

General Guardianship Petition

Step 1	<p>Complete the following forms in blue or black ink:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> (GC-210(P)) Petition for Appointment of Guardian of the Person <input checked="" type="checkbox"/> (GC-210(CA)) Guardianship Petition-Child Information Attachment (<u>One for EACH child in the case</u>) <input checked="" type="checkbox"/> (ICWA-010(A)) Indian Child Inquiry Attachment (<u>One for EACH child in the case</u>) <input checked="" type="checkbox"/> (GC-120) Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) <input type="checkbox"/> (GC-211) Consent of Proposed Guardian, Nomination of Guardian and Waiver of Notice <input checked="" type="checkbox"/> (GC-020) Notice of Hearing and attachments <input checked="" type="checkbox"/> (GC-020(P)) Proof of Personal Service of Notice of Hearing and attachments <input checked="" type="checkbox"/> (GC-240) Order Appointing Guardian of Minor <input checked="" type="checkbox"/> (GC-250) Letters of Guardianship <input checked="" type="checkbox"/> PB-4003-2a Confidential Document Cover Sheet (Guardianship) <input checked="" type="checkbox"/> (GC-212) Confidential Guardian Screening Form (<u>One for EACH Proposed Guardian</u>) <input checked="" type="checkbox"/> (PB-4014) Authorization for Release of Information <input checked="" type="checkbox"/> (GC-248) Duties of Guardian <input checked="" type="checkbox"/> (PB-4005) Referral for Court Investigator & Questionnaire – Guardianship <input checked="" type="checkbox"/> (FW-001-GC) Request to Waive Court Fees (<u>One for EACH child in the case</u>) <input checked="" type="checkbox"/> (FW-003-GC) Order on Court Fee Waiver (<u>One for EACH child in the case</u>)
Step 2	<p>Copies: Make 2 copies, in addition to the original.</p>
<p>Step 3 There is a filing fee unless the fee is waived.</p>	<p>File: Turn in the original and copies to the Probate Clerk’s Office located at: 191 North First Street, San Jose, CA 95113 The Clerk’s Office opens at 8:30am Monday-Friday, closing times are subject to change, visit www.scscourt.org or call 408-882-2100 for current office hours.</p> <ul style="list-style-type: none"> <input type="checkbox"/> If you are not asking for a fee waiver, you will pay the filing fee and get file-stamped copies back when you file. <input type="checkbox"/> If you are asking for a fee waiver, your file-stamped copies may be returned immediately, OR you may be asked to return in up to 24 hours, OR your file stamped forms may be mailed to you. Please check with the clerk who takes your forms.
Step 4	<p>Service: Have your forms served – See “How to Complete Service in a Guardianship Case”</p>
Step 5	<p>Go to your court hearing: Bring a copy of all the papers in your case and any papers which help prove the information in your Petition. If you have any witnesses, they should also come. The child does NOT need to attend the hearing unless the child is the Petitioner. If you need help speaking English, please bring an interpreter to your hearing.</p>

WHAT IS A GUARDIANSHIP?

These instructions are for a Probate Guardianship of the Person. This is when the Court appoints an adult who is not the child's parent to take care of the child. The guardian has the same responsibilities as a parent. The guardian has sole legal and physical custody of the child, meaning that he/she can make all the decisions about the child's welfare, as well as have the child live with him/her. The Court can grant a guardianship even if the parents disagree. For more information, read *Forms and Instructions to Become a Probate Guardian*, which is available at the Self-Help Center/Family Law Facilitator's Office.

WHAT HAPPENS AFTER I FILE MY GUARDIANSHIP PACKET?

You will have a court hearing date in about 9-10 weeks, which will be stated on the front of the *Notice of Hearing* (GC-020). There will also be an investigation by the Probate Investigator's Office before the hearing.

HOW LONG DOES IT TAKE TO FINISH THE GUARDIANSHIP PROCESS?

At the hearing, in about 9-10 weeks, the Judge will decide whether you will be appointed as the child's guardian. If additional investigation needs to take place, another hearing date will be set.

HOW CAN I GET HELP?

Here are some ways to get help:

- Go to <http://www.calbar.ca.gov/Public>, then click on "Lawyer Referral services" to hire or consult with a private attorney.
- For free legal advice and information, see our "Do-It-Yourself Resources" flyer. Go to www.scscourt.org, click on "Self-Help" then "Self-Help Flyers".
- The Self-Help Center/Family Law Facilitator – See our information flyer:
 - Contact us: Go to www.scscourt.org then click "**Contact the Self-Help Center**". Walk-in assistance is limited to emergencies so contact us remotely first.
 - Obtain Forms: Go to www.scscourt.org then click "**Complete Forms at Home**".
 - Form Review: Email your forms as a PDF file to SHCDocReview@scscourt.org.
 - Note: We **cannot** help people who have attorneys.

Superior Court, County of Santa Clara
Self-Help Center/Family Law Facilitator's Office
201 N. First Street, San Jose, CA 95113
408-882-2926