

**JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS**

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Report

TO: Members of the Judicial Council

FROM: Probate and Mental Health Advisory Committee
Hon. Don Edward Green, Chair
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DATE: February 20, 2007

SUBJECT: Probate: Instructions for starting a probate guardianship of the person and for serving documents at the beginning of the case (adopt Judicial Council forms GC-505 and GC-510)
(Action Required)

Issue Statement

Most children for whom guardians are appointed do not have estates. Many of the petitioners in these cases are not represented by counsel and are unsophisticated in legal matters.

Recommendation

The Probate and Mental Health Advisory Committee recommends that the Judicial Council, effective July 1, 2007, adopt form GC-505, *Forms You Need to Ask the Court to Appoint a Guardian of the Person*; and form GC-510, *What is "Proof of Service" in a Guardianship?*, to provide important information and instructions, and significantly greater court access, to unrepresented persons seeking the appointment of a guardian of the person for a child.

Copies of the proposed forms are attached at pages 5–10.

Rationale for Recommendation

Many, if not a majority, of people who petition California courts for appointment of a guardian of the person for a child are unrepresented by counsel. These petitioners are often poor, lack higher education, or are inexperienced and unsophisticated in legal matters. Banks and trust companies and private professional fiduciaries generally do not accept appointments as guardians of the

persons of children without estates, and most children in guardianships do not have estates.

Probate guardianship procedure is technical, complex, and difficult to understand, especially at the beginning of a case. Guardianships are fundamentally different from the criminal and civil litigation with which lay persons may be familiar.

The Probate and Mental Health Advisory Committee proposes to address these issues by recommending the adoption of two instructional forms designed for unrepresented guardianship petitioners, prepared in the “plain-language” format developed in recent years for forms used in the small claims court and in domestic violence prevention, adoption, and elder abuse protection proceedings.

Form GC-505, *Forms You Need to Ask the Court to Appoint a Guardian of the Person*, would explain the steps necessary to start a guardianship, focusing on the forms required and explaining when and how they must be filed. The last page of the form would provide valuable resource information that may assist many guardianship petitioners.

Form GC-510, *What is “Proof of Service” in a Guardianship?*, would explain the requirements for personal service and service by mail of notice of the court hearing and the petition for appointment of a guardian at the commencement of a guardianship case, and proving service to the court.¹ The advisory committee believes that these two steps may be the most difficult for lay guardianship petitioners to understand. Defective notice is a leading cause of costly continuances in guardianship practice, to the ultimate detriment of children who need a guardian.

Form GC-505 refers to the latest general guardianship petition forms adopted by the Judicial Council, effective January 1, 2007. These are the new plain-language *Petition for Appointment of Guardian of the Person* (form GC-210(P)), and the *Guardianship Petition—Child Information Attachment* (form GC-210(CA)). The plain-language petition is intended to be used by unrepresented persons to request the appointment of a guardian of a child’s person, although the existing standard-format petition, form GC-210, may also be used for this purpose, at the option of

¹ Certain interested persons, including the proposed ward if of sufficient age and his or her parents, must be personally served with copies of the *Notice of Hearing—Guardianship or Conservatorship* (form GC-020) and the petition for appointment of a guardian. Other persons or organizations may be served by mail with these documents. See Probate Code sections 1511 and 1216.

the petitioner. Form GC-505 explains this option, and recommends that unrepresented persons use the new petition for person-only guardianships.²

The advisory committee plans to develop Spanish-language versions of the new plain-language guardianship petitions and these instructional forms.

Alternative Actions Considered

No alternatives to development of these instructional forms were considered.

Comments From Interested Parties

This proposal was circulated for comment in the Winter 2007 comment cycle to a special list of judicial officers, probate examiners and attorneys, other court staff interested in probate matters and assistance to unrepresented persons, and probate-interest sections of the State Bar and local bar associations, in addition to the AOC's standard list of interested court executives, presiding judges, individuals, and organizations.

Thirteen comments were received. Seven commentators agreed with the proposed forms, five agreed with recommended modifications, and one, Mr. Robert Colyar, a probate staff attorney from the Superior Court, Santa Clara County, disagreed with the proposal.

Mr. Colyar believes that the proposed forms circulated for comment were too wordy and were not user-friendly for unsophisticated users. The advisory committee has completely revised the forms in response to Mr. Colyar's comment and the detailed recommendations of other commentators who would agree with the forms if substantial changes were made. These revisions should satisfy Mr. Colyar's general concern, with which the advisory committee entirely agrees.

Mr. Art Fisher, Legal Director of California Indian Legal Services, Oakland, made lengthy comments about the forms' failure to refer to or explain how to comply with the requirements of the federal Indian Child Welfare Act and recently enacted state legislation implementing the federal law when they apply to a probate guardianship.³ These forms were not intended to cover the Indian Child Welfare Act or the 2006 state reenactment of that law. The advisory committee decided to proceed with these forms now, with the intent to address Indian Child Welfare Act issues comprehensively in the next forms cycle.

² See rule 7.101(b) of the California Rules of Court, revised effective January 1, 2007.

³ 25 U.S.C. § 1901 et seq. The state legislation is Stats. 2006, ch. 838 (Senate Bill 678, Ducheny).

This advisory committee and the Family and Juvenile Law Advisory Committee will jointly recommend new rules of court and new unified forms implementing Senate Bill 678 and the Indian Child Welfare Act in juvenile courts, family law departments, and probate departments when Indian children may be involved in custody-changing proceedings in these courts, including probate guardianships. These rules and forms will be circulated for comment this spring and proposed for adoption effective January 1, 2008. An instruction form will be included that will address Indian Child Welfare Act issues and the new rules and forms as they apply to the above-listed matters.

In response to Mr. Fisher's comments, however, the advisory committee added statements at the top of the first page and in item 14 on page 2 of form GC-505 and on page 3 of form GC-510 advising that the appointment of a guardian for a Native American child is subject to special requirements that are not discussed in either form. Readers would be referred to the judicial branch's public Website that will have information about the requirements of the state and federal versions of the Indian Child Welfare Act. The new forms will be amended effective January 1, 2008 to refer to the new Indian Child Welfare Act instruction form and the new rules of court.

Two commentators, Ms. Grace Andres, Court Services Program Manager of the Superior Court, County of Solano; and Ms. Sharon Ngim, Staff Liaison to the State Bar's Standing Committee on the Delivery of Legal Services, agreed with the proposed forms if modified. Their recommendations for modification, especially those made by Ms. Ngim, were extensive.

The advisory committee decided to completely revise both forms, in large part to adopt most of Ms. Ngim's recommendations, but also to accept those made by Ms. Andres and other commentators. The recommendations and the committee's detailed responses, including the text of changes made in the forms in response to the comments, are specified in the comment chart attached at pages 11–35.

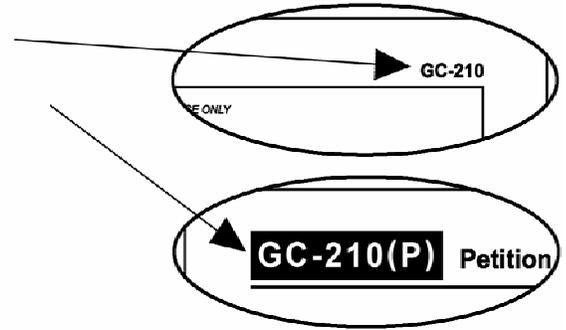
These recommendations were intended to make the forms clearer and easier to understand. The committee believes that its revised forms will achieve these goals.

Implementation Requirements and Costs

Adoption of these forms will result in the usual costs associated with the creation and distribution of any Judicial Council form, plus the costs of anticipated Spanish-language translations. These forms, however, should reduce the cost of guardianship case postponements because of notice defects and staff time spent preparing probate calendar notes advising of these problems or helping struggling guardianship petitioners to comply with notice and other requirements.

Look at the numbers at the top of a form to match them with the form numbers listed below. You can use this form as a checklist.

OR



* Appointment of a guardian for a Native American child is subject to special requirements that are not discussed in these instructions. See item 14 on the next page.

I want to become a guardian of a child. What forms do I need to file with the court?

- 1 **Fill out, sign, and file with the court** either of the following form petitions ("your petition"):
 - Form GC-210(P), *Petition for Appointment of Guardian of the Person*** (recommended if you won't have an attorney to help you); **or**
 - Form GC-210, *Petition for Appointment of Guardian of Minor*.**
- 2 **Fill out** the following forms and attach them to or file them separately with your petition:
 - Attach to your petition a separate copy of Form GC-210(CA), *Guardianship Petition—Child Information Attachment*, for each child you think needs a guardian.**
 - Sign and attach to your petition one copy of Form FL-105/GC-120, *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)*, for all children you think need a guardian.**
 - Sign and file separately with your petition Form GC-212, *Confidential Guardian Screening Form*.** This form is confidential, under the direct control of the court, and not available to the general public.
 - If required by your court, sign and file separately with your petition, Form GC-211, *Consent of Proposed Guardian*** (item 1 of that multi-purpose form, at the top of the page). Many courts don't require that form if you are asking for your own appointment as guardian, so check with your court before you file it.
 - File separately with your petition** any local forms your court wants you to file with your petition (check your court's local rules and guidelines for information and instructions about these forms).

What must I do if I want the court to appoint someone other than myself as guardian?

- 3 **Instead of filling out and signing Form GC-212, listed above in Step 2, ask the person you want the court to appoint as guardian to fill out and sign that form.**
- 4 **Instead of signing item 1 of Form GC-211, listed above in Step 2, ask the person you want the court to appoint as guardian to sign item 1 of that form.** Many courts don't require that form if the person you want as guardian signs your petition (as an additional petitioner), so check with the court on the need to file that form if that person signed your petition. See page 2 of this form to learn about use of another part of **Form GC-211**.

What can I do if I can't afford to pay the court's filing fees?

- 5 **Fill out, sign, and file Form FW-001, *Application for Waiver of Court Fees and Costs*, and fill out and give the court clerk Form FW-003, *Order on Application for Waiver of Court Fees and Costs*, for the judge to sign.**

What happens when I file my petition and the other forms listed above?

The court clerk will give you a case number, a date and time when, and a courtroom or department of the court where the judge will hear your request to appoint a guardian. Take an extra copy of your petition and the other papers you must file to the court when you file the originals and ask the clerk to stamp the filing date and case number on your copies and note the hearing date and place on your copy of the petition. Some courts will require you to give the clerk one or more extra copies of your papers, so check with your court before you go to the court to file the papers.

What forms do I need after I file my petition and have a hearing date?

- 6 If either or both of the child's parents or any other person you must notify of the hearing on your petition will agree with your request for appointment of a guardian, fill out and have each of them date and sign item 4 at the bottom of **Form GC-211, *Consent to Appointment of Guardian and Waiver of Notice***. File the form with the court when you file the *Notice of Hearing*, discussed below.

What must I do before the court hearing on my petition?

You must arrange for **someone other than yourself** to notify certain people about your petition and the court hearing and show the court that he or she has done so. Read **Form GC-510, *What is "Proof of Service" in a Guardianship***, and:

- 7 Fill out the first page of **Form GC-020, *Notice of Hearing—Guardianship or Conservatorship***.
- 8 Follow the instructions in **Form GC-510** for personal delivery ("**personal service**") of copies of your petition and the *Notice of Hearing* and showing the court that personal service has been made ("**proving service**").
- 9 Follow the instructions in **Form GC-510** for mailing ("**service by mail**") copies of your petition and the *Notice of Hearing* and showing the court that service by mail has been made ("**proving service**").
- 10 File with the court at least 5 days before the hearing, the original **Form GC-020**, with attached original filled-in proofs of personal and mailed service, signed by the person(s) who delivered and mailed the papers.
- 11 **Fill out and deliver the following forms to the court at or before the hearing on your petition** (check your court's local rules for the deadlines for delivery of these forms to the court):
- Form GC-240, *Order Appointing Guardian of Minor*** (the judge will sign this Order at or shortly after the hearing on your petition if he or she grants your request for appointment of a guardian);
 - Form GC-248, *Duties of Guardian and Acknowledgment of Receipt*** (you or any other person the court has appointed as guardian must sign this form and the form must be filed with the court before the clerk will sign and file the *Letters of Guardianship* (see below)); and
 - Form GC-250, *Letters of Guardianship*** (the court clerk will sign and file the original of this form, often called "*Letters*," and will give you (for a fee) **certified copies** that you, or any other person the court has appointed as guardian, must have to show legal authority to act as the child's guardian.
- 12 **Fill out and file any local forms your court requires at or before the hearing on your petition** (check your court's local rules for information about these forms, deadlines for filing them, and requirements for service of copies to other persons interested in the case).

Need help?

- 13 Your court may have a self-help center or a volunteer assistance program that can help you with a guardianship, or the court may be able to refer you to other organizations in your area that can help you.
- 14 If you can get on the Internet, you can go to the California Courts Self-Help Center Web site, at www.courtinfo.ca.gov/selfhelp/family/guardianship (English) or www.courtinfo.ca.gov/selfhelp/espanol/familia/tutela (Spanish). This Web site provides information about the guardianship process, including information about what you need to do if the child in your case is a Native American or has a Native American ancestor, and information about other resources available to you. You can also download a copy of **Form GC-205, *Guardianship Pamphlet*** and all the forms mentioned above. The pamphlet has a basic explanation of a guardianship. It is available in Spanish and several other languages. You can even fill out the necessary forms on your computer while visiting this site and print them out ready for signing and filing, free of charge.
- 15 You can also go to www.courtinfo.ca.gov/courts/trial/courtlist.htm to access your court's Web site. This site can tell you where to file your forms and go for court hearings and can advise you about the court's rules and practices you need to know during the progress of your case. You can also download copies of the court's local forms.

What is “service”?

- When you are involved in a court case, you are responsible for delivery (“**service**”) of copies of important papers you file with the court to other people involved in the case. Depending on the circumstances, these papers must be served by personal delivery (called “**personal service**”), or may be served by mail (called “**service by mail**”).
- If you file a petition for appointment of a guardian for a child, you are a **petitioner**. At the beginning of the case the petitioner must arrange for personal service of copies of the petition and other papers on certain people, must see that these papers are served on certain other people either by mail or by personal service (at the petitioner's choice), and then must show the court that this has been done (called “**proving service,**” or “**proof of service**”).
- This form explains what papers must be served at the beginning of a guardianship, who must be served with these papers, how and when service must be made, and how and when you, as a guardianship petitioner, must prove to the court that service has been made. You can find out more about the papers that you must file in another form available from the court, **Form GC-505, Forms You Need to Ask the Court to Appoint a Guardian of the Person**.

What papers must be served at the beginning of a guardianship case?

- **A filled-in copy of the petition for appointment of a guardian (the “Petition”).**
In a guardianship of the person, this may be either **Form GC-210(P), Petition for Appointment of a Guardian of the Person** or **Form GC-210, Petition for Appointment of Guardian of Minor**. Copies of all papers attached to the *Petition* must also be served with it.
- **A filled-in copy of Form GC-020, Notice of Hearing—Guardianship or Conservatorship,** (the “*Notice of Hearing*”) showing the date, time, and place of the hearing on the *Petition*, including (unsigned) copies of all attachments showing proof of service.

Who must be personally served?

(You may use this form as a checklist. Check all that apply to your case.)



Don't serve these by mail!

- The child who needs a guardian, but only if he or she is at least 12 years old.
- The child's parents.
- Any person who has legal custody of the child or is serving as court-appointed guardian of the child's property (the child's “**estate**”).
- Any person nominated as guardian of the child by one or both of the child's parents (if your petition does not ask the court to appoint that person as guardian).
- Any person nominated as guardian of the estate of the child for property received by the child from the person making the nomination.

How do I arrange for personal service?

Someone—not you or anyone else who signed the *Petition*—must personally serve (hand-deliver) copies of the *Notice of Hearing* and the *Petition* to the persons named above. Service lets these persons know:

- That you are asking the court to appoint a guardian for the child named in the *Petition*.
- The person you want the court to appoint as guardian (either yourself or someone else).
- The date and time when, and the place where, the court will hear your request.

Who can serve?

Ask someone you know, a registered process server, or a representative of the county sheriff's civil division, to personally serve copies of the forms to the persons named above. The forms **cannot** be sent to those persons by mail.

- The server must be at least 18 years of age.
- A registered process server is a business you pay to deliver court forms. Look in a telephone directory under “Process Serving.”
- The sheriff's civil division often has an office at the courthouse. You will also have to pay for its services.

How does the server personally serve the *Notice of Hearing* and the *Petition*?

Ask the server to:

- Walk up to each person to be served and make sure he or she is the right person.
- Hand each person copies of the filled-out *Notice of Hearing* and the *Petition*.
- Fill out and sign **Form GC-020(P)**, *Proof of Personal Service of Notice of Hearing*. If the server delivers papers to more people than can be listed on this form, ask the server to add the names of the additional people served on one or more copies of **Form DE-120(PA)/GC-20(PA)**, *Attachment to Notice of Hearing Proof of Personal Service*.
- Give the filled-out and signed **Form GC-020(P)** and any attachment pages back to you.

What if the person served won't take the papers or tears them up?

The server must attempt to make personal delivery (**but peacefully!**) even if the person served won't take the papers. It doesn't matter if the person tears them up or throws them down after they are handed to him or her. **(A registered process server or sheriff's deputy will know how to complete a good service. If you think someone who must be personally served will try to avoid service, it is a good idea to use one of these professionals to serve that person.)**

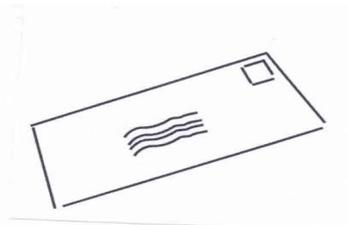
Who signs the Proof of Personal Service?

- Only the person who serves the *Notice of Hearing* and the *Petition* can sign **Form GC-020(P)**. **Neither you, any other petitioner, nor the person served may sign this form.**
- If more than one person personally serves papers, each server must fill out and sign his or her own separate **Form GC-020(P)** showing the names of the persons he or she serves.

Who may be served by mail?

(You may use this form as a checklist. Check all that apply to your case.)

- The child's relatives listed in the child's **Form GC-210(CA)**, *Guardianship Petition—Child Information Attachment*, attached to the *Petition*:



- Grandfather (father's father)
- Grandmother (father's mother)
- Grandfather (mother's father)
- Grandmother (mother's mother)
- Brother(s) (including half-brothers) (if 12 years of age or older)
- Sister(s) (including half-sisters) (if 12 years of age or older)

These may be served by mail!

- If the child has a brother or sister under the age of 12, copies of the *Notice of Hearing* and the *Petition* must be mailed to one of the following persons for him or her instead of mailing directly to the young brother or sister:**

- The brother's or sister's parent;
- A court-appointed guardian of the brother or sister; or
- A person having legal custody of the brother or sister who lives with that brother or sister.

(If a parent, guardian, or legal custodian of a brother or sister of the child involved in the case is a petitioner, service of notice to that person on behalf of the brother or sister is not necessary.)

- Any person having the physical care of the child who does not have legal custody of the child.
- If your petition requests appointment of a guardian of the person who is not related to the child**, the Director of the Department of Social Services, Children's Services Operations and Evaluation Branch, 744 P Street MS 3-34, Sacramento, CA 95814.
- Your court may require you to serve other persons or organizations by mail.** Check your court's local rules and practices to find out if this applies to you.

Who may be served by mail ? (Continued)

- If the child is a patient in, or on leave from,** a state hospital run by the State Departments of Mental Health or Developmental Disabilities, to the Director of that department. The address for the Director of Mental Health is 1600 Ninth Street, Room 151, Sacramento, CA 95814. The address for the Director of Developmental Disabilities is 1600 Ninth Street, Room 240, Sacramento, CA 95814, Attn.: Office of Legal Affairs.
- If the child has developmental disabilities** and the person you want the court to appoint as guardian is: (1) not the child's natural parent; (2) a provider of services to persons with developmental disabilities or the spouse or an employee of a provider; and (3) not a public agency, to the Director of the Regional Center for the Developmentally Disabled in the child's county. (But see **When must the Notice of Hearing and the Petition be served?** on page 4 of this form for a special requirement for mailing papers to a Regional Center Director.)
- If the child is or may be a Native American, or has Native American ancestors,** there are additional mailing and other requirements that may apply to your case. These requirements are not discussed in this form. If you can get on the Internet, you can go to the California Courts Self-Help Center Web site to get more information about the special requirements for a guardianship involving a Native American child. The Web site's address is www.courtinfo.ca.gov/selfhelp/family/guardianship (English) or www.courtinfo.ca.gov/selfhelp/espanol/familia/tutela (Spanish).

Who need not be served (unless the court orders otherwise)?

Unless the courts orders that they be served, you do not need to arrange for service on the parents or other relatives of a child who has been relinquished to a licensed adoption agency, or the parents of a child a court has declared to be free from the parents' custody and control.

How do I arrange for service by mail?

Someone—not you or anyone else who signed the *Petition*—must do the mailing to the persons and organizations named above that are involved in your case. “Doing the mailing” means actually placing the papers in the envelopes and delivering the sealed envelopes into the possession of the U.S. Postal Service . Someone else can address the envelopes and add the postage, but the person who signs the proof of service (see below) must be able to say that he or she enclosed the papers in the envelopes and delivered the sealed envelopes to the U.S. Postal Service on a certain date at a specific place (city and state), and that the addresses on the envelopes were as they are shown in the proof of service.

Who can serve by mail?

- The person doing the mailing must be at least 18 years of age.
- He or she must not be a petitioner or a proposed guardian in your case.
- He or she must live or be employed in the county where the mailing (deposit with the U.S. Postal Service) takes place.

How does the server serve the Notice of Hearing and the Petition by mail?

Ask the server to:

- Deposit with the US. Postal Service, with first-class postage prepaid, sealed envelopes (9" x 12" or 10" x 13" Manila envelopes are recommended) addressed to the persons or organizations listed above that apply to your case. The envelopes should contain filled-in copies of **Form GC-020, Notice of Hearing—Guardianship or Conservatorship**, and the *Petition*, including all attached pages mentioned in it.
- Make sure the addresses shown on the envelopes for the relatives of each child match the addresses shown for these relatives in each child's **Form GC-210(CA), Guardianship Petition—Child Information Attachment**.

How does the server serve the *Notice of Hearing* and the *Petition* by mail? (Continued)

Ask the server to (*continued*):

- Fill out, date, and sign the *Proof of Service* on the second page of the original **Form GC-020**.
Don't sign that form yourself.
- If there are more than four persons being served by mail, continue the list of persons served by mail on one or more copies of **Form DE-120(MA)/GC-020(MA)**, *Attachment to Notice of Hearing Proof of Service by Mail*.
- Give the filled-out and signed original *Proof of Service* and all filled-out attached pages back to you.

When must the *Notice of Hearing* and the *Petition* be served?

- When you file your *Petition*, the court clerk will give you a date and time when, and a courtroom or department where, the judge will hear your request for appointment of a guardian.
- Once you have the date, time, and place of the hearing, that information must be filled in on **Form GC-020**, *Notice of Hearing—Guardianship or Conservatorship*, and that form and the *Petition*, with all pages attached to it, must then be personally served or served by mail on the persons and organizations mentioned above that apply to your case.
- With the exception noted below, **personal service and service by mail must be completed at least 15 days before the date of the hearing.**
- If service must be made on the Director of the Regional Center for the Developmentally Disabled for the child's county, **service must be completed at least 30 days before the hearing.** If the child in your case is developmentally disabled and you think you may have to serve a Regional Center director, when you file your *Petition* you can ask the clerk for a later hearing date because you will need more time than usual to serve the *Notice of Hearing* and the *Petition*.

What happens if the papers aren't served in time?

If the *Notice of Hearing* and *Petition* aren't served in time, the court will have to continue (postpone) the hearing date on your petition. This will delay appointment of a guardian for the child or children involved in your case.

What do I do with the completed *Notice of Hearing* and the attached proofs of personal service and service by mail?

- File with the court at least 5 days before your hearing date the original **Form GC-020**, *Notice of Hearing—Guardianship or Conservatorship*, with the filled-out and signed *Proof of Service* on the second page, the filled-out, signed, and attached **Form GC-020(P)**, *Proof of Personal Service of Notice of Hearing—Guardianship or Conservatorship*, and all attached pages showing additional persons served. File these papers with the court as soon as you can. The 5-day period mentioned above is a minimum time period.
- When you file **Form GC-020**, take an extra copy with you for the court to stamp, showing that the original form was filed on that day.
- Bring that copy with you to the hearing.

Probate: Instructions for Starting a Probate Guardianship and for Serving Documents at the Beginning of the Case
(adopt Judicial Council forms GC-505 and GC-510)

	Commentator	Position	Comment on behalf of group?	Comment	Response of the Probate and Mental Health Advisory Committee
1.	Ms. Grace Andres Court Services Program Manager Superior Court of California, County of Solano Fairfield	AM	N	<p>Agree with proposed changes, with the following recommended modifications:</p> <p>Form GC-505:</p> <ol style="list-style-type: none"> 1. Consider putting the form number at the beginning of each sentence, i.e.: Form GC-210(P)-Petition for Appointment of Guardian of the Person (recommended if you won't have an attorney to help you); 2. Procedures described in Items 8 and 9 remain unclear. Consider the following structure: <ul style="list-style-type: none"> <input type="checkbox"/> Form GC-510: Read and follow the instructions for serving copies of your petition and Notice of Hearing: <input type="checkbox"/> Copies of the Petition and Notice of Hearing given by personal delivery; follow the instruction for personal service. <input type="checkbox"/> Copies of the Petition and Notice of Hearing mailed; follow the instruction for service by mail. <input type="checkbox"/> File the completed Notice of Hearing with the original (filled-in and signed) proofs of service at the court at least 5 days before the hearing on your petition. 	<p>Form GC-505:</p> <ol style="list-style-type: none"> 1. The advisory committee agrees with this comment and has changed references to other forms in both of these instruction forms. 2. The advisory committee has revised items 8 and 9 of this form in response to another comment. The revisions do not include this recommendation but should provide the clarity this commentator seeks.

Probate: Instructions for Starting a Probate Guardianship and for Serving Documents at the Beginning of the Case
(adopt Judicial Council forms GC-505 and GC-510)

	Commentator	Position	Comment on behalf of group?	Comment	Response of the Probate and Mental Health Advisory Committee
				<p>3. The terms used in GC-505 should be the same terms used in GC-510:</p> <p>Compare GC-510: What is “service”? “The law requires...Depending on the circumstances, there are several ways papers may be served, including by personal delivery (“personal service”) or by mail (“service by mail”)</p> <p>with GC-505 Item #8:</p> <p>“Follow the instructions....for personal <u>service</u> (consider replacing with “personal <u>delivery</u>). The term personal delivery is easier for a layperson to understand than personal service.</p> <p>4. In the interest of providing equal access to the assistance offered by these forms, they should be available in other languages.</p> <p>5. Form GC-510 “What is “Proof of Service” in a Guardianship?</p> <p>Even in this plain language version, the form is four pages long. Important information is not easily identified and may not be referenced. If possible, break it down further by reducing or</p>	<p>3. This proposed change has been made in the opening paragraph of form GC-510 and item 8 of form GC-505.</p> <p>4. The advisory committee and staff plan to create Spanish-language versions of both forms.</p> <p>5. Form GC-510 has been revised for greater clarity. The form is no shorter, but it must cover a complex area of law and procedure. The greater clarity should improve overall understanding.</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Response of the Probate and Mental Health Advisory Committee
				simplifying the process to bullets or necessary steps to effectuate service.	
2.	Ms. Krystina Cifuentez Deputy Court Administrator III Superior Court of California County of Kings Hanford	A	Y	Agree with proposed changes. The instructions are excellent and will be very helpful to the self-represented.	No response necessary.
3.	Mr. Robert Colyar Probate Staff Attorney Superior Court of California County of Santa Clara San Jose	N	N	Do not agree with proposed changes. Both forms are too wordy. They are not user friendly for unsophisticated users. Form GC505 has procedural steps mixed in with form lists. Form GC-510 is 3 1/2 pages long. Virtually none of the self-represented persons I see could use it.	Both forms have been revised in response to these comments in an effort to improve clarity and understanding.
4.	Mr. Art Fisher, Legal Director, signing for Theresa Witherspoon, Esq. California Indian Legal Services Oakland Office Oakland	AM	Y	Agree with proposed changes if modified. The following comments are intended to address the proposed instructions lack of compliance with the Indian Child Welfare Act (25 U.S.C. 1901, et. Seq), CRC 5.664, and the provisions of SB 678 which made numerous revisions to the Family and Probate codes effective January 1, 2007. These instructions make no mention of these requirements. Were a petitioner to follow these instructions for an Indian child, they would be setting up every such case to potentially being overturned. They	These forms were not intended to cover the requirements of the Indian Child Welfare Act (ICWA) and Senate Bill 678. Advice to that effect has been added to both forms.. The advice added to form GC-505, tied to an asterisk following the name of the form at the top of page 1, reads as follows:

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	Commentator	Position	Comment on behalf of group?	Comment	Response of the Probate and Mental Health Advisory Committee
				<p>make no provision for a tribe or Indian custodian to be notified, do not discuss that parties in ICWA cases must be notified of certain enumerated rights, and do not alert the petitioner to the higher evidentiary burdens imposed on them when the proposed ward is or may be an Indian child. Given the powerful remedy of the motion to invalidate for placements made in violation of ICWA, see 25 U.S.C 1914 and Probate Code 1459(e), it is imperative that the petitioners be made aware of the extra protections for Indian children and the rights of tribes to participate. We have specified below where specific additional instructions could be made in the forms as proposed. However, given the extensive additional requirements for cases involving proposed wards who are or may be Indian children, we recommend that a separate mandatory form and a separate set of instructions be developed for guardianships of children with Native American ancestry.</p> <p><u>Form GC-505, Item 6:</u></p> <p>If the proposed ward is an Indian child, ICWA imposes higher requirements for a parent to give consent to a guardianship. This is not addressed by Form GC-211 <i>Consent to Appointment of Guardian and Waiver of Notice</i>, which these instructions mention in Item 6. ICWA provides:</p>	<p>“* Appointment of a guardian for a Native American child is subject to special requirements that are not discussed in these instructions. See item 14 on the next page”</p> <p>Item 14 on page 2 of the form refers the reader to the public Website’s discussion of ICWA requirements.</p> <p>A similar reference has been added to page 3 of form GC-510.</p> <p>This advisory committee is working with the Family and Juvenile Law Advisory Committee on a comprehensive proposal to revise current rule 5.664 of the California Rules of Court, adopt a new rule of court in title 7 concerning ICWA in probate matters, revoke existing juvenile court ICWA-related forms, and adopt new common ICWA forms that could be used in all proceedings to which ICWA applies. The proposal includes an ICWA instruction form, to be designated ICWA-005-INFO.</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Response of the Probate and Mental Health Advisory Committee
				<p>Where any parent or Indian custodian voluntarily consents to a foster care placement or to termination of parental rights, such consent shall not be valid unless executed in writing and recorded before a judge of a court of competent jurisdiction and accompanied by the presiding judge's certificate that the terms and consequences of the consent were fully explained in detail and were fully understood by the parent or Indian custodian. The court shall also certify that either the parent or Indian custodian fully understood the explanation in English or that it was interpreted into a language that the parent or Indian custodian understood. Any consent given prior to, or within ten days after, birth of the Indian child shall not be valid. 25 U.S.C. 1913(a).</p> <p>This heightened consent requirement is also incorporated into the Probate Code at § 1500.1.</p> <p><u>Form GC-505, "Need help?" section:</u></p> <p>For proposed wards who are of Native American ancestry, the Judicial Council may want to list California Indian Legal Services for referrals, advice or possible assistance on the Indian Child Welfare Act and refer them to our website: www.calindian.org.</p>	<p>The proposal will be circulated for public comment this spring, for possible Judicial Council action effective January 1, 2008. Further revisions of forms GC-505 and GC-510 as necessary to refer to the new ICWA instruction form will be made to meet the anticipated adoption of this comprehensive proposal. The advisory committee believes, however, that these forms should be adopted now rather than waiting for the January date of the proposed new ICWA rules and forms, to assist the large majority of guardianship petitioners and proposed wards who are not affected by ICWA.</p>

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				<p><u>Form GC-510. “Who must be served with a <i>Notice of Hearing</i> and a <i>Petition</i>, but may be served by mail?”</u></p> <p>If the court or petitioner knows or has reason to know the proposed ward may be an Indian child, any tribe of which the child may be a member or eligible for membership must be sent notice of the proceedings; if the child’s tribe cannot be identified notice must also be sent to the Bureau of Indian Affairs. The notice must also contain additional information not contained in the current Judicial Council forms for <i>Notice of Hearing</i> or the <i>Petition</i>. That information must be provided to the parent, Indian Custodian and the child’s tribe.</p> <p>Probate Code Section 1460.2(b)(5) requires that the following information be included in the notice:</p> <p>(A) The name, birthdate, and birthplace of the Indian child, if known.</p> <p>(B) The name of any Indian tribe in which the child is a member or may be eligible for membership, if known.</p> <p>(C) All names known of the Indian child’s biological parents, grandparents and great-grandparents or Indian custodians, including</p>	

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				<p>maiden, married, and former names or aliases, as well as their current and former addresses, birthdates, places of birth and death, tribal enrollment numbers, and any other identifying information, if known.</p> <p>(D) A copy of the petition.</p> <p>(E) A copy of the child’s birth certificate, if available.</p> <p>(F) The location, mailing address, and telephone number of the court and all parties notified pursuant to this section.</p> <p>(G) A statement of the following:</p> <ul style="list-style-type: none"> (i) The absolute right of the child’s parents, Indian custodians, and tribe to intervene in the proceeding; (ii) The right of the child’s parents, Indian custodians, and tribe to petition the court to transfer the proceeding to the tribal court of the Indian child’s tribe, absent objection by either parent and subject to declination by the tribal court. (iii) The right of the child’s parents, Indian custodians, and tribe to, upon request, be granted to an additional 20 days from the receipt of the notice to prepare for the proceeding. 	

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				<p>(iv) The potential legal consequences of the proceedings on the future custodial rights of the child’s parents or Indian custodians.</p> <p>(v) That if the parents or Indian custodians are unable to afford counsel, counsel shall be appointed to represent the parents or Indian custodians pursuant to Section 1912 of the Indian Child Welfare Act (25 U.S.C. Sec. 1901 et seq.).</p> <p>(vi) That the information contained in the notice, petition, pleading, and other court documents is confidential, so any person or entity notified shall maintain the confidentiality of the information contained in the notice concerning the particular proceeding and not reveal it to anyone who does not need the information in order to exercise the tribe’s rights under the Indian Child Welfare Act (25 U.S.C. Sec. 1901 et seq.).</p> <p>For contact information for the tribes, petitioners should be referred to the federal register listing the tribes’ designated agents for service under ICWA.</p> <p>If notice is improper, the entire proceeding could be invalidated either through a motion to invalidate or on appeal. The Judicial Council is surely aware of the hundreds of dependency cases that have been overturned in California</p>	

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	Commentator	Position	Comment on behalf of group?	Comment	Response of the Probate and Mental Health Advisory Committee
				<p>based solely on inadequate notice.</p> <p><u>Form GC-510: “How does the server serve the Notice of hearing and the Petition by mail?”</u></p> <p>If the child may be an Indian child, notice must be sent to the parent, tribe, Indian custodian, and potentially the Bureau of Indian Affairs via <u>registered</u> or <u>certified</u> mail, return receipt requested. Probate Code §1460.2(b)(1). The signed return receipts and any response must be filed with the court. Probate Code § 1460.2(d).</p> <p>The advisory committee indicated in its Invitation to Comment that it was requesting comments on the development of other instructional material for guardianship forms.</p> <p>The new Form GC-210(CA) <i>Guardianship Petition-Child Information Attachment</i> addresses ICWA briefly in item 1(c). This item asks if the child has Native American ancestry and if so, asks the petitioner to provide information required by the Indian Child Welfare Act. The form does not specify what that information would be. This place in the form would be highly appropriate for providing further instructions concerning ICWA to a petitioner.</p>	<p>As part of the comprehensive ICWA proposal mentioned above, form GC-210(CA) would be revised to refer to the new rules of court and to disclose the guardianship petitioner’s duties under the notice provisions of ICWA and Senate Bill 678.</p>

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				<p>Because there are many additional requirements when guardianship proceedings may involve an Indian child, California Indian Legal Services strongly recommends the Judicial Council develop a separate mandatory form and set of instructions for such proceedings. In addition to the notice requirements, ICWA places higher evidentiary burdens on petitioners. For example, (1) the petitioner must provide expert testimony that continued custody of the child by the parent is likely to result in serious emotional or physical damage to the child; (2) the petitioner must establish that active efforts have been made to prevent the break up of the Indian family; and (3) the petitioner must show that placement with the proposed guardian meets the placement preferences under the Indian Child Welfare Act, or establish good cause to deviate from those preferences. California Indian Legal Services would be happy to work with the Judicial Council to develop such a form and instructions. Were the proposed forms implemented without addressing the requirements of the Indian Child Welfare Act, many petitioners would proceed in violation of the Act, leading to the best interest of the child not being met and the stability and security of Indian tribes jeopardized.</p>	
5.	Ms. Debra Meyers Chief of Staff Counsel	A	Y	<p>Agree with proposed changes. However, there is a concern that the term,</p>	Form GC-510 has been revised to

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	Superior Court of California County of San Bernardino San Bernardino			“Yellow Pages,” used in proposed form GC-510 may be a private trademark, and use of the term may be a violation of the trademark.	replace the reference to Yellow Pages with the generic term “telephone directory.”
6.	Ms. Andrea Nelson Director of Operations Superior Court of California County of Butte Oroville	A	N	Agree with proposed changes.	No response necessary.
7.	Ms. Sharon Ngim Staff Liaison to the Standing Committee on the Delivery of Legal Services The State Bar of California, San Francisco	AM	Y	<p>Agree only if modified.</p> <p>SCDLS supports W07-07 because it is intended to make it easier for self-represented litigants to file. However, we strongly suggest that the instructions be written in clear and consistent plain English. W07-07 as currently written uses too many complex sentences and confusing passive voice phrases. The current drafts are too difficult to understand for most of the clients that SCDLS’ members serve on a daily basis.</p> <p>Although nearly every line would benefit from re-writing, following are both general and specific examples that will illustrate how to achieve improvement:</p> <p><u>Form GC-505:</u> This form is dense with text and may not meet</p>	<p><u>Form GC-505</u> This form has been completely</p>

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				<p>any of the accessible text suggestions regarding white space, appropriate and limited use of italics and bold. Also, the explanations/directions aren't consistent with the language used on the California Courts Self-Help Center website (www.courtinfo.ca.gov/selfhelp) or other forms.</p> <p>More specifically:</p> <ul style="list-style-type: none"> ▪ Improve “What forms do I use to ask the court to appoint me as the guardian of the person of a child?” by putting first-person first: “I want to become a guardian of a child - what forms do I need to file with the court?” ▪ Improve “What if I want someone other than myself to be appointed as the child’s guardian?” by using active voice: “I want to appoint someone else as a child’s guardian - what must I do?” ▪ Improve “The Confidential Guardian Screening Form (form GC-212) mentioned above must be filled out and signed not by you, but instead by the person you want the 	<p>revised, primarily to implement the many excellent recommendations made by this commentator.</p> <ul style="list-style-type: none"> ▪ This change has been made on page 1 of form GC-505. ▪ This item on page 1 of form GC-505 has been changed to read: “What must I do if I want the court to appoint someone other than myself as guardian?” ▪ This entry, item 3 on page 1 of form GC-505, has been revised to read:

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	Commentator	Position	Comment on behalf of group?	Comment	Response of the Probate and Mental Health Advisory Committee
				<p>court to appoint as guardian”</p> <p>by using active voice and first person:</p> <p>“Instead of completing Form GC-212 listed above in Step 2, ask the preferred guardian to complete and sign the form”</p> <ul style="list-style-type: none"> ▪ Item 4: “File with your petition a Consent of Proposed Guardian (Form GC-211, item 1, top part of the form), signed by the person you want the court to appoint. You do not need this form if you are asking to be appointed guardian....” <p>This form has two other sections that make it useful in other situations, and some courts such as San Francisco still require the petitioner to sign this form even if s/he want to be appointed guardian.</p>	<p>“Instead of filling out and signing Form GC-212, listed above in Step 2, ask the person you want the court to appoint as guardian to fill out and sign that form.”</p> <ul style="list-style-type: none"> ▪ This entry, item 4 on page 1 of form GC-505, has been revised to read: <p>“Instead of signing item 1 of Form GC-211, listed above in Step 2, ask the person you want the court to appoint as guardian to sign item 1 of that form. Many courts don't require that form if the person you want as guardian signs your petition (as an additional petitioner), so check with the court on the need to file that form if that person signed your petition. See page 2 of this form to learn about use of another part of Form GC-211.”</p> <p>The reference to Form GC-211 in item 2 has been revised to</p>

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				<ul style="list-style-type: none"> ▪ Item 11: The Order Appointing Guardian of Minor (Form GC-240) would NOT be filed before the hearing, since it reflects the judge’s order that is made at the hearing. 	<p>read:</p> <p>“If required by your court, sign and file separately with your petition, Form GC-211, Consent of Proposed Guardian (item 1 of that multi-purpose form, at the top of the page). Many courts don't require that form if you are asking for your own appointment as guardian, so check with your court before you file it.”</p> <ul style="list-style-type: none"> ▪ Item 11 on page 2 of form GC-505 has been revised to advise the user to fill out the three forms listed and <i>deliver</i> them to the court (not file them) at or before the hearing on the petition for appointment of a guardian. <p>The reference to the order appointing the guardian in item 11 has been changed to read:</p> <p>“Form GC-240, Order Appointing Guardian of Minor (the judge will sign this Order at or shortly after the hearing</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Response of the Probate and Mental Health Advisory Committee
				<ul style="list-style-type: none"> ▪ Improve “Follow the instructions in <i>What is “Proof of Service” in a Guardianship?</i> (Form GC-510) for personal service of copies of your petition and the Notice of Hearing, and to show the court that service has been made” <p>by dividing into shorter, active, declarative sentences:</p> <p>“You must notify certain people about the hearing. Read Form GC-510, ‘What is “Proof of Service” in a Guardianship?’ and follow the instructions for personally serving copies of your petition. You will need to prove to the court that you have followed the instructions.”</p>	<p>on your petition if he or she grants your petition for appointment of a guardian);”</p> <ul style="list-style-type: none"> ▪ The recommendations of this commentator concerning the instructions about service of the <i>Notice of Hearing</i> and the guardianship petition in general have substantially been incorporated in the revised form. A new heading has been added before item 7 on page 2 of the form , reading: <p>“What must I do before the court hearing on my petition?”</p> <p>The following general instruction has been added following the new heading:</p> <p>“You must arrange for someone other than yourself to notify certain people about your petition and the court hearing and show the court that he or she has done so. Read Form GC-510, <i>What is “Proof of</i></p>

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					<p><i>Service" in a Guardianship, and: . . ."</i></p> <p>Items 7–11 of the form follow, with specific instructions in each item tied to the above-quoted general instruction. These instruction include retained separate references in items 8 and 9 to form GC-510 for specific instructions for personal service and service by mail. However, these references have been changed to read:</p> <p>“Follow the instructions in Form GC-510 for personal delivery (“personal service”) of copies of your petition and the <i>Notice of Hearing</i> and showing the court that personal service has been made (“proving service”).</p> <p>Follow the instructions in Form GC-510 for mailing (“service by mail”) copies of your petition and the <i>Notice of Hearing</i> and showing the court</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Response of the Probate and Mental Health Advisory Committee
				<p><u>For GC-510:</u></p> <p>Generally, the form is dense with text and may not meet any of the accessible text suggestions regarding white space, appropriate and limited use of italics and bold. The explanations/ directions are not consistent with the language used on the California Courts Self-Help Center website (www.courtinfo.ca.gov/selfhelp) or other forms. Nearly every sentence uses passive voice. We suggest re-writing as many sentences as possible into active tense. Additionally, if the form used personal pronouns, it would read more clearly.</p> <p>Also, information regarding personal service and service by mail is repeated and can be consolidated. An example of using simpler language can be found at www.courtinfo.ca.gov/selfhelp/smallclaims/service.htm#service</p> <p>More specifically:</p> <ul style="list-style-type: none"> ▪ Improve “The law requires a person involved in a court case to arrange for “service,” or delivery, of copies of important papers the person files with the court to other people involved in the case. Depending on the circumstances, there are 	<p>that service by mail has been made. (“proving service”).</p> <p><u>For GC-510:</u></p> <p>This form has been revised in an effort to comply with the overall recommendations of this commentator. Specific changes in response to specific recommendations are discussed below.</p> <ul style="list-style-type: none"> ▪ This item, at the top of page 1 of the form, has been revised to read:

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	Commentator	Position	Comment on behalf of group?	Comment	Response of the Probate and Mental Health Advisory Committee
				<p>several ways papers may be served, including by personal delivery (“personal service”) or by mail (“service by mail”)</p> <p>by dividing using personal pronouns and active voice:</p> <p>When you are involved in a court case, the law requires you to deliver (“serve”) copies of certain important court documents on other people involved in the case. You may deliver the necessary documents in person (called “personal service”) or, in certain circumstances; you may deliver them by mail (“service by mail”).</p> <ul style="list-style-type: none"> ▪ <i>Under “What papers must be served in a guardianship of the person?,” the first bullet point reads, “a filled-in copy of...”. This language is confusing for self-represented litigants who may not think the original does not have to be filed. The language should be consistent with other information sheets on service that use “filed copy” or make no reference.</i> 	<p>“When you are involved in a court case, you are responsible for delivery (“service”) of copies of important papers you file with the court to other people involved in the case. Depending on the circumstances, these papers must be served by personal delivery (called “personal service”), or may be served by mail (called “service by mail”).</p> <ul style="list-style-type: none"> ▪ This item was not changed in the manner requested. The two bullet points listing the documents to be served refer to them as “filled in copies.” This should be enough of a distinction from the filed original to be clear. Form GC-505, designed to be used alongside form GC-510, also clearly makes this distinction. That form refers to the service of copies of the petition after

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	Commentator	Position	Comment on behalf of group?	Comment	Response of the Probate and Mental Health Advisory Committee
				<ul style="list-style-type: none"> ▪ The language used in “Who must be personally served?”, and especially the sentence, “Don’t serve these by mail!!” is confusing. ▪ The information provided in the section entitled, “How do I arrange for personal service?” would flow better if it appeared immediately after the section entitled, “<i>What is “service”?</i>” 	<p>the original has been filed, and advises that the original <i>Notice of Hearing</i> is to be filed after service of copies. Thus it should be clear enough that the original of either document is to be filed, not served.</p> <ul style="list-style-type: none"> ▪ Small changes have been made to this section, but the material following the checkboxes in the middle of the first page is complex and must remain so to be accurate. The sentence “<i>Don’t serve these by mail!</i>” is a subtitle to the graphic picture showing the mailbox with a line drawn through it. It follows and is added emphasis to the heading “[W]ho must be personally served?” ▪ The advisory committee favors the current order of these items, in which a general description of the service requirement is followed by items describing the papers to be served and identifying who must be personally served before the item describing how to arrange

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				<ul style="list-style-type: none"> ▪ Under “<i>Who can serve?</i>” please note that it is the experience of at least one SCDLS member that the sheriff rarely has an office at the courthouse. ▪ The sentence “Who must be served with a Notice of Hearing and Petition, but may be served by mail?” is very confusing 	<p>for personal service.</p> <ul style="list-style-type: none"> ▪ The third bullet point under this item, at the bottom of page 1 of the form, has been changed to say that the civil division <i>often</i> has an office <i>at the</i> courthouse instead of <i>usually</i> has an office <i>at your</i> courthouse. ▪ This heading, on page 2 of form GC-510, has been changed to read “[W]ho may be served by mail?”
8.	Mr. Michael Powell Manager, Family Court Services Superior Court of California County of San Luis Obispo San Luis Obispo	A	Y	Agree with proposed changes. We wanted to submit our support of the proposed documents in their current form and express that the details of the notice requirements document are especially well presented. This will be an extremely useful document for our court, as notice issues are the primary delays in Probate proceedings, even with extensive local support.	No response necessary.
9.	Ms. Gregoria Ramirez Director of Family Court Services	A	Y	Agree with proposed changes.	No response necessary.

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	Commentator	Position	Comment on behalf of group?	Comment	Response of the Probate and Mental Health Advisory Committee
	Superior Court of California County of San Joaquin Stockton				
10.	Ms. Tina Rasnow Senior Attorney/Coordinator Superior Court of Ventura County Ventura	AM	N	<p>Agree with proposed changes if modified.</p> <p>These are excellent forms overall and desperately needed! I've made suggested changes on copies of the forms sent in with this comment.</p> <p>Our court requires the forms in item 11 to be lodged when the original petition is filed. The court holds the letters and order in the file, without "filing" them, so they are in the file at the time of the hearing. Many unrepresented persons forget to bring their papers with them to court and this saves court time by having the completed forms in the file ready to be signed or issued.</p>	<p>The advisory committee particularly values comments from this commentator, the director of one of the best court-based guardianship self-help centers in the state. However, the comment process for forms works better and a clear record of them is established if recommendations are reduced to writing rather than presented in marked-up copies of the forms.</p> <p>Item 11 on page 2 of form GC-505 has been changed to instruct the form's user to fill out and deliver the listed forms to the court at or before the hearing, not to file them. However, many courts do not follow Ventura's practice; they do not require these forms to be lodged with the court when the petition is filed. The instruction under the heading for item 11 advises the user</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Response of the Probate and Mental Health Advisory Committee
					to check his or her court's local rule for the deadlines for delivery of these forms to the court.
11.	Mr. Michael Roddy Executive Officer Superior Court of California County of San Diego San Diego	A	Y	Agree with proposed changes.	No response necessary
12.	Mr. Ben Stough Court Executive Officer Superior Court of California County of Mendocino Ukiah	A	N	Agree with proposed changes.	No response necessary
13.	Mr. Scott Thomas Court Investigator Superior Court of California County of Contra Costa Martinez	AM	N	Agree with proposed changes if modified. Regarding the invitation to comment on the proposed changes for the guardianship form, I have the following comments. 1. Form 505: The instructions do not tell the petitioner that they will need one or more copies of their documents for filing.	1. A new last sentence has been added at the bottom of page 1 of this form, reading as follows: "Some courts will require you to give the clerk one or more extra copies of your papers, so check

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(adopt Judicial Council forms GC-505 and GC-510)

	Commentator	Position	Comment on behalf of group?	Comment	Response of the Probate and Mental Health Advisory Committee
				<p>2. Under “Need Help?” The petitioner is referred to the EZLEGAL site. I have reviewed this site, and am of the opinion it creates more problems than it solves. It allows a person to have “CONFIDENTIAL” inserted everywhere their address and telephone number would appear. It also allows a person to complete the forms for a temporary guardianship without preparing forms for a general guardianship. There are several other lesser problems with the site. My recommendation would be to deactivate the site, until these problems can be resolved. I realize that is beyond the scope of this feed back, but I do not believe removing the link from this form is the answer as it would be beneficial once the problems with the site were corrected.</p> <p>3. Form 510: The second paragraph under “What Is Service?” is hard to understand. I suggest the following revision:</p> <p>“At the beginning of a guardianship case the petitioner (the person who is asking the court to appoint a guardian for a child) must arrange for service of papers. Certain people must be served personally, while others may</p>	<p>with your court before you go to the court to file the papers.”</p> <p>2. The advisory committee agrees with this recommendation. The reference to EZLEGAL File has been deleted from form GC-505.</p> <p>3. This paragraph, at the top of page 1 of form GC-510, has been revised to read:</p> <p>If you file a petition for appointment of a guardian for a child, you are a “petitioner.” At the beginning of the case the petitioner must arrange for personal service of</p>

Probate: Instructions for Starting a Probate Guardianship and for Serving Documents at the Beginning of the Case
(adopt Judicial Council forms GC-505 and GC-510)

	Commentator	Position	Comment on behalf of group?	Comment	Response of the Probate and Mental Health Advisory Committee
				<p>be served by mail. The petitioner must show the court that this service has been completed.”</p>	<p>copies of the petition and other papers on certain people, must see that these papers are served on certain other people either by mail or by personal service (at the petitioner's choice), and then must show the court that this has been done (called “proving service,” or “proof of service”). This paragraph follows a revised paragraph that describes the obligation of delivery (“service”) of copies of important papers filed in a court case generally.</p>