

Do you want to ask for visits in a Guardianship case?

<input type="checkbox"/> Step 1 Fill out forms	<p>Complete the following forms in blue or black ink:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> (GC-020) Notice of Hearing <input checked="" type="checkbox"/> (PB-4013) Petition for Visitation <input checked="" type="checkbox"/> (FL-311) Child Custody and Visitation Application Attachment <input checked="" type="checkbox"/> (PB-4011) Visitation Order <input checked="" type="checkbox"/> (FL-341) Child Custody and Visitation Order Attachment <input checked="" type="checkbox"/> (PB-4003-2) Confidential Document Cover Sheet (Guardianship) <input checked="" type="checkbox"/> (PB-4005) Referral for Investigator's Report <input checked="" type="checkbox"/> (PB-4014) Authorization for Release of Information
<input type="checkbox"/> Step 2 Make copies	Make <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 copies, in addition to the original.
<input type="checkbox"/> Step 3 File original & copies	Turn in the original and copies of forms to Clerks Office, Room 107/Probate Division at: <p style="text-align: center;">191 North First Street, San Jose, CA 95113</p> <p style="text-align: center;">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> <p>Filing is FREE. Your forms will be file-stamped, you will be given a court hearing date and your copies will be returned to you.</p>
<input type="checkbox"/> Step 4 Serve Copies Deadline for serving IS 15 days BEFORE the hearing.	<p>Make enough copies of the forms below for every person who must be given ("served") a copy.</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> 1 Filed Copy of (local form PB-4013) Petition for Visitation <input checked="" type="checkbox"/> (FL-311) Child Custody and Visitation Application Attachment <input checked="" type="checkbox"/> 1 Filed Copy of (GC-020) Notice of Hearing <p>The law says that you must "serve" a copy of these forms to the following people by mail:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> all grandparents <input checked="" type="checkbox"/> the current guardian <input checked="" type="checkbox"/> mother <input checked="" type="checkbox"/> the child if s/he is 12 or older <input checked="" type="checkbox"/> father <input checked="" type="checkbox"/> any of the child(ren)'s brothers or sisters who are 12 or older. <p><i>"Mail Service" means that someone, NOT YOU, who is at least 18 years old, must mail a filed copy of your forms to each of these people/agencies. You can ask a friend or relative or hire a registered "process server".</i></p> <p>After papers are mailed, The server (person who mailed the forms) must complete the <i>Proof of Service by Mail</i> on page 2 of your copy of the <i>Notice of Hearing</i>. Service must be completed at least 15 days before the hearing.</p> <p>Make a copy of <i>Proof of Service by Mail</i> (on page 2 of the <i>Notice of Hearing</i>).</p> <p>Take the form back to the courthouse to file it at least 5 days before the court hearing. There is no fee to file this form. Keep a copy for yourself.</p>
<input type="checkbox"/> Step 5	<p>When you come to court:</p> <p>Bring a copy of all the papers in your case and also bring any papers which help to prove the information in your Petition. If you have any witnesses, they should also be present.</p>

Please turn over for important information

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

BLANKS

Guardianship Visitation

Please complete the following forms in blue or blank ink.

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

FOR COURT USE ONLY

(Your Legal First and Last Name)

CA

(Your Street Address)

Apt #

City

Zip

TELEPHONE NO.:

FAX NO. (Optional):

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): MINOR (PROPOSED) CONSERVATEE**NOTICE OF HEARING - GUARDIANSHIP OR CONSERVATORSHIP**

CASE NUMBER:

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) :
(representative capacity, if any) :
has filed (specify) :

Petition for Visitation

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. The petition includes an application for the independent exercise of powers by a guardian or conservator under
 Probate Code section 2108 Probate Code section 2590.
Powers requested are specified below specified in Attachment 3.

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

a. Date: Time: Dept.: **74** Room:b. Address of court same as noted above is (specify) : **Family Justice Center Courthouse
201 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 OF (Name):	<input checked="" type="checkbox"/> MINOR <input type="checkbox"/> (PROPOSED) CONSERVATEE	CASE NUMBER:
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NOTE:*

A copy of this *Notice of Hearing-Guardianship or Conservatorship* ("Notice") must be "served" on-delivered to each person who has a right under the law to be notified of the date, time, place and purpose of a court hearing in a guardianship or conservatorship. Copies of this Notice may be served by mail in most situations. In a guardianship, however, copies of this Notice must sometimes be personally served on certain persons; and copies of this Notice may be personally served instead of served by mail in both guardianships and conservatorships. The petitioner (the person who requested the court hearing) **may not personally perform either service by mail or personal service**, but must show the court that copies of this Notice have been served in a way the law allows. The petitioner does this by arranging for someone else to perform the service and complete and sign a proof of service, which the petitioner then files with the original Notice.

This page contains a proof of service that may be used only to show service by mail. To show personal service, each person who performs the service must complete and sign a proof of personal service, and each signed copy of that proof of service must be attached to this Notice when it is filed with the court. You may use form GC-020(P) to show personal service of this Notice.

** (This Note replaces the clerk's certificate of posting on prior versions of this form. If notice by posting is desired, attach a copy of form GC-020(C), Clerk's Certificate of Posting Notice of Hearing-Guardianship or Conservatorship. (See Prob. Code, § 2543(c).)*

PROOF OF SERVICE BY MAIL

1. I am over the age of 18 and not a party to this cause. I am a resident of or employed in the county where the mailing occurred.
2. My residence or business address is (*specify*) :

3. I served the foregoing *Notice of Hearing-Guardianship or Conservatorship* on each person named below by enclosing a copy in an envelope addressed as shown below AND
 - a. **depositing** the sealed envelope with the United States Postal Service on the date and at the place shown in item 4 with the postage fully prepaid.
 - b. **placing** the envelope for collection and mailing on the date and at the place shown in item 4 following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
4. a. Date mailed: _____ b. Place mailed (*city, state*) :
5. I served with the *Notice of Hearing-Guardianship or Conservatorship* a copy of the petition or other document referred to in the Notice.

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

Date:

(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)	▶	(SIGNATURE OF PERSON COMPLETING THIS FORM)
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NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED

Name of person served

Address (number, street, city, state, and zip code)

1.		
2.		
3.		
4.		

Continued on an attachment. (*You may use form DE-120(MA)/GC-020(MA) to show additional persons served.*)

ATTORNEY OR PARTY WITHOUT AN ATTORNEY (<i>Name, State bar number, and address</i>): _____ (Your Legal First and Last Name) _____ CA _____ (Your Street Address) Apt # City Zip TELEPHONE NO.: _____ FAX NO.: _____ ATTORNEY FOR (<i>Name</i>): Self-Represented	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA PROBATE DIVISION 191 NORTH FIRST STREET SAN JOSE, CA 95113	
GUARDIANSHIP OF: <p style="text-align: center;">MINOR</p>	
PETITION FOR VISITATION	CASE NUMBER:

1. **Petitioner** (*name*): _____ **requests**

the following specific visitation schedule for the minor (*name*):

See (FL-311) Child Custody and Visitation Application Attachment

2. Petitioner is the minor's parent grandparent other:

3. *Name(s)*: _____ was appointed guardian of the PERSON on (*date*):

4. Petitioner should be granted visitation for the reasons specified below specified in Attachment 4.

5. Notice to the persons identified in Attachment 5 should be dispensed with because

they cannot with reasonable diligence be given notice (*specify names and efforts to locate them in Attachment 5*).

other good cause exists to dispense with notice (*specify names and reasons in Attachment 5*).

GUARDIANSHIP OF THE <input checked="" type="checkbox"/> PERSON OF (Name) : <p style="text-align: center;">MINOR</p>	CASE NUMBER:
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6. The names and residence addresses of the guardian, minor, and minor's parents, brothers, sisters and grandparents are as follows:

- | | |
|--|---|
| a. Guardian:

b. Minor:

c. Father:

d. Mother:

e. Brother(s) or Sister(s): (12 years old or older) | f. Maternal grandfather:

g. Maternal grandmother:

h. Paternal grandfather:

i. Paternal grandmother:

j. <input type="checkbox"/> Additional names and addresses continued in Attachment 6. |
|--|---|

7. Number of pages attached:

Date: _____ _____
(SIGNATURE OF ATTORNEY)

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

Date:

(TYPE OR PRINT NAME)		(SIGNATURE OF PETITIONER)
(TYPE OR PRINT NAME)		(SIGNATURE OF PETITIONER)

Consent to Visitation and Waiver of Notice

I consent to the attached visitation schedule and waive notice of the petition:

(DATE)	(TYPE OR PRINT NAME)	(SIGNATURE OF GUARDIAN)
(DATE)	(TYPE OR PRINT NAME)	(SIGNATURE OF GUARDIAN)

I consent to attend orientation and mediation and waive notice of the petition:

(DATE)	(TYPE OR PRINT NAME)	(SIGNATURE OF GUARDIAN)
(DATE)	(TYPE OR PRINT NAME)	(SIGNATURE OF GUARDIAN)

Guardianship of:

CASE NUMBER:

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ATTACHMENT (Number) : 4
(This Attachment may be used with any Judicial Council form.)

Page 1 of 1
(Add pages as required)

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)



Guardianship of:

CASE NUMBER:

CHILD CUSTODY AND VISITATION APPLICATION ATTACHMENT

TO Petition, Response, Application for Order or Responsive Declaration Other (specify):
 To be ordered now and effective until the hearing **PETITION FOR VISITATION**

1. **Custody.** Custody of the minor children of the parties is requested as follows:

<u>Child's Name</u>	<u>Date of Birth</u>	<u>Legal Custody to</u> <i>(person who makes decisions about health, education, etc.)</i>	<u>Physical Custody to</u> <i>(person with whom the child lives)</i>
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2. **Visitation.**

a. Reasonable right of visitation to the party without physical custody (**not appropriate in cases involving domestic violence**)

b. See the attached _____-page document dated (specify date):

c. The parties will go to mediation at (specify location):

d. No visitation

e. Visitation for the petitioner respondent will be as follows:

(1) **Weekends starting (date):**

(The first weekend of the month is the first weekend with a Saturday.)

1st 2nd 3rd 4th 5th weekend of the month

from _____ at _____ a.m. p.m.
(day of week) (time)

to _____ at _____ a.m. p.m.
(day of week) (time)

(a) The parents will alternate the fifth weekends, with the petitioner respondent having the initial fifth weekend, which starts (date):

(b) The petitioner will have fifth weekends in odd even months.

(2) **Alternate weekends starting (date) :**

The petitioner respondent will have the children with him or her during the period

from _____ at _____ a.m. p.m.
(day of week) (time)

to _____ at _____ a.m. p.m.
(day of week) (time)

(3) **Weekdays starting (date) :**

The petitioner respondent will have the children with him or her during the period

from _____ at _____ a.m. p.m.
(day of week) (time)

to _____ at _____ a.m. p.m.
(day of week) (time)

(4) **Other (specify days and times as well as any additional restrictions) :**

See Attachment 2e(4).

3. **Supervised visitation.**

I request that *(name)* : _____ have supervised visitation with the minor children according to the schedule set out on page 1 and that the visits be supervised by *(name)* : _____ who is a professional nonprofessional supervisor. The supervisor's phone number is *(specify)* :

I request that the costs of supervision be paid as follows: petitioner: _____ percent; respondent: _____ percent.

If item 3 is checked, you must attach a declaration that shows why unsupervised visitation would be bad for your children. The judge is required to consider supervised visitation if one parent is alleging domestic violence and is protected by a restraining order.

4. **Transportation for visitation and place of exchange.**

- a. Transportation **to** the visits will be provided by *(name)* :
- b. Transportation **from** the visits will be provided by *(name)* :
- c. Drop-off of the children will be at *(address)* :
- d. Pick-up of the children will be at *(address)* :
- e. The children will be driven only by a licensed and insured driver. The car or truck must have legal child restraint devices.
- f. During the exchanges, the parent driving the children will wait in the car and the other parent will wait in his or her home while the children go between the car and the home.
- g. Other *(specify)* :

5. **Travel with children.** The petitioner respondent other *(name)* : _____ **must** have written permission from the other parent or a court order to take the children out of
- a. the state of California.
 - b. the following counties *(specify)* :
 - c. other places *(specify)* :

6. **Child abduction prevention.** There is a risk that one of the parents will take the children out of California without the other parent's permission. I request the orders set out on attached form FL-312.

7. **Children's holiday schedule.** I request the holiday and visitation schedule set out on the attached form FL-341(C) other *(specify)*:

8. **Additional custody provisions.** I request the additional orders regarding custody set out on the attached form FL-341(D) other *(specify)*:

9. **Joint legal custody provisions.** I request joint legal custody and want the additional orders set out on the attached form FL-341(E) other *(specify)*:

10. **Other.** I request the following additional orders *(specify)* :

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): <hr/> <p style="text-align: center;">(Your Legal First and Last Name)</p> <hr/> <p style="text-align: center;">City CA</p> <hr/> (Your Street Address) Apt # City Zip TELEPHONE NO.: FAX NO.: ATTORNEY FOR (Name): Self-Represented	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA PROBATE DIVISION 191 NORTH FIRST STREET SAN JOSE, CA 95113	
GUARDIANSHIP OF: <div style="text-align: right; margin-right: 100px;">MINOR</div>	
VISITATION ORDER	CASE NUMBER

1. The petition to grant visitation came on for hearing as follows (check boxes c, d, e, f, g, h to indicate personal presence):

- a. Judge (name): **Charles F. Adams**
- b. Hearing date: _____ Time: _____ Dept: **72**
- c. Petitioner (name):
- d. Attorney for petitioner (name):
- e. Minor:
- f. Attorney for minor (name):
- g. Guardian(s):
- h. Attorney for guardian(s):
- i. Other(s):

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):
- c. Visitation by the petitioner is in the best interest of the child.

THE COURT ORDERS

- 3. Parties are ordered to orientation and mediation at Family Court Services (408) 534-5760 to determine a visitation schedule.
 - a. Parties are ordered to appear for a review hearing:
 Date: _____ Time: _____ Dept: _____
- 4. Parties are ordered to follow the attached visitation schedule.
- 5. Other (specify):

Date: _____ _____ JUDGE OF THE SUPERIOR COURT

Guardianship of:

CASE NUMBER:

CHILD CUSTODY AND VISITATION ORDER ATTACHMENT

- TO Findings and Order After Hearing Judgment
 Stipulation and Order for Custody and/or Visitation of Children
 Other (specify) : **VISITATION ORDER (PROBATE)**

1. **Custody.** Custody of the minor children of the parties is awarded as follows:
Child's name Date of birth Legal custody to Physical custody to
 (person who makes decisions about health, education, etc.) (person with whom the child lives)

2. **Visitation**

- a. Reasonable right of visitation to the party without physical custody (not appropriate in cases involving domestic violence)
 b. See the attached _____-page document dated (specify date) :
 c. The parties will go to mediation at (specify location) :
 d. No visitation
 e. Visitation for the petitioner respondent will be as follows:

(1) **Weekends starting (date) :**
 (The first weekend of the month is the first weekend with a Saturday.)
 1st 2nd 3rd 4th 5th weekend of the month
 from _____ at _____ a.m. p.m.
 (day of week) (time)
 to _____ at _____ a.m. p.m.
 (day of week) (time)

- (a) The parents will alternate the fifth weekends, with the petitioner respondent having the initial fifth weekend, which starts (date) :
 (b) The petitioner will have fifth weekends in odd even months.

(2) **Alternate weekends starting (date) :**
 The petitioner respondent will have the children with him or her during the period
 from _____ at _____ a.m. p.m.
 (day of week) (time)
 to _____ at _____ a.m. p.m.
 (day of week) (time)

(3) **Weekdays starting (date) :**
 The petitioner respondent will have the children with him or her during the period
 from _____ at _____ a.m. p.m.
 (day of week) (time)
 to _____ at _____ a.m. p.m.
 (day of week) (time)

(4) **Other (specify days and times as well as any additional restrictions) :**

See Attachment 2e(4).

Guardianship of:

CASE NUMBER:

3. **The court acknowledges** that criminal protective orders in case number (*specify*):
in (*specify court*): relating to the parties in this case are in effect
under Penal Code section 136.2, are current, and have priority of enforcement.
4. **Supervised visitation.** Until further order of the court other (*specify*):
the petitioner respondent will have supervised visitation with the minor children according to the schedule
set forth on page 1. (**You must attach form FL-341(A).**)
5. **Transportation for visitation**
- a. Transportation **to** the visits will be provided by the petitioner respondent
 other (*specify*):
- b. Transportation **from** the visits will be provided by the petitioner respondent
 other (*specify*):
- c. Drop-off of the children will be at (*address*):
- d. Pick-up of the children will be at (*address*):
- e. The children will be driven only by a licensed and insured driver. The car or truck must have legal child restraint
devices.
- f. During the exchanges, the parent driving the children will wait in the car and the other parent will wait in his or
her home while the children go between the car and the home.
- g. Other (*specify*):
6. **Travel with children.** The petitioner respondent other (*name*):
must have written permission from the other parent or a court order to take the children out of
- a. the state of California.
- b. the following counties (*specify*):
- c. other places (*specify*):
7. **Child abduction prevention.** There is a risk that one of the parents will take the children out of California without the other
parent's permission. Form FL-341(B) is attached and must be obeyed.
8. **Holiday schedule.** The children will spend holiday time as listed in the attached form FL-341(C)
 other (*specify*):
9. **Additional custody provisions.** The parents will follow the additional custody provisions listed in the attached
 form FL-341(D) other (*specify*):
10. **Joint legal custody.** The parents will share joint legal custody as listed in the attached form FL-341(E)
 other (*specify*):
11. **Other** (*specify*):
12. **Jurisdiction.** This court has jurisdiction to make child custody orders in this case under the Uniform Child Custody Jurisdiction and
Enforcement Act (part 3 of the California Family Code, commencing with section 3400).
13. **Notice and opportunity to be heard.** The responding party was given notice and an opportunity to be heard, as provided by the
laws of the State of California.
14. **Country of habitual residence.** The country of habitual residence of the child or children in this case is
 the United States other (*specify*):
15. **Penalties for violating this order.** If you violate this order, you may be subject to civil or criminal penalties, or both.

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	<i>FOR COURT USE ONLY</i>
IN THE MATTER OF GUARDIANSHIP OF:	
CONFIDENTIAL DOCUMENT COVER SHEET (Guardianship)	CASE NUMBER:

RE: GUARDIANSHIPS:

The following documents are confidential and shall be made available only to persons who have been designated by the Court to assist the Court in determining whether a proposed guardian should be appointed.

Cal. Rules of Court, Rule 7.1001: Confidential Guardianship Screening Form

Other:

For Court use only:

Temp hrg date:

Perm hrg date:

REFERRAL FOR COURT INVESTIGATOR & QUESTIONNAIRE - GUARDIANSHIP

Case Number (if you have one) :

Guardianship

~~Conservatorship~~ Guardianship of (name):

Person Estate

• Do you think anyone will disagree with the guardianship? Yes No

If yes, who? Name:

Telephone number:

• Has Child Protective Services (CPS) ever been called about the child(ren) in this case? Yes No

If yes, which County: Santa Clara Other (County name):

Are there any custody orders about the child(ren) in this case? Yes No

If yes, which County: Santa Clara Other (County name):

Information about the CHILD(REN)

- Child ① Name:
- Birth Date:
- Social Security Number:
- School, Grade, School Telephone Number:

- Child ② Name:
- Birth Date:
- Social Security Number:
- School, Grade, School Telephone Number:

- Child ③ Name:
- Birth Date:
- Social Security Number:
- School, Grade, School Telephone Number:

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 GUARDIAN'S ATTORNEY

Guardian

Proposed ~~Conservator~~ doesn't have an attorney

Name:

Address:

Phone Number:

Fax Number:

Information about the PROPOSED GUARDIAN(S)

Proposed Guardian 1 :

- Name:
- Relationship to child(ren): Grandparent Aunt/Uncle Other:
- Birth Date:
- Social Security Number:
- Driver's License Number:
- Home Address:
- Home Phone Number: Cell Phone Number:
- Work Address:
- Work Phone Number: Fax Number:

Proposed Guardian 2 :

- Name:
- Relationship to child(ren): Grandparent Aunt/Uncle Other:
- Birth Date:
- Social Security Number:
- Driver's License Number:
- Home Address:
- Home Phone Number: Cell Phone Number:
- Work Address:
- Work Phone Number: Fax Number:

All proposed Guardians must answer these questions:

1. Have you ever been convicted of a misdemeanor or felony offense? Yes No

If yes, what offense(s): Date: County:

2. Is there a social worker, probation or parole officer supervising you or ANY person who lives with you?

Yes No

If yes, explain:

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.

Date: Proposed Guardian 1 signs here: _____

Date: Proposed Guardian 2 signs here: _____

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

- **Name:**
- **Birth Date:**
- **Social Security Number:**
- **Driver's License Number:** **State:**

- **Name:**
- **Birth Date:**
- **Social Security Number:**
- **Driver's License Number:** **State:**

- **Name:**
- **Birth Date:**
- **Social Security Number:**
- **Driver's License Number:** **State:**

- **Name:**
- **Birth Date:**
- **Social Security Number:**
- **Driver's License Number:** **State:**

- **Name:**
- **Birth Date:**
- **Social Security Number:**
- **Driver's License Number:** **State:**

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

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): <hr/> <p style="text-align: center;">(Your Legal First and Last Name)</p> <hr/> <p>(Your Street Address) (Apt #) (City) (Zip)</p> TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): Self-Represented	FOR COURT USE ONLY
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: 	
AUTHORIZATION FOR RELEASE OF INFORMATION	CASE NUMBER: _____

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,

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: _____

Dated: _____

Original to: Probate Court Investigator

Fee Waiver

If you are the parents of the minor child(ren), you can skip the next pages. There is NO filing fee.

If you are NOT a parent of the minor child(ren), you have to fill out the next pages to request not to pay the filing fee.

Clerk stamps date here when form is filed.

This form must be used by a guardian or conservator, or by a petitioner for the appointment of a guardian or conservator, to request a waiver of court fees in the guardianship or conservatorship court proceeding or in any other civil action in which the guardian or conservator represents the interests of the ward or conservatee as a plaintiff or defendant.

If the ward or conservatee (including a proposed ward or conservatee if a petition for appointment of a guardian or conservator has been filed but has not yet been decided by the court) directly receives public benefits or is supported by public benefits received by another for his or her support, is a low-income person, or does not have enough income to pay for his or her household's basic needs and the court fees, you may use this form to ask the court to waive the court fees. The court may order you to answer questions about the finances of the ward or conservatee. If the court waives the fees, the ward or conservatee, his or her estate, or someone with a duty to support the ward or conservatee, may still have to pay later if:

- You cannot give the court proof of the ward's or conservatee's eligibility,
- The ward's or conservatee's financial situation improves during this case, or
- You settle the civil case on behalf of the ward or conservatee for **\$10,000** or more. The trial court that waives fees will have a lien on any such settlement in the amount of the waived fees and costs. The court may also charge the ward or conservatee, or his or her estate, any collection costs.

Fill in court name and street address:

Superior Court of California, County of Santa Clara
Street: 191 N. First Street
Mial: 191 N. First Street
San Jose, CA 95113

Fill in case number and name:

Case Number:

Case Name:
Guardianship of:**1 Your Information** (guardian or conservator, or person asking the court to appoint a guardian or conservator):

Name: _____ Phone: _____

Street or mailing address: _____

City: _____ State: _____ Zip: _____

2 Your Lawyer (if you have one): Name: **Self-Represented**

Firm or Affiliation: _____ State Bar No.: _____

Address: _____ Phone: _____

City: _____ State: _____ Zip: _____ Email: _____

a. The lawyer has agreed to advance all or a portion of court fees or costs (check one): Yes No

b. (If yes, your lawyer must sign here.) Lawyer's signature: _____

If your lawyer is not providing legal-aid type services based on your or the ward's or conservatee's low income, you may have to go to a hearing to explain why you are asking the court to waive the fees.

3 Ward's or Conservatee's Information (file a separate Request for each ward in a multiward case):

Name: _____ Age and date of birth (ward only): _____

Street or mailing address: _____

City: _____ State: _____ Zip: _____

Phone: _____

4 Ward's or Conservatee's Lawyer, if any: Name: **Self-Represented**

Firm or Affiliation: _____ State Bar No.: _____

Address: _____ Phone: _____

City: _____ State: _____ Zip: _____ Email: _____

5 Ward or Conservatee's Job (job title; if not employed, so state): _____

Name of employer: _____

Employer's address: _____ State: _____ Zip: _____



Name of (Proposed) Ward or Conservatee: _____

Case Number: _____

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):

Minor's income is zero

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 \$786.67 for each extra person.
1	\$2,265.00	3	\$3,838.34	5	\$5,411.67	
2	\$3,051.67	4	\$4,625.00	6	\$6,198.34	

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 him or her in family size in 8b, unless he or she is 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 father: _____ Deceased (date of death): _____
Street or mailing address: _____
City: _____ State: _____ Zip: _____
Phone: _____

b. Name of ward's mother: _____ Deceased (date of death): _____
Street or mailing address: _____
City: _____ State: _____ Zip: _____
Phone: _____

c. Ward's parents are (check all that apply): married living together separated divorced
Support order for ward? No Yes Payable to (name): _____
Payor (name): _____
Court: _____ Case Number: _____
Date of order (if multiple, date of latest): _____ Monthly amount: _____



Name of (Proposed) Ward or Conservatee: _____

Case Number: _____

Conservators or petitioners for their appointment must complete items 11–13.

11 Conservatee's Estate: Person only, no estate.

Inventory or petition estimated value:

Est. collection date: _____

12 Conservatee's Spouse's or Registered Domestic Partner's Information:

Name of conservatee's spouse or registered domestic partner: _____ Spouse Partner

Date of marriage or partnership: _____ Deceased (*date of death*): _____

Street or mailing address: _____ Phone: _____

City: _____ State: _____ Zip: _____

Name of employer (*if none, so state*): _____

Employer's address: _____ State: _____ Zip: _____

The conservatee's spouse or partner is is not managing, or following appointment of a conservator is planning to manage, some or all of the couple's community property outside the conservatorship estate.

If you selected "is" above: The income, money, and property shown on page 4 includes does not include the income and property managed, or expected to be managed, by the spouse/partner outside the estate.

Divorced (*date of final judgment or decree*): _____

Court: _____

Case Number: _____ Support order for conservatee? No Yes

Date of support order (*if multiple, date of latest*): _____ Monthly amount: _____

13 The Conservatee and Trusts:

The conservatee:

a. is is not a trustor or settlor of a trust.

b. is is not a beneficiary of a trust.

If you selected "Is" to complete any of the above statements, identify and provide, in an attachment to this *Request*, the current address and telephone number of the current trustee(s) of each trust, describe the general terms of and value of each trust and the nature and value of the conservatee's interest in each trust, and the amount(s) and frequency of any distributions to or for the benefit of the conservatee prior to your appointment as conservator of which you are aware. (*You may use Judicial Council form MC-025 for this purpose.*)

All applicants who checked item 8b or item 8c on page 2 must continue to and follow the instructions for completion of items 14–16 or items 14–18 on page 4, before signing below.

The information I have provided on this form and all attachments about the (proposed) ward or conservatee is true and correct to the best of my information and belief. The information I have provided on this form and all attachments concerning myself is true and correct. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

Print your name here

Sign here



Name of (Proposed) Ward or Conservatee:

Case Number:

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 Check here if the ward's or conservatee's income changes a lot from month to month. If it does, complete the form based on his or her average income for the past 12 months.

15 Ward's or Conservatee's Gross Monthly Income

a. List the source and amount of any income the ward or conservatee gets each month, including: wages or other income from work before deductions, spousal/child support, retirement, social security, disability, unemployment, military basic allowance for quarters (BAQ), veterans payments, dividends, interest, trust income, annuities, net business or rental income, reimbursement for job-related expenses, gambling or lottery winnings, etc.

- (1) \$
(2) \$
(3) \$
(4) \$
(5) \$

b. Total monthly income: \$

16 Ward's or Conservatee's Household's Income

a. List the income of all other persons living in the ward's or conservatee's home who depend in whole or in part on him or her for support, or on whom he or she depends in whole or in part for support.

Table with columns: Name, Age, Relationship, Gross Monthly Income. Rows 1-10.

b. Total monthly income of persons above: \$

Total monthly income and household income (15b plus 16b): \$

17 Ward's or Conservatee's Household's Money and Property

a. Cash \$

b. All financial accounts (list bank name and amount):

- (1) \$
(2) \$
(3) \$

c. Cars, boats, and other vehicles

Table with columns: Make / Year, Fair Market Value, How Much You Still Owe. Rows 1-3.

d. Real estate

Table with columns: Address, Fair Market Value, How Much You Still Owe. Rows 1-2.

e. Other personal property (jewelry, furniture, furs, stocks, bonds, etc.):

Table with columns: Describe, Fair Market Value, How Much You Still Owe. Rows 1-2.

18 Ward's or Conservatee's Household's Monthly Deductions and Expenses

a. List any payroll deductions and the monthly amount below:

- (1) \$
(2) \$
(3) \$
(4) \$

b. Rent or house payment and maintenance \$

c. Food and household supplies \$

d. Utilities and telephone \$

e. Clothing \$

f. Laundry and cleaning \$

g. Medical and dental expenses \$

h. Insurance (life, health, accident, etc.) \$

i. School, child care \$

j. Child, spousal support (another marriage) \$

k. Transportation, gas, auto repair and insurance \$

l. Installment payments (list each below):

- Paid to:
(1) \$
(2) \$
(3) \$

m. Wages/earnings withheld by court order \$

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

- Paid to: How Much?
(1) \$
(2) \$
(3) \$

Total monthly expenses (add 18a-18n above): \$

To list any other facts you want the court to know, such as the (proposed) ward's or conservatee's unusual medical expenses, etc, attach form MC-025 or attach a sheet of paper and write "Financial Information" and the (proposed) ward's or conservatee's name and case number at the top.

Check here if you attach another page. []

Important! If the ward's or conservatee's financial situation or ability to pay court fees improves, you must notify the court within five days on form FW-010-GC.

Do not include income of guardian or conservator living in the household in item 16, his or her money and property in item 17, or his or her deductions and expenses in item 18 unless he or she is a parent of the ward or the spouse or registered domestic partner of the conservatee.

Clerk stamps date here when form is filed.

This form asks the court to waive *additional* court fees that are not covered in a current order. If you have not already received an order that waived or reduced your court fees, you must complete and file a *Request to Waive Court Fees (Superior Court)*, form FW-001, along with this form.

1 Your Information (*person asking the court to waive the fees*):

Name: _____
Street or mailing address: _____
City: _____ State: _____ Zip: _____
Phone number: _____

Fill in court name and street address:

Superior Court of California, County of Santa Clara
Street: 191 N. First Street
Mail: 191 N. First Street
San Jose, CA 95113
Probate Division

Fill in case number and case name:

Case Number: _____
Case Name: _____

2 Your lawyer, if you have one (*name, firm or affiliation, address, phone number, and State Bar number*): _____

- a. The lawyer has agreed to advance all or a portion of your fees or costs (*check one*): Yes No
- b. (*If yes, your lawyer must sign here*):
Lawyer's signature: _____

If your lawyer is not providing legal-aid type services based on your low income, you may have to go to a hearing to explain why you are asking the court to waive the fees.

3 Date your *last* court fee waiver order, if any, was granted: _____

4 Has your financial situation improved since your last *Request to Waive Court Fees*? No Yes (*If yes, you must fill out a new Request to Waive Court Fees, form FW-001, and attach it to this form.*)

5 What other fees do you want your court fee waiver order to cover? (*Check all that apply*):

- a. Jury fees and expenses
- b. Court-appointed interpreter fees for a witness
- c. Fees for a peace officer to testify in court
- d. Reporter's daily fees (*beyond 60-days after grant of a fee waiver, at court-approved daily rate*)
- e. Fees for court-appointed experts
- f. Other (*specify*): **Court Investigation Fee**

6 Why do you need these other services? (*Explain*): _____


A Court Investigation Fee report is required for this request for visitation.

Notice: The court may order you to answer questions about your finances and later order you to pay back the waived fees. If this happens and you do not pay, the court can make you pay the fees and also charge you collection fees. If there is a change in your financial circumstances during this case that increases your ability to pay fees and costs, you must notify the trial court within five days. (Use form FW-010.) If you win your case, the trial court may order the other side to pay the fees. If you settle your civil case 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.

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

Date: _____

Print your name here

 _____
Sign here

Clerk stamps date here when form is filed.

1 (Proposed) guardian or conservator who asked the court to waive court fees for (proposed) ward or conservatee:

Name: _____
Street or mailing address: _____
City: _____ State: _____ Zip: _____
Telephone: _____

2 Lawyer, if person in 1 has one:

Name: **Self-Represented** State Bar No: _____
Firm or Affiliation: _____
Street or mailing address: _____
City: _____ State: _____ Zip: _____
E-mail: _____ Telephone: _____

3 (Proposed) ward or conservatee:

Name: _____
Street or mailing address: _____
City: _____ State: _____ Zip: _____
Telephone: _____

4 Lawyer for (proposed) ward or conservatee, if any:

Name: **Self-Represented** State Bar No: _____
Firm or Affiliation: _____
Street or mailing address: _____
City: _____ State: _____ Zip: _____
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): _____

Fill in court name and street address:

**Superior Court of California, County of Santa Clara
Street: 191 N. First Street
Mial: 191 N. First Street
San Jose, CA 95113**

Fill in case number and name:

Case Number:

Case Name: Guardianship of:

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

the court makes the following orders:

a. The court **grants** your request concerning the ward's or conservatee's court fees and costs, as follows:

(1) **Fee Waiver.** The court grants your request and waives the fees and costs listed below.

(Cal. Rules of Court, rules 3.55 and 8.818.) You do not have to pay the court fees for the following:

- Filing papers in superior court
- Making copies and certifying copies
- Sheriff's fee to give notice
- Court fee for phone hearing
- Giving notice and certificates
- Sending papers to another court department

(List continued on next page.)



- 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.

- | | |
|---|---|
| <input type="checkbox"/> Jury fees and expenses | <input type="checkbox"/> Fees for a peace officer to testify in court |
| <input type="checkbox"/> Fees for court-appointed experts | <input type="checkbox"/> Court-appointed interpreter fees for a witness |
| <input type="checkbox"/> Other (<i>specify</i>): _____ | |

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.

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

Name and address of court if different from above:

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.