

SAMPLE

General Guardianship

Rev. 1/2026

**Please DO NOT write in
or file this packet.**

GC-210(P)**Petition for Appointment of
Guardian of the Person**

Child(ren)'s Full Legal Name (List all the children you want guardianship over)
--

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. Your Full Legal Name and/or the
- b. Proposed Co-Guardian's Full Legal Name
- c.

2 Your	Street:	Your Street Address	Apt#
City:			
State:	Zip	Phone #	

3 Your Lawyer (if you have one):

Name: Self-Represented Bar No.: _____

Firm name, if

Street: _____

City: _____

Phone: _____

Leave Blank

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

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

Name(s):

Street: _____ Apt.: _____

City: _____ State: _____ Zip: _____

Phone: _____ E-mail: _____

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

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

Name(s):

Street: _____ Apt.: _____

City: _____ State: _____ Zip: _____

Phone: _____ E-mail: _____

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

Judicial Council of California
www.courts.ca.gov
Revised July 1, 2016
Alternative Master Form
Instead of Form GC-210
Probate Code, §§ 1510, 1510.1
Cal. Rules of Court, rule 7.101

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

GC-210(P), Page 1 of 4

SHC/____ PVERN

Clerk stamps date here when form is filed.

**SAMPLE
ONLY
Do not write
on this copy!**

Fill in court name and street address:

Superior Court of California, County of
Santa Clara
191 N. First Street
191 N. First Street
San Jose, CA 95113
Probate Courthouse - DTS

Clerk fills in information below when form is filed.

Case:	Leave Blank
Hear:	

Guardian
of the person of (all children's names).

Child(ren)'s Full Legal Name(s)

(List all the children you want guardianship over)

Case No.

Leave Blank

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

- a. R
- b. N
- c. A
- d. G
- e. I
- f. I

Mark boxes "(5)a." - "(5)c." if it applies to you or the proposed guardian.

If you mark "(5)b.", you must answer the next question.

or

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
- b. I
- c. I

Mark (6) if you checked box "5.b." in (5) above and answer "(6) a. - c.".

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

Child(ren)'s Full Legal Name(s)

- a. Name (List all the children you want guardianship over)
- b. Name
- c. Name
- d. Name
- e. Name

(specify)

of birth:

of birth:

of birth:

of birth:

of birth:

Child(ren)'s Birthday

Month/Day/Year

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.



Guardian's Name (Last, First, Middle Initial)	Child(ren)'s Full Legal Name(s) (List all the children you want guardianship over)	C	Leave Blank
---	---	---	-------------

9 The guardianship is necessary or convenient for the reasons given below.

(Explain why each child listed in ⑧ needs a guardian.)

Explain why it is necessary or convenient for you (or the proposed guardian) to get guardianship over each of the children listed above.

List specific facts for each of the children above.

Check here if you need more space. Continue your explanation on a separate sheet of paper. Write "Form GC-210(P) - Attachment 9: Need for Guardian" at the top of the paper and attach it to this form.

10 I/We ask the court to (check all that apply):

- Appoint the person named in ① or ④ guardian of the person of the child or children named in ⑧ and issue *Letters of Guardianship*.
- Excuse me/us from having to give notice of the hearing on this petition to one or more relatives or other persons listed in item 2 of the attached *Guardianship Petition - Child Information Attachment* (form GC-210(CA)) for the reasons given below (Specify (1) the name of each child, (2) the name and relationship to the child of each of the persons to whom you want the court to excuse you from giving notice, and (3) the reasons for your request, including the steps, if any, you have taken to find each person.):

If you cannot give notice to specific relatives about this case, you must prove with specifics that you can't find them or they are no longer alive.

See staff for further help on this.

Check here if you need more space. Continue your explanation on a separate sheet of paper. Write "Form GC-210(P) - Attachment 10b: Request for Waiver of Notice" at the top of the paper and attach it to this form.

The relatives and other persons listed in item 2 of each child's Guardianship Petition - Child Information Attachment (form GC-210(CA)) must be given notice of the hearing on your petition for appointment of a guardian for that child unless the court excuses you from giving notice. The court may waive (excuse) this requirement if you can show the court that you do not know where the relative or other person is located after making reasonable efforts to find him or her or if giving notice to that person may harm the child or otherwise be contrary to the interests of justice. See rule 7.52 of the California Rules of Court for information on making reasonable efforts to find a person.



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

Case Number:

Child(ren)'s Full Legal Name(s)

(List all the children you want guardianship over)

Leave Blank

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

Leave Blank

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):

Duties of Guardianship

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

Date:

Leave Blank

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.

Today's Date

Date:

Print Your Name

Petitioner types or prints name here

Sign Your Name

Petitioner signs here

Date:

Petitioner types or prints name here

Petitioner signs here

Date:

Proposed ward types or prints name here

Proposed ward signs here

Date:

Proposed ward signs here

Revised July 1, 2016

GC-210(CA)**Child Information Attachment to****Child(ren)'s Full Legal Name(s)****Leave Blank**

Guardianship of (all ch

(List all the children you want guardianship over)**This child's na****Child #1's Full Legal Name****(you must fill out this form for each child you want guardianship over)**

Fill out a separ

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 a****Child #1's Full Legal Name****Child #1's Birthday****(you must fill out this form for each child you want guardianship over)**

a. Child's full leg

11

Child #1's Current Street Address, City, State, Zip**(you must fill out this form for each child you want guardianship over)**b. Child's current 11
c. Indian child inquiry (Complete only if your petition asks the court to appoint a guardian of this child's person or**Mark "(1)c." to indicate whether you have made/completed an Indian Child Inquiry.**

I have asked whether the child is or may be a member of one or more Indian tribes recognized by the federal government, or eligible for membership in such a tribe and the biological child of a tribal member, and whether the child or parents live or are domiciled on a reservation or rancheria or in an Alaskan Native village. Form ICWA-010(A), *Indian Child Inquiry Attachment*, is attached to this form.

I have not asked about the child's Indian heritage because the parents are unavailable or deceased.

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

d. Is this child married? Yes No Never married If you checked "No," was this child married in the past but the marriage was dissolved or ended in divorce? Yes No

(The court cannot appoint a guardian of the person for a minor child who is married or whose marriage was dissolved or ended in divorce.)

e. Is this child receiving public benefits? Yes No I don't know (If you checked "Yes," fill out below.)

Type of A	Check the Correct Box in "(1)e." if yes, fill out information here	Monthly Benefit
<input type="checkbox"/> TANF (Temporary Asst)		\$
<input type="checkbox"/> Social Security		\$
<input type="checkbox"/> Dept. Veterans Affairs Benefits	\$	

f. N
Who is supposed to have legal custody of the child above? If there is no formal court order, list both parents and their address if you know it.

g. (Check this box and fill out below if the person the child lives with is not the person in f. with legal custody.)

Check box "(1)g." if the person(people) in "(1)f." are not currently caring for child list the Full Legal Name and address of person who IS CARING for the child.

(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.)



Guardian	Child(ren)'s Full Legal Name(s) (List all the children you want guardianship over)	Leave Blank
This child	Child #1's Full Legal Name (you must fill out this form for each child you want guardianship over)	

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

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

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

3 Information about the proposed guardian:

a. Name (name)
Your Full Legal Name and Full Legal Name of any Co-Guardians

b. Relationship(s) to the child named in ① (check all that apply):
 Relative (if child is related to the proposed guardian(s))
 Not a (above).

Check one box in "(3)b." that best describes how you know Child #1

Check the applicable boxes for question 3c.- f. below:

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:

Explain why the court should appoint a guardian for Child #1 above. List specific facts.

(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.)

Guardian This child	Child(ren)'s Full Legal Name(s) (List all the children you want guardianship over)	Leave Blank
	Child #1's Full Legal Name (you must fill out this form for each child you want guardianship over)	

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

Explain why you (or the Proposed Guardian) SHOULD be appointed (made) guardian of Child #1 above.

List specific facts why you would be best suited for the child.

(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)

Check the applicable boxes for question "(6)a." and "(6)b." below:

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
**Check (7) if you are proposing someone else (not you) as Guardian (Proposed
Guardian) mark how they know Child #1 above.**

I

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	Child(ren)'s Full Legal Name(s) (List all the children you want guardianship over)	CAS	Leave Blank
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1. Name of child:	Child #1's Full Legal Name (you must fill out this form for each child you want guardianship over)
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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 ~~and~~ **Check one and complete requested information.** ~~ability~~ 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~~ **Check one and complete requested information.** ~~and~~ **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)

Check one

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

Give 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 ~~can~~ **If you checked you have reason to believe the child is or may be an Indian child, check box 4 and attach a declaration listed the tribes you contacted, the individuals you contacted and how you contacted them.** ~~is a member or citizen of the~~ ~~tribes of the~~

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

a. b. c. **Complete any items that apply to this child.**d. e. f.

C	Child(ren)'s Full Legal Name(s) (List all the children you want guardianship over)	CASE NUMBER: Leave Blank
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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: **Today's Date**

Print Your Name

Sign Your Name

(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY		STATE BAR NUMBER:	FOR COURT USE ONLY
NAME: FIRM NA STREET CITY: TELEPH EMAIL A	Your Full Legal Name Your Street Address City State Zip Phone #		Apt#
ATTORNEY FOR (name): Self-Represented			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Clara			
STREET ADDRESS: 191 N. First Street, San Jose, CA 95113			
MAILING ADDRESS: 191 N. First Street, San Jose, CA 95113			
CITY AND ZIP CODE:			
BRANCH NAME: Probate Division			
(This section applies to cases other than probate guardianships.)			
PETITIONER	Leave Blank		
RESPONDENT			
OTHER PAR	Child(ren)'s Full Legal Name		
CHILD'S NAME	(List all the children in the guardianship case)		
(This section applies only to probate guardianship cases.)			
GUARDIANSHIP OF (name): Minor			
DECLARATION UNDER UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT (UCCJEA)			

**SAMPLE
ONLY
Do not write
on this copy!**

1. I am (check one): a party to a child the authorized representative of the 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. Starting with the oldest child, list each of the children listed above. If you need more space, check the box below and attach an additional page (you may use MC-020).		
b.		
c.		
d.		

3. a. Check this box if only one child is listed above OR all of the children have lived at the same address(es) together for the past 5 years. If the children have lived at different addresses from each other during the past 5 years, you will check box 3b and attach form FL-105(A) to list each child's address information.

Dates of residence (Month/Year)	Residence (City, State)	Person child lived with and complete current address	Relationship
From: 1/2025	To present San Jose, CA <input type="checkbox"/> Confidential (list state only)	John Smith 123 Main St., SJ, CA <input type="checkbox"/> Confidential (list state only)	Father
From: 1/2020	To: 1/2025 San Jose, CA	Jane Doe 456 Main St., SJ, CA	Mother
From:	To:		
From:	To:		
From:	Check here if you need space for more addresses.		

b. Additional Check this box if the children had different address information, then complete form FL-105(A) for the above for the oldest child and use FL-105(A) for each additional child.

CASE NAME:

Child(ren)'s Full Legal Name

CASE NUMBER

(List all the children in the guardianship case)

Write (PR) Case #

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):

Have you been a part of (party or witness) in any another type of court case or custody/visitation case ANYWHERE regarding any of the children above?

Case status

P

a. b. c.

P

d. e. 5. Oa. b. c. d.

have one

re (date)

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?

Do you know anyone that claims to have custody or visitation rights to any of the children above?

Name and address of person:

a. Name and address of

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

Name of each child:

Name of each child:

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:

Today's Date

Print Your Name

(NAME OF DECLARANT)

(SIGNATURE OF DECLARANT)

Sign Your Name

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

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number and address):

FOR COURT USE ONLY

Your Full Legal Name

Your Street Address

Apt#

City State Zip

(Yo)
TELEPHONE

E-MAIL ADDRESS (Optional):

ATTORNEY FOR (Name): **Self-Represented**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 Courthouse - DTS**

GUARDIAN:

Child(ren)'s Full Legal Name(s)**(List all the children you want guardianship over)** CONSE NOMINATION OF GUARDIAN CONSENT TO APPOINTMENT OF GUARDIAN AND WAIVER OF NOTICE

**SAMPLE
ONLY
Do not write
on this copy!**

CASE NUMBER:

Leave Blank**CONSENT OF PROPOSED GUARDIAN**

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

D **Leave blank unless the Petitioner is NOT the proposed guardian.**

(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) :

**This form can also be filed later,
after you file your other forms.**

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:

Either parent may sign this if they want to nominate someone to be guardian.**Otherwise, leave blank.**

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.

If any parent, grandparent, sibling or the minor(s) above (if they are 12+ years old) consents (agrees) to you being guardian, they can date and sign this form here and you will not have to serve them later.

 Continued on Attachment 4.

Page 1 of 1

ATTOR	Your Full Legal Name
	Your Street Address
	Apt#
	City State Zip
	Phone #

FOR COURT USE ONLY

**SAMPLE
ONLY
Do not write
on this copy!**

E-MAIL ADDRESS (Optional):
ATTORNEY FOR (Name): **Self-Represented**

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 Courthouse - DTS**

GUARDIANSHIP CONSERVATORSHIP OF THE PERSON ESTATE
OF (Name):

Child(ren)'s Full Legal Name(s)

(List all the children you want guardianship over)

NOTICE OF HEARING - GUARDIANSHIP OR CONSERVATORSHIP

CA

Leave Blank

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) : **Your Full Legal Name and Name of Any Proposed Co-Guardian**
(representative capacity, if any) :
has filed (specify) : **Petition for appointment of guardian of minor.**

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. T **Leave Blank**
 P

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

a. Date: _____ Time: _____ Dept.: **2** Room: _____

b. Address of court same as noted above is (specify) : **Downtown Courthouse**
191 N. First Street
San Jose, CA 95113

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



<input checked="" type="checkbox"/> GUARDIANSHIP	<input type="checkbox"/> CONSERVATORSHIP OF THE	<input checked="" type="checkbox"/> PERSON	<input type="checkbox"/> ESTATE	CASE NUMBER: Leave Blank
OF	Children's Full Legal Name(s) (e.g. First, Middle & Last Names) (List all the children you want guardianship over)			PRIVATEE

PROOF OF PERSONAL SERVICE OF NOTICE OF HEARING - GUARDIANSHIP OR CONSERVATORSHIP

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

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

Continued on Attachment 4.

5. I am (check all that apply):
 - not a registered California process server.
 - a California sheriff or marshal.
 - a registered California process server.
 - an employee or independent contractor of a registered California process server.
 - exempt from registration (Bus. & Prof. Code, § 22350(b)).
6. My name, address, telephone number, and, if applicable, county of registration and number, are (specify):

Leave Blank

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

Name	Address where served (number, street, city, and state)	Date and time service made
1. Mother's Name	Mother's Address	Date Time
2. Father's Name	Father's Address	Date Time
3.		Date Time
4.	Also list child(ren) if 12 or older (and not Petitioner) and current guardian, if any. Ask staff if you need more room.	Date Time

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

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

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

Date

Leave Blank

(SIGNATURE)

(SIGNATURE)

ATTORNEY NAME FIRM STREET CITY: TELE E-MAIL ADDRESS:	Your Full Legal Name Your Street Address City State Zip Phone #	FOR COURT USE ONLY
ATTORNEY FOR (name): Self-Represented		SAMPLE ONLY Do not write on this copy!
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 Courthouse - DTS		
GUARDIAN (name)	Child(ren)'s Full Legal Name(s) (List all the children you want guardianship over)	CASE # Leave Blank
ORDER APPOINTING GUARDIAN OR EXTENDING GUARDIANSHIP OF THE PERSON		
WARNING: THIS APPOINTMENT IS NOT EFFECTIVE UNTIL LETTERS HAVE ISSUED.		

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) : **Honorable Amber Rosen**
 - b. Hearing date: _____
 - c. Petitioner (name) : **Your Full Legal Name and Name of Any Proposed Co-Guardian**
 - 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

Form Adopted for Mandatory Use
Judicial Council of California
GC-240 [Rev. July 1, 2016]

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

Probate Code, §§ 1510.1, 1514,
2310

GUARDIANSHIP OF THE PERSON ESTATE OF

CASE NUMBER:

Child(ren)'s Full Legal Name(s)
(List all the children you want guardianship over)

Leave Blank

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: -0-

Date:

Leave Blank

Leave Blank

JUDGE OF THE SUPERIOR COURT

SIGNATURE FOLLOWS LAST ATTACHMENT

ATTORNEY OR PARTY WITHOUT ATTORNEY Your Full Legal Name Your Street Address City State Zip Phone #		STATE BAR NO.: Apt#	FOR COURT USE ONLY SAMPLE ONLY Do not write on this copy!	
ATTORNEY FOR (name): Self-Represented 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 Courthouse - DTS				
GUARDIANSHIP OF (name) Child(ren)'s Full Legal Name(s) (List all the children you want guardianship over)		CASE NUMBER: Leave Blank		
LETTERS				
1. <input checked="" type="checkbox"/> (Name) Your Full Legal Name and Name of Any Proposed Co-Guardian of the <input checked="" type="checkbox"/> person <input type="checkbox"/> estate of (name): Child(ren)'s Full Legal Name(s) 2. <input type="checkbox"/> The appointee (name): (List all the children you want guardianship over) as guardian of the person of is extended past the ward's 18th birthday as of (date):				
3. a b c d Leave Blank				
4. 5. 6. WITNESS (Seal)				

GUARDIANSHIP OF (name):	Child(ren)'s Full Legal Name(s) (List all the children you want guardianship over)	CASE NUMBER: Leave Blank
----------------------------	---	------------------------------------

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 change or change the name of an account or a safe deposit box in your financial institution to reflect the guardianship, you must file a copy of the Letters with the court. An officer of your institution must file a copy of the Letters with the court.

There is no filing fee
address given for the cou

The guardian should
institution's responsibility

The guardian should
institution's responsibility
the correct form is not de-
from the court. The forms
www.courts.ca.gov/forms
for an institution or form G
(nonfillable form) or may
**before signing the
bottom of this form.**

**Read this information
before signing the
bottom of this form.**

An *institution* under [REDACTED] 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):

Today's Date

. at (place);

San Jose, CA

Print Your Name (Co-Guardian prints their name)

Sign Your Name (Co-Guardian signs their name)

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

Leave Blank

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA

COURT ADDRESS: 191 North First Street
 CITY AND ZIP CODE: San José, California 95113
 PHONE NUMBER: (408) 882-2761
 FAX NUMBER: (408) 882-2797
 BRANCH NAME: Downtown Courthouse - Court Investigator's Division

IN THE

Child(ren)'s Full Legal Name(s)
(List all the children you want guardianship over)

CONFIDENTIAL DOCUMENT COVER SHEET
(Guardianship)

**SAMPLE
ONLY
Do not write
on this copy!**

CASE NUMBER

Leave Blank**RE: G**The fo
design
appoin**Leave Blank**

<p>TE Your Full Legal Name</p> <p>Your Street Address Apt#</p> <p>City State Zip</p> <p>TE Phone #</p> <p>E-MAIL ADDRESS (Optional):</p> <p>ATTORNEY FOR (Name): Self-Represented</p> <p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Clara</p> <p>STREET ADDRESS: 191 N. First Street</p> <p>MAILING ADDRESS: 191 N. First Street</p> <p>CITY AND ZIP CODE: San Jose, CA 95113</p> <p>BRANCH NAME: Probate Courthouse - DTS</p>		<p>FOR COURT USE ONLY</p> <p>SAMPLE ONLY</p> <p>Do not write on this copy!</p>	
GUAR (Name)	<p>Child(ren)'s Full Legal Name(s) (List all the children you want guardianship over)</p>		<p>CASE NUM</p> <p>INOR</p> <p>Leave Blank</p>
<p>CONFIDENTIAL GUARDIAN SCREENING FORM Guardianship of <input checked="" type="checkbox"/> Person <input type="checkbox"/> Estate</p>		<p>HEARING DATE AND TIME:</p> <p>DEPT.:</p>	

Each proposed guardian or co-guardian must complete this form.

Ask Staff for more forms, if needed.

This form
separate
by perso
guardian. The proposed guardian **must** respond to each item.

1. a. Proposed
b. Date of birth
c. Social security
e. Telephone
2. I am I am not 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

Your Full Legal Name
Birthday
SSN#
Your Phone #

Your Driver's License Info

Answer each question "2."- "9."

4. I
5. I
6. Do you Yes No
7. Have you Yes No
8. I

If you answer "yes" to any questions, add a blank sheet of paper to explain your answer.

(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

GUARDIAN	Child(ren)'s Full Legal Name(s) (List all the children you want guardianship over)	CASE NUMBER: MINOR	Leave Blank
----------	---	-----------------------	-------------

10. **Answer each question "10."- "22."**

11.

12.

13. **If you answer "yes" to any questions, add a**

14. **blank sheet of paper to explain your**

15. **answer.**

16.

17.

18.

19.

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

20. **Child(ren)'s Full Legal Name(s)**
(List all the children you want guardianship over)

21. **Child(ren)'s Home #**

22. **Child(ren)'s School Name**

Child(ren)'s School Phone #

Home telephone.

School telephone.

Other telephone.

Information on additional minors is attached.

DECLARATION

23. **Today's Date** of perjury under the laws of the State of California that the foregoing is true and correct.

24. **Print Your Name**

(TYPE OR PRINT NAME OF PROPOSED GUARDIAN)

25. **Sign Your Name**

(SIGNATURE OF PROPOSED GUARDIAN)*

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

FOR COURT USE ONLY

Your Full Legal Name	
Your Street Address	Apt#
City State Zip	
Phone #	

E-MAIL ADDRESS (Optional):

ATTORNEY FOR (Name): **Self-Represented****SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA**

COURT ADDRESS: 191 North First Street, San José, California 95113

PHONE NUMBER: (408) 882-2651

FAX NUMBER: (408) 882-2693

BRANCH NAME: Downtown Courthouse – Probate Division

In the Matter of the Guardianship of:**Child(ren)'s Full Legal Name(s)****(List all the children you want guardianship over)**

**SAMPLE
ONLY
Do not write
on this copy!**

AUTHORIZATION FOR RELEASE OF INFORMATION	CASE NUMBER
---	-------------

Leave Blank

Probate Code Section 1513 requires that a probate court investigator conduct interviews and write a report and recommendation to the Court concerning the appropriateness of establishing a guardianship for the above-named children. In order to assist in the gathering of pertinent information

Your Full Legal Name**Co-Guardian's Full Legal Name**

I/we, _____ / _____

specifically authorize the release of my/our school records, counseling records, probation records, public and private social service records, summaries of medical and psychological records, and records from any private or public agency which would assist in determination of our petition for guardianship.

Dated: **Today's Date****Sign Your Name**Dated: **Today's Date****Co-Guardian Signs Name**

Original to: Probate Court Investigator

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):

FOR COURT USE ONLY

Your Full Legal Name

Apt#

Your Street Address

City State Zip

Phone #

MAIL ADDRESS (optional):

ATTORNEY FOR (Name): **Self-Represented**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 Courthouse - DTS**GUARDIANSHIP OF THE PERSON ESTATE

OF (Name)

Child(ren)'s Full Legal Name(s)**(List all the children you want guardianship over)**

and Acknowledgment of Receipt

R

CA

Leave Blank**SAMPLE
ONLY****Do not write
on this copy!****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.

**Read this information
before signing the
bottom of this form.**

If the probate court appoints you as guardian, you will have certain duties and obligations.

- a. **Fundamental responsibilities** - As guardian, you are responsible for the child. As guardian, you are responsible for the child's medical and dental needs, as well as the child's physical, emotional, and social growth of the child.
- b. **Custody** - As guardian of the child, you are responsible for **all decisions** regarding 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)

DUTIES OF GUARDIAN
(Probate)

Page one of five

GUARDIAN

Child(ren)'s Full Legal Name(s)
(List all the children you want guardianship over)

CASE NUMBER:

Leave Blank

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, drug and alcohol treatment.

f. Community resources - If you are caring for children with special needs, you must strike a balance between the child's needs and your own resources.

g. Financial support - You are responsible for the child. The guardian may receive Aid for Needy Families, food stamps, SSI, veterans' benefits, Indian child welfare services, and other financial support.

h. Visitation - The court may require the guardian to let the child visit with the parents. The child's parents may also have visitation rights.

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.

**Read this information
before signing the
bottom of this form.**

(Continued on page three)

DUTIES OF GUARDIAN
(Probate)

GUA

Child(ren)'s Full Legal Name(s)

INOR

CASE NUMBER

Leave Blank

(List all the children you want guardianship over)

automatically ends when the

p. T 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.

If the court appoints
money and other as
is taken very seriou
and make an invent
with the court.

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state
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Read this information before signing the bottom of this form.

a. **Prudent investments** - A prudent person deals with estate assets in a way that makes sense and does not make speculative decisions.

b. **Keeping estate assets separate** - You should keep the child's estate separate from everyone else's, including your own. When you open a bank account for the estate, the account name must indicate that it is a *guardianship* account and not your personal account. You should use the child's social security number when opening estate accounts. You should never deposit estate funds in your personal account or otherwise mix them with your own funds or anyone else's funds, even for brief periods. Securities in the estate must be held in a name that shows that they are estate property and not your personal property.

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

d. **Blocked accounts** - A *blocked account* is an account with a financial institution in which money is placed. No person may withdraw funds from a blocked account without the court's permission. Depending on the amount and character of the child's property, the guardian may elect **or the court may require** that estate assets be placed in a blocked account. As guardian of the estate, you must follow the directions of the court and the procedures required to deposit funds in this type of account. The use of a blocked account is a safeguard and may save the estate the cost of a bond.

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

INVENTORY OF ESTATE PROPERTY

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

(Continued on reverse)

GUARDIAN

Child(ren)'s Full Legal Name(s)

(List all the children you want guardianship over)

NOR

CASE

Leave Blank

- 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.

Read this information before signing the bottom of this form.

i. **Insurance coverage** - insurance coverage for the entire period

sufficient
throughout

j. **Records** - As guardian, you will keep records of income and expenses. You will have to prove that you spent the date of death left after you have paid the estate's expenses.

action
records of
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e
what is

- 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 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. **Attorney 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)

GUARD

CASE

Child(ren)'s Full Legal Name(s)
(List all the children you want guardianship over)

Leave Blank

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: **Today's Date**

Print Your Name

(TYPE OR PRINT NAME)

Sign Your Name

(SIGNATURE OF PETITIONER)

Date: **Today's Date**

Co-Guardian Prints Name

Co-Guardian Signs Name

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF PETITIONER)

For Court use only:

Temp hrg date: _____

Perm hrg date: _____

REFERRAL FOR COURT INVESTIGATOR & QUESTIONNAIRE - GUARDIANSHIP

Case number (if you have one) _____

Write (PR) Case # _____

Guardianship of (name) _____

Child(ren)'s Full Legal Name

 Person Estate

(List all the children you want guardianship over)

- Do you think anyone will be able to answer this question? Yes No
If yes, who? Name: _____ Telephone number: _____
- Has Child been called about the children in this case? Yes No
If yes, which County: Santa Clara Other (County name): _____
- Are there any other children in the home? Yes No
If yes, which County: Santa Clara Other (County name): _____
- What is the address of the home? _____

Information about the CHILDREN

- Child 1
- Birth Date
- Social Security
- School, Daycare, etc.

Child #1's Full Legal Name

Child's Birthday (MM/DD/YYYY)

Child's SSN #

Child's School Name | Grade | Child's School Phone #

- Child 2
- Birth Date
- Social Security
- School, Daycare, etc.

Child #2's Full Legal Name

Child's Birthday (MM/DD/YYYY)

Child's SSN #

Child's School Name | Grade | Child's School Phone #

- Child 3
- Birth Date
- Social Security
- School, Daycare, etc.

Child #3's Full Legal Name

Child's Birthday (MM/DD/YYYY)

Child's SSN #

Child's School Name | Grade | Child's School Phone #

Check if there are more children in the case add information about them on another page.

CONFIDENTIAL – DO NOT PUT IN COURT FILE

**REFERRAL FOR COURT INVESTIGATOR & QUESTIONNAIRE - GUARDIANSHIP
(PROBATE)**

Information about the PROPOSED GUARDIANS'S ATTORNEY

P Your Full Legal Name
 Your Street Address
 Phone #

Apt# City State Zip

Phone Number: _____ Fax Number: _____

Information about the PROPOSED GUARDIAN(S)**Proposed Guardian 1:**

- Name: _____
- Relationship to Child: _____
- Birth Date: _____
- Social Security: _____
- Driver's License: _____
- Home Address: _____
- Home Phone: _____
- Work Address: _____
- Work Phone Number: _____ Fax Number: _____

Your Full Legal Name**Your Relationship to Child****Your Birthday (MM/DD/YYYY)****Your SSN #****Your Driver's License #****Your Street Address, City, State, Zip Code****Your Phone #****Your Work Street Address, City, State, Zip Code****Your Work #****Proposed Guardian 2:**

- Name: _____
- Relationship to Child: _____
- Birth Date: _____
- Social Security: _____
- Driver's License: _____
- Home Address: _____
- Home Phone Number: _____
- Work Address: _____
- Work Phone Number: _____ Fax Number: _____

Co-Guardian's Information (if any)**All proposed Guardians must answer this question:**1. Have you ever been convicted of offense? Yes NoIf yes, what **If yes, answer this question**2. Is the **If yes, answer this question** or parole officer supervising you or ANY person who lives with you? YesIf yes, explain **If yes, answer this question****CONFIDENTIAL – DO NOT PUT IN COURT FILE****REFERRAL FOR COURT INVESTIGATOR & QUESTIONNAIRE - GUARDIANSHIP
(Probate)**

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

Today's Date

Date: _____

Sign Your Name

Proposed Guardian 1 signs here: _____

Today's Date

Date: _____

Co-Guardian Signs Name

Proposed Guardian 2 signs here: _____

Information about OTHER ADULTS (age 18 or older) WHO LIVE IN YOUR HOME

**Fill out a box for EVERY adult who lives in
your home (even if they are not related to this
case or you)**

More adults live in my home. I've attached information about them on a separate page.

CONFIDENTIAL – DO NOT PUT IN COURT FILE

**REFERRAL FOR COURT INVESTIGATOR & QUESTIONNAIRE - GUARDIANSHIP
(Probate)**

Name of (Proposed) Ward or Conservatee:

Child(ren)'s Full Legal Name

Case

Leave Blank

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

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

7 Check here if you asked the court to waive court fees for this case in the last six months.

(If your previous request is reasonably available, please attach it to this form and check here):

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

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

Supplemental Security Income (SSI) State Supplemental Payment (SSP) SNAP (Food Stamps)
 IHSS (In-Home Supportive Services) CalWORKS or Tribal TANF Medi-Cal
 County Relief/General Assistance CAPI (Cash Assistance Program for Aged, Blind, and Disabled)
 Special Supplemental Nutrition Program for Women, Infants, and Children (WIC Program)
 Unemployment Compensation

(Names and relationships to ward or conservatee of persons who receive the public benefits listed above):

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

Family Size	Family Income	Family Size	Family Income	Family Size	Family Income	If more than 6 people at home, add \$916.67 for each extra person.
1	\$2,608.33	3	\$4,441.67	5	\$6,275.00	
2	\$3,525.00	4	\$5,358.33	6	\$7,191.67	

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

(1) Waive all court fees and costs. (2) Waive some court fees and costs.

(3) Let the (proposed) guardian or conservator, on behalf of the (proposed) ward or conservatee, make payments over time.

* (Do not include income of guardian or conservator living in the household in 8b or 8c or count them in family size in 8b, unless they are a parent of the ward or the spouse or registered domestic partner of the conservatee.)

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

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

Source (e.g., gift, inheritance, settlement, judgment, insurance):

Est. collection date:

10 Ward's Parents' Information:

a. Name of ward's parent: _____

Street or mailing address: _____

City: _____

Phone: _____

Child #1's Father's Full Legal Name

death): _____

Child #1's Father's Street Address

City, State, Zip

Child's #1's Father's Phone #

b. Name of ward's parent: _____

Street or mailing address: _____

City: _____

Phone: _____

Child #1's Mother's Full Legal Name

death): _____

Child #1's Mother's Street Address

City, State, Zip

Child's #1's Mother's Phone #

c. Ward's parents are (check all that apply):

Support order for ward? No Yes Pay

Answer questions about parent's marital/living status.

Payor (name): _____

Court: _____

Is there a Child Support Court order for child #1?

Date of order (

If yes, answer as much information you know about that case here.

Name of (Proposed) Ward or Conservatee:

Child(ren)'s Full Legal Name

Ca

Leave Blank

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

14

Che
from
aver

15 Ward's

a. List the
gets e
before
disabi
(BAQ
annui
relate

(1)
(2)
(3)
(4)
(5)

b. Total

16 Ward's

a. List the
home
they c

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

b. Total

Total monthly
household
expenses

To list any other
(proposed) wa
etc, attach form
"Financial Inf
conservatee's

Important! If
ability to pay
within five days

Leave Blank

**Do not include income of guardian or conservator living
in the household in item 16, their money and property in
item 17, or their deductions and expenses in item 18
unless they are a parent of the ward or the spouse or
registered domestic partner of the conservatee.**

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

Paid to:

How Much?

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

Total monthly expenses

(add 18a – 18n above): \$ _____

1 Your Full Legal Name
 Your Street Address Apt#
 City State Zip
 Phone #

2 Lawyer, if person in 1 has one:
 Name: **Self-Represented** State Bar No: _____
 Firm: **Leave Blank**
 Street: _____
 City: _____ State: _____ Zip: _____
 E-mail: _____ Telephone: _____

3 Child #1's Full Legal Name
 Child's Street Address
 City, State, Zip
 Child's Phone #

4 Lawyer for (proposed) ward or conservatee, if any:
 Name: **Self-Represented** State Bar No: _____
 Firm or Affiliation: _____
 Street: **Leave Blank**
 City: _____
 E-mail: _____ Telephone: _____

5 A request to waive court fees was filed on (date): _____
 The court made a previous fee waiver order in this case on (date): _____

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

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

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

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

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

Leave Blank

Making copies and certifying copies

- Sheriff's fee to give notice

Giving notice and certifying

- Sending papers to another court department
(List continued on next page.)

**SAMPLE
ONLY
Do not write
on this copy!**

Fill in court name and street address:

Superior Court of California, County of
Santa Clara

Street: 191 N. First Street

**Fill out one of these
for each child you are
getting guardianship over**

Fill in case number and name:

Case Number: _____

Leave Blank

Case Name: Guardianship of: _____

**Child(ren)'s Full Legal Name(s)
(List all the children you want guardianship over)**

6 a. (1) • Reporter's fee for attendance at hearing or trial, if you request that the court provide an official reporter
 • Assessment for court investigations under Probate Code section 1513, 1826, or 1851
 • Preparing, certifying, copying, and sending the clerk's transcript on appeal
 • Holding in trust the deposit for a reporter's transcript on appeal under rule 8.130 or 8.834
 • Making a transcript or copy of an official electronic recording under rule 8.835

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

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

b. The court **denies** your fee waiver request, as follows:

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

(1) The court **denies** your request because it is incomplete. You have **10 days** after the clerk gives notice of this order (see date of service on next page) to:

- Pay the ward's or conservatee's fees and costs, or
- File a new revised request that includes the items listed: Below On Attachment 6b(1)

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

Below On Attachment 6b(2)

The court has enclosed a blank *Request for Hearing About Court Fee Waiver Order (Ward or Conservatee)(Superior Court)* (form FW-006-GC). You have **10 days** after the clerk gives notice of this order (see date of service on next page) to:

- Pay the fees and costs in full or the amount listed in c below, or
- Ask for a hearing in order to show the court more information. (*Use form FW-006-GC to request hearing.*)

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

Below On Attachment 6c(1)

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

Below On Attachment 6c(2)

Name of (Proposed) Ward or Conservatee:

Case Number:

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

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

Name and address of court if different from above:

Hearing Date

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

Date: _____



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



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

Clerk's Certificate of Service

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

I handed a copy of this Order to the party and attorney, if any, listed in ① and ②, at the court, on the date below.

This order was mailed first class, postage paid, to the party and attorney, if any, at the addresses listed in ① and ②, from (city): _____, California, on the date below.

A certificate of mailing is attached.

Date: _____

Clerk, by _____, Deputy
Name: _____

This is a Court Order.