



## Petition for Guardianship of Person Only (Step 2)

Now that you have filed the petition for guardianship, you must complete the remaining tasks before the court can appoint a guardian. The tasks include noticing all of the minor's relatives, responding to calendar notes, and preparing for the hearing. Depending on your case, there may be other tasks.

Review the California Probate Code regarding Guardianships, beginning with section 1510 through section 1543 before completing these forms. You can review the California Probate Code at the Public Law Library or on the web at <http://www.leginfo.ca.gov/calaw.html>.

### ASSISTANCE

Guardianship is a complex legal procedure. The Sacramento County Public Law Library (<http://saclaw.org/>) offers a workshop on how to complete the forms in this packet. If you need help finding an attorney, contact the State Bar ([www.calbar.ca.gov](http://www.calbar.ca.gov)) or the County Bar ([www.sacbar.org](http://www.sacbar.org)) before attempting to complete this packet yourself.

### PROBATE CALENDAR NOTES

Refer to “**Instructions for Probate Calendar Notes**” provided in this packet for directions on clearing Probate Calendar Notes.

### SERVICE

Refer to “**Service of Petition and Notice of Hearing**” provided in this packet for specific instructions on service (providing copies of documents to people affected by the proposed court action).

### COMPLETE THE ATTACHED FORMS

**GC-020** – Notice of Hearing – Guardianship or Conservatorship

**GC-020 (MA)** – Attachment to Notice of Hearing Proof of Service by Mail

**GC-020 (P)** – Proof of Personal Service of Notice of Hearing – Guardianship or Conservatorship



**PR/E-LP-010** – Declaration of Diligent Search (use if you could not serve everyone who should have received notice of the proceedings, see the attached instructions).

**GC-211** – Consent of Proposed Guardian, Nomination of Guardian, and Consent to Appointment of Guardian and Waiver of Notice (necessary when the proposed guardian is not the petitioner or relatives of the minor consent to appointment of the proposed guardian and wish to waive their right to notice).

**MC-030** – Blank Declaration Form used to respond to any Probate Calendar Notes or provide other information to the Court [www.saccourt.ca.gov/probate/about-notes.aspx](http://www.saccourt.ca.gov/probate/about-notes.aspx).

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**COPIES**

Make two copies of the completed forms and present the two copies and the original documents to the filing counter. The Court will file and keep the original and one copy, returning an endorsed copy to you. Bring an endorsed copy of all documents to all Court hearings.

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## **INSTRUCTIONS FOR: CONSENT OF PROPOSED GUARDIAN, NOMINATION OF GUARDIAN, AND CONSENT TO APPOINTMENT OF GUARDIAN AND WAIVER OF NOTICE**

The "Consent of Proposed Guardian, Nomination of Guardian, and Consent to Appointment of Guardian and Waiver of Notice" (**GC-211**) is used by the proposed guardian to consent to be the guardian of the minor, and for relatives of the minor to consent to the appointment of the guardian and to waive the right to notice in this matter. This form can be used for one or all of these actions.

- If the petitioner is not the proposed guardian, the proposed guardian must complete the "Consent of Proposed Guardian, Nomination of Guardian, and Consent to Appointment of Guardian and Waiver of Notice" (**GC-211**) as follows:

- Print your name, address, and telephone number in the top box of the form.
- Check the boxes for CONSENT OF PROPOSED GUARDIAN
- Date, print, and sign your name in the appropriate places in Item 1.

File the completed form with a copy at the Probate Front Counter in Room 214 on the second floor of the Family Relations Court.

- If one or more relatives of the minor consents to the petition for guardianship, complete the "Consent of Proposed Guardian, Nomination of Guardian, and Consent to Appointment of Guardian and Waiver of Notice" (**GC-211**) as follows:

- Print your name, address, and telephone number in the top box of the form.
- Check the box for CONSENT TO APPOINTMENT OF GUARDIAN AND WAIVER OF NOTICE.
- Print the date the Petition for Appointment of Guardian of Minor (GC-210) was filed in the appropriate box.
- Consenting relative(s) of the minor must date, print their name, sign and print their relationship to the minor in item 4 for the waiver of service to be valid. This form must be signed and dated after the date of filing the petition..

File the completed form with a copy at the Probate Front Counter in Room 214 on the second floor of the Family Relations Court.

You are not required to serve Notice to any relatives who correctly completed this form and signed and dated it after the petition was filed.



## INSTRUCTIONS FOR PROBATE CALENDAR NOTES

**REQUIRED:** You must clear the Probate Calendar Notes and file all necessary documents with the Probate Front Counter in Room 214 at the William R. Ridgeway Family Relations Courthouse at least **five (5) court days** before your hearing or the Court will continue or dismiss your case.

1. Check for the Probate Calendar Notes at least ten (10) days prior to the hearing.
2. You can view the Probate Calendar Notes online at <https://services.saccourt.ca.gov/PublicCaseAccess/Probate>. Search the notes by using your case number or the hearing date. If you search by the hearing date, you will also need the Department number. The Sacramento Superior Court holds most probate hearings in Department 129 at the William R. Ridgeway Family Relations Courthouse.
3. You need to respond to any notes that say "NEEDED" so that the matter can be submitted as "RFA", "Recommended for Approval". If you need to respond to a question by the court, use the Declaration form (Judicial Council Form MC-030). The person who makes the declaration must sign and date the MC-030 form. Make two copies of the completed and signed form. File the original form and submit the copies at the Probate Front Counter in Room 214 at the William R. Ridgeway Family Relations Courthouse. The court will keep the original and one copy and return one endorsed copy to you. Bring the endorsed copy to all Court hearings



## SERVICE OF PETITION AND NOTICE OF HEARING

Until you have served all of the relatives listed below, you will not be able to proceed with your guardianship case.

At least 15 days prior to the date of the hearing, have an adult other than you who is not one of the people listed below **PERSONALLY** serve a copy of the Petition for Guardianship and Notice of hearing on:

- The Mother of the minor;
- The Father of the minor;
- The Minor (12 or older); and/or
- Any person who has the minor in their care pursuant to a court order.

The server must complete the "Proof of Personal Service of Notice of Hearing" (**GC-20(P)**). In addition, the server must date and sign the bottom of the form.

At least 15 days prior to the date of the hearing, have an adult other than you who is not one of the people listed below **MAIL** a copy of the Petition for Guardianship and Notice of Hearing to:

- The Maternal Grandparents of the minor;
- The Paternal Grandparents of the minor;
- The Sisters (12 or older) of the minor;
- The Brothers (12 or older) of the minor; and/or
- Any person who has the minor in their care but has not been awarded custody by a court order.

The server must complete the "Notice of Hearing" (**GC-20**). In addition, the server must date and sign the bottom of the form and list the parties served.

At least three court days before the hearing, go to the Probate Front Counter in Room 214 on the second floor of the William R. Ridgeway Family Relations Court and file the Proofs of Service and a copy of each document with the clerk.

If you do not know the name or address of the person to serve or cannot locate the person, you must complete and file a "Declaration of Diligent Search" (**PR/E-LP-010**) for each person you cannot locate. You must complete each section of the form describing the efforts you made to identify and/or locate the person for service of notice. Failure to complete the entire form will result in a continuance of your case.

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

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

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

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

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

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





ATTORNEY OR <u>PARTY WITHOUT ATTORNEY</u> (Name and Address):  Telephone No.: _____  FAX No.: _____  ATTORNEY FOR (Name): _____		FOR COURT USE ONLY      Case Number: _____   Hearing Date: _____
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO Street Address: 3341 Power Inn Road Mailing Address: 3341 Power Inn Road City and Zip Code: Sacramento, CA 95826 BRANCH NAME: WM RIDGEWAY FAMILY RELATIONS COURTHOUSE		
<input type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP <input type="checkbox"/> ESTATE OF:  (NAME): _____		
<b>DECLARATION OF DILIGENT SEARCH AND REQUEST TO DISPENSE WITH NOTICE</b>		

Name of the person I need to give notice to is: \_\_\_\_\_

The last known address for this person is: \_\_\_\_\_

The approximate date when the person named above was last known to reside there was: \_\_\_\_\_

Guardianship only: The relationship between this person and the child(ren) in this case is: \_\_\_\_\_

Conservatorship only: The relationship between this person and the conservatee is: \_\_\_\_\_

Estate only: The relationship between this person and the decedent is: \_\_\_\_\_

My attempts to locate include the following:

1. I contacted the following relatives of the person named above:

Name and Relationship to Person Named Above                      Address and Telephone Number \_\_\_\_\_

Name and Relationship to Person Named Above                      Address and Telephone Number \_\_\_\_\_

Name and Relationship to Person Named Above                      Address and Telephone Number \_\_\_\_\_

Results of interview and additional information received:

2. I contacted the following friends and acquaintances of the person named above:

Name and Relationship to Person Named Above                      Address and Telephone Number \_\_\_\_\_

Name and Relationship to Person Named Above                      Address and Telephone Number \_\_\_\_\_

Name and Relationship to Person Named Above                      Address and Telephone Number \_\_\_\_\_

Results of interview and additional information received:

3. I contacted the following employers of the person named above:

Name and Title                      Business Name, Address and Telephone Number                      Dates of Employment

\_\_\_\_\_

Case Name:	Case Number:
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Results of interview and additional information received:

4. I reviewed the city telephone directories of \_\_\_\_\_ and contacted directory assistance on \_\_\_\_\_.  
Date \_\_\_\_\_ City & State \_\_\_\_\_

Results/additional information received:

5. I searched the real and personal property indexes in the Recorder's and Assessor's Offices of \_\_\_\_\_ County on \_\_\_\_\_.  
County Name \_\_\_\_\_ Date \_\_\_\_\_

Results/additional information received:

6. I conducted an Internet search on \_\_\_\_\_, on \_\_\_\_\_.  
Location \_\_\_\_\_ Date \_\_\_\_\_

Results/additional information received:

7. I contacted the applicable criminal justice agency (such as California Department of Corrections Locator Service at (916) 445-6713), on \_\_\_\_\_.  
Date \_\_\_\_\_

Results/additional information received:

8. Other relevant information:

Despite my diligent efforts, I have not been able to find \_\_\_\_\_ and therefore ask the Court permission to dispense with notice to \_\_\_\_\_

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

Dated: \_\_\_\_\_ Signature \_\_\_\_\_

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

ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>Name, State Bar number, and address</i> ):  <hr/> <p style="text-align: center;">TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____</p> <p>E-MAIL ADDRESS (<i>Optional</i>): _____</p> <p>ATTORNEY FOR (<i>Name</i>): _____</p>	<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 ( <i>Name</i> ):	
<input type="checkbox"/> <b>CONSENT OF PROPOSED GUARDIAN</b> <input type="checkbox"/> <b>NOMINATION OF GUARDIAN</b> <input type="checkbox"/> <b>CONSENT TO APPOINTMENT OF GUARDIAN AND WAIVER OF NOTICE</b>	CASE NUMBER:

**CONSENT OF PROPOSED GUARDIAN**

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

Date:

\_\_\_\_\_ ▶ \_\_\_\_\_

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

**NOMINATION OF GUARDIAN**

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

as guardian of the  person  estate of the minor.

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

as guardian of the  person  estate of the minor.

Date:

\_\_\_\_\_ ▶ \_\_\_\_\_

(TYPE OR PRINT NAME) (SIGNATURE)

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

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

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

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

Continued on Attachment 4.

