

# How to ask for a NON-Emergency Guardianship

## Step 1

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

- GC-210(P) Petition for Appointment of Guardian of the Person
- GC-210(CA) Guardianship Petition-Child Information Attachment
- FL-105 Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)
- Request to Dispense with Notice (use this form only if you are unable to give notice to certain relatives of the child)
- GC-211 Consent of Proposed Guardian, Nomination of Guardian and Waiver of Notice (use this form only if the parent, grandparent or brother/sister (over 12) of the child agrees to your being guardian)
- GC-020 Notice of Hearing and attachments
- GC-240 Order Appointing Guardian of Minor
- GC-250 Letters of Guardianship
- GC-212 Confidential Guardian Screening Form (**One for each Proposed Guardian**)
- Authorization for Release of Information
- GC-248 Duties of Guardian
- Attachment PB-4005 Referral for Court Investigator & Questionnaire – Guardianship

## Step 2

**Copies:** Make 2 copies, in addition to the original.

## Step 3

**File:** Turn in the original and copies of forms at the **Probate Clerk's Office at 191 North First Street, San Jose, 95113**, Monday-Friday from 8:30 am to 4:00 pm.

- If you are not asking for a fee waiver**, you will pay the filing fee and get file-stamped copies back when you file.
- If you are asking for a fee waiver**, your file-stamped copies may be returned immediately, OR you may be asked to return in up to 24 hours, OR your file-stamped forms may be mailed to you. Please check with the clerk who takes your forms.

## Step 4

**Service:**

- 1 Filed Copy** of the non-confidential forms GC-210 (P), GC-210(CA), GC-020 for each person you need to serve (**DO NOT serve any of the confidential forms**).
- The law says that you must serve a copy to the following people by **personal service** at least 15 days before your first scheduled court date: **mother, father, current guardian (if there is one), the child if s/he is 12 or older**.
- The law says that you must serve a copy to the following people by **mail service**: **all grandparents, (half-)brothers and (half-)sisters (from either parent) if they are 12 or older**, and **Program Director, Emergency Response Services, 333 West Julian Street, 2<sup>nd</sup> Floor, San Jose, CA 95110**.
- If you **are not** related to the child by blood, marriage or adoption, you must also mail notice to: **The California Department of Social Services, Director of Social Services, 744 P Street, Sacramento, CA 95814** and the **Social Services Agency, Dept. of Family and Children's Services at 333 W. Julian St. San Jose, CA 95110**.

*"Service" means that someone, NOT YOU, who is at least 18 years old must personally hand-deliver or mail a copy of your forms to the other party in the case. You can ask a friend, relative, etc. to serve (deliver) the papers for you or you can look in the yellow pages and hire a "process server" to deliver the papers for you for a fee.*

**CONTINUED ON THE BACK...**

	<ul style="list-style-type: none"> <li>● <b>After papers are delivered,</b> <ul style="list-style-type: none"> <li>☞ The <b>server</b> (person who hand delivers the papers) must complete the <i>Proof of Personal Service of Notice of Hearing</i> (GC-020(P)) attached to your copy of the <i>Notice of Hearing</i>. If the papers were mailed, the <b>server</b> must complete the back side of the <i>Notice of Hearing</i> (GC-020). Take the form back to the courthouse to file it at least 5 days <u>before the court hearing</u>. There is no fee to file this form. Keep a copy for yourself.</li> </ul> </li> <li>● <b>If you cannot find some or all of the people who must be served,</b> write down everything you've done to try to find them, <i>in detail</i>. Put this information on the <i>Request to Dispense with Notice</i> form in your packet. At your Court hearing you will need to explain how you have looked for them (example – “I called their mother and she said...” and “I did a search on the internet and I found...”, “I went to their last job and talked to their boss and he said...”, etc.</li> <li>● <b>If any of the people who must be served are willing to waive service and consent to the guardianship,</b> they may sign the <b>Consent of Proposed Guardian, Nomination, and Waiver of Notice (GC-211)</b>. Whoever signs this form does not need to be served with the guardianship forms. You must file this form with the signatures at least 5 days before the court date.</li> </ul>
<b>Step 5</b>	<p><b><u>When you come to court:</u></b></p> <p>Bring a copy of all the papers in your case and also bring any papers which help to prove the information in your Petition. If you have any witnesses, they should also come. If you need help speaking English, please bring an interpreter to your hearing as well.</p>

## WHAT IS A GUARDIANSHIP?

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

## WHAT HAPPENS AFTER I FILE MY GUARDIANSHIP PACKET?

You will have a hearing date or two, which is stated on the front of the *Notice of Hearing* (GC-020). There will also be an investigation by the Probate Investigator's Office before the hearing.

## HOW LONG DOES IT TAKE TO FINISH THE GUARDIANSHIP PROCESS?

At the hearing, in about 10 weeks, the Judge will decide whether you will be appointed as the child's guardian. If additional investigation needs to take place, another hearing date will be set.

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

[www.scscourt.org](http://www.scscourt.org)  
 Superior Court, County of Santa Clara

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