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)



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<br>(Mother's mother) | _____ | _____                                   |
| Grandfather<br>(Mother's father) | _____ | _____                                   |
| Grandmother<br>(Father's mother) | _____ | _____                                   |
| Grandfather<br>(Father's father) | _____ | _____                                   |
| Sibling                          | _____ | _____                                   |
| Sibling                          | _____ | _____                                   |
| Sibling                          | _____ | _____                                   |
| Sibling                          | _____ | _____                                   |
| Sibling                          | _____ | _____                                   |
| Sibling                          | _____ | _____                                   |
| Sibling                          | _____ | _____                                   |

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



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

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

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

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

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

**3 Information about the proposed guardian:**

- a. Name (name all proposed guardians if more than one):  
\_\_\_\_\_  
\_\_\_\_\_
- b. Relationship(s) to the child named in 1 (check all that apply):
- ☐ Relative (specify relationship(s) to the child of each proposed relative guardian):  
\_\_\_\_\_  
\_\_\_\_\_
- ☐ Not a relative (explain interest in or connection to this child):  
\_\_\_\_\_  
\_\_\_\_\_
- c. Did the child's parent(s) nominate the proposed guardian(s)? ☐ Yes ☐ No ☐ I don't know  
(If you checked "Yes," attach the written nomination as Attachment 3c.)
- d. Does this child currently live with the proposed guardian(s)? ☐ Yes ☐ No ☐ I don't know  
If "Yes," how long has the child lived with the proposed guardian(s)? (years, months): \_\_\_\_\_
- e. If the court approves the guardianship, will this child live with the proposed guardian(s)? ☐ Yes ☐ No
- f. Does/do the proposed guardian(s) currently plan to adopt this child? ☐ Yes ☐ No ☐ I don't know

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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



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

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

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

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Your relationship to this child:

☐ Relative (specify relationship): \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

1. Name of child:

2. (Check one)

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

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

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

Name:

Name:

Address:

Address:

City, state, zip:

City, state, zip:

Telephone:

Telephone:

Date questioned:

Date questioned:

Relationship to child:

Relationship to child:

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

3. This inquiry (check one)

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

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

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

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

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

Name of tribe(s):

Location of tribe(s):

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

Name of tribe(s):

Location of tribe(s):

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

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

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

Name of tribe(s):

Location of tribe(s):

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

Name of tribe(s):

Location of tribe(s):



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

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

☐ the child is in foster care.

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

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

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME)

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

**CONFIDENTIAL (DO NOT ATTACH TO PETITION)**

GC-212

|   |  |
|---|--|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):<br><br><br><br><br><br><br>TELEPHONE NO.: _____ FAX NO. (Optional): _____<br>E-MAIL ADDRESS (Optional): _____<br>ATTORNEY FOR (Name): <b>IN PRO PER</b>               | <b>FOR COURT USE ONLY</b>  |
| <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF CONTRA COSTA</b><br>STREET ADDRESS: <b>725 COURT STREET</b><br>MAILING ADDRESS: <b>P.O. BOX 911</b><br>CITY AND ZIP CODE: <b>MARTINEZ, CA 94553</b><br>BRANCH NAME: <b>WAKEFIELD TAYLOR BUILDING</b> |  |
| GUARDIANSHIP OF<br>(Name): _____ MINOR  | CASE NUMBER:<br><div style="text-align: center; font-size: 1.5em;">P</div> |
| <b>CONFIDENTIAL GUARDIAN SCREENING FORM</b><br>Guardianship of <input type="checkbox"/> Person <input checked="" type="checkbox"/> Estate   | HEARING DATE AND TIME: _____ DEPT.: _____                                  |

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

***This form must remain confidential.***

**How This Form Will Be Used**

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

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

Page 1 of 2

# CONFIDENTIAL

GC-212

|                                      |                       |
|--------------------------------------|-----------------------|
| GUARDIANSHIP OF (Name):<br><br>MINOR | CASE NUMBER:<br><br>P |
|--------------------------------------|-----------------------|

10. Have you, or has any other person living in your home, been charged with, arrested for, or convicted of a crime involving illegal substances or alcohol?  
☐ Yes ☐ No (If you checked "Yes," explain in Attachment 10.)
11. Do you or does any other person living in your home suffer from mental illness?  
☐ Yes ☐ No (If you checked "Yes," explain in Attachment 11.)
12. Do you suffer from any physical disability that would impair your ability to perform the duties of guardian?  
☐ Yes ☐ No (If you checked "Yes," explain in Attachment 12.)
13. ☐ I have or may have ☐ I do not have an adverse interest that the court may consider to be a risk to, or to have an effect on, my ability to faithfully perform the duties of guardian.  
(If you checked "I have or may have," explain in Attachment 13.)
14. ☐ I have ☐ I have not previously been appointed guardian, conservator, executor, or fiduciary in another proceeding.  
(If you checked "I have," explain in Attachment 14.)
15. ☐ I have ☐ I have not been removed as guardian, conservator, executor, or fiduciary in any other proceeding.  
(If you checked "I have," explain in Attachment 15.)
16. ☐ I am ☐ I am not a private professional fiduciary, as defined in Business and Professions Code section 6501(f).  
(If you checked "I am," respond to item 17. If you checked "I am not," go to item 18.)
17. ☐ I am ☐ I am not currently licensed by the Professional Fiduciaries Bureau of the Department of Consumer Affairs. My license status and information is stated in item 1 on page 1 of the Professional Fiduciary Attachment signed by me and attached to the petition that proposes my appointment as guardian in this matter. (Complete and sign the Professional Fiduciary Attachment and attach it to the petition, or deliver it to the petitioner for attachment, before the petition is filed. See item 4d of the petition. Use form GC-210(A-PF)/GC-310(A-PF) for this attachment.)
18. ☐ I am ☐ I am not a responsible corporate officer authorized to act for (name of corporation):  
  
a California nonprofit charitable corporation that meets the requirements for appointment as guardian of the proposed ward under Probate Code section 2104. I certify that the corporation's articles of incorporation specifically authorize it to accept appointments as guardian. (If you checked "I am," explain the circumstances of the corporation's care of, counseling of, or financial assistance to the proposed ward in Attachment 18.)
19. ☐ I have ☐ I have not filed for bankruptcy protection within the last 10 years.  
(If you checked "I have," explain in Attachment 19.)

## MINORS' CONTACT INFORMATION

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

## DECLARATION

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

Date:

(TYPE OR PRINT NAME OF PROPOSED GUARDIAN)

(SIGNATURE OF PROPOSED GUARDIAN)\*

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



|   |                           |
|---|---------------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):<br><br><hr/><br>TELEPHONE NO.: _____ FAX NO. (Optional): _____<br>E-MAIL ADDRESS (Optional): _____<br>ATTORNEY FOR (Name): _____        | <b>FOR COURT USE ONLY</b> |
| <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b><br><br>STREET ADDRESS:<br>MAILING ADDRESS:<br>CITY AND ZIP CODE:<br>BRANCH NAME:   |                           |
| GUARDIANSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name):  |                           |
| <input type="checkbox"/> <b>CONSENT OF PROPOSED GUARDIAN</b><br><input type="checkbox"/> <b>NOMINATION OF GUARDIAN</b><br><input type="checkbox"/> <b>CONSENT TO APPOINTMENT OF GUARDIAN AND WAIVER OF NOTICE</b> | CASE NUMBER:              |

**CONSENT OF PROPOSED GUARDIAN**

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

Date:

 \_\_\_\_\_  
 (TYPE OR PRINT NAME)

 \_\_\_\_\_  
 (SIGNATURE OF PROPOSED GUARDIAN)

**NOMINATION OF GUARDIAN**

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

 as guardian of the ☐ person ☐ estate of the minor.

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

 as guardian of the ☐ person ☐ estate of the minor.

Date:

 \_\_\_\_\_  
 (TYPE OR PRINT NAME)

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

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

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

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

|      |                      |             |                       |
|------|----------------------|-------------|-----------------------|
| DATE | (TYPE OR PRINT NAME) | (SIGNATURE) | RELATIONSHIP TO MINOR |
| DATE | (TYPE OR PRINT NAME) | (SIGNATURE) | RELATIONSHIP TO MINOR |
| DATE | (TYPE OR PRINT NAME) | (SIGNATURE) | RELATIONSHIP TO MINOR |

☐ Continued on Attachment 4.

|  |  |                          |
|--|--|--------------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  |  | FOR COURT USE ONLY       |
| TELEPHONE NO.: _____ FAX NO. (Optional): _____<br>E-MAIL ADDRESS (Optional): _____<br>ATTORNEY FOR (Name): <b>IN PRO PER</b>   |  |                          |
| <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF CONTRA COSTA</b><br>STREET ADDRESS: <b>725 Court Street</b><br>MAILING ADDRESS: <b>P. O. Box 911</b><br>CITY AND ZIP CODE: <b>Martinez, CA 94553</b><br>BRANCH NAME: <b>Wakefield Taylor Courthouse</b>   |  |                          |
| <input checked="" type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input checked="" type="checkbox"/> ESTATE<br>OF (Name): _____<br><input checked="" type="checkbox"/> MINOR <input type="checkbox"/> (PROPOSED) CONSERVATEE |  |                          |
| <b>NOTICE OF HEARING—GUARDIANSHIP OR CONSERVATORSHIP</b>   |  | CASE NUMBER:<br><b>P</b> |

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

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

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

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

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





|   |  |
|---|--|
| <input checked="" type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP    OF THE <input type="checkbox"/> PERSON <input checked="" type="checkbox"/> ESTATE<br>OF (Name): _____<br><div style="text-align: right; padding-right: 50px;"><input checked="" type="checkbox"/> MINOR    <input type="checkbox"/> (PROPOSED) CONSERVATEE</div> | CASE NUMBER:<br><div style="text-align: center; font-size: 1.5em; margin-top: 10px;">P</div> |
|---|--|

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

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

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

☐ Continued on Attachment 4.

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

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

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

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

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

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

▶ \_\_\_\_\_  
 (SIGNATURE)

▶ \_\_\_\_\_  
 (SIGNATURE)

|   |                              |
|---|------------------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):<br><br>TELEPHONE NO.: _____ FAX NO. (Optional): _____<br>E-MAIL ADDRESS (Optional): _____<br>ATTORNEY FOR (Name): <b>IN PRO PER</b>                                     | <b>FOR COURT USE ONLY</b>    |
| <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF CONTRA COSTA</b><br>STREET ADDRESS: <b>725 COURT STREET</b><br>MAILING ADDRESS: <b>P.O. BOX 911</b><br>CITY AND ZIP CODE: <b>MARTINEZ, CA 94553</b><br>BRANCH NAME: <b>WAKEFIELD TAYLOR COURTHOUSE</b> |                              |
| GUARDIANSHIP OF THE <input type="checkbox"/> PERSON <input checked="" type="checkbox"/> ESTATE<br><br>OF (Name): _____ MINOR  |                              |
| <b>DUTIES OF GUARDIAN<br/>and Acknowledgment of Receipt</b>   | CASE NUMBER:<br><br><b>P</b> |

## 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:<br>P |
|---------------------|-------|-------------------|

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

(Continued on page three)

|                     |       |                   |
|---------------------|-------|-------------------|
| GUARDIAN OF (Name): | MINOR | CASE NUMBER:<br>P |
|---------------------|-------|-------------------|

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

## 2. GUARDIANSHIP OF THE ESTATE

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

### MANAGING THE ESTATE

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

### INVENTORY OF ESTATE PROPERTY

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

(Continued on reverse)



|                     |       |                   |
|---------------------|-------|-------------------|
| GUARDIAN OF (Name): | MINOR | CASE NUMBER:<br>P |
|---------------------|-------|-------------------|

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

### INSURANCE

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

### RECORD KEEPING AND ACCOUNTING

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

## 3. OTHER GENERAL INFORMATION

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

(Continued on page five)



GUARDIAN OF (Name):

MINOR

CASE NUMBER:

P

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

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

### ACKNOWLEDGMENT OF RECEIPT

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

Date:

---

(TYPE OR PRINT NAME)




---

(SIGNATURE OF PETITIONER)

Date:

---

(TYPE OR PRINT NAME)




---

(SIGNATURE OF PETITIONER)

Date:

---

(TYPE OR PRINT NAME)




---

(SIGNATURE OF PETITIONER)

|   |                    |
|---|--------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY<br>NAME:<br>FIRM NAME:<br>STREET ADDRESS:<br>CITY: STATE: ZIP CODE:<br>TELEPHONE NO.: FAX NO.:<br>E-MAIL ADDRESS:<br>ATTORNEY FOR (name): IN PRO PER                         | FOR COURT USE ONLY |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF CONTRA COSTA<br>STREET ADDRESS: 725 COURT STREET<br>MAILING ADDRESS: P. O. BOX 911<br>CITY AND ZIP CODE: MARTINEZ, CA 94533<br>BRANCH NAME: WAKEFIELD TAYLOR COURTHOUSE |                    |
| GUARDIANSHIP OF THE <input type="checkbox"/> PERSON <input checked="" type="checkbox"/> ESTATE OF<br>(name):  |                    |
| <b>ORDER APPOINTING GUARDIAN<br/>OR EXTENDING GUARDIANSHIP OF THE PERSON</b>  | CASE NUMBER:<br>P  |
| <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.

Page 1 of 3

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

**THE COURT ORDERS**

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

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

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

☒ (name):  
(address): (telephone):

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

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

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

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

10. a. ☐ Bond is not required.

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

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

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

☐ Additional orders in Attachment 10c.

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

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

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

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

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

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:   1  

Date:

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

☒ SIGNATURE FOLLOWS LAST ATTACHMENT

|   |                           |
|---|---------------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY<br>NAME:<br>FIRM NAME:<br>STREET ADDRESS:<br>CITY: STATE: ZIP CODE:<br>TELEPHONE NO.: FAX NO.:<br>E-MAIL ADDRESS:<br>ATTORNEY FOR (name): IN PRO PER                               | <b>FOR COURT USE ONLY</b> |
| <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF CONTRA COSTA</b><br>STREET ADDRESS: 725 COURT STREET<br>MAILING ADDRESS: P.O. BOX 911<br>CITY AND ZIP CODE: MARTINEZ, CA 94553<br>BRANCH NAME: WAKEFIELD TAYLOR COURTHOUSE |                           |
| GUARDIANSHIP OF<br>(name):  |                           |
| <b>LETTERS OF GUARDIANSHIP</b><br><input type="checkbox"/> Person <input checked="" type="checkbox"/> Estate  | CASE NUMBER:<br>P         |

### 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:   0

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

|        |  |
|--------|--|
| (SEAL) | Date: _____<br><br>Clerk, by _____, Deputy |
|--------|--|

GUARDIANSHIP OF  
(name):

CASE NUMBER:  
P

**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 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 #     |
|----|---|------------|
| 1. | Inventory and Appraisals  | GC-040     |
| 2. | Notice of Filing Inventory and Appraisal and How to Object to the Inventory of the Appraised Value of Property              | GC-042     |
| 3. | Attachment to Notice of Filing of Inventory and Appraisal and How to Object to the Inventory or Appraised Value of Property | GC-042(MA) |
| 4. | Objections to Inventory and Appraisal of Conservator or Guardian  | GC-045     |

|   |  |
|---|--|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):<br><br><br><br><br><br><br>TELEPHONE NO.: _____ FAX NO. (Optional): _____<br>E-MAIL ADDRESS (Optional): _____<br>ATTORNEY FOR (Name): <b>IN PRO PER</b>   | <b>FOR COURT USE ONLY</b>  |
| <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF CONTRA COSTA</b><br>STREET ADDRESS: <b>725 COURT STREET</b><br>MAILING ADDRESS: <b>P.O. BOX 911</b><br>CITY AND ZIP CODE: <b>MARTINEZ, CA 94553</b><br>BRANCH NAME: <b>WAKEFIELD TAYLOR COURTHOUSE</b>   | CASE NUMBER:<br><br><b>P</b><br><br>Date of Death of Decedent or of Appointment of<br>Guardian or Conservator: |
| ESTATE OF (Name):<br><br><div style="display: flex; justify-content: space-around;"> <input type="checkbox"/> DECEDENT         <input type="checkbox"/> CONSERVATEE         <input checked="" type="checkbox"/> MINOR       </div>  |  |
| <div style="text-align: center;"><b>INVENTORY AND APPRAISAL</b></div> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> <b>Partial No.:</b><br/> <input type="checkbox"/> <b>Final</b><br/> <input type="checkbox"/> <b>Supplemental</b> </div> <div style="width: 45%;"> <input type="checkbox"/> <b>Corrected</b><br/> <input type="checkbox"/> <b>Reappraisal for Sale</b><br/> <input type="checkbox"/> <b>Property Tax Certificate</b> </div> </div> |  |

**APPRAISALS**

1. Total appraisal by representative, guardian, or conservator (Attachment 1): \$
2. Total appraisal by referee (Attachment 2): \$
- TOTAL: \$**

**DECLARATION OF REPRESENTATIVE, GUARDIAN, CONSERVATOR, OR SMALL ESTATE CLAIMANT**

3. Attachments 1 and 2 together with all prior inventories filed contain a true statement of  
☐ all ☐ a portion of the estate that has come to my knowledge or possession, including particularly all money and all just claims the estate has against me. I have truly, honestly, and impartially appraised to the best of my ability each item set forth in Attachment 1.
4. ☐ No probate referee is required ☐ by order of the court dated (specify):
5. **Property tax certificate.** I certify that the requirements of Revenue and Taxation Code section 480
- a. ☐ are not applicable because the decedent owned no real property in California at the time of death.
- b. ☐ have been satisfied by the filing of a change of ownership statement with the county recorder or assessor of each county in California in which the decedent owned property at the time of death.

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; INCLUDE TITLE IF CORPORATE OFFICER)

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

**STATEMENT ABOUT THE BOND**

*(Complete in all cases. Must be signed by attorney for fiduciary, or by fiduciary without an attorney.)*

6. ☐ Bond is waived, or the sole fiduciary is a corporate fiduciary or an exempt government agency.
7. ☐ Bond filed in the amount of: \$ \_\_\_\_\_ ☐ Sufficient ☐ Insufficient
8. ☐ Receipts for: \$ \_\_\_\_\_ have been filed with the court for deposits in a blocked account at (specify institution and location): \_\_\_\_\_

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

\_\_\_\_\_  
(TYPE OR PRINT NAME)

\_\_\_\_\_  
(SIGNATURE OF ATTORNEY OR PARTY WITHOUT ATTORNEY)



|   |   |
|---|---|
| ESTATE OF (Name):<br><br><div style="display: flex; justify-content: space-between; align-items: center;"> <div style="border: 1px solid black; width: 100px; height: 15px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; width: 100px; height: 15px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; width: 100px; height: 15px; margin-bottom: 5px; position: relative;"> <input checked="" type="checkbox"/> MINOR </div> </div> | CASE NUMBER:<br><br><div style="text-align: center; font-size: 24px; margin-top: 20px;">P</div> |
|---|---|

### DECLARATION OF PROBATE REFEREE

9. I have truly, honestly, and impartially appraised to the best of my ability each item set forth in Attachment 2.
10. A true account of my commission and expenses actually and necessarily incurred pursuant to my appointment is:

Statutory commission:     \$

Expenses (*specify*):         \$

**TOTAL:** \$

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

Date:

|  |                        |
|--|------------------------|
| <div style="text-align: center; margin-bottom: 10px;"> </div> (TYPE OR PRINT NAME) | (SIGNATURE OF REFEREE) |
|--|------------------------|

### INSTRUCTIONS

(See Probate Code sections 2610-2616, 8801, 8804, 8852, 8905, 8960, 8961, and 8963 for additional instructions.)

1. See Probate Code section 8850 for items to be included in the inventory.
2. If the minor or conservatee is or has been during the guardianship or conservatorship confined in a state hospital under the jurisdiction of the State Department of Mental Health or the State Department of Developmental Services, mail a copy to the director of the appropriate department in Sacramento. (Prob. Code, § 2611.)
3. The representative, guardian, conservator, or small estate claimant shall list on Attachment 1 and appraise as of the date of death of the decedent or the date of appointment of the guardian or conservator, at fair market value, moneys, currency, cash items, bank accounts and amounts on deposit with each financial institution (as defined in Probate Code section 40), and the proceeds of life and accident insurance policies and retirement plans payable upon death in lump sum amounts to the estate, except items whose fair market value is, in the opinion of the representative, an amount different from the ostensible value or specified amount.
4. The representative, guardian, conservator, or small estate claimant shall list in Attachment 2 all other assets of the estate which shall be appraised by the referee.
5. If joint tenancy and other assets are listed for appraisal purposes only and not as part of the probate estate, they must be separately listed on additional attachments and their value excluded from the total valuation of Attachments 1 and 2.
6. Each attachment should conform to the format approved by the Judicial Council. (*See Inventory and Appraisal Attachment* (form DE-161/GC-041) and Cal. Rules of Court, rules 2.100—2.119.)

|   |                       |
|---|-----------------------|
| <input type="checkbox"/> CONSERVATORSHIP <input checked="" type="checkbox"/> GUARDIANSHIP OF THE <input type="checkbox"/> PERSON AND ESTATE<br>OF (Name):<br>_____<br><br><input type="checkbox"/> CONSERVATEE <input type="checkbox"/> MINOR | CASE NUMBER:<br><br>P |
|---|-----------------------|

**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**

| <u>Name and relationship to conservatee or ward</u> | <u>Address (number, street, city, state, and zip code)</u> |
|---|--|
| _____<br>Relationship: _____                        |  |
| _____<br>Relationship: _____                        |  |
| _____<br>Relationship: _____                        |  |
| _____<br>Relationship: _____                        |  |
| _____<br>Relationship: _____                        |  |
| _____<br>Relationship: _____                        |  |
| _____<br>Relationship: _____                        |  |
| _____<br>Relationship: _____                        |  |

|   |  |
|---|--|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):<br><br><br><br><br><br><div style="display: flex; justify-content: space-between;"> <div>TELEPHONE NO.:</div> <div>FAX NO. (Optional):</div> </div> E-MAIL ADDRESS (Optional):<br>ATTORNEY FOR (Name): <b>IN PRO PER</b>                            | <b>FOR COURT USE ONLY</b>  |
| <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF CONTRA COSTA</b><br>STREET ADDRESS: <b>725 COURT STREET</b><br>MAILING ADDRESS: <b>P.O. BOX 911</b><br>CITY AND ZIP CODE: <b>MARTINEZ, CA 94553</b><br>BRANCH NAME: <b>WAKEFIELD TAYLOR COURTHOUSE</b>   |  |
| <input type="checkbox"/> CONSERVATORSHIP <input checked="" type="checkbox"/> GUARDIANSHIP    OF THE <input type="checkbox"/> PERSON AND    ESTATE<br>OF (Name):<br><br><div style="display: flex; justify-content: flex-end;"> <input type="checkbox"/> CONSERVATEE    <input checked="" type="checkbox"/> MINOR       </div> |  |
| <b>NOTICE OF FILING INVENTORY AND APPRAISAL AND HOW TO OBJECT<br/>TO THE INVENTORY OR THE APPRAISED VALUE OF PROPERTY</b>   | CASE NUMBER:<br><br><div style="text-align: center; font-size: 1.5em;">P</div> |

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): .

2. 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.**
3. 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.
4. 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.
5. 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.)



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.

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.

Date:

(SIGNATURE OF PERSON COMPLETING THIS FORM)

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

- |    |   |             |
|----|---|-------------|
| 1. | <div></div> <div>Conservatee</div>  | <div></div> |
| 2. | <div></div> <div>Attorney for conservatee or ward</div>                     | <div></div> |
| 3. | <div></div> <div>Spouse or registered domestic partner of conservatee</div> | <div></div> |

GC-042 [New January 1, 2008]

## Page 2 of 2

# 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: \_\_\_\_\_

**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):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Fill in court name and street address:

Superior Court of California,  
County of CONTRA COSTA

725 COURT STREET  
MARTINEZ, CA 94553

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

Case Number:

P

Hearing Date and Time:

Dept.:

☐ Conservatorship ☐ Guardianship of the Estate of

(Name): \_\_\_\_\_

☐ Conservatee ☐ Minor

Case Number:

P

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:

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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: \_\_\_\_\_

*Objector types 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*