

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 at least 15 calendar days before the court hearing.

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 each person and agency 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)

General + 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 at least 15 calendar days before the court hearing.

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 at least 7 calendar days before the court hearing.

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, at least 7 calendar days before the court hearing.