JUDICIAL COUNCIL OF CALIFORNIA

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INVITATION TO COMMENT SPR18-32

Title

Probate Guardianship: Response to Petition

Action Requested

Review and provide comments by June 8, 2018

Proposed Rules, Forms, Standards, or Statutes Revise forms GC-210, GC-210(P), GC-211, GC-212, and GC-248

Proposed by Probate & Mental Health Advisory Committee Hon. John H. Sugiyama, Chair Proposed Effective Date January 1, 2019

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Executive Summary and Origin

The Probate & Mental Health Advisory Committee proposes revising five forms to improve notice of the legal consequences of the appointment of a guardianship of the person and to provide a meaningful opportunity for parents and other interested persons to respond to a petition for appointment of a guardian. The proposal responds to concerns raised by committee members, courts, and attorneys that the effects of the appointment of a guardian were not clear to petitioners, parents, and other persons interested in a proposed ward's health, safety, and welfare.

The Proposal

Judicial Council form GC-211, *Consent of Proposed Guardian, Nomination of Guardian, and Consent to Appointment of Guardian and Waiver of Notice,* has long served three purposes. It gives a proposed guardian the opportunity to consent to serve if appointed. It allows a parent or the donor of a gift to nominate a guardian as provided in Probate Code sections 1500–1502.¹ Finally, it solicits consent to the appointment of the guardian requested in the petition and waiver of notice of the hearing on the petition and receipt of a copy of the petition from persons of indeterminate identity, though presumably all persons entitled to receive a copy of the petition and notice of the hearing on it.

The combination of these functions on a single form has tended to obscure the significance of each function. Of particular concern is the possibility that this form may induce parents to

¹ Unless otherwise specified, all further statutory references are to the Probate Code.

The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.

consent to the appointment of a guardian of the person for their child without understanding that they cannot simply change their minds and terminate the guardianship at will. In the 15 years since the form's last revision, changes to the law emphasizing the relative importance to a child of a safe, caring, and stable placement over a relationship with a biological parent have increased the urgency of proper notice.² The revisions proposed would be a first step toward addressing that concern.³

The revisions to the other forms in the proposal derive mainly from the revisions to form GC-211, as they are necessary to conform to that form's new, more limited purpose. The committee has also, however, taken the opportunity to clarify several potentially misleading elements on those forms.

The Probate and Mental Health Advisory Committee proposes revising Judicial Council forms GC-210, GC-210(P), GC-211, GC-212, and GC-248, effective January 1, 2019, as follows:

- 1. Revise form GC-210, Petition for Appointment of Guardian, to
 - Clarify that the petition should allege that appointment of a guardian is in the best interest of the child, as required by Probate Code section 1514(b) and Family Code section 3020;
 - Clarify that item 11 must be completed if the proposed guardian, not the petitioner, is not related to the proposed ward; and
 - Remove references to the attachment of form GC-211;
- 2. Revise form GC-210(P), *Petition for Appointment of Guardian of the Person*, to clarify that the petition should allege that appointment of a guardian is in the best interest of the child and remove references to the attachment of form GC-211;
- 3. Revise form GC-211, Consent of Proposed Guardian, Nomination of Guardian, and Consent to Appointment of Guardian and Waiver of Notice, to
 - Rename it *Response to Petition for Appointment of Guardian*;
 - Provide more prominent notice that the appointment of a guardian of the person suspends a parent's authority and outline more clearly the process and standard required to modify or terminate a guardianship;
 - Indicate the respondent's relationship to the proposed ward and the family;
 - Provide the respondent an opportunity to give specific consent to the establishment of a guardianship and the appointment of the guardian proposed in the petition, to

² See Prob. Code, § 1516.5 (authorizing a proceeding to free a child from parental custody and control within an existing guardianship proceeding after two years in the guardian's physical custody); *In re Guardianship of Ann S.* (2009) 45 Cal.4th 1110 (upholding section 1516.5 against a constitutional challenge); see also Fam. Code, § 3041(c)–(d) (establishing a presumption that continued custody with a nonparent caregiver who has assumed the role of the child's parent for a substantial period of time is in a child's best interest and that parental custody would

be detrimental to the child). ³ The proposed revisions would also alleviate problems integrating the form into

³ The proposed revisions would also alleviate problems integrating the form into courts' electronic case management systems caused by the form's susceptibility to use by multiple persons for multiple purposes.

object to the appointment of the proposed guardian and, if qualified, to nominate a different person, or to object to the establishment of a guardianship; and

- Provide an opportunity for the respondent to indicate whether the child is or may be an Indian child for purposes of the application of the Indian Child Welfare Act;
- Provide a separate opportunity for the respondent to waive further notice of hearings on the petition; and
- Remove the provision for the proposed guardian to consent to the appointment;
- 4. Revise form GC-212, *Confidential Guardian Screening Form*, to provide an initial opportunity for a proposed guardian to indicate consent to serve as guardian if appointed; and
- 5. Revise form GC-248, Duties of Guardian, to
 - Provide the proposed guardian with an opportunity to give consent to serve as guardian after learning the duties attendant to appointment;
 - Include express references to the sections of the Probate Code that specify the powers and duties of a guardian of the person and a guardian of the estate; and
 - Clarify that the proposed guardian or guardians, regardless of whether they are also petitioners, must sign the consent and acknowledgment of receipt on page 5.

Alternatives Considered

The committee considered deferring the proposed revisions until it could prepare comprehensive revisions to the entire guardianship form set, but determined that these revisions, which affect fundamental rights to notice and an opportunity to be heard, were urgently needed. The committee intends to continue its work on the guardianship form set and propose additional revisions in upcoming cycles. The committee hopes specifically to clarify the informational forms directed to self-represented litigants in guardianship proceedings and to revise the form set to simplify the guardianship process for litigants and court staff while ensuring that bench officers and court attorneys receive the information they need to make decisions firmly grounded in fact and law.

Implementation Requirements, Costs, and Operational Impacts

Implementation will require courts that provide paper versions of these forms to incur production and copying costs. Courts will also need to reprogram their electronic case management systems to accommodate the revised forms and train staff to integrate the revisions into their case processes. The revisions should, however, expedite case processing in certain respects. The revisions to form GC-211—in particular, to integrate the nomination and consent functions of the current form into a global response to the petition and to move the consent of the proposed guardian from this form to forms GC-212 and GC-248—should increase the forms' compatibility with electronic case management systems and reduce uncertainty on the part of self-represented litigants.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- Is the notice box on page 1 of form GC-211 sufficiently clear about the potential consequences for the parent-child relationship of the appointment of a guardian of the person?
- Should form GC-248 continue to include blocks for multiple signatures, or should it include only one signature block so that each proposed guardian would need to receive a separate copy of the *Duties* and sign a separate consent and acknowledgment of receipt?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Forms GC-210, GC-210(P), GC-211, GC-212, and GC-248, at pages 5–20

GC-210

		GC-210
	RNEY OR PARTY WITHOUT ATTORNEY STATE BAR NO.:	FOR COURT USE ONLY
NAME		
FIRM	VAME: ET ADDRESS:	
CITY:	STATE: ZIP CODE:	
	HONE NO.: FAX NO.:	
E-MAII	ADDRESS:	
ATTOF	RNEY FOR (name):	
STRE MAILI CITY A	ERIOR COURT OF CALIFORNIA, COUNTY OF EET ADDRESS: NG ADDRESS: ND ZIP CODE: RANCH NAME:	
	RDIANSHIP OF <i>(name):</i>	CASE NUMBER:
PET	ITION FOR APPOINTMENT OF GUARDIAN OF MINOR* MINORS*	HEARING DATE AND TIME: DEPT.:
1. P	etitioner (name each):	
	equests that	
a b	(address): (telephone): be appointed guardian of the PERSON of the minor or minors named in item :	2 and <i>Letters</i> issue upon qualification.
с		
	 (2) \$ bond be fixed. It will be furnished by an authorized suret law. (Specify reasons in Attachment 1c if the amount is different from the (3) \$ in deposits in a blocked account be allowed. Receipts w 	minimum required by Prob. Code, § 8482.)
d	. authorization be granted under Probate Code section 2590 to exercise the po	were execting in Attachment 9
e		·
f.	an order dispensing with notice to the persons named in Attachment 10 be gra	anted.
g	. other orders be granted (specify in Attachment 1g).	
2. A	ttached is a copy of <i>Guardianship Petition—Child Information Attachment</i> (form GC-2 etition requests the appointment of a guardian. The full legal name and date of birth or	
а	. Name: Date of	of Birth <i>(month/day/year):</i>
h		of Birth (month/day/year):
c		of Birth (month/day/year):
d	. Name: Date of	of Birth (month/day/year):
	The names and dates of birth of additional minors are specified on Attachment 2	to this petition.
* Und	der section 1510.1(d) of the Probate Code, the terms <i>child, minor,</i> and <i>ward</i> include a yout	n 18 to 20 years of age.
	u MAY use this form or form GC-210(P) for a guardianship of the person. You MUST use t e person and estate. Do NOT use this form for a temporary guardianship.	nis form for a guardianship of the estate or of

PETITION FOR APPOINTMENT OF GUARDIAN OF MINOR (Probate) Page 1 of 3 Probate Code, §§ 1510, 1510.1; Cal. Rules of Court, rule 7.101 www.courts.ca.gov

	66-210
GUARDIANSHIP OF (name):	CASE NUMBER:

3. Petitioner is

b.

C.

- a. related to the minor or minors named in item 2, as shown in item 7 of each minor's attached form GC-210(CA).
 - the minor named in item 2, who is 12 years of age or older.
 - another person on behalf of minor or minors named in item 2, as shown in item 7 of each minor's attached form GC-210(CA).
- 4. The proposed guardian is (check all that apply):
 - a. a nominee (affix a copy of nomination as Attachment 4a).
 - b. related to the minor or minors named in item 2, as shown in item 3 of each minor's attached form GC-210(CA).
 - c. _____ other, as shown in item 3 of each minor's attached form GC-210(CA).
 - d. a professional fiduciary within the meaning of the Professional Fiduciaries Act. The proposed guardian's license status is shown in item 1 on page 1 of the attached Professional Fiduciary Attachment. (Use form GC-210(A-PF)/GC-310(A-PF) for this attachment.)
- 5. Petitioner, with intent to adopt, has accepted or intends to accept physical care or custody of the minor.
- 6. A person other than the proposed guardian has been nominated as the guardian of the minor by will other writing. A copy of the nomination is affixed as Attachment 6. (Specify name and address of nominee in item 2 of minor's attached form GC-210(CA).)
- 7. Character and estimated value of property of the estate (complete if petition requests appointment of a guardian of the estate or the person and estate):

c.	Total:	\$
b.	Annual gross income from all sources, including real and personal property, wages, pensions, and public benefits:	\$
a.	Personal property:	\$

- d. Real property: \$
- 8. Appointment of a guardian of the person estate of the minor or minors named in item 2 is necessary or convenient and would be in the best interest of the minor(s) for the following reasons:

Continued in Attachment 8.

Parental custody would be detrimental to the minor or minors named in item 2 (not applicable to proposed wards 18 years of age and older).

9. Granting the proposed guardian of the estate powers to be exercised independently under Probate Code section 2590 would be to the advantage and benefit and in the best interest of the guardianship estate. Reasons for this request and the powers requested are specified in Attachment 9.

10. Notice to the persons named in Attachment 10 should be dispensed with under Probate Code section 1511 b	ecause
they cannot with reasonable diligence be given notice (specify names and efforts to locate in Attachment	10).
giving notice to them would be contrary to the interest of justice (specify names and reasons in Attachment	nt 10).

PETITION FOR APPOINTMENT OF GUARDIAN OF MINOR (Probate)

CC 240

	GC-210
GUARDIANSHIP OF <i>(name):</i>	CASE NUMBER:
1. (Complete this item if this petition asks for appointment of a guardian and the proposed guardian is not related to each minor named in ite	
a. Petitioner is the proposed guardian and will promptly furnish all Probate Code section 1543.	information requested by any agency referred to in
b. Petitioner is not the proposed guardian. A statement by the prop information requested by any agency referred to in Probate Cod	
c. The proposed guardian's home is is not _a licensed	d foster family home.
d The proposed guardian has never filed a petition for adoption of	f the minor except as specified in Attachment 11d.
12. Attached to this petition is a <i>Declaration Under Uniform Child Custor</i> GC-120) concerning each child under 18 years of age listed in item	
 13. Filed with this petition are the following (check all that apply): Petition for Appointment of Temporary Guardian (form GC-110) Petition for Appointment of Temporary Guardian of the Person (form Confidential Guardian Screening Form (form GC-212) Petition for Special Immigrant Juvenile Findings (form GC-220) Other (specify): 	n GC-110(P))
14. All attachments to this form are incorporated by this reference as though p Date:	placed here in this form. Number of pages attached:
	(SIGNATURE OF ATTORNEY*)
(All petitioners and the proposed ward—if he or she is at least 18 years of age bu	ut not yet 21 and not a petitioner—must also sign.)
declare under penalty of periury under the laws of the State of California that	t all the information on this form is true and correct.
Date:	

(TYPE OR PRINT NAME)

(TYPE OR PRINT NAME)

(SIGNATURE OF PETITIONER)

(SIGNATURE OF PETITIONER)

I consent to the appointment of the person named in item 1.a as guardian of my person and to his or her performance of the duties of a guardian on my behalf.

Date:

(TYPE OR PRINT NAME)	(SIGNATURE OF PROPOSED WARD)

PETITION FOR APPOINTMENT OF GUARDIAN OF MINOR (Probate)

	10(P) Petition for Appointment of Guardian of the Person ip of the person of (all children's names):	Clerk stamps date here when form	is filed.
Minor (form the person.	<i>Te this form or the</i> Petition for Appointment of Guardian of <i>m GC-210) to petition, or ask, the court to appoint a guardian of</i> (You must use form GC-210 to ask the court to appoint a f the estate or of both the person and the estate.)		
\frown V		Fill in court name and street addre	SS:
• court	r name (Include the names of all persons who are requesting the to appoint them or the person named in (4) as guardian for the * or children* named above and in (8). All must sign this form.):	Superior Court of California	County of
c			
	r address and telephone number:	Clerk fills in information below whe	n form is filed.
	:: Apt.:	Case Number:	
			Dept.:
State:	Zip: Phone:		Dept
\frown \neg \vee			
	our Lawyer (if you have one):	Par No .	
<i>Name</i>			
Firm	name, if any:		
Street	:	Suite:	
City:	State:	Zip:	
Telep	hone: Fax: E-m	pail:	
	We want to be guardian of the child or children nan We want the person or persons named here to be the hildren named in (8). Tell the court about the proposed guard Jame(s):	ne guardian of the child of dian(s) below.	
C	treet:St	ate: Zip:	
Р	Phone: E-mail:	•	
le N	am the child or one of the children named in (8) and east 12 years old. I want the person or persons nam by date of birth is (month/day/year):	ed here to be my guardia	an.
S	treet:	1	Apt.:
	treet:St	ate: Zip:	·
	Phone: E-mail:	··r ·	
	ion 1510.1(d) of the Probate Code, the terms <i>child, minor,</i> and <i>ward</i> i	nclude a youth 18 to 20 vears of	age.
Judicial Council of C www.courts.ca.gov Revised January 1, Alternative Mandato Instead of Form GC Probate Code, §§ 1 Cal. Rules of Court,	California Petition for Appointment of Guardian (2019) Dry Form -210 510, 1510.1;		(P) , Page 1 of ₄

Guardianship of the person of (all children's names):	Case Number:
$\widehat{5}$ The proposed guardian named in (1) or	(4) is (check all that apply):
a. Related to the child or children named in (<i>Guardianship Petition—Child Information</i>	B), as shown in item 3 of the child's or children's attached <i>Attachment</i> (form(s) GC-210(CA)).
b. \Box Not related to the child or children named i	in (8).
-	e children named in (8), as shown in item 5 of the child's or <i>—Child Information Attachment</i> (form(s) GC-210(CA)).
🚡 🛯 Check this box if you checked the b	ox in item 5b (guardian unrelated to child or
the signed statement of the proposed guardian	d check the box in item b or c. If you check the box in c, provide on a separate sheet of paper. Write "Form GC-210(P)— an" at the top of the paper and attach it to this form.
a. Does the proposed guardian run a licensed fost	er family home? 🔲 Yes 🗌 No
	y furnish any information requested by an agency designated by the county to provide public social services.
furnish any information requested by an ag	d statement of the proposed guardian agreeing to promptly gency investigating an adoption or a local agency designated ices is attached to this form as Attachment 6.
.,	uardian(s) named in (1) or (4) has been nominated of the child or children named in (8). A copy of
the written nomination is attached. We <i>Person as Guardian</i> " <i>at the top of the writing</i>	Write "Form GC-210(P)—Attachment 7: Nomination of Another and attach it to this form. Fill in the nominated person's name tion—Child Information Attachment (form GC-210(CA)) for
GC-210(CA)) for each child named below. Show a	Guardianship Petition—Child Information Attachment (form all children's names at the top of all pages of this form. Fill out rm Child Custody Jurisdiction and Enforcement Act (UCCJEA)
The full legal name and date of birth of each child	who needs a guardian is (specify):
a. Name:	Date of birth:

	First	Middle	Last	Month/Day/Year
b. Name:				Date of birth:
	First	Middle	Last	Month/Day/Year
c. Name:				Date of birth:
	First	Middle	Last	Month/Day/Year
d. Name:				Date of birth:
	First	Middle	Last	Month/Day/Year
e. Name:				Date of birth:
	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.

Revised	January	1,	2019
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Petition for Appointment of Guardian of the Person (Probate)

9 The guardianship is necessary or convenient and in the best interest of the child or children for the reasons given below.

(Explain why each child listed in $(\mathbf{8})$ needs a guardian.)

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):

- a. 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*.
- b. 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.):

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.

Revised January 1, 2019

	the person of (all children's names):	Case Number:
10) c. 🗌 Mal	ke the following additional orders (specify):	
	Check here if you need more space. Continue your repaper. Write "Form GC-210(P)—Attachment 10c: A attach it to this form.	
Filed wit	h this petition are the following (check all th	at apply):
)	n for Appointment of Temporary Guardian or Conser	
	n for Appointment of Temporary Guardian of the Per	son (form GC-110(P))
	ential Guardian Screening Form (form GC-212) n for Special Immigrant Juvenile Findings (form GC-	220)
	specify):	220)
	conta ara mada nart of this form as though included he	There are nages attached to this form
	nents are made part of this form as though included he	ere. There are pages attached to this form.
All attachm	nents are made part of this form as though included he	ere. There are pages attached to this form.
12 All attachm	nents are made part of this form as though included he Petitioner's attorney types or prints name her	•
12 All attachm	Petitioner's attorney types or prints name her s and the proposed ward—if he or she is a	re Petitioner's attorney signs here
All attachm	Petitioner's attorney types or prints name her s and the proposed ward—if he or she is a itioner—must read and sign below.	<i>Petitioner's attorney signs here</i> at least 18 but not yet 21 years of age
All attachm Date: All petitioners and not a petitioners declare under pe	Petitioner's attorney types or prints name her s and the proposed ward—if he or she is a	<i>Petitioner's attorney signs here</i> at least 18 but not yet 21 years of age
All attachm Date: All petitioners and not a petitioners declare under periodecorrect.	Petitioner's attorney types or prints name her s and the proposed ward—if he or she is a itioner—must read and sign below. enalty of perjury under the laws of the State of Califo	<i>Petitioner's attorney signs here</i> at least 18 but not yet 21 years of age rnia that the information stated above is true and
All attachm Date: All petitioners and not a petitioners declare under periodeclare under periodeclare under periodect.	Petitioner's attorney types or prints name her s and the proposed ward—if he or she is a itioner—must read and sign below.	<i>Petitioner's attorney signs here</i> at least 18 but not yet 21 years of age
All attachm Date: All petitioners and not a petitioners declare under period orrect. Date:	Petitioner's attorney types or prints name here s and the proposed ward—if he or she is a itioner—must read and sign below. enalty of perjury under the laws of the State of Califo Petitioner types or prints name here	<i>Petitioner's attorney signs here</i> at least 18 but not yet 21 years of age rnia that the information stated above is true and <i>Petitioner signs here</i>
All attachm Date: All attachm Date: All petitioners and not a petitioners adeclare under periodeclare under periodeclare. Date: Date: Date:	Petitioner's attorney types or prints name her S and the proposed ward—if he or she is a itioner—must read and sign below. enalty of perjury under the laws of the State of Califo Petitioner types or prints name here Petitioner types or prints name here	re Petitioner's attorney signs here at least 18 but not yet 21 years of age rnia that the information stated above is true and Petitioner signs here Petitioner signs here Petitioner signs here
12 All attachm Date:	Petitioner's attorney types or prints name here s and the proposed ward—if he or she is a itioner—must read and sign below. enalty of perjury under the laws of the State of Califo Petitioner types or prints name here	re Petitioner's attorney signs here at least 18 but not yet 21 years of age rnia that the information stated above is true and Petitioner signs here Petitioner signs here Petitioner signs here
12 All attachm Date:	Petitioner's attorney types or prints name her S and the proposed ward—if he or she is a S and the proposed ward—if he or she is a itioner—must read and sign below. enalty of perjury under the laws of the State of Califo Petitioner types or prints name here Petitioner types or prints name here ppointment of the person named in (1) or (4) as guard	re Petitioner's attorney signs here at least 18 but not yet 21 years of age rnia that the information stated above is true and Petitioner signs here Petitioner signs here Petitioner signs here

		GC-211
ATTORNEY OR PARTY WITHOUT ATTORNEY	STATE BAR NUMBER:	FOR COURT USE ONLY
NAME:		
STREET ADDRESS:		
	STATE: ZIP CODE: FAX NO.:	
TELEPHONE NO.: E-MAIL ADDRESS:	FAX NO.:	
ATTORNEY FOR (<i>name</i>):		
SUPERIOR COURT OF CALIFORNIA, COL	INTY OF	
STREET ADDRESS: MAILING ADDRESS:		
CITY AND ZIP CODE:		
BRANCH NAME:		
GUARDIANSHIP OF THE PEF (name):	RSON ESTATE OF	
RESPONSE TO PETITION I	FOR APPOINTMENT OF GUARDIAN	CASE NUMBER:
	ER OF FURTHER NOTICE	
	NOTICE:	
		s authority to take care of the child ends. The
		years of age or is adopted, unless the court
changes the guardian or ends the	guardianship. Anyone, even a parent, wh	o wants to change the guardian or end the
		tition unless the judge decides that the order
would be in the best interest of the c	niid.	
1. I am related to the minor child	named above (specify familial relationship):	
	child named above, but I am connected to the	child and the family (specify connection):
	child hamed above, but I am connected to the	child and the family (specify connection).
2. a. I agree that appointment of	f a guardian of the person D I agree to the appointment of the guardian pr	estate would be in the best interest of the
minor child of children And	Tagree to the appointment of the guardian pr	
b. I agree that appointment of		estate would be in the best interest of the
minor child or children, but	I do NOT agree to the appointment of the gua	rdian proposed in the Petition because:
Continued on Attachr	ment 2h	
(1) I am a parent of the m	inor child. I nominate (name and address):	
as guardian of the	person estate of the minor child.	
	t to the minor child. I nominate <i>(name and add</i>	lress):
as guardian of the property	(estate) that I gave to the minor child.	
	pintment of a guardian of the person	estate for the minor child or
children. Appointment of a	guardian would not be in the best interest of th	e child or children for the following reasons:
Continued on Attack	mont 20	
Continued on Attachr		
d The child is or may be an l	ndian child. A completed form ICWA-010(A) or	r, if I am the parent, form ICWA-020, is attached.
I dealars under sessity of review we deal	the lowe of the State of California that all inform	motion on this form and any attackment is true
and correct.	the laws of the state of California that all inform	mation on this form and any attachment is true
and collect.		
Date:		
(TYPE OR PRINT NAME)	(See next page for another option)	(SIGNATURE)
Form Adopted for Mandatory Use		Page 1 of 2 Probate Code, §§ 1043, 1204,
Judicial Council of California RESPO	NSE TO PETITION FOR APPOINTMENT	OF GUARDIAN 1460, 1500–1502, 1511
GC-211 [Rev. January 1, 2019]		www.courts.ca.gov

WAIVER OF FURTHER NOTICE

3. I have received notice of the hearing and a copy of the *Petition for Appointment of Guardian* (form GC-210 or GC-210(P)) filed on *(date):* . I am entitled to notice of these proceedings, but I waive further notice of hearings, including continued hearings, on this petition. I understand that this means the court may grant the petition and appoint a guardian without getting my opinion.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE)

		GC-212	
ATTORNEY OR PARTY WITHOUT ATTORNEY	STATE BAR NUMBER:	FOR COURT USE ONLY	
NAME:			
FIRM NAME:			
STREET ADDRESS:			
CITY:	STATE: ZIP CODE:		
TELEPHONE NO.:	FAX NO.:	DRAFT	
E-MAIL ADDRESS:		Not approved by	
ATTORNEY FOR (name):		the Judicial Council	
SUPERIOR COURT OF CALIFORNIA, CO	DUNTY OF		
STREET ADDRESS:			
MAILING ADDRESS:			
CITY AND ZIP CODE:			
BRANCH NAME:			
GUARDIANSHIP OF		CASE NUMBER:	
(Name):			
	MINOR		
CONFIDENTIAL G	UARDIAN SCREENING FORM	HEARING DATE AND TIME: DEPT:	
Guardianship of	Person Estate		
	must complete and sign this form. The per the completed and signed form to the cour <i>This form must remain confident</i>	t with the guardianship petition.	
separate copy of this form under rule	be a part of the public file in this case. Each propose 7.1001 of the California Rules of Court. The informative by the court to assist the court in determining wheth st respond to each item.	ation provided will be used by the court and	
 a. Proposed guardian (name): b. Date of birth: 			
c. Social security number:	d. Driver's license number:	State:	
e. Telephone numbers: Home:	Work:	Other:	
2. I do I do not	consent to serve as guardian of the child named		
3. 🔄 I am 📄 I am not	required to register as a sex offender under California Penal Code section 290. (If you checked "I am," explain in Attachment 3.)		
4. I have I have not	been charged with, arrested for, or convicted of a crime deemed to be a felony or a misdemeanor. (If you checked "I have," explain in Attachment 4.) (Check here if you have been arrested for drug or alcohol-related offenses.)		
5. I have I have not	had a restraining order or protective order filed against me in the last 10 years. (If you checked "I have," explain in Attachment 5.)		
6. 🔄 I am 📄 I am not	receiving services from a psychiatrist, psychologist, or therapist for a mental health–related issue. (If you checked "I am," explain in Attachment 6.)		
7 Do you or doop any other person !	iving in your home, have a social worker or parole of		
Yes No	(If you checked "Yes," explain in Attachment 7 a social worker, parole of social worker, parole officer, or probation officer.	nd provide the name and address of each	
	living in your home, been charged with, arrested for Yes No <i>(If you checked "Yes," exp</i>		
9. 🔄 I am 📄 I am not	aware of any reports alleging any form of child abuse, neglect, or molestation made to any agency charged with protecting children (e.g., Child Protective Services) or any other law enforcement agency regarding me or any other person living in my home. (<i>If you checked "I am," explain in Attachment 9 and provide the name and address of each agency.</i>)		
10. Have you, or has any other person	living in your home, habitually used any illegal sub	stances or abused alcohol?	
Yes No	(If you checked "Yes," explain in Attachment 10.		
		Page 1 of 2	
Form Adopted for Mandatory Use Judicial Council of California GC-212 [Rev. January 1, 2019]	CONFIDENTIAL GUARDIAN SCREENING (Probate)	FORM Probate Code, § 1516; Family Code, § 3011; Cal. Rules of Court, rule 7.1001 www.courts.ca.gov	

(Probate)

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GUARDIANSHIP OF (Name):		CASE NUMBER:
	MINOR	
	iving in your home, been charged with, arrested for 'es No <i>(If you checked "Yes," expla</i>	
12. Do you or does any other person livi	ing in your home suffer from mental illness? (If you checked "Yes," explain in Attachment 12.)	
13. Do you suffer from any physical disa	bility that would impair your ability to perform the d (If you checked "Yes," explain in Attachment 13.)	
14. I have or may have	I do not have an adverse interest that the cou effect on, my ability to faithfully perform the duties (If you checked "I have or may have," explain in A	
15. I have I have not	previously been appointed guardian, conservator, (If you checked "I have," explain in Attachment 15	
16. I have I have not	been removed as guardian, conservator, executo checked "I have," explain in Attachment 16.)	r, or fiduciary in any other proceeding. <i>(If you</i>
17. 🔄 I am 📄 I am not	a private professional fiduciary, as defined in Busi (If you checked "I am," respond to item 18. If you	
18. 🔄 I am 🦳 I am not	currently licensed by the Professional Fiduciaries Affairs. My license status and information is stated Fiduciary Attachment signed by me and attached as guardian in this matter. (Complete and sign the attach it to the petition, or deliver it to the petitione See item 4d of the petition. Use form GC-210(A-F	d in item 1 on page 1 of the Professional. to the petition that proposes my appointment e Professional Fiduciary Attachment and er for attachment, before the petition is filed.
19. 🔄 I am 📃 I am not	a responsible corporate officer authorized to act for	or (name of corporation):
	a California nonprofit charitable corporation that n guardian of the proposed ward under Probate Co corporation's articles of incorporation specifically guardian. (If you checked "I am," explain the circu counseling of, or financial assistance to the propo	de section 2104. I certify that the authorize it to accept appointments as <i>imstances of the corporation's care of,</i>
20. I have I have not	filed for bankruptcy protection within the last 10 ye (If you checked "I have," explain in Attachment 20	
	MINORS' CONTACT INFORMATION	
21. Minor's name: Home telephone:	School <i>(name):</i> School telephone:	Other telephone:
22. Minor's name: Home telephone:	School <i>(name):</i> School telephone:	Other telephone:
23. Minor's name: Home telephone:	School <i>(name):</i> School telephone: ors is attached.	Other telephone:

DECLARATION

I declare under penalty of perjury under the laws of the State of California that the information on this form and any attachments is true and correct.

Date:

(TYPE OR PRINT NAME OF PROPOSED GUARDIAN)

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

GC-212 [Rev. January 1, 2019]

CONFIDENTIAL GUARDIAN SCREENING FORM (Probate)

(SIGNATURE OF PROPOSED GUARDIAN)*

GC-212

				GC-24
ATTORNEY OR PARTY WITHOUT ATTORNEY	STATE BAR NO .:			FOR COURT USE ONLY
NAME:				
FIRM NAME:				
STREET ADDRESS:				
CITY:	STATE:	ZIP CODE:		
TELEPHONE NO.:	FAX NO.:			
E-MAIL ADDRESS:				
ATTORNEY FOR (<i>name</i>):				
SUPERIOR COURT OF CALIFORNIA, COU	NTY OF			
STREET ADDRESS:				
MAILING ADDRESS:				
CITY AND ZIP CODE:				
BRANCH NAME:				
GUARDIANSHIP OF THE PEF	RSON EST	ATE		
of (name):				
			MINOR	
DUTIES	OF GUARDIAN			CASE NUMBER:
with Consent and A	Acknowledgment of	Receipt		

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.

1. GUARDIANSHIP OF THE PERSON

If the probate court appoints you as a *guardian of the person* for a child, you will be required to assume important duties and obligations.

- **a.** Fundamental responsibilities The guardian of the person of a child has the care, custody, and control of the child. As guardian, you are responsible for providing for food, clothing, shelter, education, and all the medical and dental needs of the child. You must provide for the safety, protection, and physical and emotional growth of the child.
- **b. Custody** As guardian of the person of the child, you have full legal and physical custody of the child and are responsible for **all** decisions relating to the child. The child's parents can no longer make decisions for 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 page two)

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GUARDIANSHIP OF (name):		CASE NUMBER:
	MINOR	

- 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 treatment, medical care related to pregnancy or sexually transmitted diseases, and drug and alcohol treatment.
- **f. Community resources** There are agencies in each county that may be helpful in meeting the specific needs of children who come from conflicted, troubled, or deprived environments. If the child has special needs, you must strive to meet those needs or secure appropriate services.
- **g.** Financial support Even when the child has a guardian, the parents are still obligated to financially support the child. The guardian may take action to obtain child support. The child may also be eligible for Temporary Aid for Needy Families, TANF (formerly known as AFDC), social security benefits, Veterans Administration benefits, Indian child welfare benefits, and other public or private funds.
- **h.** Visitation The court may require that you allow visitation or contact between the child and his or her parents. The child's needs often require that the parent-child relationship be maintained, within reason. 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.
- I. 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.

(Continued on page three)

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GUARDIANSHIP OF (name):		CASE NUMBER:
	MINOR	

p. Termination of guardianship of the person - A guardianship of the person automatically ends when the 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.

2. GUARDIANSHIP OF THE ESTATE

If the court appoints you as *guardian of the child's estate*, you will have additional duties and obligations. The money and other assets of the child are called the child's "estate." Appointment as guardian of a child's estate is taken very seriously by the court. The guardian of the estate is required to manage the child's funds, collect and make an inventory of the assets, keep accurate financial records, and regularly file financial accountings with the court.

MANAGING THE ESTATE

- a. **Prudent investments** As guardian of the estate, you must manage the child's assets with the care of a prudent person dealing with someone else's property. This means that you must be cautious and may not make speculative or risky investments.
- **b.** Keeping estate assets separate As guardian of the estate, you must keep the money and property of 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 page four)

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GUARDIANSHIP OF (name):	CASE NUMBER:
MINC	٦

- **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.

INSURANCE

i. Insurance coverage - As guardian of the estate, you should make sure that there is appropriate and sufficient insurance covering the assets and risks of the estate. You should maintain the insurance in force throughout the entire period of the guardianship or until the insured asset is sold.

RECORD KEEPING AND ACCOUNTING

- **j. Records** As guardian of the estate, you must keep complete, accurate records of each financial transaction affecting the estate. The checkbook for the guardianship checking account is essential for keeping records of income and expenditures. You should also keep receipts for all purchases. Record keeping is critical because you will have to prepare an accounting of all money and property that you have received, what you have spent, the date of each transaction, and its purpose. You will also have to be able to describe in detail what is left after you have paid the estate's expenses.
- **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.
- I. 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 a 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. Attorneys 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)

	00-24
GUARDIANSHIP OF (name):	CASE NUMBER:
MINOR	
If you are not represented by an attorney, you may obtain answers to community resources, private publications, or your local law library.	your questions by contacting
NOTICE: This statement of duties is a summary and is not a comple conduct as guardian is governed by the law itself and not by this su	
CONSENT TO APPOINTMENT AND ACKNOWLEDGMENT OF RECEIP	т
. I consent to serve as the guardian of the child named above if I am appointed by the co	purt.
2. I have received, read, and kept a copy of this statement of the duties of a guardian.	
Date:	
(TYPE OR PRINT NAME)	(SIGNATURE OF PROPOSED GUARDIAN)
Date:	
κ.	
(TYPE OR PRINT NAME)	(SIGNATURE OF PROPOSED GUARDIAN)
Date:	
►	