

Temporary and General Guardianship

Step 1	<p>Complete the following forms in blue or black ink</p> <ul style="list-style-type: none"><input checked="" type="checkbox"/> (GC-110(P)) Petition for Appointment of Temporary Guardian<input checked="" type="checkbox"/> (GC-140) Order Appointing Temporary Guardian or Conservator<input checked="" type="checkbox"/> (GC-150) Letters of Temporary Guardianship<input checked="" type="checkbox"/> (GC-210(P)) Petition for Appointment of Guardian of Minor<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 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 (2 copies)<input checked="" type="checkbox"/> (GC-020(P)) Proof of Personal Service of Notice of Hearing (2 copies)<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 (one for each proposed guardian)<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>Appointment: After the forms are filled out:</p> <ul style="list-style-type: none">▪ Call Jonathan Kahn, Probate Staff Attorney, at (408) 882-2668 to make an appointment to bring in your forms for his final review.▪ Your appointment will be held at 191 North First Street, San Jose, CA 95113.▪ During the appointment, he checks over your forms. Once they are reviewed, he will send you to the nearest copy center to make copies.▪ <u>Don't</u> make copies before you meet with him. If your forms are not finished or have a lot of problems, he may send you to the Self-Help Center for more help and review.▪ The Court will perform a background check on you and any other adults who live with you. During this time, a Court Investigator will contact you.▪ Mr. Kahn will call you to tell you what's happening and when to pick up your forms. When you come in to see him again, bring the forms you took home with you. He keeps the original and one copy.▪ You will now take your papers to get filed and get two court hearing dates (one for the Temporary Guardianship Hearing and one for the General Guardianship Hearing).
Step 3	<p>File: Turn in the original and copies to the Probate Clerk's Office located at:</p> <p style="text-align: center;">191 North First Street, San Jose, CA 95113 <i>Monday - Thursday 8:30 AM – 3:00 PM Friday 8:30 AM - 12:00 PM</i></p>

Step 4	Service: Have your forms served – See “How to Complete Service in a Guardianship Case”.
Step 5	Go to your court hearings: 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.

WHAT IS A GUARDIANSHIP?

The type of guardianship referred to in this instruction sheet is 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 hearing date or two, which is 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 first hearing, in about 3-4 weeks, the judge will decide whether you will be appointed as the child’s Temporary Guardian. At the second hearing, in about 9-10 weeks, the judge will decide whether you will be appointed as the child’s long-term guardian. If additional investigation needs to take place, another hearing date will be set.

I’m asking to be a Guardian – Why Do I Have To Keep Coming Back to Court?

You left something blank on your forms.

The Judge may refer you to your attorney, the Self-Help Center or other Court staff for help. You then need to fix the forms and file them with the Court.

You didn’t make sure that everyone knows about the case.

Before the Judge can decide to make you the child’s guardian, the Judge has to make sure the parents and other family members know what you are asking for. The Judge looks at the papers in the file to see if there is a “Proof of Service.” If you do not have proof that the parents and family were served the Judge may not be able to make you the child’s guardian. See “How to Complete Service in a Guardianship Case”.

Someone is objecting (does not agree) to you being guardian.

The Court Investigator (CI) will find out if anyone disagrees with you becoming the guardian. There may be a follow-up Court hearing.

The Court may need to review information the Court Investigator learns about You or other adults in your home.

The Court will ask the CI to do a background check on you and other adults who live in your home. The Court may set up another hearing to review the information the Investigator finds out.

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: Emergency requests may be reviewed in person at the Restraining Order Help Center located at 201 N. First Street, San Jose, CA 95113, visit www.scscourt.org for current office hours. If you cannot get to the office in person you may email your forms as a PDF file to SHCDocReview@scscourt.org. Reviews by email will take longer than in-person reviews.
 - 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