

# How to ask for an Emergency Guardianship

## Step 1

**Complete the following forms** in blue or black ink:


- (GC-110(P)) Petition for Appointment of Temporary Guardian
- (GC-140) Order Appointing Temporary Guardian or Conservator
- (GC-150) Letters of Temporary Guardianship
- (GC-210) Petition for Appointment of Guardian of Minor
- (GC-210(CA)) Guardianship Petition—Child Information Attachment (one for each child in case)
- (GC-120) Declaration Under UCCJEA
- (Pleading) Request to Dispense With Notice
- (GC-211) Consent of Proposed Guardian, Nomination, and Waiver of Notice
- (GC-020) Notice of Hearing (2 copies)
- (GC-020(P)) Proof of Personal Service of Notice of Hearing (2 for each parent, total 4 copies)
- (GC-240) Order Appointing Guardian of Minor
- (GC-250) Letters of Guardianship
- (PB-4003) Confidential Document Cover Sheet (2 copies, on blue paper)
- (GC-212) Confidential Guardian Screening Form (one for each proposed guardian)
- (PB-4014) Authorization for Release of Information
- (GC-248) Duties of Guardian
- (PB-4005) Referral for Court Investigator & Questionnaire - Guardianship
- (FW-001) Application for Waiver of Court Fees and Costs
- (FW-002) Application for Waiver of Additional Court Fees and Costs
- (FW-003) Order on Application for Waiver of Court Fees

## Step 2

**After the forms are filled out:**

- **Call Bob Colyar**, Probate Staff Attorney, at (408) 882-2668 to make an appointment to bring in your forms for his final review. Your appointment will be held at 191 North First Street, San Jose, CA 95113.
- During the appointment, **he checks over your forms**. Once they are reviewed he will send you to the nearest copy center to make copies. Don't make copies before you meet with him. If your forms are not finished or have a lot of problems he may send you to the Self-Help Center for more help and review.
- **The Court will perform a background check** on you and any other adults who live with you. During this time a Court Investigator will contact you.
- **Mr. Colyar will call you** to tell you what's happening and when to pick-up your forms. When you come in to see him again, bring the forms you took home with you. He kept the original and one copy.
- You will now take your papers to the **Clerk's Office to get two court hearing dates** (one for a Reconsideration Hearing and one for the General Guardianship Hearing) and to file your forms.

**Please turn over for more information** 

<p><b>Step 3</b></p>	<p><b>Service:</b></p> <p><input checked="" type="checkbox"/> <b>1 Filed Copy</b> of the non-confidential forms GC-110(P), GC-210 (P), GC-210(CA), GC-020 (both copies) for each person you need to serve (<b>DO NOT serve any of the confidential forms</b>).</p> <ul style="list-style-type: none"> <li>The law says that you must serve a copy of the above forms to the following people by <b>personal service</b> at least 15 days before your first scheduled court date: <b>mother, father, current guardian (if there is one), the child if s/he is 12 or older.</b></li> <li>The law says that you must serve a copy of the above forms to the following people by <b>mail service: all grandparents, (half-)brothers and (half-)sisters (from either parent) if they are 12 or older, and Program Director, Emergency Response Services, 333 West Julian Street, 2<sup>nd</sup> Floor, San Jose, CA 95110.</b></li> <li>If you <b>are not</b> related to the child by blood, marriage or adoption, you must also mail notice to: <b>The California Department of Social Services, Director of Social Services, 744 P Street, Sacramento, CA 95814 and the Social Services Agency, Dept. of Family and Children’s Services at 333 W. Julian St. San Jose, CA 95110.</b></li> </ul> <p><i>“Service” means that someone, NOT YOU, who is at least 18 years old must personally hand-deliver or mail a copy of your forms to the other party in the case. You can ask a friend, relative, etc. to serve (deliver) the papers for you or you can look in the yellow pages and hire a “process server” to deliver the papers for you for a fee.</i></p> <ul style="list-style-type: none"> <li><b>After papers are delivered,</b> <ul style="list-style-type: none"> <li> The <b>server</b> (person who hand delivers the papers) must complete the <i>Proof of Personal Service of Notice of Hearing</i> (GC-020(P)) attached to your copy of the <i>Notice of Hearing</i>. If the papers were mailed, the <b>server</b> must complete the back side of the <i>Notice of Hearing</i> (GC-020). Take the forms back to the courthouse to file it at least 5 days <u>before the court hearing</u>. There is no fee to file this form. Keep a copy for yourself.</li> </ul> </li> <li><b>If you cannot find some or all of the people who must be served,</b> write down everything you’ve done to try to find them, <i>in detail</i>. Put this information on the <i>Request to Dispense with Notice</i> form in your packet. At your Court hearing you will need to explain how you have looked for them (example – “I called their mother and she said...” and “I did a search on the internet and I found...”, “I went to their last job and talked to their boss and he said...”, etc.</li> <li><b>If any of the people who must be served are willing to waive service and consent to the guardianship,</b> they may sign the <b>Consent of Proposed Guardian, Nomination, and Waiver of Notice (GC-211)</b>. Whoever signs this form does not need to be served with the guardianship forms. You must file this form with the signatures at least 5 days before the court date.</li> </ul>
<p><b>Step 4</b></p>	<p><b>What happens next:</b> Go to all court hearings and bring a copy of all the papers in your case. Also bring any papers which help to prove the information in your Petition.</p>

## WHAT IS A GUARDIANSHIP?

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

Self-Help Center/Family Law Facilitator's Office  
Superior Court, County of Santa Clara  
99 Notre Dame Avenue, San Jose, CA 95113  
(408) 882-2926

[www.scscourt.org](http://www.scscourt.org)

Superior Court, County of Santa Clara

[www.courts.ca.gov/selfhelp](http://www.courts.ca.gov/selfhelp)

State of California Courts Self-Help