GUARDIANSHIP PAMPHLET

(FOR GUARDIANSHIPS OF CHILDREN
IN THE PROBATE COURT)

This pamphlet provides basic information about probate guardianships for children. It includes general information about court procedures, the duties and responsibilities of probate guardians, and other helpful material to assist you in fulfilling the obligations of a guardian. (For information about becoming a guardian of a dependent or ward of the Juvenile Court, you should consult the separate pamphlet on that subject.) Further information about probate guardianships may be obtained from an attorney, the Probate Code, and private publications and resources. You should also consult the court or the court clerk's office regarding special procedures or rules in your county.

Form Adopted for Mandatory Use
Judicial Council of California
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What is Guardianship?

Guardianship is a court process by which a person other than a parent is given custody of a child or authority over a child's property. Appointment as guardian requires the filing of a petition and approval by the court. This pamphlet will provide you with some basic information about guardianships. If the court establishes a probate guardianship, the guardianship may be:

- A guardianship of the person of the child (custody);
- A guardianship of the child's "estate" (property); or
- Both.

If the court appoints you as a guardian for a child, you will assume important duties and obligations. You will become responsible to the court. It is essential that you clearly understand your duties and responsibilities as guardian. If you have any questions, you should consult with an attorney who is qualified to advise you in these matters.

What is a Legal Guardian?

A legal guardian is an adult to whom the court has given authority and responsibility to provide care for a child, or to manage the child's assets, or both.

Who May Be Legal Guardians?

Relatives, friends of the family, or other interested persons may be considered as potential legal guardians.

Before You File the Petition

Before you file a petition for guardianship, you should consider the following:

- Is a guardianship really necessary?
- Have you considered the alternatives?
- Do the parents consent to the guardianship?
- Without parental consent, is there enough evidence for you to prove the need for a guardianship?
- Do you need legal advice or assistance?

Some Alternatives to Guardianship

Private agreements - You can make a private agreement with the child's parents to provide care for the child. A written agreement can be made, showing that you have "custody" of the child with the parent's consent. Normally it is also beneficial to secure a medical release for emergencies, especially if a parent is not readily available. *Note: The parents may revoke this type of agreement at any time.*

Caregiver's Authorization Affidavit - The California Family Code allows a person who is related to a child to fill out a *Caregiver's Authorization Affidavit.* The affidavit normally allows that person, as a caregiver, to enroll the child in school and secure medical treatment for the child.

You may read Family Code section 6550 for details about this law. The caregiver form may be available through your local county clerk's office, through private legal publications, or from a private attorney. *Note: The parents may revoke your authority or override your decision under this type of agreement at any time.*

Other financial arrangements - The law allows parents to make other financial arrangements for property inherited by or given to their children. For instance, a blocked account and other protective measures can be used without the appointment of a guardian of the estate. Consultation with an attorney for these types of matters is highly recommended. *Note: Some financial institutions, insurance companies, and courts require the appointment of a guardian of the estate before they will release funds on behalf of a minor.*

THE PROCESS - BRIEFLY

If you decide that a child needs a probate guardianship, the first step in the process of establishing guardianship is to fill out and file the petition and other required documents with the clerk of the court. Some counties have additional "local forms" that need to be filed along with the standard forms.

Any interested party or the child, if 12 years or older, may file the petition. Specific persons must be given notice of the petition, unless excused by the court, before the court can hear the case.

The court may order that an investigation be completed before it makes it's decision. If this occurs, you, the child, and any other persons deemed essential will probably be contacted about the case. The investigator will give the court a report and make a recommendation on what should occur. At that stage, the case may go to trial. The court may grant the petition or may find that there are insufficient grounds to establish a guardianship.

There is a fee for filing a guardianship petition. In addition, you may be charged a fee for a guardianship investigation. If neither you nor the child's estate can afford to pay the fees, you may request that the court waive the fee requirement. The court clerk can provide you with a fee waiver form.

GUARDIANSHIP OF THE PERSON

The probate court may appoint a *guardian of the person* for a child when no parent is available to meet the needs of the child because of the parents' death, incapacity, abandonment, military obligations, or other reasons.

Fundamental Responsibilities - The guardian of the person of a child has the care, custody, and control of the child. As guardian, you are responsible for providing for food, clothing, shelter, education, and all the medical and dental needs of the child. You must provide for the safety, protection, and physical and emotional growth of the child. Like a parent, you should maintain close contact with the child's school and physician.

Raising children is not always easy. You should become familiar with community resources that can assist both you and the child. You may get help and information from a support group for guardians.

Custody - As guardian of the person of the child, you have full legal and physical custody of the child and are responsible for all decision relating to the child. The child's parents can no longer make decisions for the child while there is a guardianship. The parents' rights are suspended - not terminated - as long as a guardian is appointed for a minor. If you wish, you may ask the parents for their opinions about matters relating to the child.

Education - As guardian of the person of the child, you are responsible for the child's education. You determine where the child should attend school. As the child's advocate within the school system, you should attend conferences and play an active role in the child's education. For younger children, you may want to consider enrolling the child in Head Start or other similar programs. For older children, you should consider their future educational needs such as college or a specialized school. You must assist the child in obtaining services if the child has special educational needs. You should help the child in setting and attaining his or her educational goals.

Residence - As guardian, you have the right to determine where the child lives. The child normally will live with you, but when it is necessary, you are allowed to make other arrangements if they are in the best interest of the child. You should obtain court approval before placing the child back with his or her parents.

As guardian, you **do not** have the right to change the child's residence to a place outside California unless you first receive the court's permission. If the court grants permission, California law requires that you establish legal guardianship in the state where the child will be living. Individual states have different rules regarding guardianships. You should seek additional information about guardianships in the state where you want the child to live.

Medical treatment - As guardian, you are responsible for meeting the medical needs of the child. In most cases, you have the authority to consent to the child's medical treatment. However, if the child is 14 years or older, surgery may not be performed on the child unless either (1) both the child and the guardian consent or (2) a court order is obtained that specifically authorizes the surgery. This holds true except in emergencies.

A guardian may not place a child involuntarily in a mental health treatment facility under a probate guardianship. A mental health conservatorship proceeding is required for such an involuntary commitment. However, the guardian may secure counseling and other necessary mental health services for the child. A variety of various counseling services is available to help children.

As guardian, you are expected to secure necessary services, cooperate with counselors, and maintain regular contacts with the child's treatment providers.

The law allows older and more mature children to consent to their own treatment in certain situations, such as outpatient mental health treatment, medical care related to pregnancy or sexually transmitted diseases, and drug and alcohol treatment.

Community resources - There are agencies in each county that may be helpful in meeting the specific needs of children who come from conflicted, troubled, or deprived environments. If the child has special needs, you must strive to meet those needs or secure appropriate services. Some children may have physical or learning disabilities. Other children come from abusive homes or have been victims of abuse. Counseling and other services may be necessary to assist a child who has special needs or has had unpleasant life experiences. If you need assistance, you should check with the court or with your local child protective services agency for a referral to agencies that can help you and the child.

Financial support - Even when the child has a guardian, the parents are still obligated to support the child financially. The guardian may take action to obtain child support. You may contact the local child support agency in your county to collect support from a parent. The child may also be eligible for Temporary Aid for Needy Families, (TANF formerly known as AFDC), social security benefits, Veterans Administration benefits, Indian child welfare benefits, and other public or private funds.

Visitation - The court may require that you allow visitation or contact between the child and his or her parents. The child's needs often require that the parent-child relationship be maintained, within reason. However, the court may place restrictions on the visits, such as the requirement of supervision. The court may also impose other conditions in the child's best interest.

Under most circumstances, it is best for you to have a working relationship with the parents if possible. However, in every case, you must follow all orders of the court, including those that may restrict contacts and visitation.

Driver's license - As guardian of the person, you have the authority to consent to the minor's application for a driver's license. If you consent, you will become liable for any civil damages that may result if the minor causes an accident. The law requires that anyone signing the DMV application obtain insurance to cover the minor.

Enlistment in the armed services - The guardian may consent to a minor's enlistment in the armed services. If the minor enters into active duty with the armed forces, the minor becomes emancipated under California law.

Marriage - For the minor to marry, the guardian **and the court** must give permission. If the minor enters a valid marriage, the minor becomes emancipated under California law.

Change of address - A guardian must notify the court in writing of any change in the address of either the child or the guardian. This includes any changes that result from the child's leaving the guardian's home or returning to the parent's home. You **must** always obtain **court permission** before you move the child to another state or country.

Court visitors and status reports - Some counties have a program in which "court visitors" track and review guardianships. If your county has such a program, you will be expected to cooperate with all requests of the court visitor. Also, as guardian, you may be required to fill out and file status reports. In all counties, you must cooperate with the court and court investigators.

Misconduct of the child - A guardian, like a parent, is liable for the harm and damages caused by the willful misconduct of a child. There are special rules concerning harm caused by the use of a firearm. If you are concerned about your possible liability, you should consult an attorney.

Additional responsibilities - The court may place other conditions on the guardianship or additional duties upon you, as guardian. For example, the court may require the guardian to complete counseling or parenting classes, to obtain specific

services for the child, or to follow a scheduled visitation plan between the child and the child's parents or relatives. As guardian, you must follow all court orders.

Termination of guardianship of the person - A guardianship of the person automatically ends when the child reaches the age of 18, is adopted, marries, is emancipated by court order, enters military service, or dies. If none of these events has occurred, the child, a parent, or the guardian may petition the court for termination of guardianship. But it must be shown that the guardianship is no longer necessary or that termination of the guardianship is in the child's best interest.

GUARDIANSHIP OF THE ESTATE

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

MANAGING THE ESTATE

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

Keeping estate assets separate - As guardian of the estate, you must keep the money and property of the child's estate separate from everyone else's, including your own. When you open a bank account for the estate, the account name must indicate that it is **a guardianship** account and not your personal account.

You should use the child's social security number when opening estate accounts. You should never deposit estate funds in your personal account or otherwise mix them with your own funds or anyone else's funds, even for brief periods. Securities in the estate must be held in a name that shows that they are estate property and not your personal property.

Interest-bearing accounts and other investments - Except for checking accounts intended for ordinary expenses, you should place estate funds in interest-bearing accounts. You may deposit estate funds in insured accounts in federally insured financial institutions, but you should not put more than $100,000 in any single institution. You should consult with an attorney before making other kinds of investments.

Blocked accounts - A *blocked account* is an account with a financial institution in which money or securities are placed. No person may withdraw funds from a blocked account without the court's permission.

Depending on the amount and character of the child's property, the guardian may elect **or the court may require** that estate assets be placed in a blocked account. As guardian of the estate, you must follow the direction of the court and the procedures required to deposit funds in this type of account. The use of a blocked account is a safeguard and may save the estate the cost of a bond.

Other restrictions - As guardian of the estate, you will have other restrictions on your authority to deal with estate assets. Without prior court order, you may not pay fees to yourself or your attorney. You may not make a gift of estate assets to anyone. You may not borrow money from the estate. You may not use estate funds to purchase real property without prior court order.

If you do not obtain the court's permission to spend estate funds, you may be compelled to reimburse the estate from your own personal funds and may be removed as guardian. You should consult with an attorney concerning the legal requirements relating to sales, leases, mortgages, and investment of estate property.

If the child of whose estate you are the guardian has a living parent or if that child receives assets or is entitled to support from another source, you must obtain court approval before using guardianship assets for the child's support, maintenance, or education. You must file a petition or include a request for approval in the original petition, and set forth which exceptional circumstances justify any use of guardianship assets for the child's support. The court ordinarily will grant such a petition for only a limited period of time, usually not more than one year, and only for specific and limited purposes.

INVENTORY OF ESTATE PROPERTY

Locate the estate's property - As guardian of the estate, you must locate, take possession of, and protect the child's income and assets that will be administered in the estate. You must change the ownership of all assets into the guardianship estate's name. For real estate, you should record a copy of your *Letters of Guardianship* with the county recorder in each county where the child owns real property.

Determine the value of the property - As guardian of the estate, you must arrange to have a court-appointed referee determine the value of the estate property unless the appointment is waived by the court. You, rather than the referee, must determine the value of certain "cash items." An attorney can advise you about how to do this.

File an inventory and appraisal - As guardian of the estate, you must file an inventory and appraisal within 90 days after your appointment. You may be required to return to court 90 days after your appointment as guardian of the estate, to ensure that you have properly filed the inventory and appraisal.

INSURANCE

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

RECORD KEEPING AND ACCOUNTING

Records - As guardian of the estate, you must keep complete, accurate records of each financial transaction affecting the estate. The checkbook for the guardianship checking account is your indispensable tool for keeping records of income and expenditures. You should also keep receipts for all purchases.

Record keeping is critical because you will have to prepare an accounting of all money and property you have received, what you have spent, the date of each transaction, and its purpose. You will also have to be able to describe in detail what is left after you have paid the estate's expenses.

Accountings - As guardian of the estate, you must file a petition requesting that the court review and approve your accounting one year after your appointment and at least every two years after that. The court may ask that you justify some or all expenditures. You should have receipts and other documents available for the court's review, if requested.

If you do not file your accounting as required, the court will order you to do so. You may be removed as guardian for failure to file an accounting.

Format - As guardian of the estate, you must comply with all state and local rules when filing your accounting. A particular format is specified in the Probate Code, which you must follow when you present your account to the court. You should check local rules for any special local requirements.

Legal advice - An attorney can advise you and help you prepare your inventories, accountings, and petitions to the court. If you have any questions, you should consult with an attorney.

OTHER GENERAL INFORMATION

Removal of a guardian - A guardian may be removed for specific reasons or when it is in the child's best interest. A guardian may be removed either on the court's own motion or by a petition filed by the child, a relative of the child, or any other interested person. If necessary, the court may appoint a successor guardian, or the court may return the child to a parent if that is found to be in the child's best interest.

Legal documents - For your appointment as guardian to be valid, the *Order Appointing Guardian of Minor* must be signed. Once the court signs the order, the guardian must take prepared *Letters of Guardianship* to the clerk's office where the clerk will issue the letters. *Letters of Guardianship* is a legal document that provides proof that you have been appointed and are serving as the guardian for a minor. You should obtain several certified copies of the *Letters* from the clerk. These legal documents will be of assistance to you in the performance of your duties, such as enrolling the child in school, obtaining medical care, and taking care of estate business.

Attorneys and legal resources - If you have an attorney, the attorney will advise you on your duties and responsibilities, the limits of your authority, the rights of the child, and your dealings with the court. **If you have legal questions, you should consult with your attorney.** Please remember that the court staff cannot give you legal advice.

If you are not represented by an attorney, you may obtain answers to your questions by contacting community resources, private publications, or your local law library.

Issue	Probate	Juvenile – W&I § 360(a)	Juvenile – W&I § 366.26	Juvenile – W&I § 728
Can guardian resign?	Yes. Guardian can file a petition tendering his/her resignation at any time. (§ 2660)	Not delineated. However, guardian can petition for termination of guardianship (see above).	Not delineated. However, guardian can petition for termination of guardianship (see above).	Not delineated. However, guardian can petition for termination of guardianship (see above).
Resignation of guardian – standards:	Court shall allow "when it appears proper." (§ 2660.)	Not delineated.	Not delineated	Not delineated
Can the court appoint a successor guardian?	Yes. When for any reason a vacancy occurs in the office of guardian, the court may appoint a successor guardian, after notice and hearing as in the case of an original appointment of a guardian. (§ 2670)	Yes. A successor guardian can be appointed following the filing of a petition for modification of a permanent plan and a juvenile court hearing. (Rule 1466(c))	Yes. A successor guardian can be appointed following the filing of a petition for modification of a permanent plan and a juvenile court hearing. (Rule 1466(c))	Yes. A successor guardian can be appointed following a recommendation by the probation officer, or a motion made by the guardian or the minor's attorney, and a hearing. (§ 728(a))
Judicial Council forms:	GC-020 GC-210 GC-021 GC-211 GC-022 GC-240 GC-035 GC-250 GC-110 GC-255 GC-140 GC-260 GC-150	JV-100 JV-364 JV-110 JV-180 JV-195 JV-310 JV-320 JV-325	JV-100 JV-364 JV-110 JV-180 JV-195 JV-310 JV-320 JV-325	JV-600 JV-625 JV-740 JV-325
Judicial Council informational pamphlets:	Probate Guardianship Pamphlet (GC-205)	Juvenile Court Pamphlet (JV-050) Guardianship Pamphlet (JV-350) Spanish Guardianship Pamphlet (JV-355)	Juvenile Court Pamphlet (JV-050) Guardianship Pamphlet (JV-350) Spanish Guardianship Pamphlet (JV-355)	None, although JV-350 and JV-355 provide relevant information.

Issue	Probate	Juvenile – W&I § 360(a)	Juvenile – W&I § 366.26	Juvenile – W&I § 728
Removal of guardian – standards:	Guardian may be removed for: • Continued failure to perform duties or incapacity to perform duties suitably. (§ 2650(c)) • Conviction of a felony, whether before or after appointment. (§ 2650(d)) • Gross immorality. (§ 2650(e)) • Having adverse interest such that there is unreasonable risk that guardian will fail to perform duties. (§ 2650(f)) • Acting in violation of § 2356 (involuntary placement in mental health facility, etc., except as provided). (§ 2650(g)) • Guardian may be removed if court in its discretion determines that removal is in best interests of child, taking into consideration whether guardian was nominated under § 1500. (§ 2650(i))	Not delineated.	Not delineated.	Not delineated.

Issue	Probate	Juvenile – W&I § 360(a)	Juvenile – W&I § 366.26	Juvenile – W&I § 728
Termination of guardianship – standards:	• Upon petition of guardian, parent, or child, court may terminate guardianship if court determines (1) guardianship is no longer necessary, or (2) termination is in child's best interest. (§ 1601) • Guardianship terminates automatically when child attains majority, is adopted, dies, or is emancipated under Family Code § 7002. (§ 1600)	• Petitioner must allege changed circumstances or new evidence. Court must grant a hearing if it appears that the termination of guardianship is in best interests of child. (§ 388) • At hearing, burden is on petitioner to demonstrate that child's welfare requires termination of guardianship. (Rules 1432(f), 1466(c)) • Guardianship terminates automatically when child attains majority, is adopted, dies, or is emancipated under Family Code § 7002. (Probate § 1600.)	• Petitioner must allege changed circumstances or new evidence. Court must grant a hearing if it appears that the termination of guardianship is in best interests of child. (§ 388) • At hearing, burden is on petitioner to demonstrate that child's welfare requires termination of guardianship. (Rules 1432(f), 1466(c)) • Guardianship terminates automatically when child attains majority, is adopted, dies, or is emancipated under Family Code § 7002. (Probate § 1600.)	• Petitioner must allege changed circumstances or new evidence. Court must grant a hearing if it appears that the termination of guardianship is in best interests of child. (§ 778) • At hearing, burden is on petitioner to demonstrate that child's welfare requires termination of guardianship. (Rules 1432(g), 1466(c)) • Guardianship terminates automatically when child attains majority, is adopted, dies, or is emancipated under Family Code § 7002. (Probate § 1600.)
Can guardian be "removed"?	Yes. (§§ 2650-2655)	Not delineated.	Not delineated.	Not delineated.
Removal of guardian – who may petition:	Child, any relative or friend of the child, or any interested person. (§ 2651.)	Not delineated.	Not delineated.	Not delineated.

Issue	Probate	Juvenile – W&I § 360(a)	Juvenile – W&I § 366.26	Juvenile – W&I § 728
Confidentiality:	• Generally, probate court proceedings and files are not confidential. • However, the guardianship investigation report prepared pursuant to § 1513 is confidential, and shall only be provided to persons served in the proceedings and their attorneys. (§ 1513(d))	• Generally, juvenile court hearings and files are confidential. (§ 827) • However, letters of guardianship issued upon court's finding that legal guardianship is the appropriate permanent plan are not subject to confidentiality protections. (Rule 1465(d)(1))	• Generally, juvenile court hearings and files are confidential. (§ 827) • However, letters of guardianship issued upon court's finding that legal guardianship is the appropriate permanent plan are not subject to confidentiality protections. (Rule 1465(d)(1).)	• Generally, juvenile court hearings and files are confidential. (§ 827) • However, letters of guardianship issued upon court's finding that legal guardianship is the appropriate permanent plan are not subject to confidentiality protections. (Rule 1465(d)(1).)
Can guardianship be terminated?	Yes. (§ 1601)	Yes. (§§ 360(a), 388, 366.3, 728(a), rule 1466(c))	Yes. (§§ 360(a), 388, 366.3, 728(a), rule 1466(c))	Yes. (§§ 728(a), 778, rule 1466(c))
Termination of guardianship – who may petition:	Guardian, parent, or child. (§ 1601)	Parent, any person having an interest in the child, or child. (§§ 360(a), 388)	Parent, any person having an interest in the child, or child. (§§ 360(a), 388)	Probation officer, guardian, minor's attorney (§ 728(a)), or any parent, other person having an interest in the child, or the child. (§ 778)

Issue	Probate	Juvenile – W&I § 360(a)	Juvenile – W&I § 366.26	Juvenile – W&I § 728
Court reviews of guardianship?	No. • Once a guardianship is granted, there is no statutory provision for an ongoing probate court case. • However, some counties have local procedures for one or more court reviews of guardianships.	Sometimes. • Once a guardianship is granted, the court may dismiss the case, or may keep the case open for supervision. (§366.3, Rule 1456(b)) • If the case remains open, review hearings generally take place twice each year. • If the legal guardian is a relative of the child, and the child has lived with the relative for at least 12 months, the court case shall be dismissed, except upon a finding of exceptional circumstances. (§366.3)	Sometimes. • Once a guardianship is granted, the court may dismiss the case, or may keep the case open for supervision. (§366.3, Rule 1456(b)) • If the case remains open, review hearings generally take place twice each year. • If the legal guardian is a relative of the child, and the child has lived with the relative for at least 12 months, the court case shall be dismissed, except upon a finding of exceptional circumstances. (§366.3)	Sometimes. • Once a guardianship is granted "the court may continue wardship and conditions of probation, or may terminate the wardship of the minor. (§ 728(e))
Supervision of guardianship:	• Once a guardianship is granted there is no statutory requirement for ongoing supervision. • In some counties, informal supervision is provided.	If the court case remains open after the guardianship is granted the child continues to be monitored by the social worker.	If the court case remains open after the guardianship is granted the child continues to be monitored by the social worker.	If the court case remains open after the guardianship is granted, the child continues to be monitored by the probation officer.

Issue	Probate	Juvenile – W&I § 360(a)	Juvenile – W&I § 366.26	Juvenile – W&I § 728
Relocation requirements:	• Guardian may fix residence at any place within state without permission of court. (§ 2352(a)(1)) • Guardian may fix residence outside state if court's permission is first obtained. (§ 2352(a)(2)) • Guardian must promptly mail to court notice of all changes in child's residence. (§ 2352(c)) • If residence is outside state, order granting that permission must require guardian to either (1) return child to state, or (2) cause guardianship proceeding to be commenced in new residence after child has been there 4 months (or other period as stated in order). (§ 2352(b))	Not delineated.	Not delineated.	Not delineated.
Financial support available for child in guardianship?	Yes. • Temporary guardians are also eligible to receive public benefits. (Timmons v. McMahon (1991) 235 Cal.App.3d 512.)	Yes.	Yes.	Yes.

Issue	Probate	Juvenile – W&I § 360(a)	Juvenile – W&I § 366.26	Juvenile – W&I § 728
Rights and duties of guardian:	• Care, custody, control, and education of child. Court has discretion to limit these powers. (§ 2351.) • Determination of child's residence, (with conditions described under "Relocation", below). (§ 2352.) • Consent to medical treatment. For surgery, if child is 14 or older, child's consent (as well as guardian's) or court order under § 2357 is required, unless it is emergency. (§ 2353.) • Parents remain legally responsible for child's support. • A guardian is subject to the regulation and control of the court in the performance of the duties of the office. (§ 2502.) • Upon appointment, the court may, with the consent of the guardian insert in the order of appointment other conditions (§2538).	Not delineated.	Not delineated.	Not delineated.

Issue	Probate	Juvenile – W&I § 360(a)	Juvenile – W&I § 366.26	Juvenile – W&I § 728
Investigation and report:	• Unless waived by the court, a report and recommendation concerning each proposed guardianship may be filed with the court. (§ 1513) • Investigations shall be made by a court investigator where the proposed guardian is a relative, and by the county social service agency where the proposed guardian is a non-relative. (§ 1513) • The report must include the items in § 1513(a)(1)-(4). • If any party alleges that the minor's parent is unfit, the case shall be referred to social services to investigate. (1513(c))	• Before making a dispositional determination, the court must consider the social study prepared by the social worker (pursuant to §§ 355 and 358.1), any study or evaluation made by a court appointed child advocate, and other relevant evidence. (§ 358(b)) • Before appointing a legal guardian, the court must also read and consider an adoption assessment report prepared by the social worker. (§§ 360, 361.5(g))	At the § 366.26 hearing, the court must consider the adoption assessment report prepared by the social worker(s), (pursuant to §§ 361.5, 366.21 or 366.22) and other relevant evidence. (§ 366.26(b)).	Not delineated.
Does the Indian Child Welfare Act (ICWA) apply?	Yes, the requirements of the Indian Child Welfare Act must be followed for any "Indian child" involved in any "child custody proceeding", including guardianship. (25 U.S.C. § 1901 et seq., Calif. Rules of Court Rule 1439(a)(8))			

Issue	Probate	Juvenile – W&I § 360(a)	Juvenile – W&I § 366.26	Juvenile – W&I § 728
Appointment of counsel - for child:	• Discretionary: court may appoint private counsel for ward or proposed ward when not otherwise represented and appointment would be helpful to resolution or is necessary to protect person's interests. (§ 1470)	• Court shall appoint counsel for the child in any case in which it appears to the court that the child would benefit from the appointment of counsel. (§ 317)	• At the beginning of any 366.26 hearing, the court shall consider whether interests of child require appointment of counsel if child is not already being represented. Court shall appoint counsel if court finds interest of child require this protection. (§ 366.26(f))	• The court shall appoint counsel for a minor alleged to fall within §§ 601 or 602, regardless of ability to pay, if the minor appears without counsel, unless there is an intelligent waiver of the right of counsel by the minor. (§ 634). • Counsel who appears on behalf of a minor shall continue to represent that minor unless relieved by the court upon the substitution of other counsel or for cause. (§ 634.6)
Appointment of counsel - for parents or guardians:	No right to court appointed counsel.	When parent or guardian desires counsel and is unable to afford an attorney, and the child has been (or may be) placed out-of-home, the court shall appoint counsel for the parent or guardian, unless a knowing and intelligent waiver of counsel has been made. (§ 317(b))	At the beginning of any § 366.26 hearing, if a parent appears without counsel and is unable to afford counsel, the court shall appoint counsel for the parent, unless this representation is knowingly and intelligently waived. (§ 366.26(f)(2))	• The delinquency court may appoint counsel for parents or guardians that cannot afford counsel. (§ 634) • However, that attorney will not necessarily represent the parent(s) or guardian(s) on an ongoing basis, so representation may end prior to the recommendation/ motion for guardianship.

Issue	Probate	Juvenile – W&I § 360(a)	Juvenile – W&I § 366.26	Juvenile – W&I § 728
Notice requirements – persons entitled to notice (continued):	• Director of Mental Health or Director of Developmental Services or Director of Regional Center. • Veteran's Administration. For good cause, court may dispense with notice required in § 1460. (§ 1460(e)) For petition for termination, notice requirements are the same as for an initial petition. (§ 1601)			
Nomination of guardian available?	Yes. A parent may nominate a guardian where (a) the other parent nominates or consents in writing to the nomination of the same guardian, or (b) the other parent is dead or lacks legal capacity to consent or the consent of the other parent would not be required for adoption of the child. (§§ 1500-1502)	Not delineated.	Not delineated.	Not delineated.
Coguardianship available?	Yes, the probate court has discretion to appoint coguardians. (§2105.)	Yes. The juvenile court may appoint a coguardian after a motion is filed by a probation officer, guardian or minor's attorney, and a hearing is held. (§ 728(a))	Yes. The juvenile court may appoint a coguardian after a motion is filed by a probation officer, guardian or minor's attorney, and a hearing is held. (§ 728(a))	Yes. The juvenile court may appoint a coguardian after a motion is filed by a probation officer, guardian or minor's attorney, and a hearing is held. (§ 728(a))

Issue	Probate	Juvenile – W&I § 360(a)	Juvenile – W&I § 366.26	Juvenile – W&I § 728
Notice requirements – persons entitled to notice:	For petition for appointment, notice must be provided to (§ 1511(b)): • parents • person w/legal custody • person caring for child, • relatives w/in 2nd degree (parents, grandparents, and siblings) • any person nominated as guardian under § 1500. • the local agency designated to investigate guardianships. (§ 1516) For petition for appointment, notice must sometimes be provided to (§§ 1511(b), 1460.1, 1542, 1461, 1461.4, 1461.5): • child over age 12 (if notice was not given and petition was not brought by person with who the child resides) • For non-relative guardians: Director of Social Services and local agency designated to investigate guardianships.	• Notice required to child age 10 or over, and to both parents, any guardian, and nearest adult relatives if parents are out-of-state or their address is unknown (§§ 335(a), 332(e)) • If the child is already a ward of a probate court guardianship, the probate court must be noticed. (§ 335(b)) • If the dependency case was dismissed after the establishment of a guardianship, and the guardianship is subsequently terminated, the social services Department must notice the court. (§ 366.3(b))	• Notice under must be provided to child (if over age 10), mother, presumed and alleged fathers and counsel of record. (§ 366.23(a)) • Parents are to be given notice of all hearings unless parental rights have been terminated. (Rule 1466(a)) • If the dependency case was dismissed after the establishment of a guardianship, and the guardianship is subsequently terminated, the social services Department must notice the court. (§ 366.3(b))	Notice to parents and relatives as required by Probate § 1511. (§ 728(c))

Issue	Probate	Juvenile – W&I § 360(a)	Juvenile – W&I § 366.26	Juvenile – W&I § 728
Notice requirements – timing and service:	• 15 days before hearing, if not otherwise provided (§§ 1460(a), 1511, 1516, 2652, 2660) • Personal service to child over age 12, parents, proposed guardian (if nominated by parents) and any person having legal custody. (§ 1511(b)) • Service by mail to grandparents, siblings, proposed guardian, persons caring for child, relevant agencies. (§§ 1511(c) and (d), 1542, 1461.5)	• Notice of jurisdictional hearing must be provided to all relevant parties at the time of the filing petition, no later than five days prior to hearing. (§§ 332, 335, 337) • Notice can be by certified mail, or personal service (for detained children) or regular mail, (for children not detained). (§ 337) • Dispositional hearing can occur at the time noticed for jurisdiction, or 10 court days later (for a detained child), or 30-45 court days later (for a non-detained child). (§ 358)	• Notice of § 366.26 hearing must be provided 45 days prior to hearing (unless court has ordered no notice) (§ 366.23(a) and (e), Rule 1465(b)) • Notice by personal service or first class mail. (§ 366.23(b) and (c))	Notice to parents and relatives as required by Probate § 1511. (§ 728(c))

Issue	Probate	Juvenile – W&I § 360(a)	Juvenile – W&I § 366.26	Juvenile – W&I § 728
Temporary guardianship available?	Yes. • On or after the date the petition for guardianship is filed, the petitioner may also petition for a temporary guardianship. (§ 2250 et seq.) • Five days notice generally required, but it can be granted ex parte, provided a hearing occurs within 30 days. (§ 2250(d))	Not delineated.	Not delineated.	Not delineated.

Issue	Probate	Juvenile – W&I § 360(a)	Juvenile – W&I § 366.26	Juvenile – W&I § 728
Filing fees required to petition?	Yes. Unless the petitioner qualifies for a waiver of court fees based on financial hardship, or petitioner is the child.	No.	No.	No.
Standards for establishing guardianship and consent requirements:	• The court may appoint a guardian "if it appears necessary or convenient." (§ 1514.) • If parents do not consent, court must find that (1) custody with parent would be detrimental to the child, and (2) it would be in best interests of child to live with the proposed guardian. (Family Code § 3040.) • If parents do not consent, the court may refer the case to Family Court Services.	• The court must find that guardianship is in the best interests of child, and parent and child agree to guardianship. (§ 360(a); rule 1456(b)) • Court must consider assessment as specified in § 361.5(g) including information specified in § 360(a)(1)–(6) (e.g. child's relationship to guardian, assessment of guardian, evaluation of child's status). (§ 360(a))	• The court must find that the child should not be placed for adoption for one of the specified reasons (366.26(b) and (c)) and that legal guardianship is the appropriate permanent plan. (§ 366.26(d); rule 1465) • Court shall consider assessment prepared pursuant to §§ 361.5(g), 366.21(i), and 366.22(b). (§ 366.26(d))	• The court shall appoint a guardian if it determines that the appointment of a guardian "appears necessary or convenient, and is consistent with the rehabilitation and protection of the minor and with public safety." (§ 728(d))
Disclosure required in petition for appointment:	• Any pending adoption, juvenile court, marriage dissolution, domestic relations, or custody proceedings affecting child. (§ 1510(f)) • If petitioners are accepting care or custody of child with intent to adopt. (§ 1510(g))	Not delineated.	Not delineated.	Not delineated.

Issue	Probate	Juvenile – W&I § 360(a)	Juvenile – W&I § 366.26	Juvenile – W&I § 728
Where relevant statutes can be found:	California Probate Code § 1400 et seq. (Note: all statutory references in this column refer to the Probate Code, unless otherwise specified.)	California Welfare and Institutions Code § 300 et seq. (Note: all statutory references in this column refer to the Welfare and Institutions Code, unless otherwise specified.)	California Welfare and Institutions Code § 300 et seq. (Note: all statutory references in this column refer to the Welfare and Institutions Code, unless otherwise specified.)	California Welfare and Institutions Code §602 et seq. (Note: all statutory references in this column refer to the Welfare and Institutions Code, unless otherwise specified.)
Where initial proceedings occur:	Probate court	Juvenile court	Juvenile court	Juvenile court
Where subsequent proceedings occur:	• Probate court, generally. • Juvenile court, if the child is subject to a petition filed under Welf. and Inst. Code §§ 300, 601 or 602. (Welf. and Inst. § 728)	Juvenile court (§360(a))	Juvenile court (§ 366.4)	Juvenile court (§ 728(a) and (f))
When guardianship may occur:	• A petition for a probate guardianship can be filed at any time. • Guardianship can be granted at a probate court hearing after the necessary papers are filed and served, notice requirements are met and investigation is complete.	The juvenile court may grant a guardianship at a dispositional hearing in a dependency case when the parent has advised the court that the parent is not interested in family maintenance or reunification services. (§ 360(a), Rule 1456(b))	The juvenile court may grant a guardianship in a dependency case at an initial § 366.26 hearing after the reunification period (if any) has ended, or at subsequent § 366.26 hearings. (§§ 366.26(d), 366.3)	The juvenile court may grant a guardianship in a delinquency case at any time for a minor under age 18 who has been adjudicated a ward (delinquent) of the juvenile court. (§ 728(c))
Who may petition for/recommend appointment of guardian?	Proposed guardian, child if 12 years or older, or relative or other person on behalf of the child may petition. (§ 1510(a))	Not delineated.	Not delineated.	The probation officer can recommend guardianship, or the minor's attorney may motion for guardianship. (§ 728 (c))

GUARDIANSHIP COMPARISON CHART

Type of Guardianship: *Issue:*	**Probate Court: Guardianship of the person**	**Juvenile Court: Guardianships ordered at Disposition, with the consent of the parent(s)-- W&I § 360(a)**	**Juvenile Court: Dependent Children – W&I § 366.26**	**Juvenile Court: Delinquent Children – W&I § 728**
Overview: purpose and legal effect of this type of guardianship:	• The State is not a party to the proceeding. • Allows an individual (such as a family friend or grandparent) to obtain physical and legal custody of a child who is not involved in the dependency or delinquency system. • Guardianship suspends (but does not terminate) parents' rights to the custody of their children.	• The State is a party to the proceeding. • Allows an individual (such as a family friend or grandparent) to obtain physical and legal custody of a child for whom a juvenile dependency petition has been filed and who has been found to be described by Welf. and Inst. §300, in situations where the child's parent(s) agree(s) to the guardianship. • Guardianship suspends (but does not terminate) parents' rights to the custody of their children.	• The State is a party to the proceeding. • Allows an individual (such as a family friend or grandparent) to obtain physical and legal custody of a child who has been adjudicated a dependent of the juvenile court, and whose parent(s) have either not been offered reunification services, or have been through a period of reunification and have failed to reunify with the child. • Guardianship suspends (but does not terminate) parents' rights to the custody of their children.	• The State is a party to the proceeding. • Allows an individual (such as a family friend or grandparent) to obtain physical and legal custody of a child who has been adjudicated a ward of the juvenile court in a delinquency case. • Guardianship suspends (but does not terminate) parents' rights to the custody of their children.

CALIFORNIA COURTS

Self-Help Center

Guardianship of the Person (Custody)

The court can choose a guardian of the person when the parents can't take care of the child because:

- They've died;
- They've abandoned the child;
- They have military obligations; or
- For many other reasons.

This section explains guardianship of the person.
Click on a topic below:

Main responsibilities

Custody

Education

Residence

Medical treatment

Community resources

Financial support

Visitation

Driver's license

Joining the armed forces

Marriage

Change of address

Court visitors and status reports

Misconduct of the child

Additional responsibilities

Termination of guardianship of the person

Main responsibilities
When you're the guardian of a child, you have the 3 C's-Care, Custody, and Control-of the child.

You **must** give the child, from support from the child's parents, or from the child's funds if the court authorizes you to do so:

- Food,
- Clothes,
- A place to live,
- An education,
- Medical care, and
- Dental care.

You're also in charge of the child's:

- Safety,
- Protection,
- Physical growth, and
- Emotional growth.

Just like a parent, you have to keep in touch with the child's school and doctor.

Raising children isn't easy. There are places in the community to help you and the child. Get help and information from guardian support groups.

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Custody
You have full legal and physical custody of the child. You must make all the decisions about the child. If you want, you can ask the parents' opinions about the child. But the parents can't make decisions for the child.

The parents' rights are suspended - not canceled - as long as there's a guardian for the child.

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Education
You're responsible for making basic decisions about the child's education. You need to help the child set, and reach, goals for education.

- You decide where the child goes to school.
- You go to school conferences and take an active part in the child's education.
- For young children, you can sign them up for Head Start or other programs.
- For older children, you need to think about what education they'll need in the future, like college or a specialized school.
- If the child has special needs, you must help the child get services to address those needs. Click here to learn more about special education.

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Residence
You can choose where the child lives. Usually, the child lives with you. But if it's best for the child, they can live somewhere else. Get permission from the court before you let the child live with the parents again.

You **can't** move the child out of California unless you first get permission from the court. If the court agrees, you must establish guardianship in the state you move to. Different states have different rules. Find out what the rules are in place in the state you want to move to. Click here for help finding information about another state.

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Medical treatment
You must meet the medical needs of the child. Most of the time, you can give permission for medical treatment for the child.

But if the child is 14 or older, you can't consent to surgery for the child unless:

1. You and the child agree to the surgery, or
2. You get a court order for the surgery, or
3. The surgery is an emergency.

You can't put a child in a mental health facility without the child's consent. To do this without the child's consent, you need to be appointed as a special kind of mental health conservator in a conservatorship proceeding. Talk to a lawyer. Click here for help finding a lawyer.

But you can get counseling or therapy for the child. There are a lot of counseling services for children. A guardian should get the services the child needs and stay in touch with the counselors.

A child who is 12 years old or older can consent to their own

treatment in certain situations, like:

- Outpatient mental health treatment,
- Medical care for pregnancy,
- Medical care for sexually transmitted diseases, and
- Drug and alcohol treatment.

For more information, talk to a lawyer. Click here for help finding a lawyer. You can also read Family Code sections 6900-6929. For help finding these sections, click here and search for Family Code sections 6900-6903, 6910-6911, and 6920-6929.

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Community resources
Every county has agencies to help children who come from troubled homes.

Some children have physical or learning disabilities. Some have been abused. Some might need counseling or other services. Try to meet the special needs of the child in your care and get them the services they need.

Ask the court, or the child protective services agency near you, to tell you where you can get help. Click here to find your court.

To find your county's child protective services agency, click here and check your county's Web site. You can also check the county listings in your telephone book.

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Financial support
The parents must support the child financially, even if there's a guardian. The guardian isn't obligated to support the child from the guardian's own funds, and may not use the child's money for his or her support unless the court authorizes it. Contact your local child support agency to collect child support from a parent. The child may also be able to get:

- Temporary Aid for Needy Families (TANF) (formerly called "AFDC"),
- Social security,
- Department of Veterans Affairs benefits,
- Indian child welfare benefits, and
- Other benefits.

Click here to learn more about the local child support agency in your county.

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Visitation
Sometimes it's important for the child to have a relationship with the parents. The court can order you to let the parents visit or contact the child. But the court can put limits on the visits. For example, the court can say that the visits must be supervised or can set other conditions.

In general, it's best for you to have a good relationship with the parents. But **always** follow the court's orders, even if they limit visits or contact with the parents.

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Driver's license
The guardian can give the child permission to apply for a driver's license. If you do, you and the child's estate, if any, will both have to pay any damages caused by the child's negligent driving. You must get insurance to cover the child if you give them permission to apply for a driver's license.

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Joining the armed forces
You can give the child permission to join the armed forces. A child will emancipated and be freed from guardianship if they go into the armed forces. Click here to learn more about emancipation.

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Marriage
If the child wants to get married before turning 18, the guardian and the court must give permission. A child will be freed from guardianship (emancipated) after getting married. Click here to learn more about emancipation.

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Change of address
You must tell the court in writing if you or the child moves. Tell the court, even if the child leaves your home or moves back with the parents. **Always** get permission from the court before you move the child to another state or country.

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Court visitors and status reports
Some counties have programs where people called "court visitors" keep an eye on guardians. Cooperate with the court visitor, if there

is one. Also, you may have to fill out and file status reports.

You must **always** cooperate with the court and court investigators.

[Top of Page]

Misconduct of the child
Like a parent, you're personally responsible for the harm and damages the child causes on purpose, but there are limits to your liability. There are special rules for harm caused by a gun or other firearm. Talk to a lawyer if you're worried about this responsibility. Click here for help finding a lawyer.

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Additional responsibilities
The court can set other conditions or give you more responsibilities. For example, the court can make you:

- Go to counseling,
- Take parenting classes,
- Get certain services for the child, or
- Follow a visitation plan for the child and the parents or relatives.

You must follow all court orders.

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Ending the guardianship of the person
Guardianship automatically ends when the child:

- Turns 18,
- Is adopted,
- Gets married,
- Is emancipated (freed from guardianship) by court order,
- Goes into the military, or
- Dies.

Or the child, a parent, or the guardian can ask the court to end the guardianship. This is called "terminating a guardianship." You must prove that the guardianship isn't necessary anymore or that ending the guardianship is the best thing for the child. If you want to end a guardianship, use the *Petition for Termination of Guardianship* (form GC-255) and *Order Terminating Guardianship* (form GC-260).

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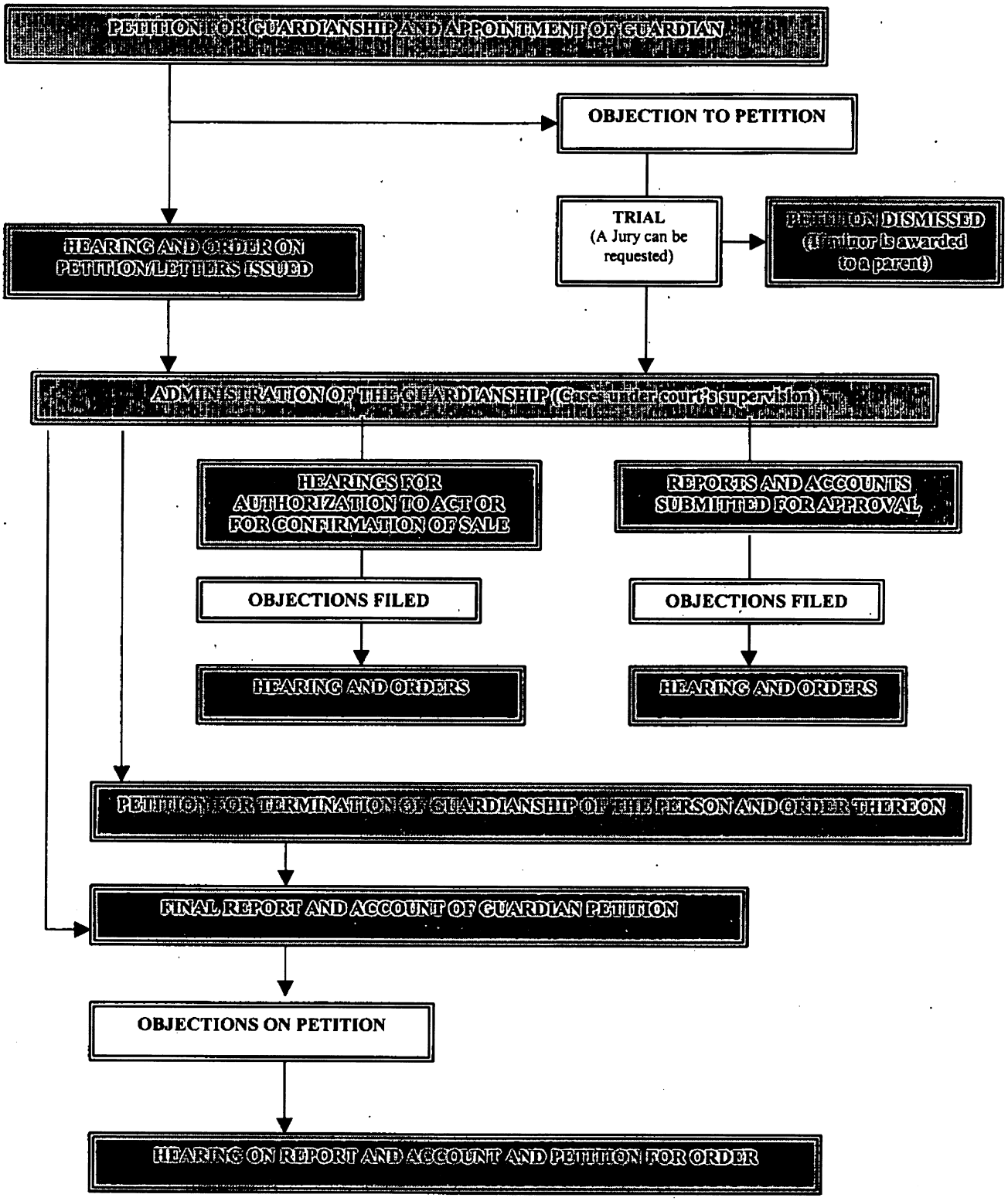
Probate Flow Chart - Guardianships



GC-210

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): TELEPHONE AND FAX NOS.:
Your Name
Your Phone
Your Address

ATTORNEY FOR (Name):

FOR COURT USE ONLY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SUTTER
STREET ADDRESS: 463 SECOND ST., RM. 211
MAILING ADDRESS:
CITY AND ZIP CODE: YUBA CITY, CA 95991
BRANCH NAME:

GUARDIANSHIP OF (Name): Name of Child
MINOR

PETITION FOR APPOINTMENT OF GUARDIAN OF [x] **MINOR** [ ] **MINORS**
[x] **Person** [ ] **Estate**

CASE NUMBER: Court will assign

1. **Petitioner** (name): Your Name **requests that**
   a. (Name and address): Your name Your address (Telephone): Your Phone #

   be appointed guardian of the PERSON of the minor and Letters issue upon qualification.
   b. (Name and address): (Telephone):

   be appointed guardian of the ESTATE of the minor and Letters issue upon qualification.
   c. [ ] the proposed guardian be appointed for several minors who are brothers and sisters. The information requested in items 2-11 for each additional minor is supplied in Attachment 1c.
   d. (1) [x] bond not be required [ ] because proposed guardian is a corporate fiduciary or an exempt government agency [x] for the reasons stated in Attachment 1d.
   (2) [ ] $ bond be fixed. It will be furnished by an authorized surety company or as otherwise provided by law. *(Specify reasons in Attachment 1d if the amount is different from the minimum required by Prob. Code, § 8482.)*
   (3) [ ] $ in deposits in a blocked account be allowed. Receipts will be filed. *(Specify institution and location)*:
   e. [ ] authorization be granted under Probate Code section 2590 to exercise independently the powers specified in Attachment 14.
   f. [x] orders relating to the powers and duties of the proposed guardian of the person under Probate Code sections 2351-2358 be granted *(specify orders, facts, and reasons in Attachment 1f)*.
   g. [ ] an order dispensing with notice to the persons named in Attachment 15 be granted.
   h. [x] other orders be granted *(specify in Attachment 1h)*.
2. The minor is (name): NAME OF MINOR [ ] married [x] unmarried
   (Present address and telephone): Minor's present address and phone #
3. Date of minor's birth: Child's dob
4. Petitioner is What is your relationship?
   a. [ ] related to the minor as *(specify)*:
   b. [ ] a minor 12 years of age or older. Is child 12 or over
   c. [ ] other person on behalf of minor *(specify)*:
5. The proposed guardian is What is your relationship?
   a. [ ] nominee *(affix nomination as Attachment 5)*.
   b. [ ] related to minor as *(specify)*:
   c. [ ] other *(specify)*:
6. a. [x] The person having legal custody of the minor is *(name and address)*: Parent or person having custody by order of the Court
   b. [x] *(Complete only if this person is one other than the person having legal custody.)* The person having the care of the minor is *(name and address)*:
   Name and Address if different from 6a
7. The minor
   a. [x] is [ ] is not a patient in or on leave of absence from a state institution under the jurisdiction of the State Department of Mental Health or the State Department of Developmental Services *(specify state institution)*:

   check appropriate choice
   b. [ ] is neither receiving nor entitled to receive [ ] is receiving or entitled to receive benefits from the Veterans Administration *(estimate amount of monthly benefit payable)*: $
   check appropriate choice
   c. [ ] does [ ] does not have Native American ancestry. *(Provide information required by Indian Child Welfare Act as Attachment 7c.)*

Do NOT use this form for a temporary guardianship.

(Continued on reverse)

Legal Solutions Plus

GUARDIANSHIP OF *(Name)*: Name of Child MINOR	CASE NUMBER: Court will assign

Check one box for 8 and 9

8. Petitioner [ ] has [ ] has no knowledge that the minor is receiving public assistance benefits *(specify in Attachment 8)*.
9. Petitioner [ ] has [ ] has no knowledge that there are any adoption, juvenile court, marriage dissolution, domestic relations, custody, or other similar proceedings affecting the minor *(specify in Attachment 9)*.
10. [ ] Petitioner, with intent to adopt, has accepted or intends to accept physical care or custody of the minor.
11. [ ] A person other than the proposed guardian has been nominated by [ ] will [ ] other nomination (nomination affixed in Attachment 11) *(specify name and address)*:
12. **Character and estimated value of property of the estate:**
    Personal property: $
    Annual gross income from all sources, including real and personal property, wages, pensions, and public benefits: $
    Total: $
    Real property: $
13. Appointment of a guardian of the [x] person [ ] estate of the minor is necessary and convenient for the reasons stated in Attachment 13. [ ] Parental custody of the minor would be detrimental for the reasons stated in Attachment 13.
14. [ ] Granting the proposed guardian of the estate powers to be exercised independently under Probate Code section 2590 would be to the advantage and benefit and in the best interest of the guardianship estate. Powers and reasons are specified in Attachment 14.
15. [ ] Notice to the persons named in Attachment 15 should be dispensed with under Probate Code section 1511 because [ ] they cannot with reasonable diligence be given notice *(specify names and efforts to locate in Attachment 15)* [ ] the giving of notice would be contrary to the interest of justice *(specify names and reasons in Attachment 15)*.
16. *(Complete this section only for a petition, other than one for appointment of a guardian of the estate only, filed by a person who is not related to the minor.)*
    a. [x] Petitioner is the proposed guardian and will promptly furnish all information requested by any agency referred to in Probate Code section 1543.
    [ ] Petitioner is not the proposed guardian. A statement by the proposed guardian that he or she will promptly furnish all information requested by any agency referred to in Probate Code section 1543 is affixed as Attachment 16a.
    b. The proposed guardian's home [ ] is [x] is not a licensed foster family home.
    c. [x] The proposed guardian has never filed any petition for adoption of the minor [ ] except as specified in Attachment 16c.
17. [x] Filed with this petition are the following *(see Judicial Council forms GC-211, GC-110, and MC-150)*:
    [ ] *Consent of Proposed Guardian*
    [ ] *Nomination of Guardian*
    [x] *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)*
    [ ] *Waiver of Notice and Consent*
    [x] *Petition for Appointment of Temporary Guardian*
18. The names, residence addresses, and relationships of the father, mother, spouse, brothers, sisters, grandparents, and children of the minor so far as known to petitioner, are as follows:

Relationship and name	Residence address
a. Father: Name of Father	Father's address
b. Mother: Name of Mother	Mother's address
c. Grandparents: Maternal Grandparent's Name	Maternal Grandparent's address
d. Paternal Grandparent's Name and address	

e. [ ] List of names and addresses continued in Attachment 18. If needed

19. Number of pages attached: Pages attached

Date: Date signed

▶ Sign your Name
(SIGNATURE OF ATTORNEY *)

Your Name

* (Signature of all petitioners also required (Prob. Code, § 1020).)

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

Date: Date signed

Your Name
(TYPE OR PRINT NAME)

▶ Sign your Name
(SIGNATURE OF PETITIONER)

(TYPE OR PRINT NAME)

▶
(SIGNATURE OF PETITIONER)

Guardianship of Minor's Name	CASE NUMBER:

ATTACHMENT TO PETITION FOR APPOINTMENT OF GUARDIAN

ATTACHMENT: 1d Bond
Bond not required as the minor: Bond not required for guardianship of person only. Probate Code Section 2322.

ATTACHMENT: 1f Specify Orders, Facts, Reasons:
Powers Pursuant to Probate Code Sections 2351-2358 -

1. Guardian has the care, custody, and control of minor and has charge of the education of the minor.

2. Guardian shall have the same right as a parent having legal custody of a child to give consent to medical treatment performed upon the minor and to require the minor to receive medical treatment.

3. Guardian shall fix the residence or specific dwelling of minor within the State of California.

4. Guardian shall have access to confidential records and papers of minor from public health organizations and schools.

ATTACHMENT 1h Waiver of Accounting on a periodical basis pursuant to Probate Code Section 2628, 2942, 7666 as the estate is less than $10,000.

ATTACHMENT: 8 Public Assistance Benefits
If you have checked "has" in box 8, this is the place to describe what benefits are being received.

ATTACHMENT: 9 Adoption, Juvenile Court, Marriage Dissolution, Domestic Violence action with custody determinations, or other similar proceedings affecting the minor.

If you have checked "has" to box 9, this is the place where you would give the case number, County, State and year of the filing of any action.

ATTACHMENT: 13 Appointment of Guardian necessary and convenient for the reasons stated and Parental Custody of the minor would be detrimental for the reasons stated:
If you have checked this box, describe reasons.

GC-211

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): TELEPHONE AND FAX NOS.:

Your Name
Your Phone
Your Address

ATTORNEY FOR (Name): In Pro Per

FOR COURT USE ONLY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SUTTER

STREET ADDRESS: 463 SECOND ST., RM. 211
MAILING ADDRESS:
CITY AND ZIP CODE: YUBA CITY, CA 95991
BRANCH NAME:

GUARDIANSHIP OF THE [x] PERSON [ ] ESTATE OF (Name):
Name of Child
MINOR

[x] **CONSENT OF PROPOSED GUARDIAN**
[ ] **NOMINATION OF GUARDIAN**
[ ] **WAIVER OF NOTICE AND CONSENT**

CASE NUMBER:

CONSENT OF PROPOSED GUARDIAN

1. I consent to serve as guardian of the [x] person [ ] estate of the minor.

Date: Date Signed

Print your Name (TYPE OR PRINT NAME) ▶ Your Signature (SIGNATURE OF PROPOSED GUARDIAN)

NOMINATION OF GUARDIAN

2. I am [ ] a parent of the minor [ ] donor of a gift to the minor. I nominate *(name and address)*:

as guardian of the [ ] person [ ] estate of the minor.

3. I am [ ] a parent of the minor [ ] donor of a gift to the minor. I nominate *(name and address)*:

as guardian of the [ ] person [ ] estate of the minor.

Date:

(TYPE OR PRINT NAME) ▶ (SIGNATURE)

CONSENT AND WAIVER OF NOTICE

4. I am entitled to notice in this proceeding, but I waive *Notice of Hearing* of the petition. I consent to appointment of the guardian as requested in the *Petition for Appointment of Guardian of Minor* filed on *(date)*:

Date (TYPE OR PRINT NAME) ▶ (SIGNATURE) (RELATIONSHIP TO MINOR)

Date (TYPE OR PRINT NAME) ▶ (SIGNATURE) (RELATIONSHIP TO MINOR)

Date (TYPE OR PRINT NAME) ▶ (SIGNATURE) (RELATIONSHIP TO MINOR)

Date (TYPE OR PRINT NAME) ▶ (SIGNATURE) (RELATIONSHIP TO MINOR)

[ ] Continued on Attachment 4.

NOTICE: The guardian of the person of a minor has full legal and physical custody. Parents and other interested parties cannot terminate guardianships without a court order. Courts will not order a guardianship terminated unless it is shown to be in the minor's best interest.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Mailing Address):	TELEPHONE NO.:	FOR COURT USE ONLY
Your Name Your Address ATTORNEY FOR (Name):	Your Phone	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SUTTER STREET ADDRESS: 463 SECOND ST., RM. 211 MAILING ADDRESS: CITY AND ZIP CODE: YUBA CITY, CA 95991 BRANCH NAME:		
CASE NAME: Name of Child		
DECLARATION UNDER UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT (UCCJEA)		CASE NUMBER:

1. **I am a party** to this proceeding to determine custody of a child.
2. ☐ Declarant's present address is not disclosed. It is confidential under Family Code section 3429. The address of children presently residing with declarant is identified on this declaration as confidential.
3. *(Number):* how many children? minor children are subject to this proceeding as follows:

(Insert the information requested below. The residence information must be given for the last FIVE years.)

a. Child's name	Place of birth	Date of birth	Sex
Name of Child	City and State	dob	M or F

Period of residence	Address	Person child lived with *(name and present address)*	Relationship
Date to present	Address where child lived during this time period ☐ Confidential	Person child lived with during this time period	What relationship?
continue as above to	until five years have been accounted for		
to			
to			
to			

b. Child's name	Place of birth	Date of birth	Sex
☐ Residence information is the same as given above for child a. *(If NOT the same, provide the information below.)*			

Period of residence	Address	Person child lived with *(name and present address)*	Relationship
to present	☐ Confidential		
to	This is filled out in the manner above but with information on this child.		
to			
to			

c. ☐ Additional children are listed on Attachment 3c. *(Provide requested information for additional children on an attachment.)*

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SUTTER

In the Matter of the GUARDIANSHIP of NAME OF CHILD Minor (s)	)	NO. ORDER APPOINTING COURT INVESTIGATOR

TO: SUTTER COUNTY PROBATION OFFICER

You are hereby appointed Court Investigator in this matter and are ordered to:

a) Review the basis for the guardianship;

b) Determine if initiation of the guardianship is in the proposed ward's best interest;

c) Determine proposed ward's wishes, if any;

d) Report your findings to the Court at least five days before the hearing. **Hearing on Temporary/General Guardianship set for:** _____ 9:00 a.m. in Department A.

Insert DATE

e) A temporary guardianship has/has not been ordered;

f) Petitioner is ordered to provide a copy of the petition and this order to the Court Investigator immediately.

Dated: _____

_____
HON. TIMOTHY J EVANS
JUDGE OF THE SUPERIOR COURT

GC-020

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):	TELEPHONE AND FAX NOS.:	FOR COURT USE ONLY
Your Name Your Address ATTORNEY FOR (Name):	Your Phone	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SUTTER STREET ADDRESS: 463 SECOND ST., RM. 211 MAILING ADDRESS: CITY AND ZIP CODE: YUBA CITY, CA 95991 BRANCH NAME:		
☐ GUARDIANSHIP ☐ CONSERVATORSHIP OF (Name): NAME OF MINOR ☒ MINOR ☐ CONSERVATEE		
NOTICE OF HEARING		CASE NUMBER:

This notice is required by law. This notice does not require you to appear in court, but you may attend the hearing if you wish.

1. NOTICE is given that *(name)*: Your Name
   (representative capacity, if any): Proposed Guardian
   has filed *(specify)*: Petition for Temporary and General Guardianship of Name of Minor

2. You may refer to the filed documents for further particulars. *(All of the case documents filed with the court are available for examination in the case file kept by the court clerk.)*

3. The petition includes an application for the independent exercise of powers under Probate Code section 2590. Powers requested are ☐ specified below ☐ specified in Attachment 3.

4. A HEARING on the matter will be held as follows:

a. Date:	Time: 9:00 a.m.	☒ Dept.: A	☐ Room:

b. Address of court ☒ same as noted above ☐ is *(specify)*:

(Continued on reverse)

☐ GUARDIANSHIP ☐ CONSERVATORSHIP OF *(Name)*: NAME OF MINOR ☒ MINOR ☐ CONSERVATEE	CASE NUMBER:

CLERK'S CERTIFICATE OF POSTING

1. I certify that I am not a party to this cause.
2. A copy of the foregoing *Notice of Hearing - Guardianship or Conservatorship*
   a. was posted at *(address)*:

   b. was posted on *(date)*:

Date:

Clerk, by _____, Deputy

PROOF OF SERVICE BY MAIL

1. I am over the age of 18 and not a party to this cause. I am a resident of or employed in the county where the mailing occurred.

2. My residence or business address is *(specify)*: Address of person signing

3. I served the foregoing *Notice of Hearing-Guardianship or Conservatorship* on each person named below by enclosing a copy in an envelope addressed as shown below AND
   a. ☒ **depositing** the sealed envelope in the United States Postal Service with the postage fully prepaid.
   b. ☐ **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' 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 States Postal Service in a sealed envelope with postage fully prepaid.

4. a. Date mailed: date of mialing b. Place mailed *(city, state)*: Yuba City,CA

5. ☐ I served with the *Notice of Hearing - Guardianship or Conservatorship* a copy of the petition or other document referred to in the notice.

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

Date: date signed

name of person mailing
(TYPE OR PRINT NAME)

▶ Signature of person mailing
(SIGNATURE OF DECLARANT)

NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED

names and addresses to each person
who was mailed this notice

☐ List of names and addresses continued on attachment.

CONFIDENTIAL (DO NOT ATTACH TO PETITION)

GC-212

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):
Your Name

Your Address

TELEPHONE NO.: Your Phone FAX NO. (Optional):
E-MAIL ADDRESS (Optional):
ATTORNEY FOR (Name):

FOR COURT USE ONLY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SUTTER
STREET ADDRESS: 463 SECOND ST., RM. 211
MAILING ADDRESS:
CITY AND ZIP CODE: YUBA CITY, CA 95991
BRANCH NAME:

GUARDIANSHIP OF (Name): Name of Child
MINOR

CONFIDENTIAL GUARDIAN SCREENING FORM
Guardianship of [x] **Person** [ ] **Estate**

CASE NUMBER:

Each proposed guardian shall submit this screening form with the guardianship petition.
This form shall remain confidential.

How This Form Will Be Used

This form is **confidential** and will not be a part of the public file in this case. You are required to complete and submit this form to the court under rule 7.1001 of the California Rules of Court. The information you provide will be used by the court and by persons and agencies designated by the court to assist the court in determining whether to appoint you as guardian. You **must** provide a response to each item.

1. a. **Proposed guardian *(name)*:** Your Name HT: WT: HAIR: EYES:
   b. Date of birth: your date of birth
   c. Social security number: your s.s.# SEX: RACE:
   d. Driver's license number: your d/l State:
   e. Telephone numbers: Home: Work: Other:

Answer each of these questions. Attachments may be necesary

2. [ ] I am [ ] I am not required to register as a sex offender under California Penal Code section 290. *(If you are, explain in Attachment 2.)*

3. [ ] I have [ ] I have not been charged with, arrested for, or convicted of a crime deemed to be a felony or a misdemeanor. *(If you have, explain in Attachment 3.)* [ ] Check here if you have been arrested for drug or alcohol-related offenses.

4. [ ] I have [ ] I have not had a restraining order or protective order filed against me in the last 10 years. *(If you have, explain in Attachment 4.)*

5. [ ] I am [ ] I am not receiving services from a psychiatrist, psychologist, or therapist for a mental health related issues. *(If you are, explain in Attachment 5.)*

6. Do you or does any other person living in your home have a social worker or parole or probation officer assigned to him or her?
   [ ] Yes [ ] No *(If yes, explain in Attachment 6 and provide the name and address of each social worker, parole officer, or probation officer.)*

7. Have you or has any other person living in your home been charged with, arrested for, or convicted of any form of child abuse, neglect, or molestation?
   [ ] Yes [ ] No *(If yes, explain in Attachment 7.)*

8. Are you aware of any reports alleging any form of child abuse, neglect, or molestation made to any agency charged with protecting children (e.g., Child Protective Services) or any other law enforcement agency regarding you or any other person living in your home?
   [ ] Yes [ ] No *(If yes, explain in Attachment 8 and provide the name and address of each agency.)*

(Continued on reverse)

CONFIDENTIAL

GUARDIANSHIP OF *(Name)*: Name of Child MINOR	CASE NUMBER:

Answer each question

9. Have you or has any other person living in your home habitually used any illegal substances or abused alcohol?
   ☐ Yes ☐ No *(If yes, explain in Attachment 9.)*

10. Have you or has any other person living in your home been charged with, arrested for, or convicted of a crime involving illegal substances or alcohol?
    ☐ Yes ☐ No *(If yes, explain in Attachment 10.)*

11. Do you or does any other person living in your home suffer from mental illness?
    ☐ Yes ☐ No *(If yes, explain in Attachment 11.)*

12. Do you suffer from any physical disability that would impair your ability to perform the duties of guardian?
    ☐ Yes ☐ No *(If yes, explain in Attachment 12.)*

13. ☐ I have or may have ☐ I do not have an adverse interest that the court may consider to be a risk to, or to have an effect on, my ability to faithfully perform the duties of guardian. *(If you have or may have, explain in Attachment 13.)*

14. ☐ I have ☐ I have not previously been appointed guardian, conservator, executor, or fiduciary in another proceeding. *(If you have, explain in Attachment 14.)*

15. ☐ I have ☐ I have not been removed as guardian, conservator, executor, or fiduciary in any other case. *(If you have, explain in Attachment 15.)*

16. ☐ I have ☐ I have not filed for bankruptcy protection within the last 10 years. *(If you have, explain in Attachment 16.)*

MINORS' CONTACT INFORMATION

17. Minor's name: NAME OF MINOR School:
    Home tel.: School tel.: Other tel.:

18. Minor's name: School:
    Home tel.: School tel.: Other tel.:

19. Minor's name: School:
    Home tel.: School tel.: Other tel.:

☐ Information on additional minors is attached.

DECLARATION

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

Date: date signed

your name
(TYPE OR PRINT NAME)

Your signature
(SIGNATURE OF PROPOSED GUARDIAN)

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

GC-248

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): Your Name Your Address TELEPHONE NO.: Your Phone FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): In Pro Per	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SUTTER STREET ADDRESS: 463 SECOND ST., RM. 211 MAILING ADDRESS: CITY AND ZIP CODE: YUBA CITY, CA 95991 BRANCH NAME:	
GUARDIANSHIP OF THE [x] PERSON [ ] ESTATE OF (Name): Child's name MINOR	
DUTIES OF GUARDIAN and Acknowledgment of Receipt	CASE NUMBER:

DUTIES OF GUARDIAN

When you are appointed by the court as a guardian of a minor, you become an officer of the court and assume certain duties and obligations. An attorney is best qualified to advise you about these matters. You should clearly understand the information on this form. You will find additional information in the *Guardianship Pamphlet (for Guardianships of Children in the Probate Court)* (Form GC-205), which is available from the court.

1. GUARDIANSHIP OF THE PERSON

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

a. **Fundamental responsibilities** - The guardian of the person of a child has the care, custody, and control of the child. As guardian, you are responsible for providing for food, clothing, shelter, education, and all the medical and dental needs of the child. You must provide for the safety, protection, and physical and emotional growth of the child.

b. **Custody** - As guardian of the person of the child, you have full legal and physical custody of the child and are responsible for **all** decisions relating to the child. The child's parents can no longer make decisions for the child while there is a guardianship. The parents' rights are suspended—not terminated—as long as a guardian is appointed for a minor.

c. **Education** - As guardian of the person of the child, you are responsible for the child's education. You determine where the child should attend school. As the child's advocate within the school system, you should attend conferences and play an active role in the child's education. For younger children, you may want to consider enrolling the child in Head Start or other similar programs. For older children, you should consider their future educational needs such as college or a specialized school. You must assist the child in obtaining services if the child has special educational needs. You should help the child in setting and attaining his or her educational goals.

d. **Residence** - As guardian, you have the right to determine where the child lives. The child will normally live with you, but when it is necessary, you are allowed to make other arrangements if they are in the best interest of the child. You should obtain court approval before placing the child back with his or her parents.

As guardian, you **do not** have the right to change the child's residence to a place outside California unless you first receive the court's permission. If the court grants permission, California law requires that you establish legal guardianship in the state where the child will be living. Individual states have different rules regarding guardianships. You should seek additional information about guardianships in the state where you want the child to live.

(Continued on reverse)

GUARDIAN OF (Name): Child's name MINOR	CASE NUMBER:

e. **Medical treatment** - As guardian, you are responsible for meeting the medical needs of the child. In most cases, you have the authority to consent to the child's medical treatment. However, if the child is 14 years or older, surgery may not be performed on the child unless either (1) both the child and the guardian consent or (2) a court order is obtained that specifically authorizes the surgery. This holds true except in emergencies. A guardian may not place a child involuntarily in a mental health treatment facility under a probate guardianship. A mental health conservatorship proceeding is required for such an involuntary commitment. However, the guardian may secure counseling and other necessary mental health services for the child. The law also allows older and more mature children to consent to their own treatment in certain situations such as outpatient mental health treatment, medical care related to pregnancy or sexually transmitted diseases, and drug and alcohol treatment.

f. **Community resources** - There are agencies in each county that may be helpful in meeting the specific needs of children who come from conflicted, troubled, or deprived environments. If the child has special needs, you must strive to meet those needs or secure appropriate services.

g. **Financial support** - Even when the child has a guardian, the parents are still obligated to support the child financially. The guardian may take action to obtain child support. The child may also be eligible for Temporary Aid for Needy Families, (TANF, formerly known as AFDC), social security benefits, Veterans Administration benefits, Indian child welfare benefits, and other public or private funds.

h. **Visitation** - The court may require that you allow visitation or contact between the child and his or her parents. The child's needs often require that the parent-child relationship be maintained, within reason. However, the court may place restrictions on the visits, such as the requirement of supervision. The court may also impose other conditions in the child's best interest.

i. **Driver's license** - As guardian of the person, you have the authority to consent to the minor's application for a driver's license. If you consent, you will become liable for any civil damages that may result if the minor causes an accident. The law requires that anyone signing the DMV application obtain insurance to cover the minor.

j. **Enlistment in the armed services** - The guardian may consent to a minor's enlistment in the armed services. If the minor enters into active duty with the armed forces, the minor becomes emancipated under California law.

k. **Marriage** - For the minor to marry, the guardian **and the court** must give permission. If the minor enters a valid marriage, the minor becomes emancipated under California law.

l. **Change of address** - A guardian must notify the court in writing of any change in the address of either the child or the guardian. This includes any changes that result from the child's leaving the guardian's home or returning to the parent's home. You **must** always obtain **court permission** before you move the child to another state or country.

m. **Court visitors and status reports** - Some counties have a program in which "court visitors" track and review guardianships. If your county has such a program, you will be expected to cooperate with all requests of the court visitor. As guardian, you may also be required to fill out and file status reports. In all counties, you must cooperate with the court and court investigators.

n. **Misconduct of the child** - A guardian, like a parent, is liable for the harm and damages caused by the willful misconduct of a child. There are special rules concerning harm caused by the use of a firearm. If you are concerned about your possible liability, you should consult an attorney.

o. **Additional responsibilities** - The court may place other conditions on the guardianship or additional duties upon you, as guardian. For example, the court may require the guardian to complete counseling or parenting classes, to obtain specific services for the child, or to follow a scheduled visitation plan between the child and the child's parents or relatives. As guardian, you must follow all court orders.

(Continued on page three)

p. **Termination of guardianship of the person** - A guardianship of the person automatically ends when the child reaches the age of 18, is adopted, marries, is emancipated by court order, enters into active military duty, or dies. If none of these events has occurred, the child, a parent, or the guardian may petition the court for termination of guardianship. But it must be shown that the guardianship is no longer necessary or that termination of the guardianship is in the child's best interest.

2. GUARDIANSHIP OF THE ESTATE

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

MANAGING THE ESTATE

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

b. **Keeping estate assets separate** - As guardian of the estate, you must keep the money and property of the child's estate separate from everyone else's, including your own. When you open a bank account for the estate, the account name must indicate that it is a *guardianship* account and not your personal account. You should use the child's social security number when opening estate accounts. You should never deposit estate funds in your personal account or otherwise mix them with your own funds or anyone else's funds, even for brief periods. Securities in the estate must be held in a name that shows that they are estate property and not your personal property.

c. **Interest-bearing accounts and other investments** - Except for checking accounts intended for ordinary expenses, you should place estate funds in interest-bearing accounts. You may deposit estate funds in insured accounts in federally insured financial institutions, but you should not put more than $100,000 in any single institution. You should consult with an attorney before making other kinds of investments.

d. **Blocked accounts** - A *blocked account* is an account with a financial institution in which money is placed. No person may withdraw funds from a blocked account without the court's permission. Depending on the amount and character of the child's property, the guardian may elect **or the court may require** that estate assets be placed in a blocked account. As guardian of the estate, you must follow the directions of the court and the procedures required to deposit funds in this type of account. The use of a blocked account is a safeguard and may save the estate the cost of a bond.

e. **Other restrictions** - As guardian of the estate, you will have many other restrictions on your authority to deal with estate assets. Without prior court order, you **may not** pay fees to yourself or your attorney. You may not make a gift of estate assets to anyone. You may not borrow money from the estate. As guardian, you may not use estate funds to purchase real property without a prior court order. If you do not obtain the court's permission to spend estate funds, you may be compelled to reimburse the estate from your own personal funds and may be removed as guardian. You should consult with an attorney concerning the legal requirements relating to sales, leases, mortgages, and investment of estate property. If the child of whose estate you are the guardian has a living parent or if that child receives assets or is entitled to support from another source, you must obtain court approval before using guardianship assets for the child's support, maintenance, or education. You must file a petition or include a request for approval in the original petition, and set forth which exceptional circumstances justify any use of guardianship assets for the child's support. The court will ordinarily grant such a petition for only a limited period of time, usually not to exceed one year, and only for specific and limited purposes.

INVENTORY OF ESTATE PROPERTY

f. **Locate the estate's property** - As guardian of the estate, you must locate, take possession of, and protect the child's income and assets that will be administered in the estate. You must change the ownership of all assets into the guardianship estate's name. For real estate, you should record a copy of your *Letters of Guardianship* with the county recorder in each county where the child owns real property.

(Continued on reverse)

g. **Determine the value of the property** - As guardian of the estate, you must arrange to have a court-appointed referee determine the value of the estate property unless the appointment is waived by the court. You—not the referee—must determine the value of certain "cash items." An attorney can advise you about how to do this.

h. **File an inventory and appraisal** - As guardian of the estate, you must file an inventory and appraisal within 90 days after your appointment. You may be required to return to court 90 days after your appointment as guardian of the estate to ensure that you have properly filed the inventory and appraisal.

INSURANCE

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

RECORD KEEPING AND ACCOUNTING

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

k. **Accountings** - As guardian of the estate, you must file a petition requesting that the court review and approve your accounting one year after your appointment and at least every two years after that. The court may ask that you justify some or all expenditures. You should have receipts and other documents available for the court's review, if requested. If you do not file your accounting as required, the court will order you to do so. You may be removed as guardian for failure to file an accounting.

l. **Format** - As guardian of the estate, you must comply with all state and local rules when filing your accounting. A particular format is specified in the Probate Code, which you must follow when you present your account to the court. You should check local rules for any special local requirements.

m. **Legal advice** - An attorney can advise you and help you prepare your inventories, accountings, and petitions to the court. If you have questions, you should consult with an attorney.

3. OTHER GENERAL INFORMATION

a. **Removal of a guardian** - A guardian may be removed for specific reasons or when it is in the child's best interest. A guardian may be removed either on the court's own motion or by a petition filed by the child, a relative of the child, or any other interested person. If necessary, the court may appoint a successor guardian, or the court may return the child to a parent if that is found to be in the child's best interest.

b. **Legal documents** - For your appointment as guardian to be valid, the *Order Appointing Guardian of Minor* must be signed. Once the court signs the order, the guardian **must** go to the clerk's office, where *Letters of Guardianship* will be issued. *Letters of Guardianship* is a legal document that provides proof that you have been appointed and are serving as the guardian of a minor. You should obtain several certified copies of the *Letters* from the clerk. These legal documents will be of assistance to you in the performance of your duties, such as enrolling the child in school, obtaining medical care, and taking care of estate business.

c. **Attorneys and legal resources** - If you have an attorney, the attorney will advise you on your duties and responsibilities, the limits of your authority, the rights of the child, and your dealings with the court. **If you have legal questions, you should consult with your attorney.** Please remember that the court staff cannot give you legal advice.

(Continued on page five)

GUARDIAN OF (Name): Child's name MINOR	CASE NUMBER:

If you are not represented by an attorney, you may obtain answers to your questions by contacting community resources, private publications, or your local law library.

NOTICE: This statement of duties is a summary and is not a complete statement of the law. Your conduct as a probate guardian is governed by the law itself and not by this summary.

ACKNOWLEDGMENT OF RECEIPT

1. I have petitioned the court to be appointed as a guardian.
2. I acknowledge that I have received a copy of this statement of the duties of the position of guardian.

Date: Date signed

Your Name
(TYPE OR PRINT NAME)

Your signature
(SIGNATURE OF PETITIONER)

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF PETITIONER)

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF PETITIONER)

GUARDIANSHIPS

(Person Only)

In Order to file for Guardianship of a minor, the following documents are required:

1. Petition for Appointment of Guardian of Minor/Minors with attachment
2. Consent of Guardian, Nomination & Waiver of Notice – The Consent is required, the Nomination & Waiver of Notice are optional
3. UCCJEA form
4. Order Appointing Court Investigator – The Court may, or may not, order an investigation
5. Confidential Screening Form
6. Duties of Guardian
7. Notice of Hearing – Set out approximately 25 days on a Monday at 9 a.m.

If a Temporary Guardianship is desired, in addition to the above documents, the following are also required:

1. Petition for Appointment of Temporary Guardian of Minor/Minors with attachment
2. Order Appointing Temporary Guardian
3. Letters of Temporary Guardianship

The Court may, or may not grant a Temporary Guardianship. If it is granted, the Letters of Guardianship are effective for 30 days or less, unless continued by Court.

If the Guardianship is granted, the following should be provided to the Court:

1. Order Appointing Guardian
2. Letters of Guardianship

To Terminate a Guardianship the following forms are required:

1. Petition for Termination of Guardianship
2. Notice of Hearing – Set out approximately 15 days on a Monday at 9 a.m.
3. Order Terminating Guardianship

GC-110

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):	TELEPHONE AND FAX NOS.:	FOR COURT USE ONLY
Your Name Your Address ATTORNEY FOR (Name):	Your Phone	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SUTTER STREET ADDRESS: 463 SECOND ST., RM. 211 MAILING ADDRESS: CITY AND ZIP CODE: YUBA CITY, CA 95991 BRANCH NAME:		
TEMPORARY [x] GUARDIANSHIP [ ] CONSERVATORSHIP OF (Name): NAME OF MINOR [X] MINOR [ ] CONSERVATEE		
PETITION FOR APPOINTMENT OF TEMPORARY **[x] GUARDIAN [ ] CONSERVATOR** **[x] Person [ ] Estate**		CASE NUMBER:

1. **Petitioner** *(name of each)*: Your Name **request that**
   a. *(Name and address)*: Your name and address

   be appointed temporary [x] guardian [ ] conservator of the PERSON of the [x] minor [ ] proposed conservatee and *Letters* issue upon qualification.
   b. *(Name and address)*:

   be appointed temporary [ ] guardian [ ] conservator of the ESTATE of the [ ] minor [ ] proposed conservatee and *Letters* issue upon qualification.
   c. (1) [x] bond not be required for the reasons stated in Attachment 1c. for person only- PC2322
   (2) [ ] $ bond be fixed. It will be furnished by an admitted surety insurer or as otherwise provided by law. *(Specify reasons in Attachment 1c if the amount is different from maximum required by Probate Code section 2320.)*
   (3) [ ] $ in deposits in a blocked account be allowed. Receipts will be filed. *(Specify institution and location)*:

   d. [x] the powers specified in Attachment 1d be granted in addition to the powers provided by law.
   e. [ ] an order be granted dispensing with notice to the [ ] minor [ ] proposed conservatee [ ] minor's mother [ ] minor's father [ ] other person having a visitation order for the reasons stated in Attachment 1e. *(Identify each by name and relationship.)*
   f. [ ] other orders be granted *(specify in Attachment 1f)*.

2. The [x] minor [ ] proposed conservatee is *(name)*: NAME OF MINOR
   Present address: minor's current address
   Telephone: minor's telephone

3. The [x] minor [ ] proposed conservatee requires a temporary [x] guardian [ ] conservator to [x] provide for temporary care, maintenance, and support [ ] protect property from loss or injury because *(facts are* [x] *specified below* [ ] *specified in Attachment 3)*:

   Give reasons for the need for a temporary guardianship.

(Continued on reverse)

TEMPORARY [x] GUARDIANSHIP [ ] CONSERVATORSHIP OF *(Name)*: NAME OF MINOR [X] MINOR [ ] CONSERVATEE	CASE NUMBER:

4. The temporary [x] guardianship [ ] conservatorship is required
   a. [x] pending the hearing on the petition for appointment of a general [x] guardian [ ] conservator.
   b. [ ] pending the appeal under Probate Code section 2750.
   c. [ ] during the suspension of powers of the [ ] guardian [ ] conservator.

5. Character and estimated value of the property of the estate:
   a. Personal property: $
   b. Annual gross income from all sources, including real and personal property, wages, pensions, and public benefits: $

   Total: $

6. [ ] CHANGE OF RESIDENCE OF PROPOSED CONSERVATEE
   a. [ ] Petitioner requests that the residence of the proposed conservatee be changed to *(address)*:

   The proposed conservatee will suffer irreparable harm if his or her residence is not changed as requested and no means less restrictive of the proposed conservatee's liberty will suffice to prevent the harm because *(precise reasons are* [ ] *stated below* [ ] *stated in Attachment 6a)*:

   b. [ ] The proposed conservatee must be removed from the State of California to permit the performance of the following non-psychiatric medical treatment essential to the proposed conservatee's physical survival. The proposed conservatee consents to this medical treatment. *(Facts and place of treatment are* [ ] *specified below* [ ] *specified in Attachment 6b.)*

   c. *(Change of residence only)* The proposed conservatee
      (1) [ ] will attend the hearing.
      (2) [ ] is able but unwilling to attend the hearing, does not wish to contest the establishment of a conservatorship, does not object to the proposed conservator, and does not prefer that another person act as conservator.
      (3) [ ] is unable to attend the hearing because of medical inability. An affidavit or certificate of a licensed medical practitioner or an accredited religious practitioner is affixed as Attachment 6c.
      (4) [ ] is not the petitioner, is out of state, and will not attend the hearing.

   d. [ ] *(Change of residence only)* Filed with this petition is a proposed *Order Appointing Court Investigator* (form GC-330).

7. Petitioner believes the [x] minor [ ] proposed conservatee [ ] will [x] will not attend the hearing.

8. Number of pages attached: one

Date:

* (Signature of petitioner also required (Prob. Code, § 1020).)

▶ _____
(SIGNATURE OF ATTORNEY*)

Your Name

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

Your Name
(TYPE OR PRINT NAME)

▶ Your signature
(SIGNATURE OF PETITIONER)

(TYPE OR PRINT NAME)

▶ _____
(SIGNATURE OF PETITIONER)

Guardianship of Name of Child	CASE NUMBER:

ATTACHMENT 1d

POWERS PURSUANT TO PROBATE CODE SECTIONS 2351-2358

1. Guardian has the care, custody, and control of the minor and has charge of the eduction of the minor.

2. Guardian shall have the same right as a parent having legal custody of a child to give consent to medical treatment performed upon the minor and to require the minor to receive medical treatment.

3. Guardian shall fix the residence or specific dwelling of the minor within the State of California.

4. Guardian shall have access to confidential records and papers of minor from public health organizations and schools.

GC-140

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): TELEPHONE AND FAX NOS.: FOR COURT USE ONLY

Your Name
Your Address
Your Phone

ATTORNEY FOR (Name):

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SUTTER
STREET ADDRESS: 463 SECOND ST., RM. 211
MAILING ADDRESS:
CITY AND ZIP CODE: YUBA CITY, CA 95991
BRANCH NAME:

TEMPORARY [x] GUARDIANSHIP [ ] CONSERVATORSHIP OF THE
[x] PERSON [ ] ESTATE OF (Name):
[x] MINOR [ ] CONSERVATEE

ORDER APPOINTING TEMPORARY [ ] GUARDIAN [ ] CONSERVATOR

CASE NUMBER:

WARNING: THIS APPOINTMENT IS NOT EFFECTIVE UNTIL LETTERS HAVE ISSUED.

1. The petition for appointment of temporary [x] guardian [ ] conservator came on for hearing as follows *(check boxes c and d to indicate personal presence)*:
   a. Judge *(name)*:
   b. Hearing date: Time: [ ] Dept.: [ ] Room:
   c. [ ] Petitioner *(name)*:
      [ ] Attorney for petitioner *(name)*: Your Name
   d. [x] Minor [ ] Conservatee *(name)*:
      Attorney for [x] minor [ ] conservatee *(name)*:

THE COURT FINDS

2. a. [x] Notice of time and place of hearing has been given as required by law.
   b. [ ] Notice of time and place of hearing [ ] has been [ ] should be dispensed with for *(names)*:

3. [x] It is necessary that a temporary [x] guardian [ ] conservator be appointed to [x] provide for temporary care, maintenance, and support [ ] protect property from loss or injury.
   [x] pending the hearing on the petition for appointment of a general [x] guardian [ ] conservator.
   [ ] pending an appeal under Probate Code section 1301.
   [ ] during the suspension of powers of the [ ] guardian [ ] conservator.

4. [ ] To prevent irreparable harm, the residence of the conservatee must be changed. No means less restrictive of the conservatee's liberty will prevent irreparable harm.

5. [ ] The conservatee must be removed from the State of California to permit the performance of nonpsychiatric medical treatment essential to the conservatee's physical survival. The conservatee consents to this medical treatment.

6. [ ] The conservatee need not attend the hearing on change of residence or removal from the State of California.

THE COURT ORDERS

7. a. *(Name)*: Your name
   (Address): Your address *(Telephone)*: Your telephone #

   is appointed temporary [x] guardian [ ] conservator of the PERSON of *(name)*: name of child and *Letters* shall issue upon qualification.

(Continued on reverse)

TEMPORARY [x] GUARDIANSHIP [ ] CONSERVATORSHIP OF *(Name)*: [x] MINOR [ ] CONSERVATEE	CASE NUMBER:

7. b. *(Name)*:

(Address): *(Telephone)*:

is appointed temporary [ ] guardian [ ] conservator of the ESTATE of *(name)*: and *Letters* shall issue upon qualification.

8. [ ] Notice of hearing to the persons named in item 2b is dispensed with.

9. a. [x] Bond is not required.
   b. [ ] Bond is fixed at: $ to be furnished by an authorized surety company or as otherwise provided by law.
   c. [ ] Deposits of: $ are ordered to be placed in a blocked account at *(specify institution and location)*: and receipts shall be filed. No withdrawals shall be made without a court order. [ ] Additional orders in Attachment 9c.
   d. [ ] The temporary [ ] guardian [ ] conservator is not authorized to take possession of money or any other property without a specific court order.

10. [ ] The conservator is authorized to change the residence of the conservatee to *(address)*:

11. [ ] The conservator is authorized to remove the conservatee from the State of California to the following address to permit the performance of nonpsychiatric medical treatment essential to the conservatee's physical survival *(address)*:

12. [ ] The conservatee need not attend the hearing on change of residence or removal from the State of California.

13. [ ] In addition to the powers granted by law, the temporary conservator is granted other powers. These powers are specified [ ] in Attachment 13 [ ] below *(specify)*:

14. [x] Other orders as specified in Attachment 14 are granted.

15. [x] Unless modified by further order of the court, this order expires on *(date)*:

16. Number of boxes checked in items 8-15: 4

17. Number of pages attached: 1

Date:

JUDGE OF THE SUPERIOR COURT

[ ] SIGNATURE FOLLOWS LAST ATTACHMENT

Guardianship of Name of Child	CASE NUMBER:

ATTACHMENT 14

POWERS PURSUANT TO PROBATE CODE SECTIONS 2351-2358

1. Guardian has the care, custody, and control of the minor and has charge of the eduction of the minor.

2. Guardian shall have the same right as a parent having legal custody of a child to give consent to medical treatment performed upon the minor and to require the minor to receive medical treatment.

3. Guardian shall fix the residence or specific dwelling of the minor within the State of California.

4. Guardian shall have access to confidential records and papers of minor from public health organizations and schools.

GC-150

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):
After recording return to:
Your Name

Your Address

TELEPHONE NO.: Your Phone
FAX NO. (Optional):
E-MAIL ADDRESS (Optional):
ATTORNEY FOR (Name):

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SUTTER
STREET ADDRESS: 463 SECOND ST., RM. 211
MAILING ADDRESS:
CITY AND ZIP CODE: YUBA CITY, CA 95991
BRANCH NAME:

TEMPORARY [x] GUARDIANSHIP [ ] CONSERVATORSHIP
OF (Name): NAME OF MINOR
[X] MINOR [ ] CONSERVATEE

FOR RECORDER'S USE ONLY

CASE NUMBER:

FOR COURT USE ONLY

LETTERS OF TEMPORARY [x] **GUARDIANSHIP** [ ] **CONSERVATORSHIP**
[x] **Person** [ ] **Estate**

LETTERS

1. (Name): Your Name
is appointed temporary [x] guardian [ ] conservator of the [x] person
[ ] estate of (name): NAME OF MINOR

2. [x] Other powers have been granted or restrictions imposed on the temporary
[ ] guardian [ ] conservator as [ ] specified below
[x] specified in Attachment 2.

3. These *Letters* shall expire
a. [x] on (date): Date of Hearing or upon earlier issuance of *Letters* to a general guardian or conservator.
b. [ ] other date (specify):

4. [ ] The temporary [ ] guardian [ ] conservator is not authorized to take possession of money or any other property without a specific court order.

5. Number of pages attached: _____

WITNESS, clerk of the court, with seal of the court affixed.

(SEAL)

Date:

Clerk, by

_____
(DEPUTY)

AFFIRMATION

I solemnly affirm that I will perform the duties of temporary [x] guardian [ ] conservator according to law.
Executed on (date): date signed
at (place): Yuba City, California.

▶ Your Signature
(SIGNATURE OF APPOINTEE)

(SEAL)

WITNESS, clerk of the court, with seal of the court affixed.

Date:

Clerk, by

_____
(DEPUTY)

CERTIFICATION

I certify that this document and any attachments is a correct copy of the original on file in my office, and that the *Letters* issued to the person appointed above have not been revoked, annulled, or set aside and are still in full force and effect.

Guardianship of Name of Child	CASE NUMBER:

ATTACHMENT 2

POWERS PURSUANT TO PROBATE CODE SECTIONS 2351-2358

1. Guardian has the care, custody, and control of the minor and has charge of the eduction of the minor.

2. Guardian shall have the same right as a parent having legal custody of a child to give consent to medical treatment performed upon the minor and to require the minor to receive medical treatment.

3. Guardian shall fix the residence or specific dwelling of the minor within the State of California.

4. Guardian shall have access to confidential records and papers of minor from public health organizations and schools.