



## STANISLAUS COUNTY SUPERIOR COURT

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# GUARDIANSHIP PACKET

This packet contains forms required to begin a guardianship proceeding in Stanislaus County Superior Court. There are five (5) steps to filing for a Guardianship. If you need a Temporary Guardianship or Temporary Custody Orders, you will need an additional packet. There are situations, however, for which there is no pre-printed form. A blank attachment form has been included for making as many copies as necessary for use in such situations and it must be prepared in the proper format.

Additional Judicial Council forms, local forms and information are available in the Clerk's Office, the Stanislaus County Law Library located at 1101 13<sup>th</sup> Street, Modesto, and on the following Websites:

**Stanislaus County Superior Court:** [www.stanislaus.courts.ca.gov](http://www.stanislaus.courts.ca.gov)

**Judicial Council's Self Help:** [www.courts.ca.gov/selfhelp.htm](http://www.courts.ca.gov/selfhelp.htm)

**Judicial Council Forms:** [www.courts.ca.gov/formsrules.htm](http://www.courts.ca.gov/formsrules.htm)

The Superior Court Self-Help Center is located within the Courthouse, providing free assistance for people representing themselves in these proceedings. **The Center does not provide any legal advice, nor fill out your forms for you.** Services are offered on a walk-in basis.

Lawyer Referral Service may be able to assist you in finding an attorney. Their telephone number is 209-571-5727. There are books available on how to do a guardianship at the public library, the county law library, and in bookstores. The law library has the Probate Code, which contains the laws regarding Guardianship and a complete set of the local rules of court.

Persons handling their own cases (self-represented) are required to prepare and present their court documents in complete and proper form without help from the Court staff. **The Clerks office is prohibited from giving legal advice in any manner.** Doing so would constitute acting as an attorney or legal counsel. Questions on legal matters regarding the appropriate form or its proper completion and presentation should be referred to an attorney.

Please refer to the *Guardianship Pamphlet* that is enclosed in this packet for general information about court procedures, the duties and responsibilities of probate guardians, and other helpful material to assist you in fulfilling the obligations of a guardian.



# GUARDIANSHIP PAMPHLET

(FOR GUARDIANSHIPS OF CHILDREN  
IN THE PROBATE COURT)

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

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## What is Guardianship?

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

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

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

## What is a Legal Guardian?

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

## Who May Be Legal Guardians?

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

## Before You File the Petition

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

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

## Some Alternatives to Guardianship

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

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

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

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

## THE PROCESS - BRIEFLY

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

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

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

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

## GUARDIANSHIP OF THE PERSON

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

### **Fundamental Responsibilities** - The guardian of the person

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

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

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

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

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

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

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

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

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

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

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

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

**Visitation** - The court may require that you allow visitation or contact between the child and his or her parents. The child's needs often require that the parent-child relationship be maintained, within reason. However, the court may place restrictions on the visits, such as the requirement of supervision. The court may also impose other conditions in the child's best interest. Under most circumstances, it is best for you to have a working relationship with the parents if possible. However, in every case, you must follow all orders of the court, including those that may restrict contacts and visitation.



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

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

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

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

**Court visitors and status reports** - Some counties have a program 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. Also, as guardian, you may be required to fill out and file status reports. In all counties, you must cooperate with the court and court investigators.

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

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

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

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

## GUARDIANSHIP OF THE ESTATE

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

## MANAGING THE ESTATE

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

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

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

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

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

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

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

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

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

## INVENTORY OF ESTATE PROPERTY

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

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

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

## **INSURANCE**

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

## **RECORD KEEPING AND ACCOUNTING**

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

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

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

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

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

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

## OTHER GENERAL INFORMATION

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

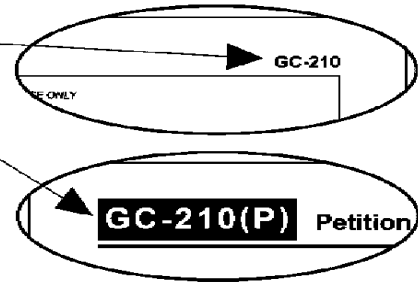
**Legal documents** - For your appointment as guardian to be valid, the *Order Appointing Guardian of Minor* must be signed. Once the court signs the order, the guardian must take prepared *Letters of Guardianship* to the clerk's office where the clerk will issue the letters. *Letters of Guardianship*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

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

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

Look at the numbers at the top of a form to match them with the form numbers listed below. You can use this form as a checklist.

OR



\* Appointment of a guardian for a Native American child is subject to special requirements that are not discussed in these instructions. See item 14 on the next page.

### I want to become a guardian of a child. What forms do I need to file with the court?

- 1 **Fill out, sign, and file with the court** *either* of the following form petitions ("your petition"):
  - ☐ **Form GC-210(P), *Petition for Appointment of Guardian of the Person*** (recommended if you won't have an attorney to help you); **or**
  - ☐ **Form GC-210, *Petition for Appointment of Guardian of Minor*.**
- 2 **Fill out** the following forms and attach them to or file them separately with your petition:
  - ☐ **Attach to your petition a separate copy of Form GC-210(CA), *Guardianship Petition—Child Information Attachment***, for **each** child you think needs a guardian.
  - ☐ **Sign and attach to your petition one copy of Form FL-105/GC-120, *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)***, for all children you think need a guardian.
  - ☐ **Sign and file separately with your petition Form GC-212, *Confidential Guardian Screening Form*.**  
This form is confidential, under the direct control of the court, and not available to the general public.
  - ☐ **If required by your court, sign and file separately with your petition, Form GC-211, *Consent of Proposed Guardian*** (item 1 of that multi-purpose form, at the top of the page). Many courts don't require that form if you are asking for your own appointment as guardian, so check with your court before you file it.
  - ☐ **File separately with your petition** any local forms your court wants you to file with your petition (check your court's local rules and guidelines for information and instructions about these forms).

### What must I do if I want the court to appoint someone other than myself as guardian?

- 3 ☐ **Instead of filling out and signing Form GC-212**, listed above in Step 2, ask the person you want the court to appoint as guardian to fill out and sign that form.
- 4 ☐ **Instead of signing item 1 of Form GC-211**, listed above in Step 2, ask the person you want the court to appoint as guardian to sign item 1 of that form. Many courts don't require that form if the person you want as guardian signs your petition (as an additional petitioner), so check with the court on the need to file that form if that person signed your petition. See page 2 of this form to learn about use of another part of **Form GC-211**.

### What can I do if I can't afford to pay the court's filing fees?

- 5 ☐ **Fill out, sign, and file Form FW-001, *Application for Waiver of Court Fees and Costs***, and fill out and give the court clerk **Form FW-003, *Order on Application for Waiver of Court Fees and Costs***, for the judge to sign.

### What happens when I file my petition and the other forms listed above?

The court clerk will give you a case number, a date and time when, and a courtroom or department of the court where the judge will hear your request to appoint a guardian. Take an extra copy of your petition and the other papers you must file to the court when you file the originals and ask the clerk to stamp the filing date and case number on your copies and note the hearing date and place on your copy of the petition. Some courts will require you to give the clerk one or more extra copies of your papers, so check with your court before you go to the court to file the papers.

What forms do I need after I file my petition and have a hearing date?

- 6 ☐ If either or both of the child's parents or any other person you must notify of the hearing on your petition will agree with your request for appointment of a guardian, fill out and have each of them date and sign item 4 at the bottom of **Form GC-211, Consent to Appointment of Guardian and Waiver of Notice**. File the form with the court when you file the *Notice of Hearing*, discussed below.

What must I do before the court hearing on my petition?

You must arrange for someone other than yourself to notify certain people about your petition and the court hearing and show the court that he or she has done so. Read **Form GC-510, What is "Proof of Service" in a Guardianship**, and: ☐ **Fill out the first page of Form GC-020, Notice of Hearing—Guardianship or Conservatorship.**

- 7 ☐ **Follow the instructions in Form GC-510 for personal delivery ("personal service") of copies of your petition and the Notice of Hearing and showing the court that personal service has been made ("proving service").**
- 8 ☐ **Follow the instructions in Form GC-510 for mailing ("service by mail") copies of your petition and the Notice of Hearing and showing the court that service by mail has been made ("proving service").**
- 9 ☐ **File with the court at least 5 days before the hearing, the original Form GC-020, with attached original filled-in proofs of personal and mailed service, signed by the person(s) who delivered and mailed the papers.**

- 10 ☐ **Fill out and deliver the following forms to the court at or before the hearing on your petition** (check your court's local rules for the deadlines for delivery of these forms to the court):

- 11 ☐ **Form GC-240, Order Appointing Guardian of Minor** (the judge will sign this Order at or shortly after the hearing on your petition if he or she grants your request for appointment of a guardian);

- 12 ☐ **Form GC-248, Duties of Guardian and Acknowledgment of Receipt** (you or any other person the court has appointed as guardian must sign this form and the form must be filed with the court before the clerk will sign and file the *Letters of Guardianship* (see below)); and

- 13 ☐ **Form GC-250, Letters of Guardianship** (the court clerk will sign and file the original of this form, often called "Letters," and will give you (for a fee) **certified copies** that you, or any other person the court has appointed as guardian, must have to show legal authority to act as the child's guardian.

- 14 ☐ **Fill out and file any local forms your court requires at or before the hearing on your petition** (check your court's local rules for information about these forms, deadlines for filing them, and requirements for service of copies to other persons interested in the case).

Need help?

- 13 ☐ Your court may have a self-help center or a volunteer assistance program that can help you with a guardianship, or the court may be able to refer you to other organizations in your area that can help you.
- 14 ☐ If you can get on the Internet, you can go to the California Courts Self-Help Center Web site, at [www.courtinfo.ca.gov/selfhelp/family/guardianship](http://www.courtinfo.ca.gov/selfhelp/family/guardianship) (English) or [www.courtinfo.ca.gov/selfhelp/espanol/familia/tutela](http://www.courtinfo.ca.gov/selfhelp/espanol/familia/tutela) (Spanish). This Web site provides information about the guardianship process, including information about what you need to do if the child in your case is a Native American or has a Native American ancestor, and information about other resources available to you. You can also download a copy of **Form GC-205, Guardianship Pamphlet** and all the forms mentioned above. The pamphlet has a basic explanation of a guardianship. It is available in Spanish and several other languages. You can even fill out the necessary forms on your computer while visiting this site and print them out ready for signing and filing, free of charge.

- 15 ☐ You can also go to [www.courtinfo.ca.gov/courts/trial/courtlist.htm](http://www.courtinfo.ca.gov/courts/trial/courtlist.htm) to access your court's Web site. This site can tell you where to file your forms and go for court hearings and can advise you about the court's rules and practices you need to know during the progress of your case. You can also download copies of the court's local forms.



## INFORMATION SHEET ON INDIAN CHILD INQUIRY ATTACHMENT 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*, and form ICWA-030, *Notice of Child Custody Proceeding for Indian Child*.

### Form ICWA-010(A), *Indian Child Inquiry Attachment*

You are responsible for helping to find out whether the child is or may be an Indian child and filling out the information requested on ICWA-010(A), *Indian Child Inquiry 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 form ICWA-010(A), Indian Child Inquiry Attachment*

1. Try to find contact information for the child's parents, the child's Indian custodian (if the child is living with an Indian person other than a parent) or other legal guardian, the child's grandparents and great-grandparents, and other available family members.
2. Contact the child's parents, the child's Indian custodian or any other legal guardians, available extended family members, and any other persons known to have an interest in the child and ask them (and the child, if old enough) these questions:
  - a. Is the child a member of a tribe or eligible for tribal membership, and if they think the child might be, then which tribe or tribes?
  - b. Are the parents or other members of the extended family members of a tribe, and if they think they might be, which tribe or tribes?
  - c. Does the child, or do the child's parents or Indian custodian, if any, live in Indian country, including a reservation, rancheria, Alaska Native village, or other tribal trust land?
  - 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?
  - f. Do they have any other information indicating the child is an Indian child?
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 form ICWA-010(A), *Indian Child Inquiry Attachment*, and attached it to the petition. This requirement does not apply to a petition for appointment of a guardian of the estate only.

After you take the steps described above, if you have reason to believe that the child is an Indian child, you must contact the tribe or tribes that may have a connection with the child about your court case.

You have reason to believe the child is an Indian child if any of the people you talk to answers "Yes" to any of your questions. Tribes that learn about 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.

Your contacts with the tribe or tribes should include:

- (1) Contacting the tribe's designated agent for service of notice under the Indian Child Welfare Act, which is published in the Federal Register, by telephone, facsimile, or email; and
- (2) Sharing with the tribe or tribes any information identified by the tribe as necessary for the tribe to make a determination about the child's tribal membership or eligibility for membership, as well as information on the current status of the child and the case.

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

Following your inquiry about the child's Indian status and contacts with the child's tribe or tribes, if you know or have reason to know the child is an Indian child, you must provide formal notice on form ICWA-030, *Notice of Child Custody Proceeding for Indian Child*.

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

You have reason to know:

1. If the child, an Indian tribe, an Indian organization, an attorney, a public or private agency, a member of the child's extended family or any other person having an interest in the child says the child is an Indian child or provides information to anyone involved in the case suggesting that the child is an Indian child;
2. If the child, the child's parents, or an Indian custodian live on a reservation or rancheria or in an Alaskan Native village;

*(continued on next page)*

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

Page 2 of 2

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 if you counsel a party to do so. (Welf. & Inst. Code, § 224.3(e).)

1. Mail to the persons and organizations listed at the top of this page, by registered or certified mail, with return receipt requested, completed and signed copies of the following forms:
  - a. Your petition;
  - b. Form ICWA-010(A), *Indian Child Inquiry 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 form 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));
  - 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, the attorney 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 complete step 3.

identifying information; and a copy of the petition in the case.

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. To help establish the child's tribal identity, provide as much information as possible, including the child's name, birthdate, and birthplace; the name of the tribe or tribes; the names of all of the child's known relatives with addresses and other

**Copy to the Area Director of the Bureau of Indian Affairs**

Sacramento, CA 95825.

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, NW, Washington, D.C. 20240, and a copy to the Sacramento Area Director, Bureau of Indian Affairs, Federal Office Building, 2800 Cottage Way,

**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 access the Federal Register list and other resources related to ICWA on the Bureau of Indian Affairs website at [www.bia.gov/bia/oir/dhs/](http://www.bia.gov/bia/oir/dhs/).

**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, then you must send the *Notice* to the following:

**Who do you need to notify?**

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

4. If the child's parent(s) have an identification card indicating membership or citizenship in an Indian tribe.
3. If the child is or has been a ward of the tribal court; or

You have reason to know (*continued*):

# Yes, I need an Interpreter!

Sí, necesito un Intérprete!

**Name** (Nombre): \_\_\_\_\_

**Case Number** (Número de caso): \_\_\_\_\_

**Language/Dialect Spoken** (Que idioma/dialecto habla):

☐ **Spanish (Español)**      **Dialecto:** \_\_\_\_\_

☐ **Other:** \_\_\_\_\_      **Dialect:** \_\_\_\_\_

## Person requesting an Interpreter is:

Persona que solicita el intérprete es:

☐ **Petitioner** (Solicitante)

☐ **Respondent** (Demandado)

☐ **Protected Person** (Persona Protegida)

☐ **Restrained Person** (Persona Restringida)

☐ **Other** (Otro): \_\_\_\_\_



STANISLAUS COUNTY SUPERIOR COURT INVESTIGATOR  
**GUARDIANSHIP QUESTIONNAIRE**

Minor's Name(s): \_\_\_\_\_ DOB: \_\_\_\_\_

Proposed Guardian's is the relative of the minor how? (circle one) MATERNAL or PATERNAL

Relationship: (ex. Grandmother/father, aunt/uncle, cousin...) \_\_\_\_\_

This form must be completed and returned with the Petition for Guardianship. If you find there is not Enough space to complete your answers, use the space provided on page 8, clearly identifying the question by number. **DO NOT LEAVE ANY QUESTIONS BLANK, STATE N/A IF THE QUESTION DOES NOT APPLY TO YOU. FAILURE TO COMPLETE & RETURN THIS FORM WITH THE PETITION WHEN FILING, MAY RESULT IN DELAYS. ATTACH A COPY(IES) OF BIRTH CERTIFICATE(S) OF EACH CHILD AND ANY DEATH CERTIFICATE(S) OF NATURAL PARENTS (if applicable).**

**PERSONAL HISTORY OF PETITIONER(S)**

**PROPOSED GUARDIAN #1**

**FULL NAME:** \_\_\_\_\_ **OTHER NAMES/MAIDEN** \_\_\_\_\_

**DATE OF BIRTH:** \_\_\_\_\_ **ID OR DL #:** \_\_\_\_\_

**SOCIAL SECURITY #:** \_\_\_\_\_

**LIST ADDRESSES FOR PAST 5 YEARS:**

**PRESENT ADDRESS:** \_\_\_\_\_

**DATES:** \_\_\_\_\_ **TO** \_\_\_\_\_ **RENT or OWN** \_\_\_\_\_ **MONTHLY PAYMENT: \$** \_\_\_\_\_

**PHONE NO. ( )** \_\_\_\_\_

**PRIOR ADDRESS:** \_\_\_\_\_

**DATES:** \_\_\_\_\_ **TO** \_\_\_\_\_ **RENT or OWN** \_\_\_\_\_ **MONTHLY PAYMENT: \$** \_\_\_\_\_

**PHONE NO. ( )** \_\_\_\_\_

**YOUR HEALTH:**

(CIRCLE) GOOD FAIR POOR

**STATE ANY MEDICAL CONDITIONS CURRENTLY BEING TREATED FOR:** \_\_\_\_\_

\_\_\_\_\_

**MEDICATIONS – NAME AMOUNT, REASON AND HOW OFTEN TAKEN:** \_\_\_\_\_

\_\_\_\_\_

**ATTENDING COUNSELING?** YES or NO

**TYPE:** \_\_\_\_\_ **NAME OF COUNSELOR:** \_\_\_\_\_

**HAVE YOU EVER BEEN ON OR ARE YOU ON PROBATION/PAROLE?** YES or NO

**OFFICER/AGENT'S NAME:** \_\_\_\_\_ **PHONE #:** ( ) \_\_\_\_\_

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**DO/DID YOU EVER USE ILLEGAL DRUGS?** YES or NO  
IF YES, WHEN DID YOU LAST USE?  
HOW MUCH/OFTEN? (CIRCLE ONE) DAILY WEEKLY MONTHLY COST? \$  
\_\_\_\_\_  
**HAVE YOU EVER ENTERED OR COMPLETED AN ALCOHOL OR DRUG TREATMENT PROGRAM?** YES or NO  
IF YES, GIVE DETAILS: \_\_\_\_\_  
**HAVE YOU EVER HAD CONTACT WITH A CHILD PROTECTIVE SERVICES (CPS) AGENCY?** YES or NO  
IF YES, GIVE DETAILS: \_\_\_\_\_  
**HAVE YOU EVER BEEN ARRESTED FOR DOMESTIC VIOLENCE OR ANY OTHER CRIMINAL OFFENSES?** YES or NO  
IF YES, GIVE DETAILS: \_\_\_\_\_  
**EMPLOYMENT:**  
**NAME OF EMPLOYER:** \_\_\_\_\_  
**ADDRESS:** \_\_\_\_\_  
**TITLE:** \_\_\_\_\_  
**DAYS YOU WORK:** \_\_\_\_\_  
**GROSS SALARY :** \$ \_\_\_\_\_  
WEEKLY BIWEEKLY MONTHLY  
**OTHER INCOME: (CIRCLE ONE)** AFDC SOCIAL SECURITY UNEMPLOYMENT CHILD SUPPORT  
AMOUNT: \$ \_\_\_\_\_ WEEKLY or MONTHLY FOR WHOM RECEIVED: \_\_\_\_\_  
**HAVE YOU EVER FILED BANKRUPTCY:** YES or NO  
IF YES, DATE: \_\_\_\_\_ PLACE: \_\_\_\_\_ RESULT: \_\_\_\_\_  
**HAS YOUR SPOUSE OR ANY OTHER ADULTS IN YOUR HOME BEEN ARRESTED FOR DOMESTIC VIOLENCE OR ANY OTHER CRIMINAL OFFENSES?** IF YES, GIVE DETAILS BELOW:

**PROPOSED GUARDIAN #2**

**FULL NAME:** \_\_\_\_\_ **OTHER NAMES/MAIDEN** \_\_\_\_\_  
**DATE OF BIRTH:** \_\_\_\_\_ **ID OR DL #:** \_\_\_\_\_  
**SOCIAL SECURITY #:** \_\_\_\_\_

**LIST ADDRESSES FOR PAST 5 YEARS:**

**PRESENT ADDRESS:** \_\_\_\_\_  
**DATES:** \_\_\_\_\_ **TO** \_\_\_\_\_ **RENT or OWN** \_\_\_\_\_ **MONTHLY PAYMENT: \$** \_\_\_\_\_  
**PHONE NO. ( )** \_\_\_\_\_

**PRIOR ADDRESS:** \_\_\_\_\_  
**DATES:** \_\_\_\_\_ **TO** \_\_\_\_\_ **RENT or Own** \_\_\_\_\_ **MONTHLY PAYMENT: \$** \_\_\_\_\_  
**PHONE NO. ( )** \_\_\_\_\_

**YOUR HEALTH:**

(CIRCLE) GOOD FAIR POOR

**STATE ANY MEDICAL CONDITIONS CURRENTLY BEING TREATED FOR:** \_\_\_\_\_  
\_\_\_\_\_

**MEDICATIONS – NAME AMOUNT, REASON AND HOW OFTEN TAKEN:** \_\_\_\_\_  
\_\_\_\_\_

**ATTENDING COUNSELING? YES or NO**

**TYPE:** \_\_\_\_\_ **NAME OF COUNSELOR:** \_\_\_\_\_

**HAVE YOU EVER BEEN ON OR ARE YOU ON PROBATION/PAROLE? YES or NO**

**OFFICER/AGENT'S NAME:** \_\_\_\_\_ **PHONE #:** ( ) \_\_\_\_\_

**DO/DID YOU EVER USE ILLEGAL DRUGS? YES or NO**

**IF YES, WHEN DID YOU LAST USE?** \_\_\_\_\_

**HOW MUCH/OFTEN? (CIRCLE ONE) DAILY WEEKLY MONTHLY COST? \$** \_\_\_\_\_

**HAVE YOU EVER ENTERED OR COMPLETED AN ALCOHOL OR DRUG TREATMENT PROGRAM? YES or NO**

**IF YES, GIVE DETAILS:** \_\_\_\_\_

**HAVE YOU EVER HAD CONTACT WITH A CHILD PROTECTIVE SERVICES (CPS) AGENCY? YES or NO**

**IF YES, GIVE DETAILS:** \_\_\_\_\_

**HAVE YOU EVER BEEN ARRESTED FOR DOMESTIC VIOLENCE OR ANY OTHER CRIMINAL OFFENSE? YES or NO**

**IF YES, GIVE DETAILS:** \_\_\_\_\_

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

**EMPLOYMENT:**

**NAME OF EMPLOYER:**

ADDRESS: \_\_\_\_\_

TITLE: \_\_\_\_\_

DAYS YOU WORK: \_\_\_\_\_ HOURS: \_\_\_\_\_

GROSS SALARY : \$ \_\_\_\_\_ WEEKLY BIWEEKLY MONTHLY

**OTHER INCOME: (CIRCLE ONE)**

AFDC SOCIAL SECURITY UNEMPLOYMENT CHILD SUPPORT

AMOUNT: \$ \_\_\_\_\_ WEEKLY or MONTHLY FOR WHOM RECEIVED: \_\_\_\_\_

**HAVE YOU EVER FILED BANKRUPTCY: YES or NO**

IF YES, DATE: \_\_\_\_\_ PLACE: \_\_\_\_\_ RESULT: \_\_\_\_\_

**HAS YOUR SPOUSE OR ANY OTHER ADULTS IN YOUR HOME BEEN ARRESTED FOR DOMESTIC VIOLENCE**

**OR ANY OTHER CRIMINAL OFFENSES? IF YES, GIVE DETAILS BELOW:**

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

**OTHER ADULTS RESIDING IN THE HOME OF PROPOSED GUARDIAN(S)**

**FULL NAME:**

DOB: \_\_\_\_\_

DOES THIS PERSON HAVE A CRIMINAL RECORD? YES or NO

IF YES, GIVE DETAILS: \_\_\_\_\_

**FULL NAME:**

DOB: \_\_\_\_\_

DOES THIS PERSON HAVE A CRIMINAL RECORD? YES or NO

IF YES, GIVE DETAILS: \_\_\_\_\_

**FULL NAME:**

DOB: \_\_\_\_\_

DOES THIS PERSON HAVE A CRIMINAL RECORD? YES or NO

IF YES, GIVE DETAILS: \_\_\_\_\_



**OTHER CHILDREN RESIDING IN THE HOME OF THE GUARDIAN(S)**

**FULL NAME:** \_\_\_\_\_ **DATE OF BIRTH:** \_\_\_\_\_

**RELATIONSHIP TO CHILD:** \_\_\_\_\_

**NAME & ADDRESS OF SCHOOL ATTENDING:** \_\_\_\_\_

**FULL NAME:** \_\_\_\_\_ **DATE OF BIRTH:** \_\_\_\_\_

**RELATIONSHIP TO CHILD:** \_\_\_\_\_

**NAME & ADDRESS OF SCHOOL ATTENDING:** \_\_\_\_\_

**FULL NAME:** \_\_\_\_\_ **DATE OF BIRTH:** \_\_\_\_\_

**RELATIONSHIP TO CHILD:** \_\_\_\_\_

**NAME & ADDRESS OF SCHOOL ATTENDING:** \_\_\_\_\_

**BIRTH PARENTS INFO**

**NATURAL MOTHER**

**FULL NAME:** \_\_\_\_\_ **OTHER NAMES/MAIDEN:** \_\_\_\_\_

**DOB:** \_\_\_\_\_ **CA ID/DL #:** \_\_\_\_\_ **SOCIAL SECURITY #:** \_\_\_\_\_

**Phone Number:** \_\_\_\_\_

**LAST KNOWN ADDRESS/DATES LIVED THERE:**

\_\_\_\_\_

**NAME & ADDRESS & PHONE # OF EMPLOYER:** \_\_\_\_\_

\_\_\_\_\_

**IS MOTHER IN AGREEMENT WITH GUARDIANSHIP?** YES or NO

**DOES MOTHER VISIT WITH CHILD?** YES or NO

**IF YES, HOW OFTEN:** \_\_\_\_\_

**DOES MOTHER VISIT THE CHILD OUTSIDE YOUR HOME?** YES or NO

**DOES MOTHER EXPRESS AN INTEREST IN SCHOOL ISSUES?** YES or NO

**DOES MOTHER EXPRESS AN INTEREST IN HEALTH ISSUES?** YES or NO

**DOES MOTHER HAVE ANY OTHER CHILDREN?** YES or NO

**IF YES COMPLETE NAME(S) AND DATE OF BIRTH(S) BELOW:**

**FULL NAME:** \_\_\_\_\_ **DATE OF BIRTH:** \_\_\_\_\_

**FULL NAME:** \_\_\_\_\_ **DATE OF BIRTH:** \_\_\_\_\_

**FULL NAME:** \_\_\_\_\_ **DATE OF BIRTH:** \_\_\_\_\_

**HAS MOTHER EVER BEEN INVESTIGATED BY CHILD PROTECTIVE SERVICES** YES or NO

**IF YES, GIVE DETAILS:** \_\_\_\_\_

\_\_\_\_\_

**HAS MOTHER EVER BEEN ARRESTED AND/OR CONVICTED OF A CRIMINAL OFFENSE?**

**IF YES, GIVE DETAILS:** \_\_\_\_\_

\_\_\_\_\_

IS THERE A CUSTODY ORDER (FROM DIVORCE, SEPERATION, PATERNITY) FOR THIS CHILD IN ANY  
COUNTRY? YES or NO

IF YES, GIVE DETAILS:

NATURAL FATHER

FULL NAME:

DOB:

CA ID/DL #:

SOCIAL SECURITY #:

OTHER NAMES/MAIDEN:

LAST KNOWN ADDRESS/DATES LIVED THERE:

Phone Number:

NAME & ADDRESS & PHONE # OF EMPLOYER:

IS FATHER IN AGREEMENT WITH GUARDIANSHIP? YES or NO

DOES FATHER VISIT WITH CHILD? YES or NO

IF YES, HOW OFTEN:

DOES FATHER VISIT THE CHILD OUTSIDE YOUR HOME?

DOES FATHER EXPRESS AN INTEREST IN SCHOOL ISSUES?

DOES FATHER EXPRESS AN INTEREST IN HEALTH ISSUES?

DOES FATHER HAVE ANY OTHER CHILDREN?

IF YES COMPLETE NAME(S) AND DATE OF BIRTH(S) BELOW:

YES or NO

YES or NO

YES or NO

YES or NO

DATE OF BIRTH:

DATE OF BIRTH:

DATE OF BIRTH:

FULL NAME:

FULL NAME:

FULL NAME:

HAS FATHER EVER BEEN INVESTIGATED BY CHILD PROTECTIVE SERVICES

IF YES, GIVE DETAILS:

YES or NO

HAS FATHER EVER BEEN ARRESTED AND/OR CONVICTED OF A CRIMINAL OFFENSE?

IF YES, GIVE DETAILS:

IS THERE A CUSTODY ORDER (FROM DIVORCE, SEPERATION, PATERNITY) FOR THIS CHILD IN ANY  
COUNTRY? YES or NO

IF YES, GIVE DETAILS:

GENERAL INFORMATION

WHERE THE BIRTH PARENTS EVER MARRIED?

IF YES: (circle one) STILL MARRIED DIVORCED SEPERATED UNKNOWN

IF NO, WAS PATERNITY EVER ESTABLISHED:

YES or NO

IS THERE A CHILD SUPPORT ORDER?

IF YES, CASE #: NAME/COUNTY OF COURT HOUSE:

YES or NO

**DOES THE CHILDREN HAVE NATIVE AMERICAN BLOOD?**

YES or NO

NAME OF TRIBE: \_\_\_\_\_

INDIAN PERCENTAGE: \_\_\_\_\_

IS THE CHILD(REN) A REGISTERED TRIBAL MEMBER? YES or NO

**CHILDREN YOU ARE REQUESTING GUARDIANSHIP OF:**

**CHILD NAME:** \_\_\_\_\_ **DATE/PLACE OF BIRTH:** \_\_\_\_\_

**RELATIONSHIP TO MINOR:** \_\_\_\_\_ **DATE PLACED WITH GUARDIAN:** \_\_\_\_\_

**CURRENT SCHOOL ATTENDING:** \_\_\_\_\_

**ADDRESS OF SCHOOL:** \_\_\_\_\_

**DIFFICULTIES IN SCHOOL:** YES or NO

**SPECIAL NEEDS:** YES or NO

**NAME & ADDRESS OF PHYSICIAN:** \_\_\_\_\_

**DO YOU SUSPECT MOTHER USED DRUGS WHEN PREGNANT:** \_\_\_\_\_

**RESULTS OF DRUG TEST AT BIRTH:** \_\_\_\_\_

**DOES THE CHILD HAVE ANY BEHAVIORAL PROBLEMS AND/OR NEEDS:** YES or NO

**IF YES, EXPLAIN:** \_\_\_\_\_

**ANY CRIMINAL INVOLVEMENT?** YES or NO

**IF YES, GIVE DETAILS:** \_\_\_\_\_

**CHILD NAME:** \_\_\_\_\_ **DATE/PLACE OF BIRTH:** \_\_\_\_\_

**RELATIONSHIP TO MINOR:** \_\_\_\_\_ **DATE PLACED WITH GUARDIAN:** \_\_\_\_\_

**CURRENT SCHOOL ATTENDING:** \_\_\_\_\_

**ADDRESS OF SCHOOL:** \_\_\_\_\_

**DIFFICULTIES IN SCHOOL:** YES or NO

**SPECIAL NEEDS:** YES or NO

**NAME & ADDRESS OF PHYSICIAN:** \_\_\_\_\_

**DO YOU SUSPECT MOTHER USED DRUGS WHEN PREGNANT:** \_\_\_\_\_

**RESULTS OF DRUG TEST AT BIRTH:** \_\_\_\_\_

**DOES THE CHILD HAVE ANY BEHAVIORAL PROBLEMS AND/OR NEEDS:** YES or NO

**IF YES, EXPLAIN:** \_\_\_\_\_

**ANY CRIMINAL INVOLVEMENT?** YES or NO

**IF YES, GIVE DETAILS:** \_\_\_\_\_

**CHILD NAME:** \_\_\_\_\_ **DATE/PLACE OF BIRTH:** \_\_\_\_\_

**RELATIONSHIP TO MINOR:** \_\_\_\_\_ **DATE PLACED WITH GUARDIAN:** \_\_\_\_\_

**CURRENT SCHOOL ATTENDING:** \_\_\_\_\_

**ADDRESS OF SCHOOL:** \_\_\_\_\_

**DIFFICULTIES IN SCHOOL:** YES or NO

**SPECIAL NEEDS:** YES or NO

**NAME & ADDRESS OF PHYSICIAN:** \_\_\_\_\_

**DO YOU SUSPECT MOTHER USED DRUGS WHEN PREGNANT:** \_\_\_\_\_

<div>PRINTED NAME OF PETITIONER</div> <div>_____</div>	<div>PRINTED NAME OF PETITIONER</div> <div>_____</div>
<div>SIGNATURE OF PETITIONER</div> <div>_____</div>	<div>SIGNATURE OF PETITIONER</div> <div>_____</div>

DATE: \_\_\_\_\_

I, DECLARE UNDER PENALTY OF PERJURY THAT THE INFORMATION ON THIS FORM IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

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

**ADDITIONAL INFORMATION**  
LIST ANY OTHER INFORMATION BELOW YOU FEEL MAY BE HELPFUL TO THE COURT INVESTIGATOR APPOINTED TO YOUR CASE.

RESULTS OF DRUG TEST AT BIRTH: \_\_\_\_\_

DOES THE CHILD HAVE ANY BEHAVIORAL PROBLEMS AND/OR NEEDS: \_\_\_\_\_

IF YES, EXPLAIN: \_\_\_\_\_

ANY CRIMINAL INVOLVEMENT? \_\_\_\_\_

IF YES, GIVE DETAILS: \_\_\_\_\_

YES or NO

**REMINDER YOU MUST ATTACH A COPY OF EACH CHILDS BIRTH CERTIFICATE AND/OR ANY DEATH CERTIFICATE(S) FOR THE NATURAL PARENTS**

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NO.:  CITY: STATE: ZIP CODE: FAX NO.:	<b>FOR COURT USE ONLY</b>          
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF STANISLAUS</b> STREET ADDRESS: 1100 I STREET MAILING ADDRESS: P.O. BOX 1098 CITY AND ZIP CODE: MODESTO, CA 95354 BRANCH NAME:		
GUARDIANSHIP OF (name):		CASE NUMBER:
<b>PETITION FOR APPOINTMENT OF GUARDIAN OF</b> <input type="checkbox"/> MINOR* <input type="checkbox"/> MINORS* <input type="checkbox"/> Person** <input type="checkbox"/> Estate**		HEARING DATE AND TIME: DEPT.:

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

- a. ☐ (name):  
 (address):  
 (telephone):  
 be appointed guardian of the PERSON of the minor or minors named in item 2 and *Letters* issue upon qualification.
- b. (Not applicable to proposed wards 18 years of age and older.)  
☐ (name)  
 (address):  
 (telephone):  
 be appointed guardian of the ESTATE of the minor or minors named in item 2 and *Letters* issue upon qualification.
- c. (1) ☐ bond not be required ☐ because the petition is for guardian of the person only ☐ because the proposed guardian is a corporate fiduciary or an exempt government agency ☐ for the reasons stated in Attachment 1c.  
 (2) ☐ \$ bond be fixed. It will be furnished by an authorized surety company or as otherwise provided by law. (Specify reasons in Attachment 1c if the amount is different from the minimum required by Prob. Code, § 8482.)  
 (3) ☐ \$ in deposits in a blocked account be allowed. Receipts will be filed. (Specify institution and location):
- d. ☐ authorization be granted under Probate Code section 2590 to exercise the powers specified in Attachment 9.
- e. ☐ orders relating to the powers and duties of the proposed guardian of the person under Probate Code sections 2351-2358 be granted (specify orders, facts, and reasons in Attachment 1e).
- f. ☐ an order dispensing with notice to the persons named in Attachment 10 be granted.
- g. ☐ other orders be granted (specify in Attachment 1g).

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

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

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

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

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

3. Petitioner is

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

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

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

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

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

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

- a. Personal property:

\$
- b. Annual gross income from all sources, including real and personal property, wages, pensions, and public benefits:

\$
- c. Total:

\$
- d. Real property:

\$

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

- ☐ 9. ☐ Granting the proposed guardian of the estate powers to be exercised independently under Probate Code section 2590 would be to the advantage and benefit and in the best interest of the guardianship estate. Reasons for this request and the powers requested are specified in Attachment 9.
- ☐ 10. ☐ Notice to the persons named in Attachment 10 should be dispensed with under Probate Code section 1511 because ☐ they cannot with reasonable diligence be given notice (specify names and efforts to locate in Attachment 10). ☐ giving notice to them would be contrary to the interest of justice (specify names and reasons in Attachment 10).

GUARDIANSHIP OF <i>(name)</i> :	CASE NUMBER:
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11. ☐ (Complete this item if this petition is filed by a person who is not related to a minor named in item 2 and is not a petition for appointment of a guardian of the estate only.)
- a. ☐ Petitioner is the proposed guardian and will promptly furnish all information requested by any agency referred to in Probate Code section 1543.
- b. ☐ Petitioner is not the proposed guardian. A statement by the proposed guardian that he or she will promptly furnish all information requested by any agency referred to in Probate Code section 1543 is affixed as Attachment 11b.
- c. The proposed guardian's home ☐ is ☐ is not a licensed foster family home.
- d. ☐ The proposed guardian has never filed a petition for adoption of the minor ☐ except as specified in Attachment 11d.
12. ☐ Attached to this petition is a *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form GC-120) concerning each child under 18 years of age listed in item 2 (*guardianship of the person or person and estate only*).
13. Filed with this petition are the following (*check all that apply*):
- ☐ *Consent of Proposed Guardian* (form GC-211, item 1)
  - ☐ *Nomination of Guardian* (form GC-211, items 2 and 3)
  - ☐ *Consent to Appointment of Guardian and Waiver of Notice* (form GC-211, item 4)
  - ☐ *Petition for Appointment of Temporary Guardian* (form GC-110)
  - ☐ *Petition for Appointment of Temporary Guardian of the Person* (form GC-110(P))
  - ☐ *Confidential Guardianship Screening Form* (form GC-212)
  - ☐ *Petition for Special Immigrant Juvenile Findings* (form GC-220)
  - ☐ Other (*specify*):

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

Date: ▶ \_\_\_\_\_  
(SIGNATURE OF ATTORNEY\*)

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

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

Date:

(TYPE OR PRINT NAME)	▶	(SIGNATURE OF PETITIONER)
(TYPE OR PRINT NAME)	▶	(SIGNATURE OF PETITIONER)
(TYPE OR PRINT NAME)	▶	(SIGNATURE OF PETITIONER)

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

Date:

(TYPE OR PRINT NAME)	▶	(SIGNATURE OF PROPOSED WARD)
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**GC-210(CA)****Child Information Attachment to  
Probate Guardianship Petition**

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 your petition asks the court to appoint a guardian.**This form is attached to the Petition,** ☐ **form GC-210, item 2,** or ☐ **form GC-210(P), item 8.**The petition asks the court to appoint a guardian of this child's *(specify)*: ☐ person ☐ estate ☐ person and estate.**1 Tell the court about this child**a. Child's full legal name: \_\_\_\_\_ Date of birth: \_\_\_\_\_  
*First Middle Last mm/dd/yyyy*b. Child's current address: \_\_\_\_\_  
\_\_\_\_\_c. Indian child inquiry *(Complete only if your petition asks the court to appoint a guardian of this child's person or person and estate. If your petition asks the court to appoint a guardian of this child's estate only, skip this item and go to item 1d.)*☐ I have asked whether the child is or may be a member of one or more Indian tribes recognized by the federal government, or eligible for membership in such a tribe and the biological child of a tribal member, and whether the child or parents live or are domiciled on a reservation or rancheria or in an Alaskan Native village. Form ICWA-010(A), *Indian Child Inquiry Attachment*, is attached to this form.☐ I have not asked about the child's Indian heritage because the parents are unavailable or deceased.*(For more information about your duties under the federal Indian Child Welfare Act (ICWA) (25 U.S.C. §§ 1901–1963) and California law, including making the inquiry and completing form ICWA-010(A) if the child is or may be an Indian child, see Information Sheet on Indian Child Inquiry Attachment and Notice of Child Custody Proceeding for Indian Child (form ICWA-005-INFO).)*d. Is this child married? ☐ Yes ☐ No ☐ Never married If you checked "No," was this child married in the past but the marriage was dissolved or ended in divorce? ☐ Yes ☐ No  
*(The court cannot appoint a guardian of the person for a minor child who is married or whose marriage was dissolved or ended in divorce.)*e. Is this child receiving public benefits? ☐ Yes ☐ No ☐ I don't know *(If you checked "Yes," fill out below.)*

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

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

Child Information Attachment to  
Probate Guardianship Petition

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

Sibling	
Sibling	
Sibling	
Sibling	
Sibling	
Sibling	
Sibling	
Sibling	
Grandfather (Father's father)	
Grandmother (Father's mother)	
Grandfather (Mother's father)	
Grandmother (Mother's mother)	
Father	
Mother	

2 List the names and addresses of this child's relatives and all 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 State Hospitals.) Write the name of the institution here:

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

1 Tell the court about this child (continued)

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

Guardianship of (all children's names):

Case Number:

This child's name:

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

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

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

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

Relationship	Name	Home Address (Street, City, State, Zip)
Spouse (Guardianship of the estate only)	_____	_____
Person nominated as guardian of this child (if someone other than a proposed guardian listed in ③)	_____	_____
Indian custodian (if any)	_____	_____
Child's tribe (if any and if known)	_____	_____

☐ (Check here if there is more than one tribe that the child may be eligible for membership in, and list the names and addresses on a separate sheet of paper. Write "Form GC-210(CA)," the name of the child, and "Attachment 2: Child's tribes" at the top of the paper and attach it to this form.)

**3 Information about the proposed guardian:**

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

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

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

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



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Relative (specific) relationship:

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Guardianship of (all children's names):

CHILD'S NAME:

CASE NUMBER:

1. Name of child:

2. (Check one)

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

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

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

Name:

Name:

Address:

Address:

City, state, zip:

City, state, zip:

Telephone:

Telephone:

Date questioned:

Date questioned:

Relationship to child:

Relationship to child:

☐ Additional persons questioned and their information is attached.3. This inquiry (*check one*):☐ gave me reason to believe the child is or may be an Indian child. (*If yes, continue to 4.*)☐ gave me no reason to believe the child is or may be an Indian child.

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

5. Based on inquiry and tribal contacts (*check all that apply*):a. ☐ The child is or may be a member of or eligible for membership in a tribe.

Name of tribe(s):

Location of tribe(s):

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

Name of tribe(s):

Location of tribe(s):

c. ☐ The residence or domicile of the child, child's parents, or Indian custodian is on a reservation, rancheria, Alaska Native village or other tribal trust land.d. ☐ The child or the child's family has received services or benefits from a tribe or services that are available to Indians from tribes or the federal government, such as the Indian Health Service or Tribal Temporary Assistance to Needy Families (TANF).e. ☐ The child is or has been a ward of a tribal court.

Name of tribe(s):

Location of tribe(s):

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

Name of tribe(s):

Location of tribe(s):

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

☐ The child is in foster care.☐ It is probable the child will be entering foster care.

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

Date:

(TYPE OR PRINT NAME)

(SIGNATURE)



ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF STANISLAUS</b> STREET ADDRESS: 1100 I STREET MAILING ADDRESS: P.O. BOX 1098 CITY AND ZIP CODE: MODESTO, CA 95353 BRANCH NAME:	
<i>(This section applies to cases other than probate guardianships.)</i> PETITIONER: RESPONDENT: OTHER PARTY: CHILD'S NAME <i>(Juvenile cases only)</i> :	
<i>(This section applies only to probate guardianship cases.)</i> GUARDIANSHIP OF (name): Minor	CASE NUMBER:
<b>DECLARATION UNDER UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT (UCCJEA)</b>	

1. I am (check one): ☐ a party to this proceeding to determine custody of a child ☐ the authorized representative of the agency, which is a party to this proceeding to determine custody of a child.
2. There are (specify number): \_\_\_\_\_ minor children who are subject to this proceeding, as follows (list oldest child first):

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

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

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

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

- ☐ Additional addresses are listed on Attachment 3a. (Form MC-020 may be used for this purpose.)
- b. ☐ Check this box if there is more than one child and all the children have not lived together for the past five years. (Attach form FL-105(A)/GC-120(A) and list each other child's current address and their residence history for the past five years.)

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

3. b. \_\_\_\_\_ Name of child: \_\_\_\_\_  
(Provide the child's current address and their residence history for the past **five years**. If the current address is confidential under Family Code section 3429, check the box and provide only the state of residence.)  
☐ Residence information is the same as given for the child listed in item 2a on form FL-105/GC-120. (If **not** the same, provide the information below.)

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

3. b. \_\_\_\_\_ Name of child: \_\_\_\_\_  
(Provide the child's current address and their residence history for the past **five years**. If the current address is confidential under Family Code section 3429, check the box and provide only the state of residence.)  
☐ Residence information is the same as given for the child listed in item 2a on form FL-105/GC-120. (If **not** the same, provide the information below.)

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

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



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

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

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

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

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

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

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

a. Name and address of person:

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

Name of each child:

b. Name and address of person:

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

Name of each child:

c. Name and address of person:

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

Name of each child:

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

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

Date:

(NAME OF DECLARANT)

(SIGNATURE OF DECLARANT)

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



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):      TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF STANISLAUS</b> STREET ADDRESS: 1100 I STREET MAILING ADDRESS: P.O. BOX 1098 CITY AND ZIP CODE: MODESTO, CA 95353 BRANCH NAME: _____	
GUARDIANSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name): _____	
<input type="checkbox"/> <b>CONSENT OF PROPOSED GUARDIAN</b> <input type="checkbox"/> <b>NOMINATION OF GUARDIAN</b> <input type="checkbox"/> <b>CONSENT TO APPOINTMENT OF GUARDIAN AND WAIVER OF NOTICE</b>	CASE NUMBER: _____

### 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.



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

GC-212

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):        TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF STANISLAUS</b> STREET ADDRESS: 1100 I Street MAILING ADDRESS: PO BOX 1098 CITY AND ZIP CODE: Modesto, CA 95353-1098 BRANCH NAME: _____	CASE NUMBER: _____
GUARDIANSHIP OF _____ (Name): _____ MINOR	HEARING DATE AND TIME: _____ DEPT.: _____
<b>CONFIDENTIAL GUARDIAN SCREENING FORM</b> Guardianship of <input type="checkbox"/> Person <input type="checkbox"/> Estate	

**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

GUARDIANSHIP OF (Name):	
MINOR	
CASE NUMBER:	

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

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

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

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

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

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

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

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

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

I have ☐ I have not ☐ (If you checked "I have," explain in Attachment 14.)

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

I am ☐ I am not ☐ (If you checked "I have," explain in Attachment 15.)

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

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

17. I am ☐ I am not ☐ currently licensed by the Professional Fiduciaries Bureau of the Department of Consumer Affairs. My license status and information is stated in item 1 of the Professional

Fiduciary Attachment signed by me and attached to the petition that proposes my appointment as guardian in this matter. (Complete and sign the Professional Fiduciary Attachment and

attach it to the petition, or deliver it to the petitioner for attachment, before the petition is filed. See item 4d of the petition. Use form GC-210(A-PF)/GC-310(A-PF) for this attachment.)

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

a California nonprofit charitable corporation that meets the requirements for appointment as guardian of the proposed ward under Probate Code section 2104. I certify that the

corporation's articles of incorporation specifically authorize it to accept appointments as

guardian. (If you checked "I am," explain the circumstances of the corporation's care of,

counseling of, or financial assistance to the proposed ward in Attachment 18.)

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

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

MINORS' CONTACT INFORMATION

20. Minor's name:	School (name):	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.

DECLARATION

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

Date:

(TYPE OR PRINT NAME OF PROPOSED GUARDIAN)	(SIGNATURE OF PROPOSED GUARDIAN)*
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\* Each proposed guardian must fill out and file a separate screening 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 STANISLAUS STREET ADDRESS: 1100 I Street MAILING ADDRESS: PO Box 1098 CITY AND ZIP CODE: Modesto, CA 95353-1098 BRANCH NAME: _____	
GUARDIANSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE  OF (Name): _____ MINOR	
<b>DUTIES OF GUARDIAN and Acknowledgment of Receipt</b>	CASE NUMBER: _____

## DUTIES OF GUARDIAN

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

### 1. GUARDIANSHIP OF THE PERSON

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

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

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

(Continued on reverse)

**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 support the child financially. 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):

CASE NUMBER:

MINOR

- 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)

**g. Determine the value of the property** - As guardian of the estate, you must arrange to have a court-appointed referee determine the value of the estate property unless the appointment is waived by the court. You—not the referee—must determine the value of certain "cash items." An attorney can advise you about how to do this.

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

INSURANCE

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

RECORD KEEPING AND ACCOUNTING

**j. Records** - As guardian of the estate, you must keep complete, accurate records of each financial transaction affecting the estate. The checkbook for the guardianship checking account is essential for keeping records of income and expenditures. You should also keep receipts for all purchases. Record keeping is critical because you will have to prepare an accounting of all money and property that you have received, what you have spent, the date of each transaction, and its purpose. You will also have to be able to describe in detail what is left after you have paid the estate's expenses.

**k. Accountings** - As guardian of the estate, you must file a petition requesting that the court review and approve your accounting one year after your appointment and at least every two years after that. The court may ask that you justify some or all expenditures. You should have receipts and other documents available for the court's review, if requested. If you do not file your accounting as required, the court will order you to do so. You may be removed as guardian for failure to file an accounting.

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

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

3. OTHER GENERAL INFORMATION

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

**b. Legal documents** - For your appointment as guardian to be valid, the *Order Appointing Guardian of Minor Guardianship* will be issued. *Letters of Guardianship* is a legal document that provides proof that you have been appointed and are serving as the guardian of a minor. You should obtain several certified copies of the *Letters* from the clerk. These legal documents will be of assistance to you in the performance of your duties, such as enrolling the child in school, obtaining medical care, and taking care of estate business.

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

(Continued on page five)

GUARDIAN OF (Name):

MINOR

CASE NUMBER:

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

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

### ACKNOWLEDGMENT OF RECEIPT

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

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF PETITIONER)

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF PETITIONER)

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF PETITIONER)



## **THE NEXT FORMS NEEDED ARE:**

1. **Order Appointing Guardian of Minor** (GC-240)
2. **Letters of Guardianship** (GC-250)

These forms **MUST** be submitted to the Clerk's Office when you open your case. However, you will not receive them back until after the hearings.

### **Order Appointing Guardian of Minor:**

The order is the form the Judge signs specifying what the Court has ordered and appointing you as the guardian. The order should be filled in as much as possible and the Judge will review it after the hearing. If the Judge disagrees with the way you filled it in, he/she will make a handwritten change to the order before it is signed. If you cannot fill out a specific area because you don't have the specific information, you may leave it blank. An example of this would be the hearing information and the name of the Judge. Do your best to complete as many lines as possible. Please do not submit the entire form blank.

### **Letters of Guardianship:**

You may sign this form in the Court Clerk's presence when you are filing your other documents. The Affirmation at the lower portion of the form **CANNOT** be dated or signed before the date your Petition for Guardianship has been signed.

These *Letters* prove that you are the guardian of the child. You may get up to four (4) copies issued from the Clerk's Office. They will help you do your job as a guardian, like signing the child up for school, getting medical care...etc.



ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF STANISLAUS</b> STREET ADDRESS: 1100 I STREET MAILING ADDRESS: P.O. BOX 1098 CITY AND ZIP CODE: MODESTO, CA 95354 BRANCH NAME:	
GUARDIANSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (name):	
<b>ORDER APPOINTING GUARDIAN OR EXTENDING GUARDIANSHIP OF THE PERSON</b>	CASE NUMBER:
<b>WARNING: THIS APPOINTMENT IS NOT EFFECTIVE UNTIL LETTERS HAVE ISSUED.</b>	

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

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

#### THE COURT FINDS

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

Do NOT use this form for a temporary guardianship.

Page 1 of 3

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

Page 2 of 3

**THE COURT ORDERS**

8. a. ☐ (name):

(address):

(telephone):

is appointed guardian of the PERSON of (name):

and Letters shall issue upon qualification.

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

☐ (name):

(address):

(telephone):

is appointed guardian of the ESTATE of (name):

and Letters shall issue upon qualification.

c. ☐ The appointment of

(name):

(address):

(telephone):

as guardian of the PERSON of (name):

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

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

10. a. ☐ Bond is not required.

b. ☐ Bond is fixed at: \$

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

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.

CASE NUMBER:

GUARDIANSHIP OF THE ☐ PERSON ☐ ESTATE OF (name):



GUARDIANSHIP OF THE ☐ PERSON ☐ ESTATE OF  
(name):

CASE NUMBER:

14. ☐ Orders are granted relating to the conditions imposed under Probate Code section 2402 upon the guardian of the estate as specified in Attachment 14.
15. ☐ Other orders as specified in Attachment 15 are granted.
16. ☐ The probate referee appointed is (name and address):
17. Number of boxes checked in items 9-16: \_\_\_\_
18. Number of pages attached: \_\_\_\_

Date:

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

☐ SIGNATURE FOLLOWS LAST ATTACHMENT



ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE:                      ZIP CODE: TELEPHONE NO.:                      FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF STANISLAUS</b> STREET ADDRESS: 1100 I STREET MAILING ADDRESS: P.O. BOX 1098 CITY AND ZIP CODE: MODESTO, CA 95354 BRANCH NAME:	
GUARDIANSHIP OF (name):	
<b>LETTERS OF GUARDIANSHIP</b> <input type="checkbox"/> Person <input type="checkbox"/> Estate	CASE NUMBER:

### LETTERS

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

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

(SEAL)	Date: _____ Clerk, by _____, Deputy
--------	--

GUARDIANSHIP OF	
(name):	
CASE NUMBER:	

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

When these *Letters of Guardianship* (Letters) are delivered to you as an employee or other representative of an *institution* or *financial institution* (described below) in order for the guardian of the estate (1) to take possession or control of an asset of the minor named above held by your institution (including changing title, withdrawing all or any portion of the asset, or transferring all or any portion of the asset) or (2) to open or change the name of an account or a safe-deposit box in your financial institution to reflect the guardianship, you must fill out Judicial Council form GC-050 (for an institution) or form GC-051 (for a financial institution). An officer authorized by your institution or financial institution must date and sign the form, and you must file the completed form with the court. There is no filing fee for filing the form. You may either arrange for personal delivery of the form or mail it to the court for filing at the address given for the court on page 1 of these Letters.

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

Date:

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

Deputy

(SEAL)

# REQUIRED FORMS TO GET A HEARING

FILING A PETITION AND OPENING A CASE WITH THE COURT DOES NOT GUARANTEE YOU WILL BE NAMED THE GUARDIAN. When you petition the Court for appointment as guardian, the Court will set a hearing date. Before that date, the Court will order an investigation. When this happens, a court investigator will get in touch with you, the child, and all the important people in the case. The investigator makes a report to the Court. Then, after a hearing, the Court can:

- Appoint you as guardian, or
- Decide that there's no need for guardianship, or
- Decide that someone else should be appointed guardian.

The following forms are required at the time you file your case:

1. **Notice of Hearing – Guardianship** (GC-20)
2. **Attachment to Notice of Hearing Proof of Service by Mail** (GC-020MA)
3. **Proof of Personal Service of Notice of Hearing – Guardianship** (GC-020P)
4. **Attachment to Notice of Hearing Proof of Personal Service**
5. **Clerk's Certificate of Posting Notice of Hearing – Guardianship** (GC-20C)

## **Notice of Hearing – Guardianship**

The Clerk of the Court will put a hearing date on this form. You will be given back the original and the copies. Keep them until you are ready to have all the documents served to the people involved in the case. The original Notice of Hearing must be filed with the Court after the copies have been served.

## **Attachment to Notice of Hearing Proof of Service by Mail**

You will only need to use this form IF you are going to serve more than four (4) people by mail. Otherwise the Notice of Hearing provides enough space. In this case, the attachment to Notice of Hearing can be disregarded.

## **Proof of Personal Service of Notice of Hearing – Guardianship**

The person who does the service for you will fill this out. You must bring it back to the Court and file it with the original Notice of Hearing after it has been served.

## **Attachment to Notice of Hearing Proof of Personal Service**

You will only need to use this form IF you are serving more than four (4) people personally. Otherwise the Proof of Personal Service of Notice of Hearing provides enough space. In this case, the attachment to Attachment to Notice of Hearing can be disregarded.

## **Clerk's Certificate of Posting Notice of Hearing**

This form is for the Court use only. The Court Clerk will fill it out for you. You must bring it when you are ready to file the Notice of Hearing and attachments.



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):		FOR COURT USE ONLY
TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____		
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> <b>STANISLAUS</b> STREET ADDRESS: 1100 I Street MAILING ADDRESS: PO Box 1098 CITY AND ZIP CODE: Modesto, CA 95353-1098 BRANCH NAME: _____		
<input type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name): _____ <div style="text-align: right;"><input type="checkbox"/> MINOR    <input type="checkbox"/> (PROPOSED) CONSERVATEE</div>		
<b>NOTICE OF HEARING—GUARDIANSHIP OR CONSERVATORSHIP</b>		CASE NUMBER: _____

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

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

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

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



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

**NOTE: \***

A copy of this *Notice of Hearing—Guardianship or Conservatorship* 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.

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

**PROOF OF SERVICE BY MAIL**

1. I am over the age of 18 and not a party to this cause. I am a resident of or employed in the county where the mailing occurred.
2. My residence or business address is (specify):

3. I served the foregoing *Notice of Hearing—Guardianship or Conservatorship* on each person named below by enclosing a copy in an envelope addressed as shown below AND
- a. ☐ **depositing** the sealed envelope with the United States Postal Service on the date and at the place shown in item 4 with the postage fully prepaid.
- b. ☐ **placing** the envelope for collection and mailing on the date and at the place shown in item 4 following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

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

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

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

Date:

(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM) \_\_\_\_\_

(SIGNATURE OF PERSON COMPLETING THIS FORM) \_\_\_\_\_

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

1.		
2.		
3.		
4.		

Name of person served

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



<input type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP   OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name): <div style="border: 1px solid black; height: 20px; margin-top: 5px;"></div> <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input type="checkbox"/> MINOR   <input type="checkbox"/> (PROPOSED) CONSERVATEE       </div>	CASE NUMBER: <div style="border: 1px solid black; height: 40px; margin-top: 5px;"></div>
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**PROOF OF PERSONAL SERVICE OF NOTICE OF HEARING—GUARDIANSHIP OR CONSERVATORSHIP**

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

1. I am over the age of 18 and not a party to this cause.
2. I served the attached *Notice of Hearing—Guardianship or Conservatorship* by personally delivering a copy to each person listed below at the address and on the date and time indicated below.
3. ☐ I served with the attached *Notice of Hearing—Guardianship or Conservatorship* a copy of the petition or other document referred to in the Notice.
4. ☐ I served with the attached *Notice of Hearing—Guardianship or Conservatorship* copies of the following documents *(specify)*:  
  
☐ Continued on Attachment 4.
5. I am *(check all that apply)*:
  - a. ☐ not a registered California process server.
  - b. ☐ a California sheriff or marshal.
  - c. ☐ a registered California process server.
  - d. ☐ an employee or independent contractor of a registered California process server.
  - e. ☐ exempt from registration (Bus. & Prof. Code, § 22350(b)).
6. My name, address, telephone number, and, if applicable, county of registration and number, are *(specify)*:

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

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

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

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

Date:

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

Date:



(SIGNATURE)



(SIGNATURE)



### What is "service"?

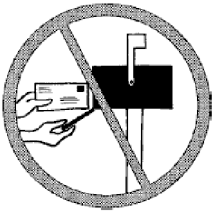
- When you are involved in a court case, you are responsible for delivery ("service") of copies of important papers you file with the court to other people involved in the case. Depending on the circumstances, these papers must be served by personal delivery (called "**personal service**"), or may be 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.)



- ☐ 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.

Don't serve these by mail!

### 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.)

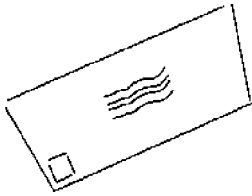
Who signs the Proof of Personal Service?

- 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:



- ☐ 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)

These may be served by mail:

- ☐ 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](http://www.courtinfo.ca.gov/selfhelp/family/guardianship) (English) or [www.courtinfo.ca.gov/selfhelp/espanol/familia/tutela](http://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.

## SERVICE CHECKLIST IN GUARDIANSHIP CASES

### I. Relative and non-relative guardianships

#### A. Personal service of petition(s) (GC-210) (GC-110) and notice of hearing (GC-020)

1. \_\_\_\_ Father of the minor
2. \_\_\_\_ Mother of the minor
3. \_\_\_\_ Minor if 12 years or older

#### B. Mail service of petition(s) (GC-210) (GC-110) and notice of hearing (GC-020)

1. \_\_\_\_ Maternal grandparents
2. \_\_\_\_ Paternal grandparents
3. \_\_\_\_ Brothers/sisters of the minor
4. \_\_\_\_ Spouse of petitioner (where spouse is not a co-guardian)

#### C. Declaration of Due Diligence

Where the identity or whereabouts of any of the persons listed above are unknown, petitioner(s) shall file a Declaration of Due Diligence ( FL-009).

### II. Additional service requirements in non-relative guardianships

Petitioner(s) shall serve by mail the following agencies with the petition(s) (GC-210) (GC-110) and notice of hearing (GC-020).

1. \_\_\_\_ Director of the Department of Social Services  
744 P. Street  
Sacramento, CA. 95814
2. \_\_\_\_ Community Services Agency  
P.O. Box 42  
Modesto, CA. 95353-0042

**Forms are available from the Clerk's Office, at [www.stanct.org](http://www.stanct.org) or [www.courtinfo.ca.gov/forms](http://www.courtinfo.ca.gov/forms). Further information and assistance is available at the Superior Court Self-Help Center/Family Law Facilitator's Office located on the 2<sup>nd</sup> floor, Room 220 of the main Courthouse at 800 11<sup>th</sup> Street in downtown Modesto.**





ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME, ADDRESS, PHONE)	<i>FOR COURT USE ONLY</i>
Attorney for:	
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF STANISLAUS</b> Street Address: 800 11th Street, Modesto, CA 95354 Civil Clerk' Office: 1100 I Street, P.O. Box 1098, Modesto, CA 95353	
Guardianship of:	RELATED CASES:
<b>DECLARATION OF DUE DILIGENCE</b>	<b>CASE NUMBER:</b> <b>Date:</b> <b>Time:</b>

I am unable to serve the following person, \_\_\_\_\_, whose relationship to the minor is \_\_\_\_\_, because (check all reasons that apply):  
(Example: Father, Grandparents, etc.)

1. ☐ I do not know the name of the person I am to serve AND I am unable to find out that information because: \_\_\_\_\_
2. ☐ I have made reasonable efforts to locate and serve the person, including the following:
  - ☐ Contacted the last known address of the person to be served.
  - ☐ Contacted the last known employer of the person to be served.
  - ☐ Contacted Directory Assistance in the last known city of the person to be served.
  - ☐ Looked in the telephone directories of cities where the person has lived.
  - ☐ Contacted the U.S. Postal Service for the forwarding address of the person.
  - ☐ Contacted the Department of Motor Vehicles
  - ☐ Contacted the Registrar of Voters in the person's last county of residence.
  - ☐ Searched the Internet for the person's name.
  - ☐ Contacted relatives of the person known to me.
  - ☐ Other efforts I have made include \_\_\_\_\_

\_\_\_\_\_  
(ATTACH AN ADDITIONAL PAGE IF NECESSARY)

I therefore ask the Court to dispense with notice to the person to be served and I have submitted an Order Dispensing With Notice with this declaration.

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

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

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

