



# Guardianship Of The Person Case Map

## Overview of the Guardianship Process

Guardianship is a court proceeding in which a judge gives someone who is not the parent custody of a child under the age of 18. This type of Guardianship is called "Guardianship of the Person". To ask to become a guardian, you fill out and file papers in court. This packet will walk you through the basic steps. Read this whole page so you know where to start and what to do next. Establishing a Guardianship can become very complicated, you may need help with this process.

### COMMONLY USED WORDS

**Guardian:** An adult who is appointed by the court to have custody of the minor.

**Guardianship:** A Court order that allows an adult who is not the parent of a minor, to have custody of the minor.

**Minor (ward):** The child whom the proposed Guardian wants the Guardianship over.

**Diligent Search** — an extensive effort to locate and document a person for service.

**Probate Calendar Notes** — written summary of your case prepared by a Probate File Examiner.

- ❑ **Before You Begin:** Proposed Guardians will need to be fingerprinted and submit a background check with their Petition for Appointment of Guardian of the Person.
- ❑ **Step 1: Fill out the Court Forms** To begin, complete the necessary court forms. You can find these forms online at [www.courts.ca.gov](http://www.courts.ca.gov) or at the courthouse.
- ❑ **Step 2: Turn in (File) Your Documents** Submit your documents either in person, via drop box, or by mail to the William R. Ridgeway Family Relations Courthouse. You can also electronically file your documents.
- ❑ **Step 3: Create an Online Portal Account** Set up an online portal account to access your case file. You'll receive email notifications when new documents are added.
- ❑ **Step 4: Notify Relevant Parties** Arrange for someone other than yourself to notify certain individuals about the petition and court hearing at least 15 days beforehand. You must do this even if you think they don't care or may disagree with you.
- ❑ **Step 5: Court Investigation** A court investigator will conduct an in home visit, and provide a written report to the judicial officer, proposed guardian, minor (if 12 or older), parents, and grandparents.
- ❑ **Step 6: Clear Probate Calendar Notes.** You will receive a written review of your case by a Probate File Examiner through the Online Portal prior to your hearing. Follow instructions to address any issues before the hearing.
- ❑ **Step 7: Attend Your Hearing** Appear at your guardianship hearing where the judicial officer will decide based on the best interest of the minor. If approved, you'll receive the Order Appointing Guardian and Letters of Guardianship.

# Guardianship of the Person Case Map Start Packet

Have you considered if an alternative to a formal court order would be appropriate? There are other ways that are efficient and easy to take responsibility for a minor without going through the legal process. Review the *Information on Probate Guardianship of the Person (GC-205-Info)* in the back of this packet.

## Before you Begin Proposed Guardian Fingerprinting



### BACKGROUND CHECK AND FINGERPRINTING

Before you file for guardianship, all proposed guardians must be fingerprinted and have a background check completed. The results shall be submitted with your Petition for Appointment of Guardian of the Person.

You need to complete a BCIA 8016, Request for Live Scan Service form and provide to a live scan operator. You are responsible for paying the associated fee. A court fee waiver does not apply to Live Scan fee.

Download the form here:

<https://oag.ca.gov/system/files/media/bcia-8016.pdf>

## Step 1: Forms



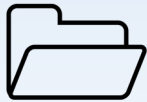
### FILL OUT THE COURT FORMS:

- ☐ Obtain a background check and be fingerprinted. Results need to be submitted with Guardianship packet.  
*Must be completed by each Proposed Guardian.*
- ☐ GC-210(P) — Petition for Appointment of Guardian of the Person
- ☐ GC-210 (CA) — Child Information Attachment to Probate Guardianship Petition  
*One of these forms must be completed for each minor.*
- ☐ ICWA-010(A) — Indian Child Inquiry Attachment  
*One of these forms must be completed for each minor.*
- ☐ FL-105/GC-120 — Declaration Under Uniform Child Custody and Jurisdiction and Enforcement Act
- ☐ GC-212 — Confidential Guardian Screening Form  
*If more than one Guardian is requesting Guardianship, one of these forms must be completed by each Guardian*
- ☐ PR/E-LP-008 — Confidential Guardian Screen Form Additional Page  
*This is a local form.*
- ☐ GC-248 — Duties of Guardian  
*Each Guardian must sign this form.*
- ☐ GC-240 — Order Appointing Guardian  
*Complete the caption.*
- ☐ GC-250 — Letters of Guardianship  
*Complete the caption.*
- ☐ PR/E-LP-053 — Probate Case Participant Enrollment Form  
*This is a local form. Include a copy of your photo ID.*

You can obtain forms in person at the Self Help Center or download Judicial Council forms at [courts.ca.gov](https://courts.ca.gov) and local forms at [saccourt.ca.gov](https://saccourt.ca.gov).

## Step 2:

### File



Case Number:

Hearing Date:

## TURN IN (FILE) YOUR DOCUMENTS

There is a \$225 fee to file your forms. If you cannot afford the filing fees, you can ask the Court to waive the filing fees by completing the following forms:

FW-001-GC — Request to Waive Court Fees (Ward or Conservatee)

FW-003-GC — Order on Court Fee Waiver (Ward or Conservatee)

You may file your documents in person, via the drop box, or by mail at the William R. Ridgeway Family Relations Courthouse, 3341 Power Inn Road, Sacramento, CA 95826.

You can also e-file your documents at the web address below.

**E-File:** [saccourt.ca.gov/probate/e-filing.aspx](http://saccourt.ca.gov/probate/e-filing.aspx)

*What happens now that you have filed for Guardianship? A hearing date has been set for you to go to court. You will need to give notice to interested parties before your hearing date. Contact the Self Help Center for information on service and your next steps.*

## Step 3:

### Portal Access



## CREATE A PUBLIC PORTAL ACCOUNT

To access your case file online, you will need to create an account on the Public Portal.

Once you have created your account, you can set up notifications. When new documents are added to your case file, you will receive an email. For example, when the Probate File Examiner publishes the Probate Calendar Notes, you will get an email notification that they are available for your review.

You can also download documents from your case file through the Public Portal.

*Scan the QR Code or visit the web address to set up your account:*  
[prod-portal-sacramento-ca.journaltech.com/public-portal/?q=user/register](http://prod-portal-sacramento-ca.journaltech.com/public-portal/?q=user/register)

*More information and instructions can be found on the Public Portal Access Assistance handout available at the Self Help Center.*

## Step 4:

### Service

## NOTIFY RELEVANT PARTIES

After filing your case, the law says you must “give notice” to certain people at **least 15 days** before your hearing date. This means someone — **not you** — 18 years and older, must “serve” (give) copies of your Court forms either personally or by mail to those people and agencies so they will know you are asking to be a child’s guardian.

You can get the **Notice of Hearing Packet** at the Self Help Center after filing.

### Step 5: Investigation



#### COURT INVESTIGATION

An in person home visit will be conducted by a Probate Court Investigator prior to the hearing. Anybody who lives in the home may be interviewed.

The investigator will prepare a confidential written report and provide it to the judicial officer, the proposed guardian, the minor if 12 years or older, parents of the child, and grandparents.

There is a separate assessment fee for the investigation that is covered as part of a court granted fee waiver. The Investigator will make a recommendation to the Court to waive this assessment fee, regardless of fee waiver status.

### Step 6: Probate Notes

#### CLEAR PROBATE CALENDAR NOTES

A written review of your case is prepared by a Probate File Examiner 10 to 12 days prior to your upcoming hearing and posted on the Public Portal. At least 5 court days before your hearing date, you will need to file a response to the **probate calendar notes**.

You can pick up the **Probate Calendar Notes Packet** from the Self Help Center.

### Step 7: Hearing



Scan for  
Zoom Instructions



#### ATTEND YOUR HEARING

We encourage you to attend your scheduled Guardianship hearing in person. Your hearing date, time and department information is listed on your Petition. Assistance may be available in court if you do so. If you prefer to attend by Zoom, you do not need to file a Notice of Remote Appearance (RA-010) with the court.

At the hearing, the judicial officer will make a decision as to whether or not a guardianship is in the best interest of the minor. If the judicial officer decides a guardianship is appropriate, they will sign the **Order Appointing Guardian or Extending Guardianship of the Person (GC-240)**. Once signed, the deputy clerk can issue the **Letters of Guardianship (GC-250)** which provides proof you have been appointed as the guardian of the minor.

The **Letters of Guardianship (GC-250)** are a legal document that details out the powers (legal authority) that you have been given by being appointed as the guardian of the child. Once issued, you become legally responsible for the child and these letters provide you with the necessary legal documentation to enroll the minor in school, seek medical care, provide permission to get a driver's license, etc.

### TIPS FOR THE HEARING

- Bring copies of all your filed documents to the Guardianship hearing.
- Children under 18 are typically not allowed in the courtroom, unless the judge asks to speak with them. The child will need to either wait outside in the lobby (if supervised) or free child care is provided through the YMCA Child Care Center located on the first floor.
- You may need to wait for your hearing to be called. Other people also have hearings scheduled on the same day and time.
- When your case is called, you will sit at a table in front of the judicial officer. If the child's parents or objectors are present, they will also be seated at the table. If you aren't sure where to sit, ask a court staff person. Make sure to follow the bailiff's instructions on your hearing day.

Be prepared to answer questions during the hearing. All conversation should be directed to the Judicial Officer. The court may examine the person who is to be appointed a guardian, and they may question you based on your relationship to the minor, your background, and your willingness and qualifications to be the guardian. Write out what you plan to say or who you plan to bring with you.

### Where Can I Get Help?

#### SELF HELP CENTER

The Self Help Center at the Sacramento Superior Court offers assistance with procedural information about service or providing notice of hearing. You may contact the Self Help Center through the Court's website or by visiting the Self Help Center in person. Remote assistance is offered via e-Correspondence and Virtual Front Counter. Current in person hours are posted on the Sacramento County Superior Court website.

[saccourt.ca.gov/family/self-help-center.aspx](http://saccourt.ca.gov/family/self-help-center.aspx)

#### SACRAMENTO COUNTY PUBLIC LAW LIBRARY

Visit [saclaw.org/services/civil-self-help](http://saclaw.org/services/civil-self-help) for more information on how the Law Library can help.

### COURTHOUSE INFORMATION

#### William R. Ridgeway Family Relations Courthouse

3341 Power Inn Road, Sacramento, CA 95826  
(916) 875-3400  
[www.saccourt.ca.gov](http://www.saccourt.ca.gov)

**Business Hours:** 8:30 a.m. to 4:00 p.m., Monday through Friday (excluding court holidays)

**Building Hours:** 8:00 a.m. to 5:00 p.m., Monday through Friday

Public/Visitor parking is available in the lot east of the courthouse. The fee for parking is \$2.00 for the first two hours, and \$1.00 for each additional hour, with a maximum of \$8.00 per day.

# Petition for Appointment of Guardian of the Person

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

*Clerk stamps date here when form is filed.*

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

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

a. \_\_\_\_\_

b. \_\_\_\_\_

c. \_\_\_\_\_

- 2) Your address and telephone number:**

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

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

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

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

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

*Firm name, if any:*

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

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

Telephone: Fax: E-mail:

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

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

*Name(s):*

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

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

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

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

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

*Name(s):*

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

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

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

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





Guardianship of the person of ( <i>all children's names</i> ):	Case Number:

- 5 The proposed guardian named in ① or ④ is** (*check all that apply*):
- a. ☐ Related to the child or children named in ⑧, as shown in item 3 of the child's or children's attached *Guardianship Petition—Child Information Attachment* (form(s) GC-210(CA)).
  - b. ☐ Not related to the child or children named in ⑧.
  - c. ☐ A nominee of a parent of one or more of the children named in ⑧, as shown in item 5 of the child's or children's attached *Guardianship Petition—Child Information Attachment* (form(s) GC-210(CA)).
- 6** ☐ **Check this box if you checked the box in item 5b (guardian unrelated to child or children).** *Answer the question in item a and check the box in item b or c. If you check the box in c, provide the signed statement of the proposed guardian on a separate sheet of paper. Write "Form GC-210(P)—Attachment 6: Statement of Unrelated Guardian" at the top of the paper and attach it to this form.*
- a. Does the proposed guardian run a licensed foster family home? ☐ Yes ☐ No
  - b. ☐ I am the proposed guardian. I will promptly furnish any information requested by an agency investigating an adoption or a local agency designated by the county to provide public social services.
  - c. ☐ I am **not** the proposed guardian. The signed statement of the proposed guardian agreeing to promptly furnish any information requested by an agency investigating an adoption or a local agency designated by the county to provide public social services is attached to this form as Attachment 6.
- 7** ☐ **A person other than the proposed guardian(s) named in ① or ④ has been nominated in a will or other writing as guardian of the child or children named in ⑧. A copy of the written nomination is attached.** *Write "Form GC-210(P)—Attachment 7: Nomination of Another Person as Guardian" at the top of the writing and attach it to this form. Fill in the nominated person's name and address in item 2 of the Guardianship Petition—Child Information Attachment (form GC-210(CA)) for each child for whom the person was nominated as guardian.*
- 8 Tell the court about the child or children who need a guardian.**  
*Fill out and attach to this form a separate copy of Guardianship Petition—Child Information Attachment (form GC-210(CA)) for each child named below. Show all children's names at the top of all pages of this form. Fill out and attach to this form a Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) (form FL-105/GC-120) concerning all children under 18 years of age listed below.*
- The full legal name and date of birth of each child who needs a guardian is (*specify*):
- a. Name: \_\_\_\_\_ Date of birth: \_\_\_\_\_  

First
Middle
Last
Month/Day/Year
  - b. Name: \_\_\_\_\_ Date of birth: \_\_\_\_\_  

First
Middle
Last
Month/Day/Year
  - c. Name: \_\_\_\_\_ Date of birth: \_\_\_\_\_  

First
Middle
Last
Month/Day/Year
  - d. Name: \_\_\_\_\_ Date of birth: \_\_\_\_\_  

First
Middle
Last
Month/Day/Year
  - e. Name: \_\_\_\_\_ Date of birth: \_\_\_\_\_  

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





Guardianship of the person of ( <i>all children's names</i> ):	<b>Case Number:</b>

**10** c. ☐ Make the following additional orders (*specify*):

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☐ Check here if you need more space. Continue your request for additional orders on a separate sheet of paper. Write "Form GC-210(P)—Attachment 10c: Additional Orders" at the top of the paper and attach it to this form.

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

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

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

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

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

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

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

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

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

Date: \_\_\_\_\_ *Proposed ward types or prints name here*  *Proposed ward signs here*

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

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

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

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

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

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

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

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

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

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

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

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

**1 Tell the court about this child (continued)**

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

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

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

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

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

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



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

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

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

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

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

**3 Information about the proposed guardian:**

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

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

☐ Relative (specify relationship(s) to the child of each proposed relative guardian):  
\_\_\_\_\_  
\_\_\_\_\_

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Your relationship to this child:

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

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

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

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

CHILD'S NAME:	CASE NUMBER:
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1. Name of child:

2. (Check one)

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

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

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

Name:

Name:

Address:

Address:

City, state, zip:

City, state, zip:

Telephone:

Telephone:

Date questioned:

Date questioned:

Relationship to child:

Relationship to child:

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

3. This inquiry (check one)

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

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

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

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

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

Name of tribe(s):

Location of tribe(s):

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

Name of tribe(s):

Location of tribe(s):

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

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

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

Name of tribe(s):

Location of tribe(s):

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

Name of tribe(s):

Location of tribe(s):



CHILD'S NAME:	CASE NUMBER:
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6. If this is a delinquency proceeding under Welfare and Institutions Code section 601 or 602,

☐ the child is in foster care.

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

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

Date:

\_\_\_\_\_  
(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</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
<i>(This section applies to cases other than probate guardianships.)</i> PETITIONER: RESPONDENT: OTHER PARTY: CHILD'S NAME (Juvenile cases only):	
<i>(This section applies only to probate guardianship cases.)</i> GUARDIANSHIP OF (name):	CASE NUMBER:
<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 \_\_\_\_\_ 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 \_\_\_\_\_ may be used for this purpose.)

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

CASE NAME:

CASE NUMBER:

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

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

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

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

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

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

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

a. Name and address of person:

b. Name and address of person:

c. Name and address of person:

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

Name of each child:

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

Name of each child:

☐ 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.**

# 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):			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:			
GUARDIANSHIP OF (Name):          MINOR		CASE NUMBER:	
<b>CONFIDENTIAL GUARDIAN SCREENING FORM</b> Guardianship of <input type="checkbox"/> Person <input type="checkbox"/> Estate		HEARING DATE AND TIME:	DEPT.:

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

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

## How This Form Will Be Used

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

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

Page 1 of 2

## GC-212

GUARDIANSHIP OF <i>(Name)</i> :	CASE NUMBER:
MINOR	

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

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

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

Date:

(SIGNATURE OF PROPOSED GUARDIAN)\*

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

**CONFIDENTIAL GUARDIAN SCREENING FORM**  
**Additional Page**

CASE NUMBER: \_\_\_\_\_

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

The Probate Court assigns an Investigator to all Guardianship petitions. The Investigator will use the information on this page to gather background information related to your petition. You must fully disclose all of the requested information to help expedite your case. Include all names that every person listed below has ever used.

1. Proposed guardian's name:
2. Proposed guardian's employer and address and telephone number of employment:

3. Name of proposed guardian's ~ spouse ~ partner:

4. Name of all people residing in the proposed guardian's household:

Name: Birthdate: Relationship

to proposed guardian:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

☐ Check here if you need more space. Put all additional information on Form MC-020.

5. Name, address, telephone number and date of birth for minor's mother :

6. Name, address, telephone number and date of birth for each minor's father:

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

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

## DUTIES OF GUARDIAN

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

### 1. GUARDIANSHIP OF THE PERSON

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

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

(Continued on reverse)

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

(Continued on page three)



GUARDIAN OF (Name):

MINOR

CASE NUMBER:

- 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 **the court may require** that estate assets be placed in a blocked account. As guardian of the estate, you must follow the directions of the court and the procedures required to deposit funds in this type of account. The use of a blocked account is a safeguard and may save the estate the cost of a bond.
- e. **Other restrictions** - As guardian of the estate, you will have many other restrictions on your authority to deal with estate assets. Without prior court order, you **may not** pay fees to yourself or your attorney. You may not make a gift of estate assets to anyone. You may not borrow money from the estate. As guardian, you may not use estate funds to purchase real property without a prior court order. If you do not obtain the court's permission to spend estate funds, you may be compelled to reimburse the estate from your own personal funds and may be removed as guardian. You should consult with an attorney concerning the legal requirements relating to sales, leases, mortgages, and investment of estate property. If the child of whose estate you are the guardian has a living parent or if that child receives assets or is entitled to support from another source, you must obtain court approval before using guardianship assets for the child's support, maintenance, or education. You must file a petition or include a request for approval in the original petition, and set forth which exceptional circumstances justify any use of guardianship assets for the child's support. The court will ordinarily grant such a petition for only a limited period of time, usually not to exceed one year, and only for specific and limited purposes.

### INVENTORY OF ESTATE PROPERTY

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

(Continued on reverse)

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

### INSURANCE

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

### RECORD KEEPING AND ACCOUNTING

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

## 3. OTHER GENERAL INFORMATION

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

(Continued on page five)

GUARDIAN OF (Name):

MINOR

CASE NUMBER:

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

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

### ACKNOWLEDGMENT OF RECEIPT

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

Date:

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



\_\_\_\_\_  
(SIGNATURE OF PETITIONER)

Date:

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



\_\_\_\_\_  
(SIGNATURE OF PETITIONER)

Date:

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



\_\_\_\_\_  
(SIGNATURE OF PETITIONER)

ATTORNEY OR PARTY WITHOUT ATTORNEY                      STATE BAR NO.: 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</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: 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

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

**THE COURT ORDERS**

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

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

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

☐ (name):  
(address): (telephone):

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

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

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

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

10. a. ☐ Bond is not required.

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

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

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

☐ Additional orders in Attachment 10c.

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

11. ☐ For legal services rendered on behalf of the (proposed) ward, ☐ the parents of the (proposed) ward

☐ the (proposed) ward's estate shall pay to (name):  
the sum of: \$

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

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

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

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

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

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

Date:

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

☐ SIGNATURE FOLLOWS LAST ATTACHMENT

ATTORNEY OR PARTY WITHOUT ATTORNEY 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</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
GUARDIANSHIP OF (name):	
<div style="text-align: center;"> <b>LETTERS OF GUARDIANSHIP</b>  <input type="checkbox"/> Person      <input type="checkbox"/> Estate         </div>	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
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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 for an institution or form GC-051 for a financial institution. The forms may be printed out as blank forms and filled in by typewriter (nonfillable form) or may be filled out online and printed out ready for signature and filing (fillable form).

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

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

**LETTERS OF GUARDIANSHIP****AFFIRMATION**

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

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

(TYPE OR PRINT NAME)

(SIGNATURE OF APPOINTEE)

**CERTIFICATION**

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

(SEAL)

Date:

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

**CONFIDENTIAL**

CASE PARTICIPANT NAME: STREET ADDRESS: CITY/STATE/ZIP CODE: TELEPHONE NO.: E-MAIL ADDRESS <i>(must be legible)</i>	BAR #:	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO</b> STREET ADDRESS: 3341 Power Inn Road CITY AND ZIP CODE: Sacramento, CA 95826 BRANCH NAME: William R. Ridgeway Family Relations Courthouse		
<input type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP  (Name):		
<b>PROBATE CASE PARTICIPANT ENROLLMENT FORM</b>		CASE NUMBER:

You may access documents using the court's eCourt Public Portal system. To obtain free access, an email address must be provided to the court. A separate form must be provided for each case for which free online access is being requested.

**INSTRUCTIONS**

To setup your account you must:

- Go to the eCourt Public Portal and create an account using the email address you are submitting to the court.
- File this form with the court. **Participants requesting access to their case must submit a valid copy of their driver license or a state or federal issued photo identification card.**
- A separate form must be filed for each of your Probate cases.
- Once the court has added your email address to the case, you will receive a confirming email. You must follow the instructions in that email to complete the process.
- Once your subscription is completed, you will receive an email notification each time a document is added to your case.

I, \_\_\_\_\_, request that the court add my email address to a Probate case.

I declare that my private email address is *(must be legible)*:

\_\_\_\_\_  
(Please use Ø for zero, 1 for one and clearly differentiate i, L, S, 5, 3, and 8's)

I understand if I change my e-mail address I must file a new enrollment form with the court.

I acknowledge that confidential investigation and/or mediation reports contain private information that is not part of the public court file. I understand, I must not disclose any contents of the Report to anyone other than the parties to the case, the attorneys and court professionals. I acknowledge that the court may impose a penalty for any unauthorized disclosure of any content of the Reports.

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

Date:

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

\_\_\_\_\_  
(SIGNATURE OF DECLARANT)

## 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 or may be an Indian child, specific steps must be taken to gather family background information, contact the child's tribe, and 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. Do they think the child might be a member or citizen of a tribe or eligible for tribal membership or citizenship, 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 or citizens 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 or extended family members at any time, ask them the same questions and let the court know whom you have asked and what they said.

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 gather as much family background information as you can and 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 citizen or eligible to become a tribal member or citizen, 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 citizenship or eligibility for membership or citizenship, 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 at any time 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)*



You have reason to know (*continued*):

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

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.

### **Who do you need to notify?**

If you know or have reason to know that the child is an Indian child, you must send the *Notice* to the following:

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).

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

The Secretary of the Interior periodically updates and publishes in the Federal Register (see 25 Code of Federal Regulations § 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 [bia.gov/bia/ois/dhs/icwa](http://bia.gov/bia/ois/dhs/icwa).

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

If you know the identity and location of the parent, Indian custodian, and the tribe or tribes, when you send the *Notice* to the parent, Indian custodian, and the tribe or tribes, you must also send a copy to the Sacramento Area Director, Bureau of Indian Affairs, Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825.

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

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 and to the Secretary of the Interior, 1849 C Street, NW, Washington DC 20240. To help establish the child's tribal identity, you must have completed your further inquiry of available extended family members before contacting the Bureau of Indian Affairs and Secretary of the Interior and provide as much information as possible, including the child's name, birthdate, and birthplace; the names of all of the child's known relatives with addresses and other identifying information; and a copy of the petition in the case.

### **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.

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.

**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).)**

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

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

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

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

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

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

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

## **1 What Is a Guardianship?**

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

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

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

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

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

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



## 2

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

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

**a. Caregiver's Authorization Affidavit**

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

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

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

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

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

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

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

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

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

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





### c. Voluntary Placement Agreement

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

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

### d. Indian custodianship

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

### ③ Who Can Be Appointed as Guardian?

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

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

A parent can nominate a guardian if:

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

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

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

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

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

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





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

### a. Petition

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

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

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

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

### b. Notice

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

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

## 7 Investigation

### a. Guardianship investigation

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

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

### b. Child welfare referral and investigation

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



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

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

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

## 8 Hearing and Standard for Appointment

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

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

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

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

## 9 Affirmation and Letters

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

## 10 Custody and Visitation Rights—Guardians and Parents

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

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

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



**11 Guardian's Rights and Duties****a. Basic rights and duties**

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

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

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

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

**b. Residence**

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

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

**c. Education**

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

**d. Health care**

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

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

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

**e. Financial support**

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



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

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

**(1) United States passport application**

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

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

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

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

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

**(4) Marriage**

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

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

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

**h. Additional duties**

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

12

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

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

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

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

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

**(1) CalWORKs childcare vouchers:**

CalWORKs childcare has three stages:

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





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

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

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

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

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

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

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

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

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

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

**(5) Transitional Kindergarten:**

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

**c. Other community resources**

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

**13 Court Oversight of Guardian**

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



**13**

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

**14 Removal and Replacement of Guardian**

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

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

**15 Termination of Guardianship**

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

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

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

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

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

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

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

**16 Legal Advice and Resources**

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

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