

CALIFORNIA CONFERENCE ON SELF REPRESENTED  
LITIGANTS

GUARDIANSHIPS WORKSHOP  
MAY 14, 2007



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## Materials List

Guardianships Overview Chart (Guardianship of the Person)

Guardianship Presentation Notes

Notice in a Nutshell

Cheat Sheet on Notice Codes

Objection

Request to Excuse Notice

Petition for Visitation

Internet Packet Instructions (EZ Legal)

Contact: *Anthony Serafica*, [ASerafica@sanmateocourt.org](mailto:ASerafica@sanmateocourt.org)

Volunteer Information

Sample recruitment letter

Volunteer Application & Agreement

**FOR MORE TRAINING MATERIALS &  
BROCHURES, GO TO THE EUQAL ACCESS  
WEBSITE.**

**<http://www.courtinfo.ca.gov/programs/equalaccess/>**

# ***GUARDIANSHIP OF THE PERSON***

## **Stage 1: I haven't filed any papers yet**

- Do I need a guardianship?
- Filing the initial forms + is this emergency?
- Acting on list of persons who need to know
- Filing proof of service/consent/due diligence

## **Stage 2: Having hearings with Judge**

- Clearing up procedural defects in file
  - \*\*"Probate Notes" or questions by probate examiner
- Objection filed by parent or others
  - \*\*Free filing for parents
  - \*\*Way to get visitation schedule order
  - \*\*Best interest of child
- Judge's investigation
  - \*\*Using Court Investigators & Mediators

## **Stage 3: Judge makes a decision**

### Legal Standard depends on whether there is an Objection

- If no objection: "necessary and convenient"
- If objection of parent: parent is "detrimental" to child and it is in the "best interests" of child

### Options:

- Granted (need Order & Letters) OR
- Holding Pattern (review) OR
- Denied

## **Stage 4: Living with the guardianship**

- Guardianship no longer needed or wanted. File PETITION FOR TERMINATION
- Guardian & child moving out of state. File PETITION TO FIX RESIDENCE & PETITION FOR TERMINATION
- Parent having troubling visiting child. File PETITION FOR VISITATION
- Guardian sick/dead and need new one. File PETITION FOR GUARDIANSHIP (successor)

## STAGE 1: I HAVEN'T FILED ANY PAPERS YET

### **Do I need a Guardianship?**

- ✓ A parent never needs a guardianship, unless that parent's rights were terminated by Court (i.e., adoption)
  - If other parent is not allowing visitation, need to file in family court
  - Parent can call police on person holding child without legal authority
- ✓ The parties are all in agreement and no one is asking for legal guardianship
  - Can offer Caretaker's Affidavit
- ✓ Can not file if the minor is a ward of the Court (in juvenile system).
  - Clues: Child is in foster care; CPS took child and it's been a year
- ✓ Can file if there is a pending family law case; guardianship court may transfer to family law judge
  - Potential Use: Grandparent trying to support their child in a custody battle

### **Filing the Papers**

- Step 1: Finding the right court geographically
- Step 2: Determining if there is an emergency need to see the judge sooner than "regular" guardianship hearing
- Step 3: Preparing the forms:
- Forms needed. [Plain language forms have been found to be preferred by persons with no legal training.]

#### ***A. Temporary Guardianship paperwork***

- Petition for Temporary Guardianship [plain language GC-110(P)]
- Order Appointing Temporary Guardian [GC-140]
- Letters of Temporary Guardianship [GC-150]

**B. Regular Guardianship paperwork**

- Petition for Guardianship [plain language GC-210(P)]
- Child Information Attachment [GC-210(CA)] *1 for each minor*
- UCCJEA [GC-120]
- Consent of Proposed Guardian [GC-211] (local practice?)
- Confidential Guardianship Screening Form [GC-212] *1 for each*
- Duties of Guardian [GC-248]
- Notice of Hearing [GC-020]
- Order Appointing Guardian [GC-240]
- Letters of Guardianship [GC-250]
- *Optional Forms (check local practice)*
  - Order Prescribing Notice [DE-200]
  - Order Dispensing with Notice [GC-021]
- *Local Forms*
  - (San Bernardino Guardianship Questionnaire)
  - (San Bernardino A1 Form)
  - (San Bernardino Certificate of Assignment)

Step 4: Filing the forms with the guardianship clerk & getting the hearing dates.

**Acting on List**

- ✓ Probate Code Sections 1460 et seq. and 1511 set forth the list of persons who need to be provided notice. (See Notice in a Nutshell and Cheat Sheet)
  - Some persons require enhanced notice – personal service  
Example: Parent, Minor if old enough (12+)
  - Some persons require information notice – mailed service  
Example: Grandparent or sibling
- ✓ Understanding “second degree” relative – count using direct line of parent/child  
Example: minor to parent is one degree  
*Minor to grandparent is two degrees* (up to parent, then up to their parents)  
*Minor to sibling is two degrees* (up to parent, then down to other children of parents)
- ✓ For each person on the list, some action must be taken to satisfy the due process requirements.
  - Actual service per Code – *only choice with time requirement*
  - Person signs Consent form
  - Can’t find the person and ask Judge to excuse notice or provide lesser notice.

- Example: Can't find the person and have made a reasonable effort to locate. San Bernardino practice: File Request to Excuse Notice form and Judge makes ruling
- Example: San Bernardino local rule allows parent in jail to be served via certified mail as long as that person files declaration explaining hardship of personal service; Judge could find "good cause"

### **Filing Proof of Activity**

- ✓ File with the clerk the Notice of Hearing with Proof of Service (personal and/or by mail); File the Consent to Appointment of Guardian and Waiver of Notice; File the Request to Excuse Notice (or Due Diligence Declaration)
- ✓ Be sure to file in sufficient time for judge/examiner to review

<b>STAGE 2: HAVING HEARINGS WITH JUDGE</b>
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### **Clearing up Procedural Defects**

- ✓ Many courts employ probate attorneys or "examiners" to review the files before the Judge reads them.
- ✓ Typical practice of examiners is to make a note of any procedural defects or service issues
- ✓ Check local practice for how those notes are published and whether there is opportunity to communicate with the examiners
- San Bernardino local practice:
  - ❖ Notes published on Court's website.
  - ❖ Limited email communication re: confusion on notes; email is not meant to be a vehicle to "explain" filing
  - ❖ File "verified supplements", i.e., Declaration, to explain or augment or correct
  - ❖ File the required proofs of service, consent or due diligence declaration

### **Objection**

A parent (or other person) may file a written Objection to the guardianship petition. The Objection may relate to the need for a guardianship and/or the qualification of the person seeking a guardianship.

If a parent files the Objection, that paper carries no "First Appearance Fee". (See Government Code Section \_\_\_\_\_.)

Objection should be logical and easy to read. Judges and staff have a limited attention span due to large volume of papers to read. Parent may wish to respond to the allegations in the Petition and state their present ability to care for child. (Home, finances, etc.)

Not all Objections are successful to block a guardianship petition. Even so, there might be value in filing the Objection:

- ✓ Filling out form might cause parent to think about best interest of child and allow guardianship to proceed without Objection – potential for drug tests and investigators in their residence.
- ✓ Parent practices follow-through which might help them succeed in rehab program
- ✓ Parent understands that the guardianship is not permanent, and that they now have a goal to work toward – getting their child back.
- ✓ Judge might continue matter without granting petition, to give a parent a short window to "get it together"
- ✓ Guardianship is granted, but parent gets court-mandated visitation without having to later file documents (i.e., Petition for Visitation), which will cost money and more time

### **Investigation**

If the petitioner is a non-relative, there is a mandatory investigation by the Department of Children's Services (or equivalent in a county). [See Probate Code Section 1542]. This mandatory investigation includes a fingerprint scan.

In other cases, the Court could refer matter to Court Investigators for visitation/interview. Most counties will also run the criminal record of petitioner(s), adults living in the household of the petitioner(s) parents and the parents – no matter if Court Investigator is assigned to matter.

Some Courts may also use existing family law mediation programs when a parent objects. The purpose would be to see if there could be some family agreement as to need of guardianship. Sometimes the result is a visitation schedule allowed in

exchange for giving up the fight by the parent.

### STAGE 3: JUDGE MAKES A DECISION

#### **Legal Standard for Granting Guardianship Petition**

- **If not opposed by parent: (See Probate Code Section 1514)**

*The judge has to look at the best interests of the child and determine whether the appointment is necessary or convenient.*

- **If opposed by parent: (See *In re Guardianship of Olivia J. (2000)* 84 Cal.App.4<sup>th</sup> 1146, 1153.)**

*If the parent objects, the court can still grant the guardianship if the judge finds that an award of custody to a parent would be detrimental to the child and the award to a nonparent is required to serve the best interests of the child. The petition does not need, however, to specifically allege serious abuse, neglect, or abandonment. The proof required to show the detriment to the child must be "clear and convincing" in those cases where the parent objects.*

#### **Possible Choices:**

- *No decision* – continue matter for parties to continue working together or for parent to get ready to take child.
- *Set case for "trial" or "contested hearing"*. No jury. Judge will listen to witnesses.
- *Decision* –

**Grant** guardianship. Judge will then need to execute Order Appointing Guardian and clerk will issue Letters of Guardianship (which have been signed by the guardian)

OR

**Deny** guardianship. Case is officially over. Losing petitioner could file a Motion for Relief if the order was due to their mistake, inadvertence, surprise or excusable neglect. (Code Civil Procedure Section 473). Example: petitioner didn't show up at trial for a very good reason. [*Strategy for losing parent, too, if guardianship granted*] Another strategy: Losing petitioner could re-file Petition for Guardianship. Caveat: Probate Code Section 1610 gives power to Court to act on unwarranted

petitions which jeopardize the best interests of the child to be raised in a permanent and stable home.

STAGE 4: LIVING WITH THE GUARDIANSHIP
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**Termination of Guardianship**

- ✓ Parent, guardian, minor or Indian tribe, in case involving "Indian Child", can bring this Petition. (Probate Code Section 1601)
- ✓ Parent might file it if Parent is now stable or there are problems with guardian
- ✓ Guardian might file when Parent is ready to take children back
  - Trap for the unwary --- giving the kids back without the Court's permission. Face saving possible fix: guardian has approved long visit with parent for purposes of bonding.
- ✓ Guardian might file it when Guardian wants to give child back
  - Note: child may then go to foster care

Required Documents:
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1. Petition for Termination
2. Notice of Hearing (service by mail)
3. Order of Termination

**Petition to Fix Residence**

- ✓ Guardian and Child moving out of state. (Probate Code Section 2352)
- ✓ If Court grants Petition, then Guardian will need to re-file in new state or return child back to California
- ✓ If Guardian moving within in State of California, no need to file the Petition.
  - **BUT GUARDIAN MUST INFORM COURT OF MOVE WITHIN 30 DAYS AND MAIL A COPY TO THE RELATIVES LISTED IN THE PETITION FOR GUARDIANSHIP** (See Probate Code 2352 re: new requirements for keeping court informed)

Required Documents:

1. Petition to Fix Residence
2. Notice of Hearing (service by mail)
3. Order to Fix Residence
4. Petition for Termination (plus notice & order;

depends upon local practice if this is also required or whether Court will simply deem that termination request is being made)

### **Petition for Visitation**

Parent wants scheduled visitation. No Judicial Council form, nor any rule on it. Probate Code Section 1602 provides for visitation to a former guardian once guardianship is terminated, but doesn't mention parents' rights during a guardianship. See Petition for Visitation sample form. Local practice may allow the use of family law forms for visitation or notice motion on pleading paper.

Required Documents:

1. Petition/Motion
2. Notice of Hearing (mailed service on "parties")
3. Order

### **Successor Guardian**

All the same documents as was filed by the original guardian, with identical notice requirements. Local practice may also require Petition for Termination (plus notice/order).

## NOTICE IN A NUTSHELL

### RULES for GUARDIANSHIPS:

#### Guardianship Notice

1. **TIMING:**
  - ✓ 15 days – cannot be shortened by the Court
  
2. **WHAT PAPERS served:**
  - ✓ Notice and copy of petition to be served
  
3. **When notice is NOT required:**
  - ✓ No notice given to parents with severed rights
  - ✓ No notice if the person cannot with reasonable diligence be given the notice
  - ✓ No notice if the giving of notice would be contrary to the interests of justice.
  
4. **WHO gets notice:**

<b>PERSONAL</b>	<b>MAILED</b>
Proposed ward if 12 or older	Guardian (if not petitioner)
Mother	Spouse or registered domestic partner of proposed ward ***note, marriage terminates guardianship
Father	Special notice persons
Any person nominated in Will to be guardian	Relatives within the 2 <sup>nd</sup> degree, except for any relative aged under 12 years. (For under 12s, notice to parent, guardian, or other person having legal custody of under 12s.)
Any person with legal custody of the proposed ward	Any person with physical possession but no legal custody
	When the proposed ward is a patient in or on leave from state institution under control of Dept Mental Health or Dept Developmental Services  (Director of Mental Health

	<p>1600 9<sup>th</sup> Street, Rm 151 Sacramento, CA 95814)</p> <p>(Director of Developmental Svcs 1600 9<sup>th</sup> Street P O Box 94402 Sacramento, CA 94244-2020)</p>
	<p>When the proposed ward is entitled to benefits from VA</p> <p>(mail to local Office of Veterans Administration)</p>
	<p>Under limited circumstances when the proposed ward is developmentally disabled, notice is given to local Regional Center. (See Pr.C., § 1461.4)</p> <p>Note: 30 days rather than 15 days</p>
	<p>When petitioner is non-relative (see Pr.C., § 1513(g), send notice to two locations:</p> <p>Director of Social Services California Department of Social Services 744 P. Street Sacramento, CA 95814</p> <p><b>AND</b></p> <p>Notice to local agency designated by County Board of Supervisors to investigate guardianships (Probate Code 1542)</p>
	<p>When the minor has Native American Ancestry, special Indian Child Welfare Act (“ICWA”)</p>

	provisions apply. (See Probate Code Section 1460.2)
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## CHEAT SHEET OF PROBATE CODES FOR GUARDIANSHIP NOTICE

Probate Code 1511	<p>Lists out all persons who need notice, includes the relatives named in the petition.</p> <p>Gives times limits.</p> <p>References personal service via methods in Code of Civil Procedure</p>
Probate Code 2250	Rules for Temporary Guardianship Notice – court vested with discretion to make it less than 5 days.
Probate Code 1460	<p>Gives general rules re: notice when there is no specific rule to follow (such as 1511). Example: these rules apply for Petitions for Termination, per Probate Code §1601.</p> <p>Court can find “good cause” to dispense with notice required.</p>
Probate Code Sections 1460.1 to 1461.5	Deals with “specialty” notice situations, like Indian Child, patient in state mental hospital, etc.
Probate Code Section 1201	Petitioner doesn’t need to give notice to self
Probate Code Section 1203	Court can shorten time for notice – unless particular statute doesn’t allow for it. Probate Code §1511 states that the 15 day notice period CANNOT be shortened. But §2250 re: 5 day rule for temporary guardianships does not have that language.
Probate Code Section 1205	If hearing is continued, no further notice is required unless ordered by Court.
Probate Code Section 1215	Rules for mailing of notice.
Probate Code Section 1542	Mailing when “non-relative” petitioner. See Probate Code §1513(g) for definition.
Probate Code Section 1516	Local social services agency notice
California Rules of Court, Rules 7.52	Declaration of Diligent Search requirements
California Rules of Court, Rule 7.51	Mailing requirements, like “no group mailing” to household



ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i>    TELEPHONE NO.: _____ FAX NO. <i>(Optional):</i> _____ E-MAIL ADDRESS <i>(Optional):</i> _____ ATTORNEY FOR <i>(Name):</i> _____	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b>  STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
<input type="checkbox"/> GUARDIANSHIP OF <i>(Name):</i>          <div style="text-align: right;"><input type="checkbox"/> MINOR</div>	
<b>OBJECTION TO GUARDIANSHIP</b>	CASE NUMBER: _____

I am related to the child as the  mother  father  stepparent  grandparent  other relative  friend

I object to the petitioner getting guardianship of the child/children because:

**For the parent:**

I will agree to getting a drug test if the Court orders one.  Yes  No

I will agree to an investigation and home visit by the Court Investigator if the Court orders one.  Yes  No

I will agree to the petitioner having regular visitation with the child/children if the Court orders it.  Yes  No

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

Date:

\_\_\_\_\_  
 (TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)

▶

\_\_\_\_\_  
 (SIGNATURE OF PERSON COMPLETING THIS FORM)

<input type="checkbox"/> GUARDIANSHIP OF <i>(Name)</i> :  <input type="checkbox"/> MINOR	CASE NUMBER:
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**PROOF OF SERVICE OF OBJECTION**

1. I am over the age of 18 and not a party to this cause. I am a resident or employed in the county where the mailing occurred.
2. My residence or business address is:
  
3. I served the foregoing Objection to Guardianship on each person named below by enclosing a copy in an envelope addressed as shown below **AND**
  - depositing the sealed envelope with the United States Postal Service on the date and at the place shown in item 4 with the postage fully prepaid.
  - placing the envelope for collection and mailing on the date and at the place shown in item 4 following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United State Postal Service in a sealed envelope with postage fully prepaid.
4. Date mailed: \_\_\_\_\_ Place mailed *(city, state)*: \_\_\_\_\_

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

Date: \_\_\_\_\_

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

	<u>Name of person served</u>	<u>Address (number, street, city, state, and zip code)</u>
1.		
2.		

NAME AND ADDRESS OF PETITIONER/PLAINTIFF:	Telephone No.:	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
<b>IN THE MATTER OF:</b>		
<b>REQUEST TO EXCUSE NOTICE</b>		CASE NUMBER:

1. Your name is:
2. Your phone number is:
3. Your address is:
4. The name of the person you need to give notice to is:
5. Relationship between the child(ren) and the person you need to give notice:
6. Have you used the phone book or directory assistance to find the person?  Yes  No  
If yes, what cities?

7. Have you checked with friends and relatives?  Yes  No  
If yes, who did you ask?  
When did you ask?  
What did they say?

Who else did you ask?  
When did you ask?  
What did they say?

Who else did you ask?  
When did you ask?  
What did they say?

CASE NAME: _____	CASE NUMBER:
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8. What is the last known address for the person you need to give notice to?

9. Did you mail a letter to that address?  Yes  No

If yes, date mailed: \_\_\_\_\_ Was it returned?  Yes  No

10. What else did you do to try to give notice to the person?

Because I have taken the steps above to find the person and I have not been able to do so, I ask the Court for permission to excuse notice.

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

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME)

▶ \_\_\_\_\_  
(SIGNATURE)

**PETITION FOR VISITATION  
(GUARDIANSHIP)**

I am related to the child as the \_\_\_ mother \_\_\_ father \_\_\_ stepparent  
\_\_\_ grandparent \_\_\_ other relative \_\_\_ friend

I believe that visitation between myself and the minor(s) is in the best interests of the minor(s) because:

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My previous contacts with the minor(s) are as follows:

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I request that the Court order visitation between myself and the minor(s). I would like to have visitation as follows: \_\_\_\_\_

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The reason I have not been able to reach an agreement with the guardian/proposed guardian over visitation is:

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

\_\_\_\_\_  
(sign)

\_\_\_\_\_  
(date)

**PROOF OF SERVICE  
OF PETITION FOR VISITATION (GUARDIANSHIP)**

1. I am over the age of 18 and not a party to this cause. I am a resident or employed in the county where the mailing occurred.
2. My residence or business address is:
  
3. I served the foregoing Petition for Visitation (Guardianship) on each person named below by enclosing a copy in an envelope addressed as shown below AND
  - depositing the sealed envelope with the United States Postal Service on the date and at the place shown in item 4 with the postage fully prepaid.
  - placing the envelope for collection and mailing on the date and at the place shown in item 4 following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United State Postal Service in a sealed envelope with postage fully prepaid.

4. Date mailed: \_\_\_\_\_ Place mailed (city, state) \_\_\_\_\_

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

Date: \_\_\_\_\_

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Sign Name)

Name of Person	Address Where it Was Mailed

\*\*Mail a copy of the petition to the guardian/proposed guardian, the minor(s) if 12 years or older, and parents.

## **VISITATION ORDER (GUARDIANSHIP)**

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

- a. Judge (name): \_\_\_\_\_
- b. Hearing date: \_\_\_\_\_ Time: \_\_\_\_\_ Dept: \_\_\_\_\_ Room \_\_\_\_\_
- c.  Petitioner (name): \_\_\_\_\_
- d.  Attorney for Petitioner (name): \_\_\_\_\_
- e.  Attorney for minor (name, address, and telephone): \_\_\_\_\_

### **THE COURT FINDS**

- 2. a.  All notices required by law have been given
- b.  Notice of hearing to the following persons  has been  should be  
dispensed with (names): \_\_\_\_\_
- 3. Visitation with the petitioner is in the best interests of the minor(s). (See  
Family Code Section 3020(a).)

### **THE COURT ORDERS**

Visitation with minor(s) be granted to (Name): \_\_\_\_\_  
(address) \_\_\_\_\_

(Telephone) \_\_\_\_\_

With the following conditions regarding

- Supervised
- Unsupervised
  
- Duration \_\_\_\_\_
- Frequency \_\_\_\_\_
- Location: \_\_\_\_\_

### **THE COURT FURTHER ORDERS**

Date: \_\_\_\_\_

\_\_\_\_\_  
Judicial Officer

# Internet Guide for Guardianships

Go to the Court's Website at:

[www.sbcounty.gov/courts](http://www.sbcounty.gov/courts)

Choose EZLegal, then Guardianships. You will then need to answer the series of questions which will be used to fill in your court forms.

The forms you need to fill out and file with the court in San Bernardino County so that you may be appointed guardian of the person of a minor are listed. The hearing date in front of the Judge will be in about a month.

- (1) **\_\_GC-210(P)** *Petition for Appointment of Guardian of the Person*
- (2) **\_\_GC-210(CA)** *Guardianship Petition-Child Information Attachment-* one for each child you are seeking guardianship of.
- (3) **\_\_GC-120** *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act-concerning all of the children you think need a guardian.*
- (4) **\_\_GC-212** *Confidential Guardian Screening Form-*This form is confidential, under the direct control of the court, and not available to the general public.
- (5) **\_\_County of San Bernardino Guardianship Questionnaire-**This is a local form used to obtain your and the children's background information.
- (6) **\_\_Certificate of Assignment-** This form shows the Court you live in the district.
- (7) **\_\_Form A-1-Referral for CII/VROS/ICMS Report-**This is a local form which is a summary of statistical information for a background check.
- (8) **\_\_GC-211** *Consent of Proposed Guardian-*print at least one extra copy in case one or both parents will agree to the guardianship.
- (9) **\_\_GC-248** *Duties of Guardian-*You must sign and agree with these duties.

(10) **\_\_GC-020** *Notice of Hearing-Guardianship or Conservatorship*

(11) **\_\_GC-240** *Order Appointing Guardian of Minor*

(12) **\_\_GC-250** *Letters of Guardianship*-(note..this has a place for you to sign as well)

**If you feel that the child is in danger and you are asking for an emergency hearing in about five days you must also complete and file the following:**

(13) **\_\_GC-110(P)** *Petition for Appointment of Temporary Guardian of the Person*

(14) **\_\_GC-140** *Order Appointing Temporary Guardian*

(15) **\_\_GC-150** *Letters of Temporary Guardianship of the Person*

(16) **\_\_Declaration Regarding ExParte Notice to Opposing Party** – Local form used for emergencies ONLY.

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**Once you have completed all of your forms:**

- 1- Sign and date, with a **BLACK PEN ONLY**, wherever indicated.
- 2- Make two complete copies for filing. Make sure the forms in all 3 stacks are in the same order, and keep them separate. You should have 3 piles of forms all in the same order.
- 3- Two-Hole Punch (at the top) the Original set only.
- 4- Take all three sets to the Guardianship Clerk's Window at the Courthouse listed on your papers.
- 5- The fee for filing the forms is \$180.00, if you are unable to afford this fee you may fill out an application for waiver of court fees. You may do this by going to the Court's Website at [www.sbcounty.gov/courts](http://www.sbcounty.gov/courts) Judicial Council Forms – read form number FW001-INFO, then fill out forms, FW001 and FW003, sign as directed and take with you to the courthouse.

If you are having difficulty after all of the forms are printed, you are encouraged to visit the San Bernardino County Court's Self Help Centers, located in the San Bernardino, Rancho Cucamonga, and Victorville Districts.

Please visit [www.sbcounty.gov/courts](http://www.sbcounty.gov/courts) for the dates and times of service.

*The Superior Court of California*

8303 North Haven Avenue  
Rancho Cucamonga, CA. 91730

March 2, 2006

Platt College  
Attention: Dean of Paralegal School  
3700 Inland Empire Boulevard  
Ontario, CA. 91764

In regards to: Externship Positions

Dear Dean:

The Superior Court of California for the County of San Bernardino has started a program to assist pro per applicants with guardianship paperwork and completing the process in Court. We are currently staffing the program with one attorney from the Legal Research Staff and volunteers. The volunteers that we are using are comprised of attorneys, paralegals and interpreters/translators. The Court would like to extend an opportunity to volunteer in this project to law students.

The volunteers are monitored by the staff attorney but are given responsibility for interviewing the guardianship applicants, assisting the applicants in filling out the paperwork for the guardianship, and preparing the paperwork for filing. Additionally, since the self represented litigants come to the program for assistance while they are in the system, the students will be given the opportunity to witness the entire process, from start to finish.. The tasks given to each of the volunteers is adjusted to the ability and comfort level of the volunteer; with more responsibility given to the volunteers as they develop the necessary knowledge, skill, and comfort level. The staff attorney responsible for supervising the volunteers has developed a training program for the volunteers so that they are comfortable with the tasks assigned them.

Platt College  
Attention: Dean of Paralegal School  
March 2, 2006  
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I wanted to take this opportunity to tell you about the program and to offer this program as an opportunity for well qualified students to assist us in operating the program and assisting the community while completing their extern credits.

If you have any students in your extern program that would be interested in this type of experience, please feel free to contact me at (909) 948-4531. The Superior Court is currently operating the Guardianship Assistance Program in the Rancho Cucamonga Courthouse and will soon be operating the program in the Courthouse located in downtown San Bernardino.

Sincerely,

Sharilyn J. Hopson

SJH/dq

cc: Debra Meyers  
Director of Staff Counsel Services



Superior Court of California  
 County of San Bernardino  
**Volunteer Employment Application**

FOR OFFICIAL USE ONLY	
Interview Date:	_____
Accepted:	_____ yes _____ no
Assigned to:	_____
Start Date:	_____

**All items must be completed**

- Social Security No. \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_
- Name: \_\_\_\_\_  
Last First Initial
- Address: \_\_\_\_\_  
Number Street City State Zip
- Home Phone: \_\_\_\_\_ Business/Message Phone: \_\_\_\_\_
- Position applying for: \_\_\_\_\_  
Title (Indicate the levels)
- What Courthouse(s) are you willing to volunteer at? \_\_\_\_\_
- Hours you can work: \_\_\_\_\_ per day \_\_\_\_\_ per week.
- Days you can work: \_\_\_\_\_ per week.
- Bi-lingual language skills:  
 Language: \_\_\_\_\_ Speak  Write
- As an adult, have you ever been convicted of an offense other than a minor traffic violation? Explain the nature of the conviction below. (Convictions are evaluated for each position and are not necessarily disqualifying.) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- Are you willing to be fingerprinted and submit to a background investigation?  Yes  No
- Will our background investigation reveal the convictions that you have listed?  
 Yes  No
- How did you learn about this position?  
 Newspaper  School  Volunteer Center  Other \_\_\_\_\_
- If position requires keyboarding, indicate speed: \_\_\_\_\_ wpm



**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO  
VOLUNTEER AGREEMENT**

I, \_\_\_\_\_, agree to volunteer my services to the Superior Court of California, County of San Bernardino. I understand my schedule will be to volunteer from \_\_\_\_\_ on \_\_\_\_\_ days(s) for a total of \_\_\_\_\_ months. I understand either party may terminate this agreement at any time for any reason. I realize the Superior Court of California, County of San Bernardino is expecting me to provide my services on an established basis. If, for a serious reason, I cannot keep my commitment, I will notify my supervisor in advance.

**Volunteer Status**

I agree and understand that any work I perform on behalf of the Superior Court of California, County of San Bernardino's Volunteer Service Program will be provided on a voluntary basis, and that I do not expect payment or other compensation for performing such work. I further understand that my volunteer position does not constitute an employee-employer relationship with the Superior Court of California, County of San Bernardino and that I serve at the sole discretion of the Court Executive Officer.

**Confidentiality**

I agree to maintain the same strict confidentiality regarding my duties that is expected of the paid staff. For the purposes of this agreement, "confidential information" includes, but is not limited to, information on pending cases that is not a matter of public record as well as information concerning the work project of any judge, commissioner, law clerk, or other Court employee (for example, notes, papers, memoranda, drafts).

No volunteer shall disclose confidential information to any unauthorized person. Confidential information that must be disclosed pursuant to statute or a Court Order shall be provided only to the person(s) authorized to receive such information. This is not to be interpreted to prohibit Court Volunteers from responding to questions about Court procedures. However, a Court volunteer is not to give legal advice.

**Release**

I hereby release the Superior Court of California, County of San Bernardino, its elected officials and employees, from any loss, damage or injury sustained in connection with my volunteer activities with the Court. I understand that working for the Court entitles me to file for workers' compensation benefits if I am injured or become sick as a result of this volunteer work.

\_\_\_\_\_  
Volunteer's Signature

\_\_\_\_\_  
Volunteer's Supervisor

\_\_\_\_\_  
District Manager

\_\_\_\_\_  
Date

\_\_\_\_\_  
Director

**Please mail to: Court Executive Office, 172 West Third St., 2<sup>nd</sup> Fl., San Bernardino, CA 92415-0302; or fax to (909) 387-6826**