

Becoming a Guardian – How Long Will it Take?

A Timeline for Santa Clara County Superior Court

Start



Day 1

File Papers

Day 8-10

Judge makes
a temporary
decision –
no hearing!

1 month

Reconsideration
**(Review) court
hearing** about
temporary decision

OPTIONAL - Only if you are asking for
EMERGENCY/TEMPORARY orders.

9-10 weeks

Court date for Judge
to make decision
about **long-term
Guardianship**

1 year

**Guardianship
Status Report**
submitted to Court
(every year)

Note: The Judge may set up more Court hearings if s/he needs to talk to the family or proposed guardian.

I'm asking to be a Guardian - Why Do I Have To Keep Coming Back to Court?

You left something blank on your forms.

The Judge may refer you to your attorney, the Self-Help Center or other Court staff for help. You then need to fix the forms and file them with the Court.

You asked for emergency (temporary) orders.

If you ask for emergency orders, the Court has to have you come back in about a month for a "Reconsideration" hearing. If you don't ask for emergency orders you'll only have to come back for the permanent guardianship hearing in 8-10 weeks.

You didn't make sure that everyone knows about the case.

Before the Judge can decide to make you the child's guardian, the Judge has to make sure the parents and other family members know what you are asking for. The Judge looks at the papers in the file to see if there is a "Proof of Service." If you do not have proof that the parents and family were served the Judge may not be able to make you the child's guardian.

Someone is objecting (does not agree) to you being guardian.

The Court Investigator (CI) will find out if anyone disagrees with you becoming the guardian. There may be a follow-up Court hearing.

The Court may need to review information the Court Investigator learns about You or other adults in your home.

The Court will ask the CI to do a background check on You and other adults who live in your home. The Court may set up another hearing to review the information the Investigator finds out.