How to Complete Service in a Guardianship Case

What is Service?

The court cannot grant a guardianship unless notice is provided to certain people and agencies. This is called "service". It means these individuals/agencies must be provided a filed copy of several documents by an adult who is not part of the case (called the "server"). There are two kinds of service: *personal service* and *mail service*.

After completing service, the server will fill out and sign a proof of service form.

If you have not completed service by your court date, the judge may need to continue the hearing to give you additional time.

When to Complete Service?

For both personal service and mail service, service must occur <u>at least 15 calendar days before the court hearing</u>.

In this Packet

- Steps To Complete Service
- Alternatives to Service
- Blank Forms
- Sample Forms

STEP 1: Make Copies of Documents to be Served

Make enough copies of the following documents for <u>each person and agency</u> listed in Steps 2 and 3 below.

General Guardianship only

	GC-210(P) – Petition for Appointment of Guardian of the Person, including any attachments (copy of filed document) GC-210(CA) – Child Information Attachment, including any attachments (copy of filed document) GC-020 – Notice of Hearing on Petition for Guardianship, including any attachments (copy of filed document)
Gener	al + Temporary Guardianship
	The above forms plus: GC-110(P) – Petition for Appointment of Temporary Guardian of the Person, including any attachments (copy of filed document) GC-020 – Notice of Hearing on Petition for Temporary Guardianship, including any attachments (copy of filed document)

Note: The proof of service section (page 2) of GC-020 will be unsigned at this step in the process.

STEP 2: Serve the People Who Must be Personally Served The following people must be personally served: ☐ Child's mother □ Child's father ☐ Child, if the child is age 12 or older and is NOT the petitioner □ Current guardian, if any ☐ Proposed guardian, if they are NOT the petitioner ☐ Current guardian of the child's estate, if any ☐ If child's parents are deceased, any person nominated as guardian by either or both parents Personal service means that an adult (NOT you) gives the forms directly to the person being served. This must be done at least 15 calendar days before the court hearing. STEP 3: Serve the People and Agenc(ies) who Must be Served by Mail The following people and agencies must be served by mail: □ Child's maternal grandmother □ Child's maternal grandfather ☐ Child's paternal grandmother ☐ Child's paternal grandfather ☐ Child's siblings age 12 or older, including half-siblings and adoptive siblings ☐ Emergency Response Services (ALL guardianships) Santa Clara County Social Services Agency 333 W. Julian Street San Jose, CA 95110 ☐ Social Services Agency (ONLY if proposed guardian is a NON-RELATIVE) Social Services Agency Department of Family and Children's Services 333 W. Julian Street San Jose, CA 95110 ☐ California Department of Social Services (ONLY if proposed guardian is a NON-RELATIVE) The California Department of Social Services 744 P Street Sacramento, CA 95814

Mail service means that an adult (NOT you) mails the forms to the person or agency through regular first-class mail, with sufficient postage. This must be done <u>at least 15 calendar days before the court hearing</u>.

STEP 4: Have Server Fill Out Proof of Service Forms

Using a copy of GC-020 and attachments that you previously filed, have your server fill out the following sections:

- For people and agenc(ies) served by mail, the server will fill out the 2nd page of GC-020. If you need more space to list people or agencies served by mail, attach optional form GC-020(MA).
- For people personally served, the server will fill out GC-020(P).

See samples in this packet.

If you are applying for both temporary and general guardianship, you will have two sets of these forms and both should be filled out the same way.

STEP 5: File Proof of Service Forms

File the original of all proof of service forms in the Probate Clerk's office on the 1st floor of the Downtown Superior Court at 191 N. First Street, San Jose, CA 95113, or file your forms electronically. The forms should be assembled in the following order:

- 2nd page of GC-020
- GC-020(MA), if used
- GC-020(P)
- 1st page of GC-020

If you are applying for both temporary and general guardianship, you will have two sets of these forms. File the above forms <u>at least 7 calendar days before the court hearing</u>.

Alternatives to Service

There are two situations where a person does not need to be served.

1. Person Entitled to Notice Signs GC-211

Any person in Steps 2 or 3 who is entitled to notice may choose to sign form **GC-211 item 4** instead. By signing, they consent to the guardianship and give up their right to receive formal notice of the proceedings.

2. You Can't Locate Them

If you can't locate a person in Steps 2 or 3 who is entitled to notice, you can ask the court to waive your obligation to serve them. Use the **Request to Dispense with Notice** form (PB-4068) to list these person(s) and explain the efforts you've made to locate them. The court can only grant your request to waive notice if you have made diligent efforts to find the person and explain those efforts clearly. Note: If a person is deceased, there is no requirement that you serve them and so you do not need to list them on a Request to Dispense with Notice form.

See blank forms and samples in this packet.

File form GC-211 and/or the Request to Dispense with Notice form (PB-4068), if used, <u>at least 7</u> calendar days before the court hearing.

BLANKS

For the proof of service forms **GC-020** and **GC-020(P)**, use a copy of the forms you previously filed.

You *may* also need the following *optional* forms:

- **GC-020 (MA)** Use if you need more room to list people served by mail.
- **GC-211** see "Alternatives to Service" for when to use.
- Request to Dispense with Notice (PB-4068) see "Alternatives to Service" for when to use.

					DE-120(IVIA)/GC-020(IVIA)
ESTATE	X GUARDIANSHIP CONSERVATORSHIP	MATTER	OF	CASE NUMBER:	
(Name):					
_					

ATTACHMENT TO NOTICE OF HEARING PROOF OF SERVICE BY MAIL

(This Attachment is for use with forms DE-120 and GC-020.)

NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED

No.	Name of person served	Address (number, street, city, state, and zip code)

Page _____ of ____

Form Approved for Optional Use Judicial Council of California DE-120(MA)/GC-020(MA) [New July 1, 2005] ATTACHMENT TO NOTICE OF HEARING PROOF OF SERVICE BY MAIL (Probate - Decedents' Estates and Guardianships and Conservatorships)

www.courtinfo.ca.gov

ATTORNEY OR PARTY WITHOUT ATTORN	IEY (Name, State Bar number, and address):		FOR COURT USE ONLY	
TELEPHONE NO.: E-MAIL ADDRESS (Optional):	FAX NO.(Optional,	:		
ATTORNEY FOR (Name): Self-Rep	resented			
SUPERIOR COURT OF CALI	FORNIA, COUNTY OF Santa	. Clara		
STREET ADDRESS: 191 N. Fi				
CITY AND ZIP CODE: San Jose				
BRANCH NAME: Probate I				
GUARDIANSHIP OF THE	PERSON ESTATE OF (Name) :		
		,		
CONSENT OF PROPOS	ED GUARDIAN		CASE NUMBER:	
NOMINATION OF GUAR				
CONSENT TO APPOINT	MENT OF GUARDIAN AND WAI	VER OF NOTICE		
1 Loopoont to comic co cui	```	ROPOSED GUARDIAN		
I consent to serve as guardia Date:	an of the 🔲 person 🔲 esta	ue or the millor.		
(TYPE OR PRI	NT NAME)	(SIGNA	TURE OF PROPOSED GUARDIAN)	
	NOMINATIO	ON OF GUARDIAN		
2. I am 🔲 a parent of the m	ninor 🔲 a donor of a gift to the	minor. I nominate (name and a	address):	
as guardian of the 🔲 per	son estate of the minor.			
	_			
3. I am a parent of the m	ninor a donor of a gift to the	minor. I nominate (name and a	address):	
as guardian of the $\ lue{}\ $	son estate of the minor.			
Date:				
		_ •		
(TYPE OR PRI			(SIGNATURE)	
_	the person of a minor child has opted, the court changes guard		=	
I	interested persons must petition		•	
1	less the judge decides that ter		-	
С	ONSENT TO APPOINTMENT OF	GUARDIAN AND WAIVER O	F NOTICE	
	the guardian as requested in the			
(date):	ependent powers contained in it.		tice of hearing of the petition, incl	luding
honoc of any request for indi	opondoni powere contained ill it.	. waive uniting receipt of a copy	or the poutfoli.	
DATE	(TYPE OR PRINT NAME)	(SIGNATURE)	RELATIONSHIF	P TO MINOR
5.11E	(= 5 (ma) (v.m.)	(JIGNATOTIE)	HELATIONOTHE	
DATE	(TYPE OR PRINT NAME)	(SIGNATURE)	RELATIONSHIP	TO MINOR
DATE				
	(TYPE OR PRINT NAME)	(SIGNATURE)	RELATIONSHIP	TO MINOR

ATTACHMENT PB-4068

ATTORNEY	OR PARTY WITHOUT ATTORNEY (NAME AND ADDRESS):	TELEPHONE NO.:	FOR COURT USE ONLY
ATTORNEY	FOR (NAME):		
	OR COURT OF CALIFORNIA, COUNTY OF SAI	NTA CLARA	
	T ADDRESS: 201 North First Street, San José, CA 95113		
	G ADDRESS: 191 North First Street D ZIP CODE: San José, California 95113		
BRA	NCH NAME: Family Justice Center Courthouse		
IN THE N	MATTER OF:		
	REQUEST TO DISPENSE WITH NO	ГІСЕ	CASE NUMBER:
I am	n the minor's parent grandparent	other:	
brot	ould not have to give notice to the following hers/sisters – over 12 only, or person with cost to find them:		
a.	Name:	Relation to d	child:
	This person's last known address is:		
	I last knew of this person living at that addre		
	I have tried to find this person by doing these		
	I cannot get this person's new address beca	use:	
b.	Name:	Relation	n to child:
	This person's last known address is:		
	•		
	I last knew of this person living at that addre	ss on (date).	
	. isst into or the person living at that addic	(aato)	

ATTACHMENT PB-4068

N THE MA	TER OF:	CASE NUMBER:
	I have tried to find this person by doing these things:	
	I cannot get this person's new address because:	
C.	Name: Relation to chil	d:
	This person's last known address is:	
	I last knew of this person living at that address on (date): I have tried to find this person by doing these things:	
	I cannot get this person's new address because:	
3.	Check here if you need more space. Label a piece of paper Attachment 2" and write the additional information on it.	"Request to Dispense with Notice –
declare correct.	under penalty of perjury under the laws of the State of California t	hat the above information is true and
Date:	My Signature:	

SAMPLES

Please DO NOT write on or file these forms.

- Page 2 of GC-020
- **GC-020(MA)** Optional
- GC-020(P)
- **GC-211** Optional
- Request to Dispense with Notice (PB-4068) Optional

GUARDIANSHIP CONSERVATORSHIP OF THE X PERSON ESTATE OF (Name) Child(ren)'s Full Names MINOR (PROPOSED) CONSERVATEE CASE NUMBER: Your Court Case Number
NOTE:* A copy of this Notice of Hearing-Guardianship or Conservatorship ("Notice") must be "served" on-delivered to-each person who has a right under the law to be notified of the date, time, place and purpose of a court hearing in a guardianship or conservatorship. Copies of this Notice may be served by mail in most situations. In a guardianship, however, copies of this Notice must sometimes be personally served on certain persons; and copies of this Notice may be personally served instead of served by mail in both guardianships and conservatorships. The petitioner (the person who requested the court hearing) may not personally perform either service by mail or personal service, but must show the court that copies of this Notice have been served in a way the law allows. The petitioner does this by arranging for someone else to perform the service and complete and sign a proof of service, which the petitioner then files with the original Notice. This page contains a proof of service that may be used only to show service by mail. To show personal service, each person who performs the service must complete and sign a proof of personal service, and each signed copy of that proof of service must be attached to this Notice when it is filed with the court. You may use form GC-020(P) to show personal service of this Notice. * (This Note replaces the clerk's certificate of posting on prior versions of this form. If notice by posting is desired, attach a copy of form GC-020(C), Clerk's Certificate of Posting Notice of Hearing-Guardianship or Conservatorship. (See Prob. Code, § 2543(c).)
PROOF OF SERVICE BY MAIL
1. I am over the age of 18 and not a party to this cause. Lam a resident of or amployed in the county where the mailing occurred. 2. My residence or business address is (specify): Address of Server (Person Who Mailed a Copy of your Forms to the Person(s) Listed Below) 3. I served the foregoing Notice of Hearing-Guard an envelope addressed as shown below AND a. Address of Server (Person Who Mailed a Copy of your Forms to the Person(s) Listed Below) a. Address of Server (Person Who Mailed a Copy of your Forms to the Person(s) Listed Below) py in an envelope addressed as shown below AND a. Address of Server (Person Who Mailed a Copy of your Forms to the Person(s) Listed Below) py in an envelope addressed as shown below AND a. Address of Server (Person Who Mailed a Copy of your Forms to the Person (s) Listed Below) py in an envelope addressed as shown below AND a. Address of Server (Person Who Mailed a Copy of your Forms to the Person (s) Listed Below) py in an envelope addressed as shown below AND a. Address of Server (Person Who Mailed a Copy of your Forms to the Person (s) Listed Below) py in an envelope addressed as shown below AND a. Address of Server (Person Who Mailed a Copy of your Forms to the Person (s) Listed Below) py in an envelope addressed as shown below AND a. Address of Server (Person Copy of your Forms to the Person Copy of Your Intervelope Andress of Server (Person Copy of Your Intervelope Andress of Server (Person Copy of Your Intervelope Andress of Server Signs Their Name) Server Prints Their Name (Signature of Person Completing This Form)
(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM) (SIGNATURE OF PERSON COMPLETING THIS FORM)
NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED Name of person served Address (number, street, city, state, and zip code)
Emergency Response Services Santa Clara County Social Services Agency 333 W. Julian St., San Jose, CA 95110
2. Name of Person Served by Mail
Name of Person Served by Mail Address of Person Served by Mail
If you need more space to list additional people, check this box and add optional form GC-020(MA) Continu MA) to show additional persons served.)

ESTATE X GUARDIANSHIP CONSE	RVATORSHIP MATTER	OF	CASE NUMBER:
(Name): Child(ren)'s Full Names			Your Court Case Number

OPTIONAL FORM - USE IF YOU NEED MORE SPACE TO LIST PEOPLE SERVED BY MAIL

NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED

No.	Name of person served	Address (number, street, city, state, and zip code)
	Names of Additional People Served by Mail	Addresses of Additional People Served by Mail

Page _____ of ____

	GC-020(P)				
X GUARDIANSHIP CONSERVATORSHIP OF THE X PERSON ESTATE	CASE NUMBER:				
OF (Name): Child(ren)'s Full Names [X] MINOR [] (PROPOSED) CONSERVATEE	Your Court Case Number				
PROOF OF PERSONAL SERVICE OF NOTICE OF HEARING - GUARDIANSHIP OR CONSERVATORSHIP					

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

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

Continued on Attachment 4	Check 5c if your server is a registered California process server. Otherwise, check 5a.		
a. Inot a registered California process server.			
b. a Camornia sheriff or marshal.			
c. a registered California process server.			
d. an employee or independent contractor of a registered California process server.			
e. exempt from registration (Bus. & Prof. Cod	de, § 22350(b)).		

My name, address, telephone number, and, if applicable, county of registration and number, are (specify):

Address of Server (Person Who Personally Served a Copy of your Forms to the Person(s) Listed Below)

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

<u>iname</u>	<u> </u>	Address where served	<u>a (number, street, city, and</u>	<u>state)</u>	Date and time service made
Name of Personal	Person ly Served	Address Where Personally Serv			Date and Time of Service
Name of Personal	Person ly Served	Address Where Personally Serv			Date and Time of Service
Name of Personal	Person ly Served	Address Where Personally Serv			Date and Time of Service
4.				-	ate: me:
	•	•	by the undersigned continu sonal Service, form DE-12		
•	enalty of perjury under the foregoing is true and cor		(For California sheriff I certify that the forego		* *
Date Se	erver Signs This F	orm	Date:		
Server Sig	gns Their Name)	(SIGNATURE	Ξ)

5.

	GC-211
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):	FOR COURT USE ONLY
Your Name and Name of Any Proposed Co-Guardian	
Your Address OPTIONAL FOR	M - SEE
TELEPHONE NO: Vous Dhone Number EAX NO (Ontional):	S TO SERVICE"
e-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Self-Represented FOR WHEN TO	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Clara	
STREET ADDRESS: 191 N. First Street MAILING ADDRESS: 191 N. First Street	
city and zip code: San Jose, CA 95113 BRANCH NAME: Probate Division	
GUARDIANSHIP OF THE TOPERSON FESTATE OF (Name):	
Child(ren)'s Full Names	
CONSENT OF PROPOSED GUARDIAN	CASE NUMBER:
NOMINATION OF GUARDIAN CONSENT TO APPOINTMENT OF GUARDIAN AND WAIVER OF NOTICE	Your Court Case Number
CONSENT OF PROPOSED GUARDIAN	
 I consent to serve as guardian of the person estate of the minor. 	
Date:	
(TYPE OR PRINT NAME) (SIGNA'	TURE 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 a	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 a	address):
as guardian of the Derson estate of the minor.	
Date:	
(D)(DE OD DD)((T)(AME)	(SIGNATURE)
(TYPE OR PRINT NAME) NOTICE: The guardian of the person of a minor child has full legal and physical customers.	(,
an adult or is adopted, the court changes guardians, or the court terminates	<u>-</u>
Parents or other interested persons must petition the court to terminate the will not do so unless the junate your filed your Petition and Othe	
Date you filed your Petition and Othe	
4. I consent to appointment of the guardian as requested in the Petition for Appointment of Gua	ardian of Minor, filed on
(date): . I am entitled to notice in this proceeding, but I waive no notice of any request for independent powers contained in it. I waive timely receipt of a copy	
DATE (TYPE OF BRINT NAME) (SIGNATURE)	RELATIONSHIP TO MINOR
DATE (TYPE ORT SULTED) (SIGNATURE)	RELATIONSHIP TO MINOR
Any Person(s) Entitled to Notice can date, print their name,	
sign, and write their relationship to the Child(ren)	RELATIONSHIP TO MINOR
Continued on Attachment 4.	

CEB° Essential Forms

ATTACHMENT PB-4068

		ATTACITIVILITY FD-4000
Your Name and Na	me of Any Proposed Co-Guardian	FOR COURT USE ONLY
Your Address	Your Phone Number	
ATTORNEY FOR (NAME):		
STREET ADDRESS: 2	DF CALIFORNIA, COUNTY O OPTIONAL FORM - 201 North First Street, San José, CA 9 TO SERVICE" FOR	SEE "ALTERNATIVES WHEN TO USE
	San José, California 95113 Family Justice Center Courthouse	
IN THE MATTER OF:	Child(ren)'s Full Names	
		CASE NUMBER:
REQU Check appropria	JEST TO DISPENSE WITH NOTICE Ite box.	Your Court Case Number
1. I am the minor's	grandparent other: If "other" lis	t your relationship to child(ren)
brothers/sisters able to find then		
This person	's last known address is: That person's last known	address
	of this person living at that address on (date).	ou last knew of person living address
	Explain efforts you made to locate that	person
I cannot get	this person's new address because:	
E	xplain why you are unable to get that pers	son's new address
b. Name: This perso	List additional people you are unable to s	serve, if any
l last knew o	of this person living at that address on (date):	

ATTACHMENT PB-4068 IN THE MATTER OF: CASE NUMBER: Child(ren)'s Full Names Your Court Case Number I have tried to find this person by doing these things: I cannot get this person's new address because: c. Name: _____ Relation to child: _____ This person's last known address is: I last knew of this person living at that address on (date): _____ I have tried to find this person by doing these things: I cannot get this person's new address because:

3. Check here if you need more space. Label a piece of paper "Request to Dispense with Notice – Attachment 2" and write the additional information on it.

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

Date: __Today's date ____ My Signature: ___Sign Your Name