

**HOW TO FILE FOR
GUARDIANSHIP
OF THE PERSON
IN SOLANO COUNTY**

**Superior Court of California, County of Solano
Probate Division
600 Union Avenue
Fairfield, California 94533
(707) 207-7341**

THIS PACKET CONTAINS ALL THE FORMS YOU WILL NEED TO FILE FOR A GUARDIANSHIP OF A MINOR CHILD'S PERSON.

A “guardianship of the person” means you are asking the court to give custody of a child to someone who is not the child’s parent. If the court grants the guardianship of the person, the child will live with the appointed guardian. The guardian will have the legal right to make decisions about the child’s health, where the child goes to school, etc.

A “guardianship of the person” does not give the guardian the right to control the child’s money or property.

If you need to obtain guardianship of just a minor child’s property or money, ask for the packet *How to File for Guardianship of the Estate in Solano County*.

If you need to obtain guardianship of both a minor child’s person and the minor child’s property or money, ask for the packet *How to File for Guardianship of the Person and Estate in Solano County*.

Before you fill out these forms or file your papers for guardianship with the court, you may want to:



- **Read about guardianships in the Guardianship Pamphlet** enclosed with this packet. This pamphlet has general information on what a guardianship is, who can be a guardian, and what a guardian does. Bookstores and the county law library also have books on guardianships.



- **Watch a video/DVD on guardianships.** You may buy the video/DVD from the court for \$6.00. (This price is subject to change.)



- **Read about guardianships on the Internet** at the court’s website www.solano.courts.ca.gov. The Judicial Council’s website at www.courtinfo.ca.gov also has information on guardianships in English and Spanish.

WHAT'S IN THIS PACKET?

This packet includes:

- (1) **ANSWERS TO FREQUENTLY ASKED QUESTIONS ABOUT:**
 - General guardianships
 - Temporary guardianships
 - Notice and service of process
 - The Indian Child Welfare Act
- (2) **AN EXPLANATION OF LEGAL TERMS YOU MIGHT HEAR DURING THE GUARDIANSHIP PROCESS**
- (3) **INSTRUCTIONS ON THE GUARDIANSHIP PROCESS**, from filing your papers to going to the hearing.
- (4) **THE FORMS YOU'LL NEED TO:**
 - File for a guardianship
 - File for a temporary guardianship
 - Ask for orders shortening or waiving notice of either the temporary or general guardianship

FREQUENTLY ASKED QUESTIONS ABOUT GUARDIANSHIPS

1 What is guardianship?

In California, a guardianship is a court proceeding where a judge appoints an adult—other than the child’s parent—to care for a child under the age of 18, to manage the minor’s assets, or both.

The adult appointed by the court to take care of the child or the child’s estate is called the “guardian.” The child is called the “ward.”

Sometimes, the court will appoint co-guardians, which means that two or more people can act as the child’s guardian. For example, the court could appoint two people to act as guardians of the child, or one person to care for the child and another person to manage the minor’s assets.

2 When is a guardianship of the person needed?

Although only a judge can decide whether a guardianship of the person is needed, guardianships are often ordered if:

- The child’s parents are both dead;
- The child’s parents cannot be found;
- The child’s parents are military personnel being deployed; or,
- The child’s parents are in prison, incapacitated, or otherwise unable to care for the child for a significant period of time.

3 Are there alternatives to a guardianship?

For some things, yes. For example, a parent can sign a Caregiver’s Authorization Affidavit. This document gives permission to specific types of relatives to care for a child, enroll the child in school, and authorize school-related medical care. But the document does not take custody away from the parent, and does not give the caregiver legal custody of the child. The child must be living with the caregiver for a Caregiver’s Authorization Affidavit to be effective. Also, the affidavit is only good for one year. A sample Caregiver’s Authorization Affidavit is included in this packet.

If you believe that the child is being abused or neglected, you can contact Child Welfare Services in Solano County at 1-800-544-8696.

You may want to speak with an attorney about your options and whether any available alternatives to a guardianship are right for you and the child.

4 Who may petition for appointment of a guardian?

A family member or friend age 18 or older may petition to be appointed guardian. The child may also petition to have a guardian appointed for him or her if the child is at least 12 years old.

5 Does it cost anything to file for guardianship?

Yes. There is a filing fee for the *Petition for Guardianship*, which is payable to the court. Ask the court clerk for information on the current fees.

In addition to the filing fee for the petition, there is also a fee for the guardianship investigation and report if a relative is asking for guardianship of the child. The Court Investigators Office will tell you how much the investigation fee is depending on your specific circumstances.

If a non-relative is asking for guardianship of a child, the County of Solano handles the investigation. They will have more information on their investigation fees and costs.

If you believe that you cannot afford the court filing fees and/or the court investigation fees charged by the Court Investigators Office, you can ask the court clerk for a fee waiver application. The fee waiver application is free.

6 What papers do I need to file for a guardianship?

Copies of all the forms you may need as well as checklists for your use are attached at the back of the packet.

7 What will happen when I file my papers?

When you file your papers, you will be given a hearing date. You must come to court on that date to explain to the judge why you think a guardianship is needed.

8 Do I need to tell anyone I am asking for a guardianship?

Yes. After filing your papers at court, you must have all your papers personally served on:

- The child's mother;
- The child's father;
- The child, if he or she is age 12 or older; and,
- Any person who currently has legal custody of the child or is serving as the child's guardian.

"Personally served" means that someone – **not the person asking to have a guardian appointed** – age 18 or older must hand all the paperwork you filed with the court to each person listed above at **least fifteen days before the hearing**. The server can be a friend or relative, or you can hire a professional process server at your own cost.

After filing your papers at court, you also need to have copies of all your papers mailed to:

- The child’s paternal grandfather and grandmother (the parents of the child’s father);
- The child’s maternal grandfather and grandmother (the parents of the child’s mother); and,
- Any siblings of the child who are 12 or older.

A form containing more detailed instructions on how to serve your paperwork is attached at the end of this packet.

Any of these persons can waive their right to notice of the proceeding by signing a consent form, *Consent to Appointment of Guardian and Waiver of Notice* (Judicial Council form GC-211). A person who signs this form does not need to be served.

9 I don’t know where to find the child’s parent or relative, or I think he or she is in jail or prison. What can I do?

You must do your best to find the child’s parent or relative. For example, you can try

- Asking family members, friends, or anyone else who might know where the parent or relative might be;
- Searching the Internet; and,
- Checking the phone book or calling directory assistance.

If you think that the child’s parent or relative is in jail or prison, you can ask the jail or prison to personally serve the documents on that person. If you don’t know which prison the person is in, you can call the Identification Unit for the California Department of Corrections and Rehabilitation at (916) 445-6713 and they might be able to tell you. If the person is in a county jail, you can call the county sheriff’s office for more information on how to reach the jail.

10 I’ve tried everything and I still can’t find the child’s parent or relative. What can I do?

You can ask the court for permission to not give notice (“waive notice”) to that person. See below for more information on how to do this.

11 I’m worried that something bad will happen to the child if I tell someone about my request for a guardianship. Do I still have to tell that person?

It depends. If you think that telling a particular person about your request for guardianship would hurt the child, you can tell the judge what you think might happen and why. If the judge agrees with you, the judge might “waive notice” for that person.

12 What papers do I need to file to ask a judge to “waive notice” for a person?

You need to show the judge that you have tried very hard to find that person. Fill out, sign, and file a *Declaration of Due Diligence* (Solano County Local Form number 3705). *It is very important to make sure that you have completely filled out this form!* You will also need to fill out and bring an *Order*

The original letters must be filed in the court file so that the court has a record that the letters were issued. Otherwise, if you lose your letters, the court won't be able to give you another copy. There are other things you will need to do as guardian. These duties are summarized in the *Duties of Guardian* form (Judicial Council form GC-248) and discussed in more detail in the *Guardianship Pamphlet* (Judicial Council form GC-205). The *Guardianship Pamphlet* is included in this packet.

Once the court signs the *Order Appointing Guardian of the Child* (Judicial Council form GC-240), you will need to sign the *Letters of Guardianship* (Judicial Council form GC-250). The *Letters of Guardianship* form is very important, as this is the paper that proves to others (such as the child's doctor or school) that you have legal authority to make decisions about the child. You will need to take both forms to the court clerk's office to file the forms and have the *Letters of Guardianship* certified.

15 I've been appointed as a guardian. Now what do I do?

It takes approximately 60 days from the time you file your *Petition for Guardianship* until you have your hearing. This is because the Court Investigators Office needs enough time to do their investigation, perform a background check on the proposed guardian, and file their report with the court. If you believe that the child needs a guardian more quickly, you can ask that a temporary guardian be appointed. You can read more about temporary guardianships in this packet.

14 Once I file the petition, how long will it take for me to have a hearing on my petition?

Maybe not. If a person agrees to the court appointing the guardian and wants to waive notice of future hearing, they can do that by signing a *Consent to Appointment of Guardian and Waiver of Notice* (Judicial Council form GC-211). A person who signs this form does not need to be served and does not have to be given notice.

13 One of the child's relatives agrees that I should be appointed as guardian. Do I still have to give them notice of the petition or hearing?

Dispensing With Notice (Judicial Council form GC-021) to court when you file your *Declaration of Due Diligence*. The clerk of the court will put the order in the file and hold onto it until the date of the hearing. At the hearing, if the judge agrees with you that the person cannot reasonably be found, then the judge may waive notice. If the judge does waive notice, the judge will sign the *Order Dispensing With Notice* (Judicial Council form GC-021).

16 I need more help. What can I do?

You can go to the Solano Legal Access Center, located on the second floor of the main courthouse in Fairfield. The facilitator at the center might be able to help you for free.

You can talk to an attorney at your own cost.

More information concerning guardianships is available at <http://www.courtinfo.ca.gov/selfhelp/family/guardianship>. You can also read more about guardianships at your local library or the Solano County Law Library, located on the third floor of the Fairfield courthouse.

ABOUT TEMPORARY GUARDIANSHIPS

If you think that there is an **emergency** involving a minor child and that a guardianship needs to be set up quickly, you can ask the court to appoint a temporary guardian.

1 What is a temporary guardian?

A temporary guardian is someone who acts as a child's guardian until a general guardian is appointed by the court. The appointment can last for a few days or it can last as long as several months, depending on the circumstances.

2 What is an emergency?

An emergency may be different from case to case. Some examples of emergency situations involving the minor child might include:

- The child needs medical treatment;
- The child needs to be enrolled in school; or,
- The child needs to be protected from abuse or neglect.

In these kinds of emergencies, you need to show to the court that you have a very good reason for needing a temporary guardianship. Temporary guardianships are not automatically approved by the court.

***If you do not have an emergency,
you do not need to file for temporary guardianship.***

3 What do I need to do to file for a temporary guardianship?

If you want to ask for a temporary guardianship and you haven't already filed for guardianship, you must file papers asking for a general guardianship at the same time you ask for a temporary guardianship.

Copies of all the forms you need as well as a checklist for your use are attached at the back of the packet.

When you file your documents, you will be given a hearing date. You must come to court on that date to explain to the judge why you think a temporary guardianship is needed.

4 Do I need to tell anyone I am asking for a temporary guardianship?

Yes. Usually you must give at least 5 court days notice of the hearing to the following people:

- The child's mother;
- The child's father;

- The child, if he or she is age 12 or older; and,
- Any person who currently has legal custody of the child or is serving as the child’s guardian.

The notice must be personally delivered or “served.” This means that someone – **not the person asking to have a temporary guardian appointed** – age 18 or older must hand all the paperwork you filed with the court to each person listed above at least five days before the hearing. The server can be a friend or relative, or you can hire a professional process server at your own cost.

A “court day” is usually the same as a business day. It includes Mondays through Fridays, but does not include days where the court is closed.

5 I can’t wait 5 court days for a hearing. What can I do?

You can ask that the hearing be heard *ex parte*, or that the court shorten the amount of time you are required to give notice.

Ex parte means “without notice.” It usually means that the court makes a decision on your petition without anyone else knowing about it, or after very short notice.

“An order shortening time” means that instead of you giving the child’s relatives five court days notice of the hearing, the court will allow you to tell others about the hearing one or two court days before the hearing date. This gives you extra time to find them, or allows the hearing to happen more quickly.

6 How do I get an *ex parte* hearing or an order shortening time?

You need to ask the judge for one. Contact the individual department for instructions on how to file an *ex parte* request.

7 I don’t know where to find the child’s parent or relative, or I think he or she is in jail or prison. What can I do?

You must do your best to find the child’s parent or relative. For example, you can try

- Asking family members, friends, or anyone else who might know where the parent or relative might be;
- Searching the Internet; and,
- Checking the phone book or calling directory assistance.

If you know that the child’s parent or relative is in jail or prison, you can ask the jail or prison to personally serve the documents on that person. If you don’t know which prison the person is in, you can call the Identification Unit for the California Department of Corrections and Rehabilitation at (916) 445-6713 and they might be able to tell you. If the person is in a county jail, you can call the county sheriff’s office for more information on how to reach the jail.

8 I've tried everything and I still can't find the child's parent or relative. What can I do?

You can ask the court for permission to not give notice to that person. You will have to show the judge what you have done to locate the parent or relative.

9 I'm worried that something bad will happen to the child or the child's money if I tell someone about my request for a temporary guardianship. Do I still have to tell that person?

It depends. If you think that telling a particular person about your request for temporary guardianship would hurt the child, you can tell the judge what you think might happen and why. If the judge agrees with you, the judge might "waive notice" for that person, which usually means you don't have to tell that person about the temporary guardianship until after it has been granted.

10 What papers do I need to file to ask a judge to "waive notice" for a person?

You will need to fill out and file an *Ex Parte Application to Waive or Shorten Notice of Hearing on Temporary Guardianship or Conservatorship*; *Order re: Notice* (Local Form 3710).

At the hearing, if the judge agrees with you that the person cannot reasonably be found, then the judge may waive notice.

11 I've been appointed as a temporary guardian. Now what do I do?

The court will sign the *Order Appointing Temporary Guardian or Conservator* (Judicial Council form GC-140). If you have been appointed as a temporary guardian of the estate, you will need to get a bond unless the judge has waived it. Once you have proof of a bond, or if you don't need a bond, you must sign the *Letters of Temporary Guardianship or Conservatorship* (Judicial Council form GC-150). The *Letters of Guardianship* form is very important, as this is the paper that proves to others such as the child's doctor that you have legal authority to make decisions about the child. You will need to take both forms to the court clerk's office to file the forms and have them certified.

The original letters must be filed in the court file so that the court has a record that the letters were issued. Otherwise, if you lose your letters, the court won't be able to give you another copy.

ABOUT NOTICE AND SERVICE OF PROCESS

① What is notice?

Notice means that you tell someone about the guardianship case. Unless the judge waives notice, you have to tell specific people about the fact that you are asking for a guardianship for a child.

② What is service of process?

Service of process means that the papers you filed with the court to set up a guardianship have been given to a person. There are special rules for service of process that must be followed; otherwise, the judge could decide that the person needs to be served again.

③ How do I give notice or serve papers?

What is "Proof of Service" in a Guardianship? (Judicial Council form GC-510) explains in some detail how to give notice or how to serve papers. A copy of this guide is included in this packet.

ABOUT THE INDIAN CHILD WELFARE ACT

The Indian Child Welfare Act, also called ICWA, is a federal law that requires that Native American tribes be told about some court cases involving children.

1 Does ICWA apply to my case?

Maybe. If the child subject to a guardianship could have or does have Native American ancestry, then ICWA applies to your case. Usually, any suspicion that the child could have Native American ancestry—even if you don't know for sure—is enough to require compliance with ICWA.

2 How do I know if the child has Native American ancestry?

It's not always easy to know. You can ask the child if he or she knows about any relatives who might be Native American. You should also ask the child's relatives if there is any Native American heritage in their family.

3 Why is ICWA so important?

If a child might have Native American ancestry, the tribe or tribes for which the child might be eligible for membership must be told about any custody cases where someone who is not the child's parent might get custody of the child. The law is designed to make sure that the child is given access to resources available only to Native Americans.

This notice is so important that if a child turns out to be eligible for membership in a Native American tribe and that tribe didn't know about the guardianship case because they weren't given notice, the tribe could come in to court and set aside (undo) everything that the court had done up until then.

In order to make sure that all possible tribes know about the guardianship case, you will be required to give as much information as possible about the child's background. This will allow your attorney, or the court if you don't have an attorney, to let the tribes and other appropriate government agencies know about your case.

4 Will giving notice under ICWA delay the guardianship case?

Yes, somewhat. By law, the court must allow at least 60 days for the tribe(s) to respond once they have been served with notice. After the 60 days are up, the court can go forward with the case if the tribe(s) or government agencies have not responded.

EXPLANATION OF LEGAL TERMS

As your case moves forward, you may hear words you haven't heard before or that you don't understand. This list gives you commonly-used words and explains what they mean.

Adjudicate	To hear and decide the case itself or an issue within the case.
Affidavit	A written declaration made under oath.
Affirm	To make a solemn declaration or oath.
Bailiff	A sheriff's deputy that provides security to the court.
Blocked Account	An account held at a bank that requires a court order for withdrawals.
Bona Fide	Genuine or real.
Bond	An insurance contract where a bonding agency promises to pay a specific amount of money to the estate if the guardian does something that causes the estate to lose money or value.
California Rules of Court	State-wide rules that govern practices and procedures in court.
Caption	The heading on pleadings and forms that gives information such as the filing person's name and address, the case name and number, and the court's name and address.
Caregiver's Authorization Affidavit	A document that gives a qualified relative legal authority to care for a child, enroll the child in school, and authorize medical care.
Case ID or Case Number	A unique identifier assigned to a individual case. In Solano County, the case number usually starts with "FPR" followed by four to six numbers.
Clerk of the Court	An officer appointed by the judges of the court to assist in managing the court.
Consent	A person's agreement to something.
Contested	A case where the parties do not agree on how the court should decide the case. <i>Example: If a parent objects to someone being appointed as their child's guardian, the case is "contested."</i>
Continuance	The postponement or rescheduling of a hearing in a case.
Counsel	Lawyer or attorney.
Court	A judge or group of judges who hears and decides cases.
Court Order	A legally-binding and enforceable command, instruction, or direction given by a judge.

Court Reporter	A person who makes a word-for-word record of what is said in court and then produces a transcript of the proceedings upon request.
Court Stamp	A stamp (either ink or embossed) put on documents by the court.
Court Trial	A trial without a jury.
Cross-Examination	Questioning of a witness done by someone other than the person that called the witness.
Custody	<i>Example: At trial, the plaintiff's lawyer cross-examined the defendant.</i> A person's legal right to have the child physically with that person, to make decisions about that child, or both.
Declaration	A written statement made by a person under penalty of perjury.
Decree	A court's decision.
Deposition	The testimony of a witness made under oath, but not in court, and written down to be used later at trial.
Direct Examination	Questioning of a witness done by the party that called the witness. <i>Example: At trial, the plaintiff's lawyer conducted direct examination of the plaintiff.</i>
Due Diligence	A declaration explaining to the court all the efforts made to find someone and give them notice of the case.
Evidence	Proof presented at a hearing or trial through witnesses, records, and/or exhibits.
Exhibits	A document or object produced and identified in court for use as evidence.
Ex Parte	Contact with the judge without the other side knowing. Also means an emergency hearing.
Fiduciary	A person who acts as a trustee or primarily for another person's benefit.
First Degree Relative	A relative that is a parent or child of a particular person.
Forfeiture	The loss of money or property resulting from failure to meet a legal obligation.
Fraud	Intentional deception to cause a person to give up property or a right
Good Cause	A good reason.
Guardianship	A court proceeding where the court appoints someone other than a child's parents to take care of the child, the child's property, or both.
Hearing	A formal court proceeding with a judge, but without a jury.
In Propria Persona ("In Pro Per")	A party without an attorney.

Inventory and Appraisal	A form filed with the court that lists the minor’s assets, such as bank accounts, real property, and personal property, and gives the value of those assets.
Judgment	The official decision of the court that ends the case.
Jurisdiction	The legal authority of a court to decide an issue or make an order binding a person.
Letters of Guardianship	A court document that states the guardian is authorized to act on the minor child’s behalf.
Maternal Relative	A relative on the mother’s side of the family.
Mediation	A non-binding process where a neutral person helps parties talk with each other to resolve disputes.
Motion	An oral or written request made by a party to the court for a ruling or order on a particular point.
Notice	A written announcement or warning.
Objection	A written or oral statement made by a person who disagrees with requests made in a petition; a formal protest made to testimony or evidence that someone else wants to give to the court.
Objector	The person making an objection.
Obligation	Something that a person is required to do.
Order	A legally-binding and enforceable command, instruction, or direction given by a judge.
Order to Show Cause	A court order requiring a person to appear in court and give the court evidence or reasons why the court shouldn’t do specific things.
Parental Rights	The right of a parent to make decisions about their child, including where the child lives, where they go to school, etc.
Party	Another name for a litigant. A party can be the petitioner, respondent, plaintiff, defendant, etc.
Paternal Relative	A relative on the father’s side of the family.
Perjury	Lying under oath.
Petition	A formal request filed with the court asking for specific results. A request to establish a guardianship is started with a petition.
Petitioner	The person who files the petition with the court.
Pleading	A written statement filed with the court that describes a party’s legal or factual assertions about the case. Also means a written statement where a party responds to another party’s allegations.
Power of Attorney	A document where one person (the "principal") authorizes someone else (the “agent” or “attorney in fact”) to do certain things on the principal’s behalf.

Probate Court	The department in each county's Superior Court that deal with probate cases, such as conservatorships, guardianships, estates of people who have died, and trusts.
Pro Bono	Legal work done for free.
Proceedings	The process of conducting judicial business before a court.
Public Record	A record that the public can get access to.
Record	A written account of the proceedings and the documents filed in a case.
Restraining Order	A court order that requires a person to stop doing something.
Second Degree Relative	A person that is a grandparent, grandchild, or sibling to another person.
Settlement	An agreement reached by the parties that ends the case without going to trial or finishing a trial.
Stipulation	An agreement between parties or their attorneys.
Subpoena	An official order requiring someone to come to court and testify.
Superior Court	The trial court of general jurisdiction in each of California's 58 counties
Termination	Ending of a procedure or case. It can also mean the ending of someone's right to something.
	<i>Example: The court ordered the guardianship terminated and custody returned to the mother.</i>
	<i>Example: The court terminated the father's parental rights and ordered the child be placed for adoption.</i>
Testify	To give evidence under oath as a witness, either in a courtroom or in a deposition.
Testimony	Evidence given orally by witnesses during hearings or trials.
Third Degree Relative	A person that is a great-grandparent, great-grandchild, aunt/uncle, or nephew/niece to another particular person.
Trial	The hearing and determination of issues of facts and law.
Trust	An arrangement where one person holds assets for the benefit of another person.
Trust Account	Money held in trust for the benefit of another.
Venue	The county in which the case can be filed.
Verification	An order or written statement that something is true, usually sworn to under oath.
Waiver	To voluntarily and knowingly give up a legal right.
Ward	A minor child who lives with or whose assets are managed by a guardian.

Witness

A person called by either side in a lawsuit to give testimony during a hearing or trial.

INSTRUCTIONS

(1) Decide what kind of guardianship the child needs:

- Custody of the child only
- Control over the child's money/property = Guardianship of the Estate
- Custody of the child **and** control over the child's money/property = Guardianship of the Person and Estate

(2) Make sure you have the correct packet:

- Guardianship of the Person = Use this packet
- Guardianship of the Estate = Use *How to File for Guardianship of the Estate in Solano County*
- Guardianship of the Person and Estate = Use *How to File for Guardianship of the Person and Estate in Solano County*

(3) Fill out the forms for the guardianship.

The forms you need are listed on the page labeled *Forms List—General Guardianship*.

(4)

Decide whether the child needs a temporary guardianship. For more information on what that means, see page FAQ-8.

If you think the child needs a temporary guardianship, fill out the forms for the temporary guardianship. The forms you need are listed on the page labeled *Forms List—Temporary Guardianship*.

(5)

Once you've filled out all your forms, make at least three copies of each completed form.

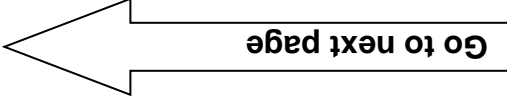
(6)

Take your original forms and all the copies to the courthouse for filing. When you file your papers, you will need to pay a filing fee. If you believe you cannot afford the filing fee, ask the court clerk for a fee waiver application.

(7)

When your papers are filed, you will:

- Get a hearing date from the clerk for your general guardianship;
- Get your copies back with a file stamp on them (the court keeps the originals); and,
- Get a hearing date for a temporary guardianship, if you asked for one.



- (8) After your papers are filed, do the following with your three copies:**
- Take one copy of all your forms to the Court Investigators Office. The Court Investigators Office is located in the Fairfield Courthouse on the second floor, across the hall from the Family Law/Probate Clerk's Office.
 - Keep one copy of all your forms for your records.
 - Use your third copy to make more copies of your filed paperwork for service on all the people entitled to notice. See page FAQ-11 for more information on who must receive notice.
- (9) Arrange for service of your paperwork. Remember, you cannot serve the papers yourself!**
For more information on how service is done, see page FAQ-11 and *What is "Proof of Service" in a Guardianship?* (Judicial Council form GC-510).
- (10) Pay the investigation fee to the office appointed to investigate your petition.**
If you are a close relative of the child, the office will be the Court Investigators Office. If you are not a close relative, the office will be the Solano County Department of Health and Social Services.
- (11) Cooperate with the investigator as he or she does the investigation.** Promptly give the investigator any information the investigator asks for.
- (12) Once the investigation is complete, you will receive a report from the investigator.**
- (13) Go to court on the date and time set for your hearing.**
At the hearing, you can tell the judge whether or not you agree with the investigator's report and recommendations.
- (14) If the court appoints you as guardian of the person, the court will require that "letters issue." Letters prove to others (such as the child's school or doctor) that you have legal authority to make decisions for the child. You will need to sign the Letters and have the clerk "issue" them.**

FORMS



- Remember to bring the original plus 3 copies of EACH completed form with you when you come to court to file your papers!

FORMS LIST – TEMPORARY GUARDIANSHIP

IMPORTANT!

If you want to ask for a temporary guardianship and you haven't already filed for guardianship, you must file additional papers asking for guardianship of the person at the same time you ask for a temporary guardianship.

<u>FORM</u>	<u>FORM NUMBER</u>	<u>COMMENTS</u>
A. PETITION FOR APPOINTMENT OF TEMPORARY GUARDIAN OF THE PERSON	GC-110(P)	
B. ORDER APPOINTING TEMPORARY GUARDIAN OR CONSERVATOR	GC-140	
C. LETTERS OF TEMPORARY GUARDIANSHIP OR CONSERVATORSHIP	GC-150	
D. NOTICE OF HEARING	GC-020	

The form listed below is needed only if you are asking the court to do either of the following:

(a) Waive the requirement that you give notice of the temporary guardianship petition to one or more individuals;

OR

(b) Shorten the amount of notice you need to give to one or more individuals concerning the temporary guardianship petition.

A. EX PARTE APPLICATION TO WAIVE OR SHORTEN NOTICE OF HEARING ON TEMPORARY GUARDIANSHIP OR CONSERVATORSHIP; ORDER RE: NOTICE	Local Form 3710
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GC-110(P)

Petition for Appointment of Temporary Guardian of the Person

Clerk stamps date here when form is filed.

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

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

Fill in court name and street address:

Superior Court of California,
County of _____

Clerk fills in case number when form is filed.

Case Number: _____

1 Your name (include the names of all persons who are requesting the court to appoint them or the person named in 4 as temporary guardian of the child or children named above and in 6. All must sign this form.):

- a. _____
- b. _____

2 Your address and telephone number:

Street: _____ Apt.: _____

City: _____

State: _____ Zip: _____ Phone: _____

3 Your lawyer (if you have one):

Name: _____ Bar No.: _____

Firm name, if any: _____

Street: _____ Suite: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax (optional): _____ E-mail (optional): _____

4 I/We want to be the temporary guardian of the child or children named in 6. (Go to 5.)

I/We want the person or persons named here to be the temporary guardian of the child or children named above. Tell the court about the proposed guardian(s) below.

Name(s): _____

Street: _____ Apt.: _____

City: _____ State: _____ Zip: _____

Phone: _____

I am the child or one of the children named in 6 and one of the persons named in 1. I am at least 12 years old. I want the person named here to be my temporary guardian.

My date of birth is (month/day/year): _____



to this form.

“GC-110(P)—Item 7: Reasons for Appointment of Temporary Guardian” at the top of the paper and attach it

Check here if you need more space. Continue your explanation on a separate sheet of paper. Write

Blank lines for providing reasons for appointment of temporary guardian.

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

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

7

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

Form for providing information for additional children (name, address, phone number).

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

6

Blank lines for listing children who need a temporary guardian.

Not related to the child or children (explain proposed guardian’s interest in or connection to the child):

Form for explaining proposed guardian's interest in or connection to the child.

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

5

- Grandmother (father’s mother)
Grandfather (father’s father)
Grandmother (mother’s mother)
Grandfather (mother’s father)
Sister (adult)
Brother (adult)
Uncle
Aunt
Other Relative (explain relationship to child or children)

Temporary guardianship of (all children’s names):

Case Number:

Case Number input box.

Date: _____

Petitioner types or prints name here

Date: _____

Petitioner signs here

Date: _____

Petitioner's Attorney types or prints name here

Date: _____

Petitioner's Attorney signs here

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

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

⑩ All attachments are made part of this form as though placed here. There are _____ pages attached to this form. (If none, write "0.")

You must give at least five days advance written notice of the court hearing on your petition for appointment of a temporary guardian. The written notice must be personally delivered to (1) the child if he or she is at least 12 years old, (2) the child's parents, and (3) any person who has a valid and effective visitation order with the child. Written notice is given by delivering a filled-in copy of this petition and a filled-in copy of a *Notice of Hearing—Guardianship or Conservatorship* (form GC-020), showing the date, time, and place of the hearing and the title of this petition. See *What Is "Proof of Service" in a Guardianship?* (form GC-510) for more information on how to give notice in a guardianship and how to prove that you have given notice. The instructions in that form for personal service apply here, but the time limits for giving notice mentioned in that form do not apply to a temporary guardianship. There is much less time to complete this task when a petition for appointment of a temporary guardian is involved.

The court may waive (excuse) or change the requirement of giving notice if you can show the court good cause why an exception should be made to the requirement of giving notice. This showing may be made by completing item 9b on page 3 of this form.

If you want the court to waive notice to someone because he or she cannot be found, you must show the court that you have made reasonable efforts to find that person. See rules 7.52 and 7.1012 of the California Rules of Court for information on making reasonable efforts to find a person and on the good cause exception to notice of the hearing on a petition for appointment of a temporary guardian.

INFORMATION ABOUT GIVING NOTICE OF THE HEARING ON YOUR PETITION AND REQUESTING A GOOD CAUSE EXCEPTION TO GIVING NOTICE

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

Case Number: _____

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

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

1. The petition for appointment of a temporary guardian came on for hearing as follows (*check boxes c–l to indicate personal presence*):
- a. Judicial officer (*name*):
 - b. Hearing date: Time: Dept.: Room:
 - c. Petitioner (*name*):
 - d. Attorney for petitioner (*name*):
 - e. Minor (*name*):
 - f. Attorney for minor (*name*):
 - g. Minor’s parents (*names*):
 - h. Attorney for minor’s parents (*names*):
 - i. Person with valid visitation order (*name*):
 - j. Attorney for person with valid visitation order (*name*):
 - k. Public Guardian (*name*):
 - l. Attorney for Public Guardian (*name*):

THE COURT FINDS

2. a. Notice of the time and place of hearing has been given as required by law.
 b. Notice of the time and place of hearing has been should be dispensed with for (*names*):
3. It is necessary that a temporary guardian be appointed to provide for temporary care, maintenance, and support
 protect property from loss or injury pending the hearing on the petition for appointment of a general guardian.
 pending an appeal under Probate Code section 1301. during the suspension of powers of the guardian.

THE COURT ORDERS

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

ORDER APPOINTING TEMPORARY GUARDIAN
(Probate—Guardianships and Conservatorships)

Date: _____

11. Number of pages attached: _____

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

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

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

in attachment 7. below (specify): _____

7. In addition to the powers granted by law, the temporary guardian is granted other powers. These powers are specified

order.

d. The temporary guardian is not authorized to take possession of money or any other property without a specific court and receipts shall be filed. No withdrawals shall be made without a court order. Additional orders in attachment 6c.

(location):

c. Deposits of: \$ _____

are ordered to be placed in a blocked account at (specify institution and

provided by law.

b. Bond is fixed at: \$ _____

to be furnished by an authorized surety company or as otherwise

6. a. Bond is not required.

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

	TEMPORARY GUARDIANSHIP OF (Name): _____ MINOR
CASE NUMBER:	

JUDICIAL OFFICER
SIGNATURE FOLLOWS LAST ATTACHMENT

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

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

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

FOR RECORDER'S USE ONLY

TEMPORARY GUARDIANSHIP CONSERVATORSHIP
OF (name): MINOR CONSERVATEE

CASE NUMBER:

LETTERS OF TEMPORARY GUARDIANSHIP CONSERVATORSHIP
 Person Estate

FOR COURT USE ONLY

LETTERS

- 1. (Name): is appointed temporary guardian conservator of the person estate of (name):
- 2. Other powers that have been granted or restrictions imposed on the temporary guardian conservator are specified in Attachment 2. specified below:

- 3. These Letters shall expire a. on (date): or upon earlier issuance of Letters to a general guardian or conservator. b. on other date (specify):
- 4. The temporary guardian conservator is not authorized to take possession of money or any other property without a specific court order.
- 5. Number of pages attached:

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

(SEAL)

Date: Clerk, by _____, Deputy

CASE NUMBER: _____	TEMPORARY <input type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP <input type="checkbox"/> MINOR <input type="checkbox"/> CONSERVATEE <input type="checkbox"/>
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NOTICE TO INSTITUTIONS AND FINANCIAL INSTITUTIONS
 (Probate Code sections 2890-2893)

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

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

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

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

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

LETTERS OF TEMPORARY GUARDIANSHIP CONSERVATORSHIP
AFFIRMATION

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

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

(TYPE OR PRINT NAME)

(SIGNATURE OF APPOINTEE)

CERTIFICATION

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

Date:

(SEAL)

Clerk, by _____

, Deputy

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

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

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

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

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

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

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

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



NOTICE OF HEARING—GUARDIANSHIP OR CONSERVATORSHIP
(Probate—Guardianships and Conservatorships)

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

		1.
		2.
		3.
		4.

Name of person served
Address (number, street, city, state, and zip code)

NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED

(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)
(SIGNATURE OF PERSON COMPLETING THIS FORM)

Date:

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

4. a. Date mailed: I served with the Notice of Hearing—Guardianship or Conservatorship a copy of the petition or other document referred to in the Notice.

b. Place mailed (city, state):

3. I served the foregoing Notice of Hearing—Guardianship or Conservatorship on each person named below by enclosing a copy in an envelope addressed as shown below AND

a. depositing the sealed envelope with the United States Postal Service on the date and at the place shown in item 4 with the postage fully prepaid.

b. placing the envelope for collection and mailing on the date and at the place shown in item 4 following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

1. I am over the age of 18 and not a party to this cause. I am a resident of or employed in the county where the mailing occurred.

2. My residence or business address is (specify):

PROOF OF SERVICE BY MAIL

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

A copy of this Notice of Hearing—Guardianship or Conservatorship ("Notice") must be "served" on—delivered to—each person who has the right under the law to be notified of the date, time, place, and purpose of a court hearing in a guardianship or conservatorship. Copies of this Notice may be served by mail in most situations. In a guardianship, however, copies of this Notice must sometimes be personally served on certain persons; and copies of this Notice may be personally served instead of served by mail in both guardianships and conservatorships. The petitioner (the person who requested the court hearing) may not personally perform either service by mail or personal service, but must show the court that copies of this Notice have been served in a way the law allows. The petitioner does this by arranging for someone else to perform the service and complete and sign a proof of service, which the petitioner then files with the original Notice.

This page contains a proof of service that may be used only to show service by mail. To show personal service, each person who performs the service must complete and sign a proof of personal service, and each signed copy of that proof of service must be attached to this Notice when it is filed with the court. You may use form GC-020(P) to show personal service of this Notice.

NOTE: *

CASE NUMBER:

 GUARDIANSHIP CONSERVATORSHIP OF THE PERSON ESTATE

OF (Name):

 MINOR (PROPOSED) CONSERVATEE

IN RE GUARDIANSHIP/CONSERVATORSHIP OF:	CASE NUMBER:
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THIS PAGE FOR COURT USE ONLY

THE COURT FINDS as follows:

- The following person(s) cannot with reasonable diligence be given notice (*names*):

- Good cause exists for dispensing with notice to (*names*):

- Good cause exists for shortening the amount of notice to (*names*):

- Good cause exists for changing the method of notice to (*names*):

- Good cause does not exist for waiving or shortening notice to (*names*):
 - all individuals named in the application.
 - _____

THE COURT ORDERS that notice on the petition for temporary guardianship conservatorship

- Is dispensed with as to (*names*):

- Shall be given _____ court days prior to the hearing to the following person(s) (*names*):

- May be given by telephone fax e-mail personal delivery to the following persons (*names*):

- Shall be given as required by law as to (*names*):
 - all individuals named in the application.
 - _____

Date: _____
Judge of the Superior Court

FORMS LIST – GENERAL GUARDIANSHIP

<u>FORM</u>	<u>FORM NUMBER</u>	<u>COMMENTS</u>
A. PETITION FOR APPOINTMENT OF GUARDIAN OF THE PERSON	GC-210(P)	
B. GUARDIANSHIP PETITION – CHILD INFORMATION ATTACHMENT	GC-210(CA)	Staple this form to your <i>Petition for Appointment of Guardian of the Person</i>
C. CONSENT OF GUARDIAN, NOMINATION, AND WAIVER OF NOTICE	GC-211	This form must be signed by the proposed guardian. If one or both parents agree to the guardianship or want to nominate a guardian, the form must be signed by the parent(s) either nominating a guardian or consenting to the guardianship. The parent(s) can sign the same form as the guardian, or can sign a separate form.
D. DECLARATION REGARDING VENUE	Local Form 3700	
E. DECLARATION UNDER UCCJEA	FL-105 / GC-120	If you need more space, you may attach form FL-105A / GC-120A.
F. CONFIDENTIAL GUARDIAN SCREENING FORM	GC-212	
G. COURT INVESTIGATOR’S INFORMATION AND REFERRAL FORM	Local Form 3490	
H. NOTICE OF HEARING	GC-020	
I. DUTIES OF GUARDIAN	GC-248	
J. ORDER APPOINTING INVESTIGATOR	Local Form 3510	
K. ORDER APPOINTING GUARDIAN OF MINOR	GC-240	
L. LETTERS OF GUARDIANSHIP	GC-250	

The forms listed below are needed only if you are asking the court to do either of the following:

- (a) Waive the requirement that you give notice of the guardianship petition to one or more individuals;
OR
- (b) Shorten the amount of notice you need to give to one or more individuals concerning the guardianship petition.

A. DECLARATION OF DUE DILIGENCE	Local Form 3705	
B. ORDER PRESCRIBING NOTICE	GC-022	This form is used to shorten notice.
C. ORDER DISPENSING WITH NOTICE	GC-021	This form is used to waive notice.

Petition for Appointment of Guardian of the Person

Guardianship of the person of *(all children's names)*:

Clerk stamps date here when form is filed.

You may use this form or the Petition for Appointment of Guardian of Minor (form GC-210) to petition, or ask, the court to appoint a guardian of the person. (You must use form GC-210 to ask the court to appoint a guardian of the estate or of both the person and the estate.)

1 Your name *(Include the names of all persons who are requesting the court to appoint them or the person named in 4 as guardian for the child* or children* named above and in 8). All must sign this form.):*

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

Fill in court name and street address:

Superior Court of California, County of

2 Your address and telephone number:

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

Clerk fills in information below when form is filed.

Case Number:	
Hearing Date and Time:	Dept.:

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

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

4 **I/We want to be guardian of the child or children named in 8** *(Go to 5.)*

I/We want the person or persons named here to be the guardian of the child or children named in 8. *Tell the court about the proposed guardian(s) below.*

Name(s): _____
Street: _____ Apt.: _____
City: _____ State: _____ Zip: _____
Phone: _____ E-mail: _____

I am the child or one of the children named in 8 and a person named in 1. I am at least 12 years old. I want the person or persons named here to be my guardian.

My date of birth is *(month/day/year):* _____ *Tell the court about the proposed guardian(s) below.*

Name(s): _____
Street: _____ Apt.: _____
City: _____ State: _____ Zip: _____
Phone: _____ E-mail: _____

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



Petition for Appointment of Guardian of the Person
(Probate—Guardianships and Conservatorships)

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

a. Name: _____
 First _____ Middle _____ Last _____
 Date of birth: _____
 Month/Day/Year

b. Name: _____
 First _____ Middle _____ Last _____
 Date of birth: _____
 Month/Day/Year

c. Name: _____
 First _____ Middle _____ Last _____
 Date of birth: _____
 Month/Day/Year

d. Name: _____
 First _____ Middle _____ Last _____
 Date of birth: _____
 Month/Day/Year

e. Name: _____
 First _____ Middle _____ Last _____
 Date of birth: _____
 Month/Day/Year

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

Fill out and attach to this form a separate copy of Guardianship Petition—Child Information Attachment (form GC-210(CA)) for each child named below. Show all children's names at the top of all pages of this form. Fill out and attach to this form a Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) (form FL-105/GC-120) concerning all children under 18 years of age listed below.

6

Tell the court about the child or children who need a guardian.

Person as Guardian" at the top of the writing and attach it to this form. Fill in the nominated person's name and address in item 2 of the Guardianship Petition—Child Information Attachment (form GC-210(CA)) for each child for whom the person was nominated as guardian.

7

A person other than the proposed guardian(s) named in 1 or 4 has been nominated in a will or other writing as guardian of the child or children named in 8. A copy of the written nomination is attached. Write "Form GC-210(P)—Attachment 7: Nomination of Another Person as Guardian" at the top of the writing and attach it to this form. Fill in the nominated person's name and address in item 2 of the Guardianship Petition—Child Information Attachment (form GC-210(CA)) for each child for whom the person was nominated as guardian.

- a. Does the proposed guardian run a licensed foster family home? Yes No
- b. I am the proposed guardian. I will promptly furnish any information requested by an agency investigating an adoption or a local agency designated by the county to provide public social services.
- c. I am not the proposed guardian. The signed statement of the proposed guardian agreeing to promptly furnish any information requested by an agency investigating an adoption or a local agency designated by the county to provide public social services is attached to this form as Attachment 6.

8

Check this box if you checked the box in item 5b (guardian unrelated to child or children). Answer the question in item a and check the box in item b or c. If you check the box in c, provide the signed statement of the proposed guardian on a separate sheet of paper. Write "Form GC-210(P)—Attachment 6: Statement of Unrelated Guardian" at the top of the paper and attach it to this form.

- a. Related to the child or children named in 8, as shown in item 3 of the child's or children's attached Guardianship Petition—Child Information Attachment (form(s) GC-210(CA)).
- b. Not related to the child or children named in 8.
- c. A nominee of a parent or more of the children named in 8, as shown in item 5 of the child's or children's attached Guardianship Petition—Child Information Attachment (form(s) GC-210(CA)).

9

The proposed guardian named in 1 or 4 is (check all that apply):

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

Guardianship of *(all children's names)*: _____

This child's name: _____

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

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

_____*(If you checked "Yes" to item (1), this guardianship case is subject to ICWA. If you checked "Not sure" or "No" to item (1), answer item (2).)*(2) Do you know or have reason to know (within the meaning of Prob. Code, §§ 1460.2(a), Welf. & Inst. Code, § 224.3(b), and Cal. Rules of Court, rule 7.1015), whether this child is or may be an Indian child? No Yes *(If you checked "Yes" to either item (1) or (2), you must file and serve a Notice of Child Custody Proceeding for Indian Child (form ICWA-030), in addition to service of any other notices required in this case. For information about what is "reason to know whether the child is or may be an Indian child" and the notice requirement, including who must be served, how to serve them, and how to prove to the court that you have done so, and how to fill out and file the Notice, see the Information Sheet on Indian Child Inquiry Attachments and Notice of Child Custody Proceeding For Indian Child (form ICWA-005-INFO).)*d. Is this child married? Yes No Never married If you checked "No," was this child formerly married but the marriage was dissolved or ended in divorce? Yes No
(The court cannot appoint a guardian of the person for a minor child who is married or whose marriage was dissolved or ended in divorce.)

Guardianship Petition—Child Information Attachment
(Probate—Guardianships and Conservatorships)



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

2

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

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

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

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

g. (Check this box and fill out below if the person the child lives with is not the person with legal custody.) Name and address of the person this child lives with (has the care of the child): _____

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

Type of Aid	Monthly Benefit	Type of Aid	Monthly Benefit
TANF (Temporary Asst. for Needy Families)	\$ _____	Other (explain):	\$ _____
Social Security	\$ _____	Other (explain):	\$ _____
Dept. Veterans Affairs Benefits	\$ _____		

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

1

Tell the court about this child (continued)

This child's name: _____

Guardianship of (all children's names): _____

Case Number: _____

Guardianship of (all children's names): _____

Case Number: _____

This child's name: _____

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

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

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

Spouse
(Guardianship of the estate only) _____

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

3 Information about the proposed guardian:

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

b. Relationship(s) to the child named in 1 (check all that apply):

Relative (specify relationships of all proposed guardians to the child): _____

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



Guardianship of (all children's names): _____

Case Number: _____

This child's name: _____

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

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

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

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

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

CONSENT OF PROPOSED GUARDIAN

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

Date:

_____ ▶ _____

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

NOMINATION OF GUARDIAN

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

as guardian of the person estate of the minor.

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

as guardian of the person estate of the minor.

Date:

_____ ▶ _____

(TYPE OR PRINT NAME) (SIGNATURE)

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

CONSENT TO APPOINTMENT OF GUARDIAN AND WAIVER OF NOTICE

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

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

Continued on Attachment 4.

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____ E-MAIL ADDRESS (<i>Optional</i>): _____ ATTORNEY FOR (<i>Name</i>): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SOLANO STREET ADDRESS: 600 Union Avenue MAILING ADDRESS: P.O. Caller 5000 CITY AND ZIP CODE: Fairfield, CA 94533	
GUARDIANSHIP OF (<i>Name</i>): _____	
DECLARATION RE VENUE <input type="checkbox"/> Temporary <input type="checkbox"/> General Guardianship of <input type="checkbox"/> Person <input type="checkbox"/> Estate	CASE NUMBER: _____

I, _____, declare as follows:

1. The proposed ward is a resident of the State of California. I declare that pursuant to Probate Code section 2201, this guardianship proceeding should be heard in Solano County because:

- a. The child resides in Solano County and has lived here since (*date*): _____.
- b. The child resides in (*name of county*) _____, but it is in the child's best interests to have the case heard in Solano County because (*explain*):

Continued on attached sheet. Be sure to include the case name and case number at the top of each page.

2. The proposed ward is not a resident of the State of California. I declare that pursuant to Probate Code section 2202, this guardianship proceeding should be heard in Solano County because:

- a. The child is temporarily living in Solano County and has been in Solano County since (*date*): _____.
- b. The child has property in Solano County.
- c. The child does not live in or have property in Solano County, but it is in the child's best interests to have the case heard in Solano County because (*explain*): _____

Continued on attached sheet. Be sure to include the case name and case number at the top of each page.

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

Date: _____
(Signature of Declarant)

DECLARATION RE: VENUE (PROBATE GUARDIANSHIPS)

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

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

a. Child's name		Place of birth	Date of birth	Sex
Period of residence to present	Address <input type="checkbox"/> Confidential	Person child lived with <i>(name and complete current address)</i> <input type="checkbox"/> Confidential		Relationship
to	Child's residence <i>(City, State)</i>	Person child lived with <i>(name and complete current address)</i>		
to	Child's residence <i>(City, State)</i>	Person child lived with <i>(name and complete current address)</i>		
to	Child's residence <i>(City, State)</i>	Person child lived with <i>(name and complete current address)</i>		
b. Child's name		Place of birth	Date of birth	Sex
<input type="checkbox"/> Residence information is the same as given above for child a. <i>(If NOT the same, provide the information below.)</i>				
Period of residence to present	Address <input type="checkbox"/> Confidential	Person child lived with <i>(name and complete current address)</i> <input type="checkbox"/> Confidential		Relationship
to	Child's residence <i>(City, State)</i>	Person child lived with <i>(name and complete current address)</i>		
to	Child's residence <i>(City, State)</i>	Person child lived with <i>(name and complete current address)</i>		
to	Child's residence <i>(City, State)</i>	Person child lived with <i>(name and complete current address)</i>		

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

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

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

7. Number of pages attached: _____

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

Date:

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

Table with 3 columns for child information: a. Name and address of person, b. Name and address of person, c. Name and address of person. Each column includes checkboxes for physical custody, custody rights, and visitation rights.

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

Table with 5 columns: Court, County, State, Case number (if known), Orders expire (date). Rows include categories: a. Criminal, b. Family, c. Juvenile Delinquency/Juvenile Dependency, d. Other.

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

Table with 3 columns: Proceeding, Case Number, Court (name, state, location). Rows include: d. Juvenile Delinquency/Juvenile Dependency, e. Adoption.

Table with 7 columns: Proceeding, Case number, Court (name, state, location), Court order or judgment (date), Name of each child, Your connection to the case, Case status. Rows include: a. Family, b. Guardianship, c. Other.

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

SHORT TITLE: _____ CASE NUMBER: _____

CONFIDENTIAL (DO NOT ATTACH TO PETITION)

GC-212

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

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

How This Form Will Be Used

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

1. a. **Proposed guardian (name):**
b. Date of birth: _____
c. Social security number: _____ d. Driver's license number: _____ 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 GUARDIAN SCREENING FORM
(Probate—Guardianships and Conservatorships)

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

(TYPE OR PRINT NAME OF PROPOSED GUARDIAN)

(SIGNATURE OF PROPOSED GUARDIAN)

Date:

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

DECLARATION

MINORS' CONTACT INFORMATION			
20. Minor's name:	School (name):	School telephone:	Other telephone:
21. Minor's name:	School (name):	School telephone:	Other telephone:
22. Minor's name:	School (name):	School telephone:	Other telephone:

Information on additional minors is attached.

19. I have I have not filed for bankruptcy protection within the last 10 years. *(If you checked "I have," explain in Attachment 19.)*
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.)*
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.)*
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.)*
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.)*
14. I have I have not previously been appointed guardian, conservator, executor, or fiduciary in another proceeding. *(If you checked "I have or may have," explain in Attachment 13.)*
13. I do not have I have or may 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 14.)*
12. Yes No Do you suffer from any physical disability that would impair your ability to perform the duties of guardian? *(If you checked "Yes," explain in Attachment 12.)*
11. Yes No Do you or does any other person living in your home suffer from mental illness? *(If you checked "Yes," explain in Attachment 10.)*
10. Yes No 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?

GUARDIANSHIP OF (Name):	MINOR
CASE NUMBER:	

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____ E-MAIL ADDRESS (<i>Optional</i>): _____ ATTORNEY FOR (<i>Name</i>): _____	FOR COURT USE ONLY <h2 style="margin: 0;">DO NOT FILE</h2> FORWARD TO COURT INVESTIGATORS OFFICE IMMEDIATELY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SOLANO STREET ADDRESS: 600 Union Avenue MAILING ADDRESS: P.O. Caller 5000 CITY AND ZIP CODE: Fairfield, CA 94533	
GUARDIANSHIP OF (<i>Name</i>): _____	MINOR
CONFIDENTIAL COURT INVESTIGATOR'S INFORMATION AND REFERRAL FORM Guardianship of <input type="checkbox"/> Person <input type="checkbox"/> Estate	CASE NUMBER: _____

NOTICE: Per Solano County Local Rule 15.2, the person requesting appointment of the guardian must complete and sign this form and submit it to the court along with the guardianship petition. The form will not be placed in the public court file but instead will be used by the court to determine whether to appoint the proposed guardian. **The information in this form is confidential.**

1. Where is the proposed ward currently living?

Address: _____
 City/State/Zip: _____
 Telephone: _____

2. Has the child lived with a person other than the child's mother or father within the last two years?

No Yes → Please provide the following information about that person:
 Name: _____
 Relationship to child: _____
 Address: _____
 Phone number: _____

3. Is there another court case between the parents of the ward (e.g. divorce, paternity, restraining order, child support, etc.) in Solano County, another county in California, in any other state or in any other country?

No Yes → Please provide the following information about that case:
 Where is the case? _____
 Are there any custody orders for this child in that case? _____

4. Please provide the following information about the proposed ward's mother:

Name: _____
 Other names used: _____
 Date of birth: _____
 Social Security #: _____ CA Driver's License #: _____
 Address: _____
 City/State/Zip: _____

CONFIDENTIAL COURT INVESTIGATOR'S INFORMATION AND REFERRAL FORM

GUARDIANSHIP OF:	CASE NUMBER:
-------------------------	---------------------

Telephone: (Home) _____ (Work) _____ (Cellular) _____ (Other) _____

The proposed ward's mother is deceased.
 Date of death: _____
 Did she die in California? Yes No

If the mother died in California, what county did she die in? Solano Other: _____

The proposed ward's mother is in prison or jail.

Date of incarceration: _____ Expected date of release: _____

Where is she incarcerated?

County jail in Solano County another county: _____

California state prison (California Department of Corrections): _____

Federal prison: _____

Other: _____

5. Please provide the following information about the proposed ward's father:

Name: _____

Other names used: _____

Date of birth: _____

Social Security #: _____ CA Driver's License #: _____

Address: _____

City/State/Zip: _____

Telephone: (Home) _____ (Work) _____ (Cellular) _____ (Other) _____

The proposed ward's father is deceased.

Date of death: _____
 Did he die in California? Yes No

If the father died in California, what county did he die in? Solano Other: _____

The proposed ward's father is in prison or jail.

Date of incarceration: _____

Expected date of release: _____

Where is he incarcerated?

County jail in Solano County another county: _____

California state prison (California Department of Corrections): _____

Federal prison: _____

Other: _____

6. If there anything else you think the court investigator should know, you may attach additional sheets of paper to this form. Be sure to include the case name and number at the top of each attached page.

I declare under penalty of perjury of the laws of the State of California that, to the best of my knowledge, the foregoing declaration and the information contained herein is true and correct.

Date: _____

 (Signature of Person Filing Out This Form)

CONFIDENTIAL COURT INVESTIGATOR'S INFORMATION AND REFERRAL FORM

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

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

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

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

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

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

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

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.)



NOTICE OF HEARING—GUARDIANSHIP OR CONSERVATORSHIP
(Probate—Guardianships and Conservatorships)

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

4.		
3.		
2.		
1.		

Name of person served
Address (number, street, city, state, and zip code)

NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED

(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)
(SIGNATURE OF PERSON COMPLETING THIS FORM)

Date:

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

5. I served with the *Notice of Hearing—Guardianship or Conservatorship* a copy of the petition or other document referred to in the Notice.

4. a. Date mailed: _____ b. Place mailed (city, state): _____

3. I served the foregoing *Notice of Hearing—Guardianship or Conservatorship* on each person named below by enclosing a copy in an envelope addressed as shown below AND

a. **depositing** the sealed envelope with the United States Postal Service on the date and at the place shown in item 4 with the postage fully prepaid.

b. **placing** the envelope for collection and mailing on the date and at the place shown in item 4 following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

2. My residence or business address is (specify): _____

1. I am over the age of 18 and not a party to this cause. I am a resident of or employed in the county where the mailing occurred.

PROOF OF SERVICE BY MAIL

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

NOTE: *

A copy of this *Notice of Hearing—Guardianship or Conservatorship* ("Notice") must be "served" on—delivered to—each person who has the right under the law to be notified of the date, time, place, and purpose of a court hearing in a guardianship or conservatorship. Copies of this Notice may be served by mail in most situations. In a guardianship, however, copies of this Notice must sometimes be personally served on certain persons; and copies of this Notice may be personally served instead of served by mail in both guardianships and conservatorships. The petitioner (the person who requested the court hearing) **may not personally perform either service by mail or personal service**, but must show the court that copies of this Notice have been served in a way the law allows. The petitioner does this by arranging for someone else to perform the service and complete and sign a proof of service, which the petitioner then files with the original Notice.

This page contains a proof of service that may be used only to show service by mail. To show personal service, each person who performs the service must complete and sign a proof of personal service, and each signed copy of that proof of service must be attached to this Notice when it is filed with the court. You may use form GC-020(P) to show personal service of this Notice.

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

(Continued on page three)

- 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 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.

GUARDIAN OF (Name):	MINOR
CASE NUMBER:	

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

2. GUARDIANSHIP OF THE ESTATE

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

MANAGING THE ESTATE

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

INVENTORY OF ESTATE PROPERTY

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

(Continued on reverse)

- 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.
- 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.
- 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.

3. OTHER GENERAL INFORMATION

- 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.
- 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.
- 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.
- 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.

RECORD KEEPING AND ACCOUNTING

- 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.

INSURANCE

- 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.
- 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.

GUARDIAN OF (Name):	MINOR
CASE NUMBER:	

GUARDIAN OF (Name):	MINOR	CASE NUMBER:
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If you are not represented by an attorney, you may obtain answers to your questions by contacting community resources, private publications, or your local law library.

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

ACKNOWLEDGMENT OF RECEIPT

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

Date:

(TYPE OR PRINT NAME)

▶

(SIGNATURE OF PETITIONER)

Date:

(TYPE OR PRINT NAME)

▶

(SIGNATURE OF PETITIONER)

Date:

(TYPE OR PRINT NAME)

▶

(SIGNATURE OF PETITIONER)

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____ E-MAIL ADDRESS (<i>Optional</i>): _____ ATTORNEY FOR (<i>Name</i>): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SOLANO STREET ADDRESS: 600 Union Avenue MAILING ADDRESS: P.O. Caller 5000 CITY AND ZIP CODE: Fairfield, CA 94533	
GUARDIANSHIP OF (<i>Name</i>): _____	HEARING DATE, TIME AND DEPARTMENT: _____
ORDER APPOINTING INVESTIGATOR AND NOTICE OF INVESTIGATION COSTS Guardianship of <input type="checkbox"/> Person <input type="checkbox"/> Estate	CASE NUMBER: _____

NOTICE OF INVESTIGATION COSTS

If the proposed guardian is a relative of the proposed minor ward, the proposed guardian may be required to pay some or all of the court investigation costs, which are usually between \$400.00 and \$500.00. The court investigator's office will advise the proposed guardian of the actual costs. The assessed costs must be paid no later than 30 days after the proposed guardian is notified of the assessment. If the proposed guardian believes he or she cannot afford the investigation costs, he or she may request a fee waiver application from the clerk of the court.

I, _____, declare that I am the petitioner in this matter. I further declare that:

1. I am the proposed guardian and I understand there may be costs associated with the guardianship investigation. I agree to pay those costs as ordered. I understand that if I do not pay as ordered, that the court may impose sanctions or other remedies as permitted by law.
2. I am not the proposed guardian. The proposed guardian is: _____.

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

Date: _____

 (*Signature of Petitioner*)

DO NOT WRITE BELOW THIS LINE – FOR COURT USE ONLY

- TO: Court Investigators Office
 600 Union Avenue
 Fairfield, CA 94533
(Relative Guardianships)
- Supervisor - Court Unit, Children's Bureau
 Dept. of Health & Social Services
 275 Beck Avenue MS5-230
 Fairfield, CA 94533
(Non-Relative Guardianships)

1. You are hereby appointed to investigate the above-entitled matter. You are directed to:
 - (a) Review the basis for the guardianship;
 - (b) Evaluate the performance of the guardian in existing guardianships;
 - (c) Determine whether the initiation or continuation of the guardianship is in the minor's best interests;
 - (d) Determine if any changes should be made in the guardianship;
 - (e) Report the minor's wishes, if any, to the Court; and,
 - (f) Report your findings to the Court before the hearing.
2. The court reserves jurisdiction to reallocate, waive, or order reimbursement of any costs assessed in connection with this investigation.

It is so ordered.

Date: _____

 Judge/Commissioner of the Superior Court

ORDER APPOINTING INVESTIGATOR AND NOTICE OF INVESTIGATION COSTS

**ORDER APPOINTING GUARDIAN
OR EXTENDING GUARDIANSHIP OF THE PERSON
(Probate—Guardianships and Conservatorships)**

THE COURT ORDERS

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

(telephone):

as guardian of the PERSON of (name):

is extended past the ward's 18th birthday and new Letters shall issue forthwith.

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

10. a. Bond is not required.

b. Bond is fixed at: \$

to be furnished by an authorized surety company or as otherwise provided by law.

c. Deposits of: \$

are ordered to be placed in a blocked account at (specify institution and location):

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

Additional orders in Attachment 10c.

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

11. For legal services rendered on behalf of the (proposed) ward, the parents of the (proposed) ward the (proposed) ward's estate shall pay to (name): the sum of: \$

forthwith as follows (specify terms, including any combination of payers):

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

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

GUARDIANSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF <i>(name):</i>	CASE NUMBER:
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- 14. Orders are granted relating to the conditions imposed under Probate Code section 2402 upon the guardian of the estate as specified in Attachment 14.
- 15. Other orders as specified in Attachment 15 are granted.
- 16. The probate referee appointed is *(name and address):*

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

18. Number of pages attached: _____

Date:

 JUDGE OF THE SUPERIOR COURT

SIGNATURE FOLLOWS LAST ATTACHMENT

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

When these *Letters of Guardianship* (Letters) are delivered to you as an employee or other representative of an *institution* or

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

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

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

LETTERS OF GUARDIANSHIP
(Probate—Guardianships and Conservatorships)

INFORMATIONAL FORMS

The following forms are for your information only.

Do not bring them to court for filing.

CAREGIVER'S AUTHORIZATION AFFIDAVIT

Use of this affidavit is authorized by Part 1.5 (commencing with section 6550) of Division 11 of the California Family Code.

Instructions: Completion of items 1-4 and the signing of the affidavit is sufficient to authorize enrollment of a minor in school and authorize school-related medical care. Completion of items 5-8 is additionally required to authorize any other medical care. Print clearly.

The minor named below lives in my home and I am 18 years of age or older.

1. Name of minor: _____

2. Minor's birth date: _____

3. My name (*adult giving authorization*): _____

4. My home address: _____

5. I am a grandparent, aunt, uncle, or other qualified relative of the minor (see back page of this form for a definition of "qualified relative").

6. Check one or both (*for example, if one parent was advised and the other cannot be located.*)

I have advised the parent(s) or other person(s) having legal custody of the minor of my intent to authorize medical care, and have received no objection.

I am unable to contact the parent(s) or other person(s) having legal custody of the minor at this time, to notify them of my intended authorization.

7. My date of birth: _____

8. My California Drivers license or identification card number: _____

Warning: Do not sign this form if any of the statements above are incorrect, or you will be committing a crime punishable by a fine, imprisonment, or both.

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

Dated _____

Signed _____

Notices:

1. This declaration does not affect the rights of the minor's parents or legal guardian regarding the care, custody, and control of the minor, and does not mean that the caregiver has legal custody of the minor.

2. A person who relies on this affidavit has no obligation to make any further inquiry or investigation.

3. This affidavit is not valid for more than one year after the date on which it is executed.

ADDITIONAL INFORMATION:

TO CAREGIVERS:

1. "Qualified relative," for purposes of item 5, means a spouse, parent, stepparent, brother, sister, stepbrother, stepsister, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin, or any person denoted by the prefix "grand" or "great," or the spouse of any of the persons specified in this definition, even after the marriage has been terminated by death or dissolution.
2. The law may require you, if you are not a relative or a currently licensed foster parent, to obtain a foster home license in order to care for a minor. If you have any questions please contact your local Department of Social Services.
3. If the minor stops living with you, you are required to notify any school, health care provider, or health care service plan to which you have given this affidavit.
4. If you do not have the information requested in item 8 (California driver's license or I.D.), provide another form of identification such as your Social Security number or Medi-Cal number.

TO SCHOOL OFFICIALS:

1. Section 48204 of the Education Code provides that this affidavit constitutes a sufficient basis for a determination of residency of the minor, without the requirement of a guardianship or other custody order, unless the school district determines from actual facts that the minor is not living with the caregiver.
2. The school district may require additional reasonable evidence that the caregiver lives at the address provided in item 4.

TO HEALTH CARE PROVIDERS AND HEALTH SERVICE PLANS:

1. No person who acts in good faith reliance upon a caregiver's authorization affidavit to provide medical or dental care, without actual knowledge of facts contrary to those stated on the affidavit, is subject to criminal liability or to civil liability to any person, or is subject to professional disciplinary action, for such reliance if the applicable portions of the form are completed.
2. This affidavit does not confer dependency for health care coverage purposes.

What is “service”?

- When you are involved in a court case, you are responsible for delivery (“**service**”) of copies of important papers you file with the court to other people involved in the case. Depending on the circumstances, these papers must be served by personal delivery (called “**personal service**”), or may be served by mail (called “**service by mail**”).
- If you file a petition for appointment of a guardian for a child, you are a **petitioner**. At the beginning of the case the petitioner must arrange for personal service of copies of the petition and other papers on certain people, must see that these papers are served on certain other people either by mail or by personal service (at the petitioner's choice), and then must show the court that this has been done (called “**proving service,**” or “**proof of service**”).
- This form explains what papers must be served at the beginning of a guardianship, who must be served with these papers, how and when service must be made, and how and when you, as a guardianship petitioner, must prove to the court that service has been made. You can find out more about the papers that you must file in another form available from the court, **Form GC-505, Forms You Need to Ask the Court to Appoint a Guardian of the Person**.

What papers must be served at the beginning of a guardianship case?

- **A filled-in copy of the petition for appointment of a guardian (the “*Petition*”).**
In a guardianship of the person, this may be either **Form GC-210(P), *Petition for Appointment of a Guardian of the Person*** or **Form GC-210, *Petition for Appointment of Guardian of Minor***. Copies of all papers attached to the *Petition* must also be served with it.
- **A filled-in copy of Form GC-020, *Notice of Hearing—Guardianship or Conservatorship*, (the “*Notice of Hearing*”)** showing the date, time, and place of the hearing on the *Petition*, including (unsigned) copies of all attachments showing proof of service.

Who must be personally served?

(You may use this form as a checklist. Check all that apply to your case.)



Don't serve these by mail!

- The child who needs a guardian, but only if he or she is at least 12 years old.
- The child's parents.
- Any person who has legal custody of the child or is serving as court-appointed guardian of the child's property (the child's “**estate**”).
- Any person nominated as guardian of the child by one or both of the child's parents (if your petition does not ask the court to appoint that person as guardian).
- Any person nominated as guardian of the estate of the child for property received by the child from the person making the nomination.

How do I arrange for personal service?

Someone—not you or anyone else who signed the *Petition*—must personally serve (hand-deliver) copies of the *Notice of Hearing* and the *Petition* to the persons named above. Service lets these persons know:

- That you are asking the court to appoint a guardian for the child named in the *Petition*.
- The person you want the court to appoint as guardian (either yourself or someone else).
- The date and time when, and the place where, the court will hear your request.

Who can serve?

Ask someone you know, a registered process server, or a representative of the county sheriff's civil division, to personally serve copies of the forms to the persons named above. The forms **cannot** be sent to those persons by mail.

- The server must be at least 18 years of age.
- A registered process server is a business you pay to deliver court forms. Look in a telephone directory under “Process Serving.”
- The sheriff's civil division often has an office at the courthouse. You will also have to pay for its services.

How does the server personally serve the Notice of Hearing and the Petition?

Ask the server to:

- Walk up to each person to be served and make sure he or she is the right person.
- Hand each person copies of the filled-out Notice of Hearing and the Petition.
- Fill out and sign Form GC-020(P), Proof of Personal Service of Notice of Hearing. If the server delivers papers to more people than can be listed on this form, ask the server to add the names of the additional people served on one or more copies of Form DE-120(PA)/GC-20(PA), Attachment to Notice of Hearing Proof of Personal Service.
- Give the filled-out and signed Form GC-020(P) and any attachment pages back to you.

What if the person served won't take the papers or tears them up?

The server must attempt to make personal delivery (but peacefully!) even if the person served won't take the papers. It doesn't matter if the person tears them up or throws them down after they are handed to him or her. (A registered

process server or sheriff's deputy will know how to complete a good service. If you think someone who must be personally served will try to avoid service, it is a good idea to use one of these professionals to serve that person.)

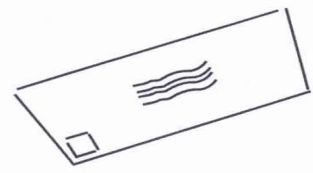
Who signs the Proof of Personal Service?

- Only the person who serves the Notice of Hearing and the Petition can sign Form GC-020(P). Neither you, any other petitioner, nor the person served may sign this form.
- If more than one person personally serves papers, each server must fill out and sign his or her own separate Form GC-020(P) showing the names of the persons he or she serves.

Who may be served by mail?

(You may use this form as a checklist. Check all that apply to your case.)

- The child's relatives listed in the child's Form GC-210(CA), Guardianship Petition—Child Information Attachment, attached to the Petition:



These may be served by mail!

- Grandfather (father's father)
- Grandmother (father's mother)
- Grandfather (mother's father)
- Grandmother (mother's mother)
- Brother(s) (including half-brothers) (if 12 years of age or older)
- Sister(s) (including half-sisters) (if 12 years of age or older)

- If the child has a brother or sister under the age of 12, copies of the Notice of Hearing and the Petition must be mailed to one of the following persons for him or her instead of mailing directly to the young brother or sister:

The brother's or sister's parent;

A court-appointed guardian of the brother or sister; or

A person having legal custody of the brother or sister who lives with that brother or sister.

(If a parent, guardian, or legal custodian of a brother or sister of the child involved in the case is a petitioner, service of notice to that person on behalf of the brother or sister is not necessary.)

Any person having the physical care of the child who does not have legal custody of the child.

If your petition requests appointment of a guardian of the person who is not related to the child, the Director of the Department of Social Services, Children's Services Operations and Evaluation Branch, 744 P Street MS 3-34, Sacramento, CA 95814.

Your court may require you to serve other persons or organizations by mail. Check your court's local rules and practices to find out if this applies to you.



Who may be served by mail ? (Continued)

- If the child is a patient in, or on leave from,** a state hospital run by the State Departments of Mental Health or Developmental Disabilities, to the Director of that department. The address for the Director of Mental Health is 1600 Ninth Street, Room 151, Sacramento, CA 95814. The address for the Director of Developmental Disabilities is 1600 Ninth Street, Room 240, Sacramento, CA 95814, Attn.: Office of Legal Affairs.
- If the child has developmental disabilities** and the person you want the court to appoint as guardian is: (1) not the child's natural parent; (2) a provider of services to persons with developmental disabilities or the spouse or an employee of a provider; and (3) not a public agency, to the Director of the Regional Center for the Developmentally Disabled in the child's county. (But see **When must the Notice of Hearing and the Petition be served?** on page 4 of this form for a special requirement for mailing papers to a Regional Center Director.)
- If the child is or may be a Native American, or has Native American ancestors,** there are additional mailing and other requirements that may apply to your case. These requirements are not discussed in this form. If you can get on the Internet, you can go to the California Courts Self-Help Center Web site to get more information about the special requirements for a guardianship involving a Native American child. The Web site's address is www.courtinfo.ca.gov/selfhelp/family/guardianship (English) or www.courtinfo.ca.gov/selfhelp/espanol/familia/tutela (Spanish).

Who need not be served (unless the court orders otherwise)?

Unless the courts orders that they be served, you do not need to arrange for service on the parents or other relatives of a child who has been relinquished to a licensed adoption agency, or the parents of a child a court has declared to be free from the parents' custody and control.

How do I arrange for service by mail?

Someone—not you or anyone else who signed the *Petition*—must do the mailing to the persons and organizations named above that are involved in your case. “Doing the mailing” means actually placing the papers in the envelopes and delivering the sealed envelopes into the possession of the U.S. Postal Service . Someone else can address the envelopes and add the postage, but the person who signs the proof of service (see below) must be able to say that he or she enclosed the papers in the envelopes and delivered the sealed envelopes to the U.S. Postal Service on a certain date at a specific place (city and state), and that the addresses on the envelopes were as they are shown in the proof of service.

Who can serve by mail?

- The person doing the mailing must be at least 18 years of age.
- He or she must not be a petitioner or a proposed guardian in your case.
- He or she must live or be employed in the county where the mailing (deposit with the U.S. Postal Service) takes place.

How does the server serve the Notice of Hearing and the Petition by mail?

Ask the server to:

- Deposit with the US. Postal Service, with first-class postage prepaid, sealed envelopes (9" x 12" or 10" x 13" Manila envelopes are recommended) addressed to the persons or organizations listed above that apply to your case. The envelopes should contain filled-in copies of **Form GC-020, Notice of Hearing—Guardianship or Conservatorship**, and the *Petition*, including all attached pages mentioned in it.
- Make sure the addresses shown on the envelopes for the relatives of each child match the addresses shown for these relatives in each child's **Form GC-210(CA), Guardianship Petition—Child Information Attachment**.

How does the server serve the Notice of Hearing and the Petition by mail? (Continued)

Ask the server to (continued):

- Fill out, date, and sign the *Proof of Service* on the second page of the original Form GC-020. **Don't sign that form yourself.**
- If there are more than four persons being served by mail, continue the list of persons served by mail on one or more copies of Form DE-120(MA)/GC-020(MA), *Attachment to Notice of Hearing Proof of Service by Mail*.
- Give the filled-out and signed original *Proof of Service* and all filled-out attached pages back to you.

When must the Notice of Hearing and the Petition be served?

- When you file your *Petition*, the court clerk will give you a date and time when, and a courtroom or department where, the judge will hear your request for appointment of a guardian.
- Once you have the date, time, and place of the hearing, that information must be filled in on Form GC-020, *Notice of Hearing—Guardianship or Conservatorship*, and that form and the *Petition*, with all pages attached to it, must then be personally served or served by mail on the persons and organizations mentioned above that apply to your case.
- With the exception noted below, **personal service and service by mail must be completed at least 15 days before the date of the hearing.**

- If service must be made on the Director of the Regional Center for the Developmentally Disabled for the child's county, **service must be completed at least 30 days before the hearing.** If the child in your case is developmentally disabled and you think you may have to serve a Regional Center director, when you file your *Petition* you can ask the clerk for a later hearing date because you will need more time than usual to serve the *Notice of Hearing* and the *Petition*.

What happens if the papers aren't served in time?

If the *Notice of Hearing* and *Petition* aren't served in time, the court will have to continue (postpone) the hearing date on your petition. This will delay appointment of a guardian for the child or children involved in your case.

What do I do with the completed Notice of Hearing and the attached proofs of personal service and service by mail?

- File with the court at least 5 days before your hearing date the original Form GC-020, *Notice of Hearing—Guardianship or Conservatorship*, with the filled-out and signed *Proof of Service* on the second page, the filled-out, signed, and attached Form GC-020(P), *Proof of Personal Service of Notice of Hearing—Guardianship or Conservatorship*, and all attached pages showing additional persons served. File these papers with the court as soon as you can. The 5-day period mentioned above is a minimum time period.
- When you file Form GC-020, take an extra copy with you for the court to stamp, showing that the original form was filed on that day.
- Bring that copy with you to the hearing.

INFORMATION SHEET ON INDIAN CHILD INQUIRY ATTACHMENTS AND NOTICE OF CHILD CUSTODY PROCEEDING FOR INDIAN CHILD

This is an information sheet to help you fill out form ICWA-010(A), *Indian Child Inquiry Attachment* or, in a probate guardianship, page 5 of form GC-210(CA), *Guardianship Petition—Child Information Attachment*; and form ICWA-030, *Notice of Child Custody Proceeding for Indian Child*.

ICWA-010(A), *Indian Child Inquiry Attachment* or page 5 of form GC-210(CA), *Guardianship Petition—Child Information Attachment*

You are responsible for helping to find out if the child is or may be an Indian child and filling out the information requested on ICWA-010(A), *Indian Child Inquiry Attachment* or on page 5 of GC-210(CA), *Guardianship Petition—Child Information Attachment*. This is important because if the child is an Indian child, specific steps must be taken to prevent the breakup of the child's Indian family and to obtain for the child resources and services that are culturally specific to the child's family. The court will check to make sure that the child receives these resources and services.

Tips on how to fill out ICWA-010(A), *Indian Child Inquiry Attachment* or
page 5 of GC-210(CA), *Guardianship Petition—Child Information Attachment*

1. Try to find contact information for the child's parents or other legal guardian, the child's Indian custodian (if the child is living with an Indian person other than a parent), and the child's grandparents and great-grandparents.
2. Contact the child's parents or other legal guardian, and the child's Indian custodian, and ask them (and the child, if he or she is old enough) these questions:
 - a. Is the child a member of a tribe, and if they think he or she might be, then which tribe or tribes?
 - b. Are they members of a tribe, and if they think they might be, which tribes?
 - c. Does the child or the child's parents live in Indian country?
 - d. Does the child or any of the child's relatives receive services or benefits from a tribe, and if yes, which tribe?
 - e. Does the child or any of the child's relatives receive services or benefits available to Indians from the federal government?
3. If you are in touch with any of the child's relatives, ask them the same questions.

The court clerk's office cannot file your petition unless you have filled out and attached to the petition form ICWA-010(A), *Indian Child Inquiry Attachment*. This does not apply to a petition for appointment of a guardian in a probate guardianship or a petition filed in the juvenile court under Welfare and Institutions Code sections 601 or 602.

ICWA-030, *Notice of Child Custody Proceeding for Indian Child*

After taking the steps listed above to find out whether the child is an Indian child, if you know or have reason to know that the child is an Indian child, you must notify the tribe or tribes that may have a connection with the child about your court case. Tribes that learn of the case can investigate and advise you and the court whether the child is a tribal member or eligible to become a tribal member, and can then decide whether to get involved in the case or assume tribal jurisdiction. You give notice to the child's tribe or tribes and the other persons and the organization listed at the top of the second page of this form by sending them filled-out copies of ICWA-030, *Notice of Child Custody Proceeding for Indian Child* (the "Notice"), together with the other documents listed at the bottom of that page.

Some tips to help you figure out if you have a reason to know the child is an Indian child

1. If the child, an Indian tribe, an Indian organization, an attorney, a public or private agency, or a member of the child's extended family says or provides information to anyone involved in the case that the child is an Indian child;
2. If the child, the child's parents, or an Indian custodian live in a predominately Indian community; or
3. If 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.

These are just a few of the facts that would give you reason to know that a child is an Indian child. There also may be other information that would give you reason to know that the child is an Indian child.

**INFORMATION SHEET ON INDIAN CHILD INQUIRY ATTACHMENTS AND
NOTICE OF CHILD CUSTODY PROCEEDING FOR INDIAN CHILD**

Please note that you are subject to court sanctions if you knowingly and willfully falsify or conceal a material fact concerning whether the child is an Indian child or counsel a party to do so. (Welf. & Inst. Code, § 224.2(e).)

1. Mail to the persons and organizations listed at the top of this page, by registered or certified mail, with return receipt requested, copies of the following filled-out and signed forms:
 - a. Your petition;
 - b. Form ICWA-010(A), *Indian Child Inquiry Attachment* or, in a probate guardianship case, form GC-210(CA), *Guardianship Petition—Child Information Attachment*; and
 - c. Form ICWA-030, *Notice of Child Custody Proceeding for Indian Child*.
2. The person who does the mailing must fill out the information requested on page 10 of form ICWA-030, *Notice of Child Custody Proceeding for Indian Child*, and then date and sign the original form on page 9.
 3. Go to the court and file with the clerk of the court proof that you have given notice to everyone listed above and on page 10 of ICWA-030, *Notice of Child Custody Proceeding for Indian Child*. Your proof must consist of the following:
 - a. The original signed Notice (form ICWA-030) and copies of the documents you sent with it (the petition and form ICWA-010(A) or form GC-210(CA));
 - b. All return receipts given to you by the post office and returned from the mailing; and
 - c. All responses you receive from the child's parents, the child's Indian custodian, the child's tribe or tribes, and the Bureau of Indian Affairs.

How do you send the Notice and prove to the court that you have done so?

If you have an attorney, he or she will complete the steps described below. If you are representing yourself without an attorney in a probate guardianship case, the court clerk will help you with steps 1 and 2 below, including doing the mailing and signing the certificate of mailing on page 9 of the Notice, but you must deliver copies of the Notice and other documents listed in step 1 below to the court in addressed envelopes ready for mailing and then do step 3.

If you do not know the identity and location of the child's parents, Indian custodian, and tribe or tribes, you must send copies of the Notice and the other documents to the Sacramento Area Director, Bureau of Indian Affairs, Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825. In order to help establish the child's tribal identity, provide as much information as possible, including the child's name, birthdate, and birth place; the name of the tribe or tribes; the names of all of the child's known relatives with addresses and other identifying information; and a copy of the petition in the case.

Copy to the Area Director of the Bureau of Indian Affairs

If you know the identity and location of the parent, Indian custodian, and the tribe or tribes, when you send the Notice to the parent, Indian custodian, and the tribe or tribes, you must also send a copy to the Secretary of the Interior at 1849 C Street, N.W., Washington, D.C. 20240 and a copy to the Sacramento Area Director, Bureau of Indian Affairs, Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825.

Copy to the Secretary of the Interior and the Area Director of the Bureau of Indian Affairs

The Secretary of the Interior periodically updates and publishes in the Federal Register (see 25 C.F.R. 23.12), a list of tribe names and addresses. The Bureau of Indian Affairs also keeps a list. You can link to the Federal Register list, another list of tribes maintained by the California Department of Social Services, and other resources related to ICWA, on the California Department of Social Services website at <http://www.childsworld.ca.gov/FG2070.htm>. The list of tribes maintained by the Department of Social Services is very helpful but it is not official, nor is there any authority to use the addresses in that list over different agents for service listed in the Federal Register. If the official list and the state's list differ on a tribal address, it is a good idea to send copies of the Notice and the other documents to both addresses.

Tip on how to find the address for the child's tribe or tribes

1. Child's parents or other legal guardian, including adoptive parents;
 2. Child's Indian custodian (if the child is living with an Indian person who has legal custody of the child under tribal law or custom, under state law, or if the parent asked that person to take care of the child);
 3. Child's tribe or tribes; and
 4. Sacramento Area Director, Bureau of Indian Affairs, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825 (if the parents, Indian custodian, or tribe cannot be determined or located).
- If you know or have reason to know that the child is an Indian child, you must send the Notice to the following:

Who do you need to notify?

FEE WAIVER REQUEST

INFORMATION SHEET ON WAIVER OF SUPERIOR COURT FEES AND COSTS

If you have been sued or if you wish to sue someone, if you are filing or have received a family law petition, or if you are asking the court to appoint a guardian for a minor or a conservator for an adult or are an appointed guardian or conservator, and if you (or your ward or conservatee) cannot afford to pay court fees and costs, you may not have to pay them in order to go to court. If you (or your ward or conservatee) are getting public benefits, are a low-income person, or do not have enough income to pay for your (or his or her) household's basic needs *and* your court fees, you may ask the court to waive all or part of those fees.

1. To make a request to the court to waive your fees in superior court, complete the *Request to Waive Court Fees* (form FW-001) or, if you are petitioning for the appointment of a guardian or conservator or are an appointed guardian or conservator, complete the *Request to Waive Court Fees (Ward or Conservatee)* (form FW-001-GC). If you qualify, the court will waive all or part of its fees for the following:
 - Filing papers in superior court (other than for an appeal in a case with a value of over \$25,000)
 - Making and certifying copies
 - Sheriff's fee to give notice
 - Court fee for telephone hearing
 - Reporter's fee for attendance at hearing or trial, if the court is not electronically recording the proceeding and you request that the court provide an official reporter
 - Assessment for court investigations under Probate Code section 1513, 1826, or 1851
 - Preparing, certifying, copying, and sending the clerk's transcript on appeal
 - Holding in trust the deposit for a reporter's transcript on appeal under rule 8.833 or 8.834
 - Making a transcript or copy of an official electronic recording under rule 8.835
 - Giving notice and certificates
 - Sending papers to another court department
2. You may ask the court to waive other court fees during your case in superior court as well. To do that, complete a *Request to Waive Additional Court Fees (Superior Court)* (form FW-002) or *Request to Waive Additional Court Fees (Superior Court) (Ward or Conservatee)* (form FW-002-GC). The court will consider waiving fees for items such as the following, or other court services you need for your case:
 - Jury fees and expenses
 - Fees for court-appointed experts
 - Other necessary court fees
 - Fees for a peace officer to testify in court
 - Court-appointed interpreter fees for a witness
3. If you want the Appellate Division of the Superior Court or the Court of Appeal to review an order or judgment against you and you want the court fees waived, ask for and follow the instructions on *Information Sheet on Waiver of Appellate Court Fees (Supreme Court, Court of Appeal, Appellate Division)* (form APP-015/FW-015-INFO).

IMPORTANT INFORMATION!

- **You are signing your request under penalty of perjury. Answer truthfully, accurately, and completely.**
- **The court may ask you for information and evidence.** You may be ordered to go to court to answer questions about your ability, or the ability of your ward or conservatee, to pay court fees and costs and to provide proof of eligibility. Any initial fee waiver you or your ward or conservatee are granted may be ended if you do not go to court when asked. You or your ward's or conservatee's estate may be ordered to repay amounts that were waived if the court finds you were not eligible for the fee waiver.
- **Public benefits programs listed on the application form.** In item 5 on the *Request to Waive Court Fees* (item 8 of the *Request to Waive Court Fees (Ward or Conservatee)*), there is a list of programs from which you (or your ward or conservatee) may be receiving benefits, listed by the abbreviations they are commonly known by. The full names of those programs can be found in Government Code section 68632(a), and are also listed here:
 - Medi-Cal
 - Food Stamps—California Food Assistance Program, CalFresh Program, or SNAP
 - SSP—State Supplemental Payment
 - Supp. Sec. Inc.—Supplemental Security Income (not Social Security)
 - County Relief/Gen. Assist.—County Relief, General Relief (GR), or General Assistance (GA)

**INFORMATION SHEET ON
WAIVER OF SUPERIOR COURT
FEES AND COSTS**

- IHSS—In-Home Supportive Services
 - CalWORKS—California Work Opportunity and Responsibility to Kids Act
 - Tribal TANF—Tribal Temporary Assistance for Needy Families
 - CAPI—Cash Assistance Program for Aged, Blind, or Disabled Legal Immigrants
- **If you receive a fee waiver, you must tell the court if there is a change in your finances, or the finances of your ward or conservatee.** You must tell the court within five days if those finances improve or if you, or your ward or conservatee, become able to pay court fees or costs during this case. (File *Notice to Court of Improved Financial Situation or Settlement* (form FW-010) or *Notice to Court of Improved Financial Situation or Settlement (Ward or Conservatee)* (form FW-010-GC) with the court.) You may be ordered to repay any amounts that were waived after your eligibility, or the eligibility of your ward or conservatee, came to an end.
- **If you receive a judgment or support order in a family law matter:** You may be ordered to pay all or part of your waived fees and costs if the court finds your circumstances have changed so that you can afford to pay. You will have the opportunity to ask the court for a hearing if the court makes such a decision.
- **If you win your case in the trial court:** In most circumstances the other side will be ordered to pay your waived fees and costs to the court. The court will not enter a satisfaction of judgment until the court is paid. (This does not apply in unlawful detainer cases. Special rules apply in family law cases and in guardianships and conservatorships. (Gov. Code, § 68637(d), (e); Cal. Rules of Court, rule 7.5).)
- **If you settle your civil case for \$10,000 or more:** Any trial court-waived fees and costs must first be paid to the court out of the settlement. **The court will have a lien on the settlement in the amount of the waived fees and costs.** The court may refuse to dismiss the case until the lien is satisfied. A request to dismiss the case (use form CIV-110) must have a declaration under penalty of perjury that the waived fees and costs have been paid. Special rules apply to family law cases.
- **The court can collect fees and costs due the court.** If waived fees and costs are ordered paid to the trial court, or if you fail to make the payments over time, the court can start collection proceedings and add a \$25 fee plus any additional costs of collection to the other fees and costs owed to the court.
- **The fee waiver ends.** The fee waiver expires 60 days after the judgment, dismissal, or other final disposition of the case or earlier if a court finds that you or your ward or conservatee are not eligible for a fee waiver. If the case is a guardianship or conservatorship proceeding, see California Rules of Court, rule 7.5(k) for information on the final disposition of that matter.
- **If you are in jail or state prison:** Prisoners may be required to pay the full cost of the filing fee in the trial court but may be allowed to do so over time. See Government Code section 68635.

Clerk stamps date here when form is filed.

This form must be used by a guardian or conservator, or by a petitioner for the appointment of a guardian or conservator, to request a waiver of court fees in the guardianship or conservatorship court proceeding or in any other civil action in which the guardian or conservator represents the interests of the ward or conservatee as a plaintiff or defendant.

If the ward or conservatee (including a proposed ward or conservatee if a petition for appointment of a guardian or conservator has been filed but has not yet been decided by the court) directly receives public benefits or is supported by public benefits received by another for his or her support, is a low-income person, or does not have enough income to pay for his or her household's basic needs and the court fees, you may use this form to ask the court to waive the court fees. The court may order you to answer questions about the finances of the ward or conservatee. If the court waives the fees, the ward or conservatee, his or her estate, or someone with a duty to support the ward or conservatee, may still have to pay later if:

- You cannot give the court proof of the ward's or conservatee's eligibility,
- The ward's or conservatee's financial situation improves during this case, or
- You settle the civil case on behalf of the ward or conservatee for **\$10,000** or more. The trial court that waives fees will have a lien on any such settlement in the amount of the waived fees and costs. The court may also charge the ward or conservatee, or his or her estate, any collection costs.

Fill in court name and street address:

Superior Court of California, County of

Fill in case number and name:

Case Number:

Case Name:

1 Your Information (*guardian or conservator, or person asking the court to appoint a guardian or conservator*):

Name: _____ Phone: _____
 Street or mailing address: _____
 City: _____ State: ____ Zip: _____

2 Your Lawyer (*if you have one*): Name: _____

Firm or Affiliation: _____ State Bar No.: _____
 Address: _____ Phone: _____
 City: _____ State: ____ Zip: _____ E-mail: _____

a. The lawyer has agreed to advance all or a portion of court fees or costs (*check one*): Yes No

b. (*If yes, your lawyer must sign here.*) Lawyer's signature: _____
If your lawyer is not providing legal-aid type services based on your or the ward's or conservatee's low income, you may have to go to a hearing to explain why you are asking the court to waive the fees.

3 Ward's or Conservatee's Information (*file a separate Request for each ward in a multiward case*):

Name: _____ Age and date of birth (*ward only*): _____
 Street or mailing address: _____
 City: _____ State: ____ Zip: _____
 Phone: _____

4 Ward's or Conservatee's Lawyer, if any: Name: _____

Firm or Affiliation: _____ State Bar No.: _____
 Address: _____ Phone: _____
 City: _____ State: ____ Zip: _____ E-mail: _____

5 Ward or Conservatee's Job (*job title; if not employed, so state*): _____

Name of employer: _____
 Employer's address: _____ State: ____ Zip: _____



Request to Waive Court Fees
(Ward or Conservatee)

Payor (name): _____
Court: _____
Date of order (if multiple, date of latest): _____ Monthly amount: _____
Case Number: _____

Support order for ward? No Yes Payable to (name): _____
c. Ward's parents are (check all that apply): married living together separated divorced
Phone: _____
City: _____
State: _____ Zip: _____
Street or mailing address: _____
b. Name of ward's mother: _____
Phone: _____
City: _____
State: _____ Zip: _____
Street or mailing address: _____
a. Name of ward's father: _____
Phone: _____
City: _____
State: _____ Zip: _____
Street or mailing address: _____
Deceased (date of death): _____
Deceased (date of death): _____

10 Ward's Parents' Information:

Source (e.g., gift, inheritance, settlement, judgment, insurance): _____
Est. collection date: _____

9 Ward's Estate: Person only, no estate. Inventory or petition estimated value: _____
 Es. collection date: _____

Guardians or petitioners for their appointment must complete items 9 and 10.

(Do not include income of guardian or conservator living in the household in 8b or 8c or count him or her in family size in 8b, unless he or she is a parent of the ward or the spouse or registered domestic partner of the conservatee.)

payments over time.

- (1) Waive all court fees and costs.
- (2) Waive some court fees and costs.
- (3) Let the (proposed) guardian or conservator, on behalf of the (proposed) ward or conservatee, make

c. The ward's or conservatee's household does not have enough income to pay for its basic needs and the court fees. I ask the court to (check one, and you **must** fill out items 14, 15, 16, 17, and 18 on page 4):*

Family Size	Family Income	Family Size	Family Income	Family Size	Family Income
1	\$1,329.17	3	\$2,262.50	5	\$3,195.84
2	\$1,795.84	4	\$2,729.17	6	\$3,662.50
for each extra person.					
If more than 6 people at home, add \$466.67					

b. The gross monthly income of the ward's or conservatee's household (before deductions for taxes) is less than the amount listed below. (If you check 8b, you **must** fill out items 14, 15, and 16 on page 4 of this form.)*

(Names and relationships to ward or conservatee of persons who receive the public benefits listed above):
 Supplemental Security Income (SSI) State Supplemental Payment (SSP) SNAP (Food Stamps)
 IHSS (In-Home Supportive Services) CalWORKS or Tribal TANF Medi-Cal
 County Relief/General Assistance CAPI (Cash Assistance Program for Aged, Blind, and Disabled)

a. The ward or one or both of the ward's parents, or the conservatee or the conservatee's spouse or registered domestic partner, receive (check all that apply):

8 Why are you asking the court to waive the ward's or conservatee's court fees?

Check here if you asked the court to waive court fees for this case in the last six months. (If your previous request is reasonably available, please attach it to this form and check here):

Superior Court (See Information Sheet on Waiver of Superior Court Fees and Costs (form FW-001-INFO).)
 Supreme Court, Court of Appeal, or Appellate Division of Superior Court (See Information Sheet on Waiver of Appellate Court Fees (form APP-015/FW-015-INFO).)

9 What court's fees or costs are you asking to be waived?

Name of (Proposed) Ward or Conservatee: _____

Case Number: _____

Name of (Proposed) Ward or Conservatee: _____

Case Number: _____

Conservators or petitioners for their appointment must complete items 11–13.

11 Conservatee's Estate: Person only, no estate.

Inventory or petition estimated value: _____ Est. collection date: _____

12 Conservatee's Spouse's or Registered Domestic Partner's Information:

Name of conservatee's spouse or registered domestic partner: _____ Spouse Partner

Date of marriage or partnership: _____ Deceased (*date of death*): _____

Street or mailing address: _____ Phone: _____

City: _____ State: _____ Zip: _____

Name of employer (*if none, so state*): _____

Employer's address: _____ State: _____ Zip: _____

The conservatee's spouse or partner is is not managing, or following appointment of a conservator is planning to manage, some or all of the couple's community property outside the conservatorship estate.

If you selected "is" above: The income, money, and property shown on page 4 includes does not include the income and property managed, or expected to be managed, by the spouse/partner outside the estate.

Divorced (*date of final judgment or decree*): _____

Court: _____

Case Number: _____ Support order for conservatee? No Yes

Date of support order (*if multiple, date of latest*): _____ Monthly amount: _____

13 The Conservatee and Trusts:

The conservatee:

a. is is not a trustor or settlor of a trust.

b. is is not a beneficiary of a trust.

If you selected "Is" to complete any of the above statements, identify and provide, in an attachment to this *Request*, the current address and telephone number of the current trustee(s) of each trust, describe the general terms of and value of each trust and the nature and value of the conservatee's interest in each trust, and the amount(s) and frequency of any distributions to or for the benefit of the conservatee prior to your appointment as conservator of which you are aware. (*You may use Judicial Council form MC-025 for this purpose.*)

All applicants who checked item 8b or item 8c on page 2 must continue to and follow the instructions for completion of items 14–16 or items 14–18 on page 4, before signing below.

The information I have provided on this form and all attachments about the (proposed) ward or conservatee is true and correct to the best of my information and belief. The information I have provided on this form and all attachments concerning myself is true and correct. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

Print your name here

Sign here



If you checked 8a on page 2, do not fill out below. If you checked 8b, you **must** answer questions 14-16. If you checked 8c, you **must** answer questions 14-18. If you need more space, attach form MC-025 or attach a sheet of paper, and write "Financial Information" and the ward's or conservatee's name and case number at the top.

14 Check here if the ward's or conservatee's income changes a lot from month to month. If it does, complete the form based on his or her average income for the past 12 months.

15 Ward's or Conservatee's Gross Monthly Income

a. List the source and amount of **any** income the ward or conservatee gets each month, including: wages or other income from work before deductions, spousal/child support, retirement, social security, disability, unemployment, military basic allowance for quarters (BAQ), veterans payments, dividends, interest, trust income, annuities, net business or rental income, reimbursement for job-related expenses, gambling or lottery winnings, etc.

(1)	\$	
(2)	\$	
(3)	\$	
(4)	\$	
(5)	\$	
(6)	\$	
(7)	\$	
(8)	\$	
(9)	\$	
(10)	\$	
(11)	\$	

16 Ward's or Conservatee's Household's Income

a. List the income of all other persons living in the ward's or conservatee's home who depend in whole or in part on him or her for support, or on whom he or she depends in whole or in part for support.

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

(1) Name (2) Age (3) Relationship (4) Gross Monthly Income

(1)	\$	
(2)	\$	
(3)	\$	
(4)	\$	
(5)	\$	
(6)	\$	
(7)	\$	
(8)	\$	
(9)	\$	
(10)	\$	
(11)	\$	

17 Total monthly income and household income (15b plus 16b):

To list any other facts you want the court to know, such as the (proposed) ward's or conservatee's unusual medical expenses, etc, attach form MC-025 or attach a sheet of paper and write "Financial Information" and the (proposed) ward's or conservatee's name and case number at the top.

Check here if you attach another page.

Important! If the ward's or conservatee's financial situation or ability to pay court fees improves, you must notify the court within five days on form FW-010-GC.

Do not include income of guardian or conservator living in the household in item 16, his or her money and property in item 17, or his or her deductions and expenses in item 18 unless he or she is a parent of the ward or the spouse or registered domestic partner of the conservatee.

17 Ward's or Conservatee's Household's Money and Property

a. Cash

b. All financial accounts (list bank name and amount):

(1)	\$	
(2)	\$	
(3)	\$	

c. Cars, boats, and other vehicles

(1)	\$	
(2)	\$	
(3)	\$	

d. Real estate

(1)	\$	
(2)	\$	
(3)	\$	

e. Other personal property (jewelry, furniture, furs, stocks, bonds, etc.):

(1)	\$	
(2)	\$	

18 Ward's or Conservatee's Household's Monthly Deductions and Expenses

a. List any payroll deductions and the monthly amount below:

(1)	\$	
(2)	\$	
(3)	\$	
(4)	\$	
(5)	\$	
(6)	\$	
(7)	\$	
(8)	\$	
(9)	\$	
(10)	\$	
(11)	\$	

l. Installment payments (list each below):

(1)	\$	
(2)	\$	
(3)	\$	

m. Wages/earnings withheld by court order

n. Any other monthly expenses (list each below):

(1)	\$	
(2)	\$	
(3)	\$	

Total monthly expenses (add 18a-18n above):

Clerk stamps date here when form is filed.

1 (Proposed) guardian or conservator who asked the court to waive court fees for (proposed) ward or conservatee:

Name: _____
Street or mailing address: _____
City: _____ State: _____ Zip: _____
Telephone: _____

2 Lawyer, if person in 1 has one:

Name: _____ State Bar No: _____
Firm or Affiliation: _____
Street or mailing address: _____
City: _____ State: _____ Zip: _____
E-mail: _____ Telephone: _____

3 (Proposed) ward or conservatee:

Name: _____
Street or mailing address: _____
City: _____ State: _____ Zip: _____
Telephone: _____

4 Lawyer for (proposed) ward or conservatee, if any:

Name: _____ State Bar No: _____
Firm or Affiliation: _____
Street or mailing address: _____
City: _____ State: _____ Zip: _____
E-mail: _____ Telephone: _____

5 A request to waive court fees was filed on (date): _____

The court made a previous fee waiver order in this case on (date): _____

Fill in court name and street address:

Superior Court of California, County of

Fill in case number and name:

Case Number:

Case Name:

Read this form carefully. All checked boxes are court orders.

Notice: The court may order you to answer questions about the ward's or conservatee's finances after granting a waiver and may later order payment of the waived fees from his or her estate. If this happens and the fees are not paid, the court can also charge collection fees. The court may also direct you to make efforts to collect money to pay back waived fees from persons who owe a duty to support the ward or conservatee. If there is a change in the ward's or conservatee's financial circumstances during this case that increases his or her ability to pay fees and costs, you must notify the trial court within five days. (Use form FW-010-GC.)

If this case is an action against another party and you win the case on behalf of the ward or conservatee, the trial court may order the other side to pay some or all of the waived fees. If you settle the matter for **\$10,000** or more, the trial court will have a lien on the settlement in the amount of the waived fees. The trial court may not dismiss the case until the lien is paid.

The court may also have a lien against the ward's or conservatee's estate that must be paid before the estate is distributed, the guardianship or conservatorship proceeding is concluded, and you are discharged as guardian or conservator.

6 After reviewing your: Request to Waive Court Fees Request to Waive Additional Court Fees

the court makes the following orders:

a. The court **grants** your request concerning the ward's or conservatee's court fees and costs, as follows:

(1) **Fee Waiver.** The court grants your request and waives the fees and costs listed below.

(Cal. Rules of Court, rules 3.55 and 8.818.) You do not have to pay the court fees for the following:

- Filing papers in superior court
- Making copies and certifying copies
- Sheriff's fee to give notice
- Court fee for phone hearing
- Giving notice and certificates
- Sending papers to another court department

(List continued on next page.)



Order on Court Fee Waiver (Superior Court) (Ward or Conservatee)

Case Number:

Name of (Proposed) Ward or Conservatee:

6

a. (1) Reporter's fee for attendance at hearing or trial, if you request that the court provide an official reporter

- Assessment for court investigations under Probate Code section 1513, 1826, or 1851
Preparing, certifying, copying, and sending the clerk's transcript on appeal
Holding in trust the deposit for a reporter's transcript on appeal under rule 8.130 or 8.834
Making a transcript or copy of an official electronic recording under rule 8.835

Additional Fee Waiver: The court grants your request and waives the additional superior court fees and costs that are checked below. (Cal. Rules of Court, rule 3.56.) You do not have to pay for the checked items.

- Jury fees and expenses
Fees for court-appointed experts
Fees for a peace officer to testify in court
Court-appointed interpreter fees for a witness
Other (specify):

b. (2) The court denies your fee waiver request, as follows:

Warning! If you miss the deadline below, the court cannot process your request for hearing or the court papers you filed with your original request. If the papers were a notice of appeal, the appeal may be dismissed.

(1) The court denies your request because it is incomplete. You have 10 days after the clerk gives notice of this order (see date of service on next page) to:
Pay the ward's or conservatee's fees and costs, or
File a new revised request that includes the items listed: Below On Attachment 6b(1)

(2) The court denies your request because the information you provided on the request shows that the ward or conservatee is not eligible for the fee waiver for the reasons specified: Below On Attachment 6b(2)

The court has enclosed a blank Request for Hearing About Court Fee Waiver Order (Ward or Conservatee)(Superior Court) (form FW-006-GC). You have 10 days after the clerk gives notice of this order (see date of service on next page) to:
Pay the fees and costs in full or the amount listed in c below, or
Ask for a hearing in order to show the court more information. (Use form FW-006-GC to request hearing.)

c. (1) The court needs more information to decide whether to grant your request. You must go to court on the date on page 3. The hearing will be about questions regarding your eligibility specified: Below On Attachment 6c(1)

(2) Bring the items of proof to support your request, if reasonably available, that are listed: Below On Attachment 6c(2)

Blank lines for text entry.




Name of (Proposed) Ward or Conservatee:

Case Number:

Warning! If item c is checked, and you do not go to court on your hearing date, the judge will deny your request to waive court fees, and you will have 10 days to pay the ward's or conservatee's fees. If you miss that deadline, the court cannot process the court papers you filed with your request. If the papers were a notice of appeal, the appeal may be dismissed.

NOTE TO GUARDIAN or CONSERVATOR: If there are unpaid court fees after a denial of a request for a fee waiver, your case—including the guardianship or conservatorship proceeding if the waiver is requested in that matter—might not go forward. After a denial, you may choose to advance the court costs yourself to ensure that the case proceeds. If you or another person is appointed as guardian or conservator, you would have an opportunity to be reimbursed for such advances from the assets of the guardianship or conservatorship estate, if any, as allowable expenses of administration. You might also have the right to reimbursement for advanced court costs from persons with an obligation to support the ward or conservatee from assets not part of his or her estate, such as a parent of the ward, the spouse or registered domestic partner of the conservatee who is managing the couple's community property outside the conservatorship estate, or the trustee of a trust of which the conservatee is a beneficiary.

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

Name and address of court if different from above:

Date: _____



Signature of (check one): Judicial Officer Clerk, Deputy



Request for Accommodations. Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before your hearing. Contact the clerk's office for *Request for Accommodation*, Form MC-410. (Civil Code, § 54.8.)

Clerk's Certificate of Service

I certify that I am not involved in this case and (check one):

- I handed a copy of this Order to the party and attorney, if any, listed in ① and ②, at the court, on the date below.
- This order was mailed first class, postage paid, to the party and attorney, if any, at the addresses listed in ① and ②, from (city): _____, California, on the date below.
- A certificate of mailing is attached.

Date: _____

Clerk, by _____, Deputy
Name: _____

This is a Court Order.