

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN DIEGO**

**GUARDIANSHIP OF THE PERSON
PACKET**



FORMS INCLUDED IN THIS PACKET

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SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

CENTRAL DIVISION, CENTRAL COURTHOUSE, 1100 UNION ST., SAN DIEGO, CA 92101

GENERAL INFORMATION FOR SELF-REPRESENTED LITIGANTS (GUARDIANSHIP OF THE PERSON)

The following information is intended to answer general questions a self-represented litigant may have about guardianship of the person. This is not a complete reference or procedural guide, nor is it intended as legal advice. It is your responsibility to read and comply with the applicable laws, use current forms, and be prepared to present your case.

What is guardianship?

Guardianship is a court proceeding in which a judge gives someone who is not the parent:

- Custody of a child under the age of 18. This type of guardianship is called "Guardianship of the Person".
- Power to manage the child's income, money, or other property until the child turns 18. This type of guardianship is called "Guardianship of the Estate".

Note: If you are petitioning for a guardianship of the estate, this packet is not applicable.

More information about guardianship of the person and the estate can be found at www.courtinfo.ca.gov/selfhelp/family/guardianship and www.sdcourt.ca.gov (click on Probate).

If there is an open Juvenile Court case, contact the Child Welfare Services (CWS) worker assigned to the case or go to Juvenile Court to find out what your next step is. When there is an open Juvenile Court case, the Probate Court generally does not have the authority to grant a guardianship petition.

If there is an open Family Court case with an order of custody to a parent, you will be required to join in that case to seek custody of the child.

Guardianship of the Person

A petition for guardianship of the person is filed when a minor child is living with an adult who is not the parent and the adult needs the legal right to make decisions on behalf of the child. When a guardian of the person is appointed, the guardian is awarded custody of the child and the natural parents no longer have the right to determine where the child will live or how he or she will be educated. Instead, the guardian has those rights, including the responsibility to determine medical treatment for the child.

What do I have to do to become the guardian of the person?

To become the legal guardian of a child, you first have to file a petition and other forms with the court. You must fill out the following forms, available in the Probate Business Office and online at www.sdcourt.ca.gov (click on Forms, then Probate):

- Petition for Appointment of Guardian of the Person (JC Form #GC-210(P))
- Guardianship Petition—Child Information Attachment (JC Form #GC-210(CA))
- Notice of Hearing—Guardianship or Conservatorship (JC Form #GC-020)
- Consent of Proposed Guardian, Nomination of Guardian, and Consent to Appointment of Guardian and Waiver of Notice (JC Form #GC-211)
- Duties of Guardian and Acknowledgment of Receipt (JC Form #GC-248)
- Letters of Guardianship (JC form #GC-250)
- Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)(JC Form #FL-105/GC-120)
- Confidential Guardianship Screening Form (JC Form #GC-212)
- Order Appointing Guardian of Minor (JC Form #GC-240)
- Order Directing or Waiving Investigation (SDSC Form #PR-063)
- Information Sheet on Indian Child Inquiry Attachments and Notice of Child Custody Proceeding for Indian Child (JC Form #ICWA-005-INFO)

What do I have to do after I fill out the forms?

After you fill out the required forms:

- ✓ Make at least one copy of each completed form.
- ✓ File your forms with the Probate Business Office at the location listed on page 1. There is a filing fee due at the time you file your papers. (Refer to the sections “Is there a fee to file a guardianship?” and “What if I don’t have enough money to pay the fees?” below.)
- ✓ The clerk will keep the original forms and return the copies to you. Your copies will be file stamped and a hearing date will be scheduled.
- ✓ Serve a copy of the filed paperwork upon parents and relatives as required by law. (Refer to the section “Serving Parents and Relatives” on page 2.)
- ✓ Review the Instructions to Proposed Guardian of the Person Re: Guardianship Investigations (SDSC Form #PR-061A) and follow the procedures to schedule the investigation.

Is there a fee to file a guardianship?

Yes. There are court costs – the court filing fee and the investigation fee. The current fee amounts can be found on the court’s Fee Schedule (SDSC Form #ADM-001), available on the court’s website, www.sdcourt.ca.gov, or you can ask staff in the Probate Business Office.

What if I don’t have enough money to pay the fees?

- If you cannot afford the **filing fee**, you can request a fee waiver from the court. The fee waiver forms are available in the Probate Business Office or online at www.sdcourt.ca.gov and www.courtinfo.ca.gov. You will need the following forms:
 - Information Sheet on Waiver of Superior Court Fees and Costs (JC Form #FW-001-INFO)
 - Request to Waive Court Fees (Ward or Conservatee) (JC Form #FW-001-GC)
 - Order on Court Fee Waiver (Superior Court) (Ward or Conservatee) (JC Form #FW-003-GC)

If the court approves your Request to Waive Court Fees, you won’t have to pay the filing fee or investigation fee.

Serving parents and relatives

The law requires that parents and certain relatives be served (given) a copy of the petition for guardianship and other court forms you filed with the court. This is sometimes referred to as “giving notice.” **Someone else – NOT YOU – must serve the documents. There are rules for giving notice. You must follow them carefully, otherwise you have to start all over.**

There are two types of service: personal service and service by mail.

- **Personal service** – **parents** (or any person having legal custody of the child or serving as guardian of the estate) **and the minor child(ren)** of the action (over the age of 12) **must be personally served**. This means someone else – **not you** – personally hands them a copy of the Notice of Hearing—Guardianship or Conservatorship (JC Form #GC-020) and Petition for Appointment of Guardian of the Person (JC Form #GC-210(P)) at least 15 days before the hearing.
- **Service by mail** – Paternal and maternal **grandparents**, the child’s **brothers** and **sisters** (over the age of 12), including half-brothers and half-sisters (over the age of 12), and any person having the care of the proposed child of the guardianship (if other than the person having legal custody) and any spouse named in the petition **may be served by mail**. This means someone else – **not you** – mails them a copy of the Notice of Hearing—Guardianship or Conservatorship (JC Form #GC-020) and Petition for Appointment of Guardian of the Person (JC Form #GC-210(P)) at least 15 days before the court hearing. (Note: The child’s grandparents are the parents of the child’s mother and parents of the child’s father.)

What if the parents and relatives agree I can be the guardian?

If anyone who is required to receive notice of the guardianship petition (parents and relatives) agree you can be the guardian, he/she can sign the Consent of Proposed Guardian, Nomination of Guardian, and Consent to Appointment of Guardian, and Waiver of Notice form (JC Form #GC-211). You don't have to give notice to anyone who signs the consent portion of that form. If a person tells you verbally he/she agrees you can be the guardian, but doesn't sign a written consent, you still have to give that person notice. Refer to "Serving Parents and Relatives" for information about giving notice.

What if I don't know where the parents or relatives are?

If you don't know where the parents or relatives are, you must make a reasonable and diligent effort to locate them. Some suggestions to find them include:

- ✓ Asking all family members, friends, acquaintances, and employers;
- ✓ Searching the real and personal property indexes in the recorder's and assessor's offices for the county where the person last resided;
- ✓ Looking in the phone book;
- ✓ Calling telephone information;
- ✓ Searching on the Internet (e.g. social media).

If you have done everything you can to locate the parents or relatives and you still can't locate them, you can ask the court to allow you to proceed without giving notice to those persons. To do this, fill out Declaration of Diligent Search and Request to Dispense with Notice (SDSC Form #FLF-002), available in the Probate Business Office and online at www.sdcourt.ca.gov, and file it at least four days prior to your hearing.

What happens after the forms are served?

If the forms were served by personal delivery to the parents or relatives, the person serving the forms fills out a Proof of Personal Service of Notice of Hearing—Guardianship form (JC Form #GC-020(P)). If the forms were served by mail (not allowed for parents or minor(s) in the case), the person serving the forms fills out the Proof of Service by Mail on the back side of the Notice of Hearing form (JC Form #GC-020).

After the forms have been properly filled out and signed, file the proof of service forms with the Probate Business Office at least four days prior to your hearing.

What happens before the court hearing date?

Before your court hearing date, a probate examiner will review the paperwork submitted by you and make notes for the probate judge. A copy of these notes are available online at www.sdcourt.ca.gov (click on the Probate tab, then Examiner Notes).

If there are defects (things that are missing and/or corrections to be made), they will be noted by the probate examiner. Ordinarily the defects need to be corrected before your petition will be granted by the judge. If defects are noted and have not been corrected before the hearing date, attend the hearing to assure the judge you still want the guardianship. The court may continue the hearing to a later date to allow you time to correct the defects. Most defects can be cleared by filling out the Supplement to Petition for Appointment of Guardian of the Person (SDSC Form #PR-107) and filing it with the Probate Business Office at least four days prior to your hearing.

The probate examiners can be contacted by phone or email. Instructions are available online at www.sdcourt.ca.gov (click on the Probate tab, then Examiner Notes).

If the court grants your petition for guardianship at the hearing, submit the Order Appointing Guardian of Minor (JC Form #GC-240) and Letters of Guardianship (JC Form #GC-250) forms to the Probate Business Office. The Letters of Guardianship are evidence of your authority to act on behalf of the child. Obtaining a certified copy of the Letters of Guardianship is advisable.

What if there is a need for a temporary guardian before the hearing?

The court may grant Letters of Temporary Guardianship (JC Form #GC-150) under the following circumstances:

1. There is an immediate and compelling need for the appointment;
2. The Petition for Appointment of Guardian is filed at the same time;
3. There is good cause to waive notice to the parents, or they consent and waive notice for the temporary guardianship; and
4. The minor is residing with the petitioner at the time the request for temporary guardianship is made.

If the above criteria can be met, the petition for temporary guardianship may be submitted to the Probate Business Office for determination by the probate judge. The hearing will generally be set in five to ten court days. The required documents for temporary guardianship are:

- Petition for Appointment of Temporary Guardian of the Person (JC Form #GC-110(P)).
- Order Appointing Temporary Guardian (JC Form #GC-140).
- Letters of Temporary Guardianship (JC Form #GC-150).
- All the documents needed for the general guardianship (see page 1).
- Waivers of notice, if you have them.

What happens after the hearing?

If the judge grants you guardianship, you will be the guardian of the minor child until the child turns age 18. When the child turns age 18, the guardianship terminates by operation of law. You must inform the court in writing if you move within the state. You can do so by filling out a Notice of Change of Address or Other Contact form (JC Form #MC-040) and filing it with the Probate Business Office. If you want to move out of the state, you must petition the court for permission to do so by filling out the Petition to Fix Residence Outside the State of California (JC Form #GC-085) and filing it with the Probate Business Office.

Do I need a lawyer to set up a guardianship?

No, you can represent yourself. However, the forms for guardianship and the rules for notice can be complicated. If you don't follow the rules carefully and defects occur, you may have to come back to court more than once to have your guardianship approved, and it will take more time to process your case.

Talking to a lawyer is a good idea when:

- the child has extensive and/or valuable property;
- you live out of state;
- there are other legal cases going on at the same time (like adoption, custody in Family Court, or Juvenile Court involvement);
- the child has special needs (physically/emotionally disabled); or
- the child is Native American (because federal laws apply).

If you need legal advice:

Contact an attorney of your choice. If you need help locating an attorney in San Diego County, you may contact the Lawyer Referral & Information Service of the San Diego County Bar Association at their website www.sdcb.org or by calling (619) 231-8585.

If you need general legal information or assistance with completing court forms:

Family Law Facilitator's Office - Guardianship Assistance Program

This program is operated by the San Diego Superior Court. For further information, you may inquire in the Probate Business Office or call (619) 844-2869.

San Diego Volunteer Lawyer Program

This private, non-profit legal organization offers a guardianship clinic on a first come, first served basis to income qualified individuals. Call (619) 235-5656 (ext. 104) or visit www.sdvlp.org for information about days and hours of operation.

If you are in the military and need assistance:

Camp Pendleton Legal Office (760) 725-6558
North Island Legal Office (619) 545-6437



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

CENTRAL DIVISION, CENTRAL COURTHOUSE, 1100 UNION ST., SAN DIEGO, CA 92101

INSTRUCTIONS TO PROPOSED GUARDIANS RE: GUARDIANSHIP INVESTIGATIONS

Prob. Code §1513 requires that, unless waived by the court, in each proposed appointment of guardian, an investigation must be made and a report submitted to the court. Investigations will be conducted by Family Court Services (FCS), County of San Diego Health and Human Services Agency (HHSA), or a Court Investigator (CI) as follows:

Guardianship of:	Proposed Guardian:	Agency:
A. Person or Person/Estate	Relative	FCS
B. Person or Person/Estate	Non-Relative	HHSA
C. Estate Only	Relative or Non-Relative	CI
D. Estate Only – Waiver Requested	Relative or Non-Relative	

“Relative” is defined in Prob. Code § 1513(g) as a person who is a spouse, parent, step-parent, brother, sister, step-brother, step-sister, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin, or any person denoted by the prefix “grand” or “great” or the spouse of any of these persons even after the marriage has been terminated by death or dissolution.

AFTER FILING A PETITION FOR APPOINTMENT OF GUARDIAN, FOLLOW PROCEDURES BELOW FOR CORRESPONDING ITEMS ABOVE:

A. RELATIVE GUARDIAN - PERSON OR PERSON/ESTATE

1. If item 1a or 1b(1) is completed on the Order Directing or Waiving Investigation (SDSC Form #PR-063), proceed to the FCS office located at 1100 Union Street, 4th floor, to make an appointment. **Appointments will only be made in person.** Bring conformed copies of the following documents with you:
 - Petition for Appointment of Guardian of the Person (JC Form #GC-210)
 - Order Directing or Waiving Investigation (SDSC Form #PR-063)
 - Confidential Guardian Screening Form (JC Form #GC-212)
 - Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) (JC Form #FL-105/GC-120)

You must also complete a Guardianship Questionnaire (SDSC Form #FCS-045) and submit it to FCS when your appointment is made.

2. If item 1b(2) is completed on the Order Directing or Waiving Investigation (SDSC Form #PR-063), no investigation is required.

B. NON-RELATIVE GUARDIAN - PERSON OR PERSON/ESTATE

1. If item 2a is completed on the Order Directing or Waiving Investigation (SDSC Form #PR-063), mail conformed copies of the following forms to: Health and Human Services Agency Guardianship Unit, 8911 Balboa Ave., San Diego, CA 92123.
 - Petition for Appointment of Guardian of the Person (JC Form #GC-210)
 - Order Directing or Waiving Investigation (SDSC Form #PR-063)
 - Confidential Guardian Screening Form (JC Form #GC-212)
 - Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) (JC Form #FL-105/GC-120)

HHSA will mail a packet of materials to complete and return prior to the investigation. For more information, contact HHSA at (858) 650-5712.

2. If item 2b is completed on the Order Directing or Waiving Investigation (SDSC Form #PR-063), no investigation is required.

C. RELATIVE OR NON-RELATIVE GUARDIAN - ESTATE ONLY

1. If item 3 is completed on the Order Directing or Waiving Investigation (SDSC Form #PR-063) a Court Investigator will contact you prior to the hearing.

D. RELATIVE OR NON-RELATIVE GUARDIAN - ESTATE ONLY - WAIVER REQUESTED

1. Submit an Ex Parte Coversheet (SDSC Form #PR-136), Application for Waiver of Investigation (SDSC Form #PR-062), and Order Directing or Waiving Investigation (SDSC Form #PR-063) to the Probate Business Office. Complete only the caption of the Order Directing or Waiving Investigation (SDSC Form #PR-063). The court will check the appropriate box after the application has been ruled on.
2. If the waiver is denied, a Court Investigator will contact you prior to the hearing.

**INFORMATION SHEET ON INDIAN CHILD INQUIRY ATTACHMENT AND
NOTICE OF CHILD CUSTODY PROCEEDING FOR INDIAN CHILD**

This is an information sheet to help you fill out form ICWA-010(A), *Indian Child Inquiry Attachment*, and form ICWA-030, *Notice of Child Custody Proceeding for Indian Child*.

Form ICWA-010(A), *Indian Child Inquiry Attachment*

You are responsible for helping to find out whether the child is or may be an Indian child and filling out the information requested on ICWA-010(A), *Indian Child Inquiry Attachment*. This is important because if the child is an Indian child, specific steps must be taken to prevent the breakup of the child's Indian family and to obtain for the child resources and services that are culturally specific to the child's family. The court will check to make sure that the child receives these resources and services.

Tips on how to fill out form ICWA-010(A), Indian Child Inquiry Attachment

1. Try to find contact information for the child's parents, the child's Indian custodian (if the child is living with an Indian person other than a parent) or other legal guardian, the child's grandparents and great-grandparents, and other available family members.
2. Contact the child's parents, the child's Indian custodian or any other legal guardians, available extended family members, and any other persons known to have an interest in the child and ask them (and the child, if old enough) these questions:
 - a. Is the child a member of a tribe or eligible for tribal membership, and if they think the child might be, then which tribe or tribes?
 - b. Are the parents or other members of the extended family members of a tribe, and if they think they might be, which tribe or tribes?
 - c. Does the child, or do the child's parents or Indian custodian, if any, live in Indian country, including a reservation, rancheria, Alaska Native village, or other tribal trust land?
 - d. Does the child or any of the child's relatives receive services or benefits from a tribe, and if yes, which tribe?
 - e. Does the child or any of the child's relatives receive services or benefits available to Indians from the federal government?
 - f. Do they have any other information indicating the child is an Indian child?
3. If you are in touch with any of the child's relatives, ask them the same questions.

The court clerk's office cannot file your petition unless you have filled out form ICWA-010(A), *Indian Child Inquiry Attachment*, and attached it to the petition. This requirement does not apply to a petition for appointment of a guardian of the estate only.

After you take the steps described above, if you have reason to believe that the child is an Indian child, you must contact the tribe or tribes that may have a connection with the child about your court case.

You have reason to believe the child is an Indian child if any of the people you talk to answers "Yes" to any of your questions. Tribes that learn about the case can investigate and advise you and the court whether the child is a tribal member or eligible to become a tribal member, and can then decide whether to get involved in the case or assume tribal jurisdiction.

Your contacts with the tribe or tribes should include:

- (1) Contacting the tribe's designated agent for service of notice under the Indian Child Welfare Act, which is published in the Federal Register, by telephone, facsimile, or email; and
- (2) Sharing with the tribe or tribes any information identified by the tribe as necessary for the tribe to make a determination about the child's tribal membership or eligibility for membership, as well as information on the current status of the child and the case.

Form ICWA-030, *Notice of Child Custody Proceeding for Indian Child*

Following your inquiry about the child's Indian status and contacts with the child's tribe or tribes, if you know or have reason to know the child is an Indian child, you must provide formal notice on form ICWA-030, *Notice of Child Custody Proceeding for Indian Child*.

Some tips to help you figure out if you have a reason to know the child is an Indian child

You have reason to know:

1. If the child, an Indian tribe, an Indian organization, an attorney, a public or private agency, a member of the child's extended family or any other person having an interest in the child says the child is an Indian child or provides information to anyone involved in the case suggesting that the child is an Indian child;
2. If the child, the child's parents, or an Indian custodian live on a reservation or rancheria or in an Alaskan Native village;

(continued on next page)

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You have reason to know (*continued*):

3. If the child is or has been a ward of the tribal court; or
4. If the child's parent(s) have an identification card indicating membership or citizenship in an Indian tribe.

These are just a few of the facts that would give you reason to know that a child is an Indian child. There may also be other information that would give you reason to know that the child is an Indian child.

Who do you need to notify?

If you know or have reason to know that the child is an Indian child, you must send the *Notice* to the following:

1. Child's parents or other legal guardian, including adoptive parents;
2. Child's Indian custodian (if the child is living with an Indian person who has legal custody of the child under tribal law or custom, under state law, or if the parent asked that person to take care of the child);
3. Child's tribe or tribes; and
4. Sacramento Area Director, Bureau of Indian Affairs, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825 (if the parents, Indian custodian, or tribe cannot be determined or located).

Tips on how to find the address for the child's tribe or tribes

The Secretary of the Interior periodically updates and publishes in the Federal Register (see 25 C.F.R. § 23.12) a list of tribe names and addresses. The Bureau of Indian Affairs also keeps a list. You can access the Federal Register list and other resources related to ICWA on the Bureau of Indian Affairs website at www.bia.gov/bia/ois/dhs/.

Copy to the Secretary of the Interior and the Area Director of the Bureau of Indian Affairs

If you know the identity and location of the parent, Indian custodian, and the tribe or tribes, when you send the *Notice* to the parent, Indian custodian, and the tribe or tribes, you must also send a copy to the Secretary of the Interior, at 1849 C Street, NW, Washington, DC 20240, and a copy to the Sacramento Area Director, Bureau of Indian Affairs, Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825.

Copy to the Area Director of the Bureau of Indian Affairs

If you do **not** know the identity and location of the child's parents, Indian custodian, and tribe or tribes, you must send copies of the *Notice* and the other documents to the Sacramento Area Director, Bureau of Indian Affairs, Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825. To help establish the child's tribal identity, provide as much information as possible, including the child's name, birthdate, and birthplace; the name of the tribe or tribes; the names of all of the child's known relatives with addresses and other identifying information; and a copy of the petition in the case.

How do you send the *Notice* and prove to the court that you have done so?

If you have an attorney, the attorney will complete the steps described below. If you are representing yourself without an attorney in a probate guardianship case, the court clerk will help you with steps 1 and 2 below, including doing the mailing and signing the certificate of mailing on page 9 of the *Notice*, but you must deliver copies of the *Notice* and other documents listed in step 1 below to the court in addressed envelopes ready for mailing and then complete step 3.

1. Mail to the persons and organizations listed at the top of this page, by registered or certified mail, with return receipt requested, completed and signed copies of the following forms:
 - a. Your petition;
 - b. Form ICWA-010(A), *Indian Child Inquiry Attachment*; and
 - c. Form ICWA-030, *Notice of Child Custody Proceeding for Indian Child*.
2. The person who does the mailing must fill out the information requested on page 10 of form ICWA-030, *Notice of Child Custody Proceeding for Indian Child*, and then date and sign the original form on page 9.
3. Go to the court and file with the clerk of the court proof that you have given notice to everyone listed above and on page 10 of form ICWA-030, *Notice of Child Custody Proceeding for Indian Child*. Your proof must consist of the following:
 - a. The original signed *Notice* (form ICWA-030) and copies of the documents you sent with it (the petition and form ICWA-010(A));
 - b. All return receipts given to you by the post office and returned from the mailing; and
 - c. All responses you receive from the child's parents, the child's Indian custodian, the child's tribe or tribes, and the Bureau of Indian Affairs.

Please note that you are subject to court sanctions if you knowingly and willfully falsify or conceal a material fact concerning whether the child is an Indian child or if you counsel a party to do so. (Welf. & Inst. Code, § 224.3(e).)

Petition for Appointment of Guardian of the Person

Guardianship of the person of (all children's names):

Clerk stamps date here when form is filed.

You may use this form or the Petition for Appointment of Guardian of Minor (form GC-210) to petition, or ask, the court to appoint a guardian of the person. (You must use form GC-210 to ask the court to appoint a guardian of the estate or of both the person and the estate.)

1 Your name (Include the names of all persons who are requesting the court to appoint them or the person named in **4** as guardian for the child* or children* named above and in **8**). All must sign this form.):

- a. _____
- b. _____
- c. _____

Fill in court name and street address:

Superior Court of California, County of

2 Your address and telephone number:

Street: _____ Apt.: _____
City: _____
State: _____ Zip: _____ Phone: _____

Clerk fills in information below when form is filed.

Case Number: _____	
Hearing Date and Time: _____	Dept.: _____

3 **Your Lawyer** (if you have one):

Name: _____ Bar No.: _____
Firm name, if any: _____
Street: _____ Suite: _____
City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____ E-mail: _____

4 **I/We want to be guardian of the child or children named in 8** (Go to **5**.)

I/We want the person or persons named here to be the guardian of the child or children named in 8. Tell the court about the proposed guardian(s) below.

Name(s): _____

Street: _____ Apt.: _____
City: _____ State: _____ Zip: _____
Phone: _____ E-mail: _____

I am the child or one of the children named in 8 and a person named in 1. I am at least 12 years old. I want the person or persons named here to be my guardian.

My date of birth is (month/day/year): _____ Tell the court about the proposed guardian(s) below.

Name(s): _____

Street: _____ Apt.: _____
City: _____ State: _____ Zip: _____
Phone: _____ E-mail: _____

***Under section 1510.1(d) of the Probate Code, the terms child, minor, and ward include a youth 18 to 20 years of age.**



Guardianship of the person of <i>(all children's names)</i> :	Case Number:

9 The guardianship is necessary or convenient for the reasons given below.

(Explain why each child listed in 8 needs a guardian.)

Check here if you need more space. Continue your explanation on a separate sheet of paper. Write "Form GC-210(P)—Attachment 9: Need for Guardian" at the top of the paper and attach it to this form.

10 I/We ask the court to *(check all that apply):*

- a. Appoint the person named in 1 or 4 guardian of the person of the child or children named in 8 and issue Letters of Guardianship.
- b. Excuse me/us from having to give notice of the hearing on this petition to one or more relatives or other persons listed in item 2 of the attached *Guardianship Petition—Child Information Attachment* (form GC-210(CA)) for the reasons given below. *(Specify (1) the name of each child, (2) the name and relationship to the child of each of the persons to whom you want the court to excuse you from giving notice, and (3) the reasons for your request, including the steps, if any, you have taken to find each person.):*

Check here if you need more space. Continue your explanation on a separate sheet of paper. Write "Form GC-210(P)—Attachment 10b: Request for Waiver of Notice" at the top of the paper and attach it to this form.

The relatives and other persons listed in item 2 of each child's Guardianship Petition—Child Information Attachment (form GC-210(CA)) must be given notice of the hearing on your petition for appointment of a guardian for that child unless the court excuses you from giving notice. The court may waive (excuse) this requirement if you can show the court that you do not know where the relative or other person is located after making reasonable efforts to find him or her or if giving notice to that person may harm the child or otherwise be contrary to the interests of justice. See rule 7.52 of the California Rules of Court for information on making reasonable efforts to find a person.



Guardianship of the person of <i>(all children's names)</i> :	Case Number:

10 c. Make the following additional orders *(specify)*:

Check here if you need more space. Continue your request for additional orders on a separate sheet of paper. Write "Form GC-210(P)—Attachment 10c: Additional Orders" at the top of the paper and attach it to this form.

11 **Filed with this petition are the following** *(check all that apply)*:

- Consent of Proposed Guardian (form GC-211, item 1)
- Nomination of Guardian (form GC-211, items 2 and 3)
- Consent to Appointment of Guardian and Waiver of Notice (form GC-211, item 4).
- Petition for Appointment of Temporary Guardian or Conservator (form GC-110)
- Petition for Appointment of Temporary Guardian of the Person (form GC-110(P))
- Confidential Guardian Screening Form (form GC-212)
- Petition for Special Immigrant Juvenile Findings (form GC-220)
- Other *(specify)*:

12 All attachments are made part of this form as though included here. There are _____ pages attached to this form.

Date: _____ *Petitioner's attorney types or prints name here* ▶ *Petitioner's attorney signs here*

All petitioners and the proposed ward—if he or she is at least 18 but not yet 21 years of age and not a petitioner—must read and sign below.

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

Date: _____ *Petitioner types or prints name here* ▶ *Petitioner signs here*

Date: _____ *Petitioner types or prints name here* ▶ *Petitioner signs here*

I consent to the appointment of the person named in 1 or 4 as guardian of my person and to his or her performance of the duties of a guardian on my behalf.

Date: _____ *Proposed ward types or prints name here* ▶ *Proposed ward signs here*

Case Number: _____

Guardianship of *(all children's names)*: _____

This child's name: _____

Fill out a separate copy of this form for **each child** for whom your petition asks the court to appoint a guardian.

This form is attached to the Petition, **form GC-210, item 2,** or **form GC-210(P), item 8.**

The petition asks the court to appoint a guardian of this child's *(specify)*: person estate person and estate.

1 Tell the court about this child

a. Child's full legal name: _____ Date of birth: _____
First Middle Last mm/dd/yyyy

b. Child's current address: _____

c. Indian child inquiry *(Complete only if your petition asks the court to appoint a guardian of this child's person or person and estate. If your petition asks the court to appoint a guardian of this child's estate only, skip this item and go to item 1d.)*

I have asked whether the child is or may be a member of one or more Indian tribes recognized by the federal government, or eligible for membership in such a tribe and the biological child of a tribal member, and whether the child or parents live or are domiciled on a reservation or rancheria or in an Alaskan Native village. Form ICWA-010(A), *Indian Child Inquiry Attachment*, is attached to this form.

I have not asked about the child's Indian heritage because the parents are unavailable or deceased.

(For more information about your duties under the federal Indian Child Welfare Act (ICWA) (25 U.S.C. §§ 1901–1963) and California law, including making the inquiry and completing form ICWA-010(A) if the child is or may be an Indian child, see Information Sheet on Indian Child Inquiry Attachment and Notice of Child Custody Proceeding for Indian Child (form ICWA-005-INFO).)

d. Is this child married? Yes No Never married If you checked "No," was this child married in the past but the marriage was dissolved or ended in divorce? Yes No
(The court cannot appoint a guardian of the person for a minor child who is married or whose marriage was dissolved or ended in divorce.)

e. Is this child receiving public benefits? Yes No I don't know *(If you checked "Yes," fill in below.)*

Type of Aid	Monthly Benefit	Type of Aid	Monthly Benefit
<input type="checkbox"/> TANF (Temporary Asst. for Needy Families)	\$ _____	<input type="checkbox"/> Other <i>(explain)</i> :	\$ _____
<input type="checkbox"/> Social Security	\$ _____	<input type="checkbox"/> Other <i>(explain)</i> :	\$ _____
<input type="checkbox"/> Dept. Veterans Affairs Benefits	\$ _____		

f. Name and address of the person with *legal* custody of this child: _____

g. *(Check this box and fill out below if the person the child lives with is not the person in f. with legal custody.)*
Name and address of the person this child lives with (who takes care of the child): _____



Guardianship of (all children's names): _____

Case Number: _____

This child's name: _____

1 Tell the court about this child (continued)

h. (Check this box if this child has been involved in an adoption, juvenile court, marriage dissolution (divorce), domestic relations, child custody, or other similar court case.) Describe the court case below:

Type of Case	Court District or County and State or Tribe	Case Number (if known)

i. (Check this box if this child is in or on leave from an institution supervised by the California Department of Developmental Services or the California Department of State Hospitals.) Write the name of the institution here:

2 List the names and addresses of this child's relatives and all other persons shown below:

Relationship	Name	Home Address (Street, City, State, Zip)
Mother	_____	_____
Father	_____	_____
Grandmother (Mother's mother)	_____	_____
Grandfather (Mother's father)	_____	_____
Grandmother (Father's mother)	_____	_____
Grandfather (Father's father)	_____	_____
Sibling	_____	_____
Sibling	_____	_____
Sibling	_____	_____
Sibling	_____	_____
Sibling	_____	_____
Sibling	_____	_____
Sibling	_____	_____

(Check here if this child has additional relatives, including parents, grandparents, siblings, or half-siblings, and list their names and addresses on a separate sheet of paper. Write "Form GC-210(CA)," the name of this child, and "Item 2: Other Relatives" at the top of the paper and attach it to this form.)



Guardianship of (all children's names): _____

Case Number: _____

This child's name: _____

2 List the names and addresses of this child's relatives and all other persons shown below:

Relationship	Name	Home Address (Street, City, State, Zip)
Spouse <i>(Guardianship of the estate only)</i>	_____	_____
Person nominated as guardian of this child <i>(if someone other than a proposed guardian named in 3)</i>	_____	_____
Indian custodian <i>(if any)</i>	_____	_____
Child's tribe <i>(if any and if known)</i>	_____	_____

(Check here if there is more than one tribe that the child may be eligible for membership in, and list the names and addresses on a separate sheet of paper. Write "Form GC-210(CA)," the name of the child, and "Attachment 2: Child's tribes" at the top of the paper and attach it to this form.)

3 Information about the proposed guardian:

a. Name (name all proposed guardians if more than one):

b. Relationship(s) to the child named in 1 (check all that apply):
 Relative (specify relationship(s) to the child of each proposed relative guardian):

 Not a relative (explain interest in or connection to this child): _____

c. Did the child's parent(s) nominate the proposed guardian(s)? Yes No I don't know
(If you checked "Yes," attach the written nomination as Attachment 3c.)

d. Does this child currently live with the proposed guardian(s)? Yes No I don't know
If "Yes," how long has the child lived with the proposed guardian(s)? (years, months): _____

e. If the court approves the guardianship, will this child live with the proposed guardian(s)? Yes No

f. Does/do the proposed guardian(s) currently plan to adopt this child? Yes No I don't know

4 Explain why appointing a guardian for the child named in 1 would be in the child's best interest:

(Check here if you need more space. Continue your explanation on a separate sheet of paper. Write "Form GC-210(CA)," the name of this child, and "Attachment 4: Guardianship—Best Interest of Child" at the top of the paper and attach it to this form.)



Guardianship of (all children's names): _____

Case Number: _____

This child's name: _____

5 Explain why appointing the person named in 3 to be this child's guardian would be in the child's best interest:

(Check here if you need more space. Continue your explanation on a separate sheet of paper. Write "Form GC-210(CA)," the name of this child, and "Attachment 5: Proposed Guardian—Best Interest of Child" at the top of the paper and attach it to this form.)

6 a. Does one or do both of this child's parents agree:

(1) That the court needs to appoint a guardian for the child?

Parent (name): _____ Yes No I don't know

Parent (name): _____ Yes No I don't know

(2) That the person named in 3 should be the child's guardian?

Parent (name): _____ Yes No I don't know

Parent (name): _____ Yes No I don't know

b. If the child is an Indian child and in the care and custody of an Indian custodian, does the Indian custodian agree:

(1) That the court needs to appoint a guardian for the child?

Custodian (name): _____ Yes No I don't know

(2) That the person named in 3 should be the child's guardian?

Custodian (name): _____ Yes No I don't know

7 Check this box if you (the petitioner) are not the person named in 3, and fill in below.

Your relationship to this child:

Relative (specify relationship): _____

Not a relative (explain your interest in or connection to this child):

8 Except as otherwise stated in this form, the statements made in the petition to which this form is attached fully apply to this child.

CHILD'S NAME:	CASE NUMBER:
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1. Name of child:

2. (Check one)

I have not yet been able to complete the inquiry about the child's Indian status because:

I understand that I have an affirmative and continuing duty to complete this inquiry. I will do it as soon as possible and advise the court of my efforts.

I have asked or I am advised by _____ and on information and belief confirm that this person has completed inquiry by asking the child, the child's parents, and other required and available persons about the child's Indian status. The person(s) questioned are:

Name:	Name:
Address:	Address:
City, state, zip:	City, state, zip:
Telephone:	Telephone:
Date questioned:	Date questioned:
Relationship to child:	Relationship to child:

Additional persons questioned and their information is attached.

3. This inquiry (*check one*):

gave me reason to believe the child is or may be an Indian child. (*If yes, continue to 4.*)

gave me no reason to believe the child is or may be an Indian child.

4. I contacted the tribe(s) that the child may be affiliated with and worked with them to establish whether the child is a member or eligible for membership in the tribe(s). Information detailing the tribes contacted, the names of the individuals contacted, and the manner of the contacts is attached.

5. Based on inquiry and tribal contacts (*check all that apply*):

- a. The child is or may be a member of or eligible for membership in a tribe.
Name of tribe(s):
Location of tribe(s):
- b. The child's parents, grandparents, or great-grandparents are or were members of a tribe.
Name of tribe(s):
Location of tribe(s):
- c. The residence or domicile of the child, child's parents, or Indian custodian is on a reservation, rancheria, Alaska Native village or other tribal trust land.
- d. The child or the child's family has received services or benefits from a tribe or services that are available to Indians from tribes or the federal government, such as the Indian Health Service or Tribal Temporary Assistance to Needy Families (TANF).
- e. The child is or has been a ward of a tribal court.
Name of tribe(s):
Location of tribe(s):
- f. Either parent or the child possesses an Indian Identification card indicating membership or citizenship in an Indian tribe.
Name of tribe(s):
Location of tribe(s):

6. If this is a delinquency proceeding under Welfare and Institutions Code section 601 or 602:

- The child is in foster care.
- It is probable the child will be entering foster care.

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

Date:

(TYPE OR PRINT NAME)	(SIGNATURE)
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ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i> <hr/> TELEPHONE NO.: _____ FAX NO. <i>(Optional)</i> : _____ E-MAIL ADDRESS <i>(Optional)</i> : _____ ATTORNEY FOR <i>(Name)</i> : _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO CENTRAL DIVISION, CENTRAL COURTHOUSE, 1100 UNION ST., SAN DIEGO, CA 92101	
PETITIONER: _____ <i>(This section applies only to family law cases.)</i> RESPONDENT: _____ OTHER PARTY: _____	
GUARDIANSHIP OF <i>(Name)</i> : _____ Minor	CASE NUMBER: _____
DECLARATION UNDER UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT (UCCJEA)	

1. I am a party to this proceeding to determine custody of a child.
2. My present address and the present address of each child residing with me is confidential under Family Code section 3429 as I have indicated in item 3.
3. There are *(specify number)*: _____ minor children who 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
Period of residence to present	Address <input type="checkbox"/> Confidential	Person child lived with <i>(name and complete current address)</i> <input type="checkbox"/> Confidential		Relationship
to	Child's residence <i>(City, State)</i>	Person child lived with <i>(name and complete current address)</i>		
to	Child's residence <i>(City, State)</i>	Person child lived with <i>(name and complete current address)</i>		
to	Child's residence <i>(City, State)</i>	Person child lived with <i>(name and complete current address)</i>		
b. Child's name		Place of birth	Date of birth	Sex
<input type="checkbox"/> Residence information is the same as given above for child a. <i>(If NOT the same, provide the information below.)</i>				
Period of residence to present	Address <input type="checkbox"/> Confidential	Person child lived with <i>(name and complete current address)</i> <input type="checkbox"/> Confidential		Relationship
to	Child's residence <i>(City, State)</i>	Person child lived with <i>(name and complete current address)</i>		
to	Child's residence <i>(City, State)</i>	Person child lived with <i>(name and complete current address)</i>		
to	Child's residence <i>(City, State)</i>	Person child lived with <i>(name and complete current address)</i>		

- c. Additional residence information for a child listed in item a or b is continued on attachment 3c.
- d. Additional children are listed on form FL-105(A)/GC-120(A). *(Provide all requested information for additional children.)*

SHORT TITLE: _____	CASE NUMBER: _____
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4. Do you have information about, or have you participated as a party or as a witness or in some other capacity in, another court case or custody or visitation proceeding, in California or elsewhere, concerning a child subject to this proceeding?
 Yes No (If yes, attach a copy of the orders (if you have one) and provide the following information):

Proceeding	Case number	Court <i>(name, state, location)</i>	Court order or judgment <i>(date)</i>	Name of each child	Your connection to the case	Case status
a. <input type="checkbox"/> Family						
b. <input type="checkbox"/> Guardianship						
c. <input type="checkbox"/> Other						

Proceeding	Case Number	Court <i>(name, state, location)</i>
d. <input type="checkbox"/> Juvenile Delinquency/ Juvenile Dependency		
e. <input type="checkbox"/> Adoption		

5. One or more domestic violence restraining/protective orders are now in effect. (Attach a copy of the orders if you have one and provide the following information):

Court	County	State	Case number <i>(if known)</i>	Orders expire <i>(date)</i>
a. <input type="checkbox"/> Criminal				
b. <input type="checkbox"/> Family				
c. <input type="checkbox"/> Juvenile Delinquency/ Juvenile Dependency				
d. <input type="checkbox"/> Other				

6. Do you know of any person who is not a party to this proceeding who has physical custody or claims to have custody of or visitation rights with any child in this case? Yes No (If yes, provide the following information):

a. Name and address of person <input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights Name of each child	b. Name and address of person <input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights Name of each child	c. Name and address of person <input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights Name of each child
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

_____ _____
 (TYPE OR PRINT NAME) (SIGNATURE OF DECLARANT)

7. Number of pages attached: _____

NOTICE TO DECLARANT: You have a continuing duty to inform this court if you obtain any information about a custody proceeding in a California court or any other court concerning a child subject to this proceeding.

GUARDIAN OF (Name):	CASE NUMBER:
MINOR	

- 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 financially support the child. 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)

GUARDIAN OF (Name): MINOR	CASE NUMBER:
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- 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)

GUARDIAN OF (Name): MINOR	CASE NUMBER:
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- 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):	MINOR	CASE NUMBER:
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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: _____

(TYPE OR PRINT NAME)

▶

(SIGNATURE OF PETITIONER)

Date: _____

(TYPE OR PRINT NAME)

▶

(SIGNATURE OF PETITIONER)

Date: _____

(TYPE OR PRINT NAME)

▶

(SIGNATURE OF PETITIONER)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ EMAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO CENTRAL DIVISION, CENTRAL COURTHOUSE, 1100 UNION ST., SAN DIEGO, CA 92101	
GUARDIANSHIP OF: _____	
ORDER DIRECTING OR WAIVING INVESTIGATION	CASE NUMBER _____

The court has reviewed the petition for appointment of guardian on file in the above-entitled case, and determined that:

- The proposed guardianship is for **the person only**.
- The proposed guardianship is for **the person and estate**.
- The proposed guardianship is for **the estate only**.

1. **The proposed guardian is a relative.**

- a. Family Court Services (FCS) shall conduct an investigation of the person and prepare a report. Petitioner must contact FCS within three days of the date of this order and complete a Guardianship Questionnaire (SDSC Form # FCS-045).
- b. The guardianship is accompanied by a **Petition for Special Immigrant Juvenile Findings** and:
 - (1) The proposed minor will be **under 18-years of age** on the date of the hearing. Sufficient cause having been shown, the court approves an abbreviated Family Court Services investigation and report required by Probate Code § 1513. Petitioner must contact FCS within three days of the date of this order and complete a Guardianship Questionnaire (SDSC Form # FCS-045).
 - (2) The proposed minor will be **18-years of age or older** on the date of the hearing. Sufficient cause having been shown, the court waives the investigation and report required by Probate Code § 1513.

2. **The proposed guardian is not a relative.**

- a. Health and Human Services Agency (HHSA) shall conduct an investigation and prepare a report pursuant to Probate Code § 1513. Petitioner must contact HHSA within three days of the date of this order.
- b. The guardianship is accompanied by a **Petition for Special Immigrant Juvenile Findings** and the proposed minor will be **18-years of age or older** on the date of the hearing. Sufficient cause having been shown, the court waives the investigation and report required by Probate Code § 1513.

3. **The guardianship is for the estate only.** The Court Investigator shall conduct an investigation of the estate and prepare a report. The Court Investigator will contact the petitioner prior to the hearing date.

4. Sufficient cause having been shown, the court waives the investigation and report required by Probate Code § 1513.

IT IS SO ORDERED.

Date: _____

Judge of the Superior Court

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): <hr/> <p style="text-align: center;">TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____</p> <p>E-MAIL ADDRESS (<i>Optional</i>): _____</p> <p>ATTORNEY FOR (<i>Name</i>): _____</p>	FOR COURT USE ONLY
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO CENTRAL DIVISION, CENTRAL COURTHOUSE, 1100 UNION ST., SAN DIEGO, CA 92101</p>	
GUARDIANSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (<i>Name</i>): _____	
<input type="checkbox"/> CONSENT OF PROPOSED GUARDIAN <input type="checkbox"/> NOMINATION OF GUARDIAN <input type="checkbox"/> CONSENT TO APPOINTMENT OF GUARDIAN AND WAIVER OF NOTICE	CASE NUMBER: _____

CONSENT OF PROPOSED GUARDIAN

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

Date: _____

_____ _____

(TYPE OR PRINT NAME) (SIGNATURE OF PROPOSED GUARDIAN)

NOMINATION OF GUARDIAN

2. I am a parent of the minor a 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 a 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)

NOTICE: The guardian of the person of a minor child has full legal and physical custody until the child becomes an adult or is adopted, the court changes guardians, or the court terminates the guardianship. Parents or other interested persons must petition the court to terminate the guardianship. The court will not do so unless the judge decides that termination would be in the child's best interest.

CONSENT TO APPOINTMENT OF GUARDIAN AND WAIVER OF NOTICE

4. I consent to appointment of the guardian as requested in the *Petition for Appointment of Guardian of Minor*, filed on (*date*): . I am entitled to notice in this proceeding, but I waive notice of hearing of the petition, including notice of any request for independent powers contained in it. I waive timely receipt of a copy of the petition.

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 of the hearing on a petition for appointment of a probate guardian must include a copy of this form.

A California court can order care, custody, and control of a child transferred from a parent to another caregiver in a variety of cases. This form compares juvenile court and probate guardianship cases. In juvenile court, a foster parent, sometimes called a resource family, is a temporary caregiver. A guardian is a “permanent” caregiver. A probate court can also appoint a guardian, using different procedures and standards. The three charts in this form compare the rights and duties, available services and supports, and court processes in juvenile court and probate guardianship cases.

Charts in this form

1. **The Rights and Duties of Different Types of Caregivers, at pages 2–4**
Compares foster parents/resource families with probate guardians and juvenile court guardians
2. **The Services and Financial Support Available to Different Types of Caregivers, at pages 5–8**
Compares foster parents/resource families, probate guardians, and juvenile court guardians
3. **How a Guardian Is Appointed and What Happens Afterward, at pages 9–11**
Compares probate guardians with juvenile court guardians

CAUTION: This form does not replace legal advice from a lawyer. Parents, potential caregivers, and potential guardians should consult a lawyer for answers to questions or concerns about their specific situation. Click this link, www.courts.ca.gov/selfhelp-findlawyer.htm, for help finding a lawyer.

Starting a case in probate court or juvenile court

A probate guardianship case begins when a private person files a petition to appoint a guardian. A juvenile dependency case begins only if the child welfare agency files a petition. However, a private person can ask the agency to file a petition. If the agency does not, that person can ask the juvenile court to order the agency to file a petition. Even if the agency files a petition, the juvenile court can deny it if the child doesn’t meet the legal standard. If the probate court thinks a juvenile dependency case might be appropriate after a guardianship case begins but before a guardian is appointed, the court can ask the agency to file a dependency petition and, if the agency does not, can ask the juvenile court to order the agency to file a petition.

Families can also arrange for care and a place to live for a child without going to court. These arrangements are usually temporary and often involve documents such as a Caregiver’s Authorization Affidavit (see www.courts.ca.gov/documents/caregiver.pdf) or a Voluntary Placement Agreement with a child welfare agency (see www.cdss.ca.gov/cdssweb/entres/forms/english/soc155.pdf). *Information on the Probate Guardianship of the Person* (form GC-205-INFO) gives information about these arrangements.

Foster parents/resource families

If a juvenile court finds that a child cannot continue living safely at home, the court will order the child placed out of the home in the care and custody of the county child welfare agency (sometimes called *child protective services* or CPS). The agency can then place the child in the home of an approved foster parent. If a foster parent has been approved through the resource family approval (RFA) process, the foster parent is sometimes called a *resource family*, so this form uses the term “foster parent/resource family.” Approval as a foster parent/resource family is difficult and takes time. Some families will not be approved because they do not meet the strict standards.

Guardians

A guardian is an adult appointed by either the probate court or the juvenile court to take long-term care, custody, and control of a child when the child’s parents are unavailable or unable to care for the child. A relative or nonrelative can be appointed as guardian if the court finds the appointment is in the child’s best interest. In general, probate guardians have the same rights and duties as juvenile court guardians. However, probate guardians have access to different, and often fewer, financial supports, services, and resources.

For more information on probate guardianship of the person, see *Information on Probate Guardianship of the Person* (form GC-205-INFO). For information on probate guardianship of the estate, see *Information on Probate Guardianship of the Estate* (form GC-206-INFO). For more information on juvenile court guardianship, see *Information on Juvenile Court Guardianship* (form JV-350-INFO).



1. The *Rights and Duties* of Different Types of Caregivers

Foster Parents/Resource Families	Guardians (Probate and Juvenile Court)
<i>Caregiver’s Fundamental Responsibilities and General Duties</i>	
<p>A foster parent/resource family works with child welfare agency social workers to provide care, supervision, and housing for the child.</p> <p>A foster parent/resource family receives foster care funds for the child’s needs, such as food and clothing, and works with the social worker to make sure the child receives available resources and services if the child has special needs.</p>	<p>A guardian, whether appointed by a probate court or juvenile court, has the same general rights and duties toward the child as a parent. In other words, a guardian has care, custody, and control of the child. However, the court that appoints the guardian can order the guardian to do or not to do certain things.</p> <p>The guardian is responsible for providing for food, clothing, shelter, education, and all the medical and dental needs of the child.</p> <p>The guardian must provide for the safety, protection, and physical and emotional growth of the child. Like a parent, a guardian should maintain close contact with the child’s school and doctor.</p> <p>If the child has special needs, the guardian must strive to meet those needs and 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 help these children.</p>
<i>Custody and Visitation</i>	
<p>Physical custody of the child—that is, the right to decide where the child lives—is with the child welfare agency unless the court orders a specific placement.</p> <p>Parents retain legal custody subject to limitations set by the court.</p> <p>A foster parent/resource family must make sure the child takes part in visits and phone calls with parents and others authorized by the social worker or ordered by the court.</p> <p>A foster parent/resource family cannot, on their own, ask the court to terminate parental rights and adopt the child. They can, however, tell the social worker they would like to adopt the child.</p>	<p>The guardian has legal and physical custody of the child.</p> <p>Parents can no longer make decisions for the child while there is a guardianship. The rights of the parents are completely suspended—but not terminated—as long as the guardianship remains in effect.</p> <p>If a guardian is appointed, a parent or other person can ask the court to order the guardian to let them visit or spend time with the child. (In juvenile court, the court must allow the parent to visit the child unless it would be <i>detrimental</i> to the child.) If the court does not make an order, the guardian can decide who visits the child.</p> <p>After the child has been in the guardian’s custody for a minimum time, varying from six months to three years depending on the circumstances, the guardian may petition to terminate parental rights and adopt the child.</p>
<i>Residence</i>	
<p>The social worker and the court decide who the child will live with.</p>	<p>A guardian decides where the child lives. The child normally will live with the guardian, but the guardian can make other arrangements if they are in the best interest of the child.</p> <p>A guardian must give proper notice to the court and others of any address change of either the child or the guardian.</p> <p>A guardian must get court permission before changing the child’s residence to a place outside California.</p>



Foster Parents/Resource Families	Guardians (Probate and Juvenile Court)
Health Care	
<p>The social worker arranges care and treatment for the child’s medical, dental, and mental health needs, but the foster parent/resource family might be responsible for scheduling and transporting the child to these appointments.</p> <p>Parents keep their rights to make health-care decisions for the child except in an emergency or if the court orders otherwise.</p>	<p>The guardian must make sure that the child’s health-care needs are met. In most cases, the guardian has the authority to consent to the child’s medical treatment. However, if the child is 14 years of age or older, surgery may not be performed on the child unless (1) both the child and the guardian consent, (2) a court order specifically authorizes the surgery, or (3) an emergency exists.</p> <p>A guardian may not place a child in a mental health treatment facility against the child’s wishes. A separate legal process is required for such a placement. However, the guardian must obtain any counseling or other necessary mental health services needed by the child.</p> <p>The law also allows children to consent to certain types of treatment—including outpatient mental health treatment, medical care related to pregnancy or sexually transmitted diseases, and drug or alcohol treatment—without the consent of a parent or guardian.</p>
Education	
<p>When a child is in foster care, parents retain the rights to make educational and developmental-services decisions for the child unless the court limits these rights and assigns them to another person.</p> <p>If the court limits parental rights to make educational and developmental-services decisions, it may assign those rights to a foster parent/resource family. Otherwise, a foster parent/resource family cannot make those decisions or attend Individualized Education Program (IEP) meetings for the child unless invited by the person holding educational rights.</p> <p>A foster parent/resource family is responsible for making sure that the child attends school. If the child is receiving special education services, the foster parent/resource family works with the school district and service providers to ensure that the child receives all the services and supports in the child’s IEP. (See page 8 for information about financial support for children with special needs.)</p>	<p>A guardian is responsible for the child’s education and holds the child’s educational and developmental-services decisionmaking rights, unless the court appoints someone else to hold them. If a child needs special education and related services, the guardian must advocate for the child with the school district and make the appropriate arrangements. (See page 8 for information about financial support for children with special needs.)</p>



Foster Parents/Resource Families	Guardians (Probate and Juvenile Court)
Consent to Changes to the Child’s Status	
<p>A foster parent/resource family cannot consent to the child’s marriage, military enlistment, or driver’s license application, but the juvenile court can consent.</p>	<p>A guardian <i>and the court</i> must give permission for a minor child to get married.</p> <p>A guardian may consent to a minor child’s enlistment in the armed services or application for a driver’s license.</p> <p>A guardian may apply for a passport for a minor child.</p>
Financial Obligations	
<p>A foster parent/resource family receives foster care funds to pay for the child’s needs.</p>	<p>The guardian is responsible for the day-to-day financial support of the child, even though the parents are still obligated to support the child. The guardian may take legal action or contact the local child support agency to obtain child support from a parent.</p> <p>The child may also be eligible for Aid to Families with Dependent Children—Foster Care (AFDC-FC), Social Security benefits, Veterans Administration benefits, Indian child welfare benefits, and support from other public or private sources. (See Chart 2.)</p>
Legal Liability	
<p>Except in limited circumstances, a foster parent/resource family is immune from liability in a civil action to recover damages for injury, death, or loss to person or property caused by an act or omission of a child or nonminor dependent while the child or nonminor dependent is placed in the home of the foster parent/resource family. (See Welfare and Institutions Code section 362.06(b)(2).)</p>	<p>A guardian, like a parent, is liable for the harm and damage caused by the willful misconduct of a child. (See Civil Code, § 1714.1(a).) There is usually a limit on how much a guardian may be required to pay. There are special rules concerning harm caused by the use of a firearm.</p>
If you are concerned about your liability for a child’s conduct, you should contact an attorney.	
Other Rights or Duties	
<p>Foster parents/resource families are entitled to notice of statutory review hearings and permanency hearings. They may attend the hearings and give information about the child to the court. Caregivers who wish to submit information in writing may use <i>Caregiver Information Form</i> (form JV-290).</p> <p>Foster parents/resource families must be included in a child’s Child and Family Team (CFT) and must be notified of every CFT meeting. They may be invited to participate in or support a child’s services, such as counseling or other types of treatment.</p>	<p>The court may require the guardian to perform other duties, such as completing a parenting class or attend counseling sessions with the child. The guardian must follow all court orders and cooperate with court investigators.</p> <p>Court visitors and status reports: Some counties have programs in which “court visitors” track and review guardianships. If your county has such a program, you will be expected to cooperate with all the court visitor’s requests. In addition, a guardian may have to fill out and file status reports.</p>



2. The Services and Financial Support Available to Different Types of Caregivers

The payment amounts discussed below are updated annually based on the cost of living. Payments are made retroactively. For example, a child placed with a caregiver in January would receive funds for the month of January in February. The payment amounts given below are in effect from July 1, 2022, to June 30, 2023. For updated amounts, see www.cdss.ca.gov/inforesources/letters-regulations/letters-and-notice/all-county-letters.

Foster Parent/Resource Family	Probate Guardian	Juvenile Court Guardian
Cash Payments per Child—Relatives		
<p>Before a relative is approved as a foster parent/resource family, Emergency Caregiver (EC) funding is available at the foster care basic rate starting from the date the child is placed with the relative. EC funding is limited to the foster care basic rate, \$1,129 per month.</p> <p>After approval, the foster parent/resource family will receive foster care payments through federal Aid for Families with Dependent Children—Foster Care (AFDC-FC). These payments are set at the foster care basic rate, \$1,129 per month.</p> <p>There are different eligibility requirements for federal and state AFDC-FC. The child welfare agency will determine eligibility. For a child in relative foster care who is not eligible for federal AFDC-FC or EC, Approved Relative Caregiver (ARC) payments are available. These payments are set at the foster care basic rate, \$1,129 per month.</p> <p>California foster youth who are placed with a relative out of state are eligible for funds at the foster care rate in the state where they are placed.</p>	<p>Child-only California Work Opportunity and Responsibility to Kids Program (CalWORKs) payments are available for a child living with a relative guardian. The income of the family is considered in calculating the amount of cash aid the family receives.</p> <p>Payments are approximately one-half of the foster care basic rate paid to nonrelatives. A relative caregiver can receive this assistance before appointment as guardian if the child lives with the relative. Payments can drop below one-half of the foster care basic rate if there are multiple children in the home.</p> <p>CalWORKs Maximum Aid Payment (MAP) levels depend on variables such as geographic region and exempt/nonexempt status and are hard to calculate. From October 1, 2022, to September 30, 2024, MAP amounts for one child in California are expected to range from \$669 to \$779 per month. A social worker who specializes in benefits would be the best person to ask about MAP levels for cash aid.</p> <p>Payments end when the child turns 18 years old, but it is possible to extend payments to age 19 if the child is completing high school.</p>	<p>Kinship Guardianship Assistance Payment (Kin-GAP) payments are available to children who have lived with an approved relative guardian for at least six months. Kin-GAP families sign a written agreement with the county. The Kin-GAP payments begin once the agreement is signed and the juvenile court terminates the dependency case.</p> <p>Payments cannot exceed the amount the child was receiving in foster care, but they can include the foster care basic rate and any special needs supplements the child was receiving. The income of the child’s parents, Kin-GAP guardian, or any other relative living in the household is <i>not</i> used to determine the child’s Kin-GAP eligibility.</p> <p>Kin-GAP payments generally end when a child turns 18 but can continue until age 19 if the child is completing high school or until age 21 if the Kin-GAP payments started after the child turned 16 or if the child has an ongoing disability.</p> <p>If the court keeps the juvenile case open after appointing a relative guardian, the guardian can receive Approved Relative Caregiver (ARC) or foster care payments instead of Kin-GAP.</p> <p>In very rare situations, a relative guardian may not qualify for Kin-GAP, foster care, or ARC payments, but may still qualify for California Work Opportunity and Responsibility to Kids Program (CalWORKs) payments.</p>



Foster Parent/Resource Family	Probate Guardian	Juvenile Court Guardian
Cash Payments per Child—Nonrelatives		
<p>Before approval as a resource family, a nonrelative foster parent/resource family may receive Emergency Caregiver (EC) funding at the foster care basic rate, \$1,129 per month, starting from the date the child is placed with the nonrelative.</p> <p>After approval, the foster parent/resource family will receive foster care payments. Nonrelative resource families receive Aid to Families with Dependent Children—Foster Care (AFDC-FC) funds. There are federal and state AFDC-FC funding programs, and they have different eligibility requirements. The foster care basic rate is \$1,129 per month.</p>	<p>No cash payments are available until a guardian is appointed and the child begins living with the guardian.</p> <p>An eligible child living with a <i>nonrelative</i> probate guardian may receive state Aid to Families with Dependent Children—Foster Care (AFDC-FC) payments equivalent to the foster care basic rate, \$1,129 per month, after the court establishes a temporary guardianship.</p> <p>Payments usually end when the child turns 18 years old but may continue to age 19 if the child is completing high school or to age 21 if the child has a disability.</p>	<p>State Aid to Families with Dependent Children—Foster Care (AFDC-FC) is available to children who live with a nonrelative guardian. This rate may change depending on where you live, so before you move, ask if there will be a rate change. The foster care basic rate is \$1,129 per month.</p> <p>A youth who continues living with a former nonrelative guardian after reaching age 18 can continue to receive AFDC-FC payments until they turn 21 if they meet certain participation criteria related to work, school, or activities designed to remove barriers to employment.</p>
Medical Insurance		
<p>Children who qualify for the cash payments described above are also eligible for full-scope Medi-Cal services. Youth are eligible for Former Foster Youth Medi-Cal up to age 26.</p>	<p>A child who qualifies for CalWORKs (relative guardian) or AFDC-FC (nonrelative guardian) payments is eligible for Medi-Cal. After turning 18, a youth is <i>not</i> eligible for Former Foster Youth Medi-Cal but may qualify for Medi-Cal based on income.</p>	<p>Children who qualify for Kin-GAP, ARC, or CalWORKs payments also receive full-scope Medi-Cal health care services.</p>
Extended Foster Care and Other Transition Age Supports		
<p>Extended Foster Care benefits are available for youth living in foster care when they turn 18. These <i>nonminor dependents</i> can receive ongoing case management and EFC payments until they turn 21; they may also qualify for transitional housing and independent living placements.</p>	<p>A youth who turns 18 in a probate guardianship is <i>not</i> eligible for Extended Foster Care, Independent Living Program services, or Chafee Education and Training Vouchers.</p>	<p>Extended Foster Care benefits are <i>not</i> available for a youth who is under juvenile court guardianship when the youth turns 18 years old. But if the former guardian dies or no longer provides ongoing support to the youth, the youth can ask the juvenile court to open the dependency case again. If the court does, the youth may qualify for EFC payments if they complete the requirements.</p>



Foster Parent/Resource Family	Probate Guardian	Juvenile Court Guardian
Extended Foster Care and Other Transition Age Supports		
<p>Payment amounts vary by the type of living arrangement. They range from the foster care basic rate of \$1,129 per month to \$5,720 per month for a parenting youth living in transitional housing in a high-cost county.</p> <p>Independent Living Program funding is available for current and former foster youth up to age 21, if they were in foster care on or after they reached age 16. This funding can help youth learn household and money management and help them with education, housing, and employment.</p> <p>Chafee Education and Training Vouchers for postsecondary education are available for youth who were in foster care on or after age 16. Vouchers are worth up to \$5,000 per year.</p>	<p>However, a youth living with a former guardian and receiving CalWORKs (relative) or AFDC-FC (nonrelative) payments may continue receiving payments until age 19 if the youth is completing high school or another eligible education program or until age 21 if the youth has a disability.</p>	<p>Independent Living Program funding is available for current and former foster youth up to age 21, if they were in foster care on or after age 16, they entered into a Kin-GAP guardianship after age 16, or they entered into a nonrelated legal guardianship through juvenile court after age 8. This funding can help youth learn to manage their household and money and help them with education, housing, and employment.</p> <p>Chafee Education and Training Vouchers may be available. See the Foster Parent/Resource Family column for details.</p>
Childcare Assistance		
<p>The Emergency Child Care Bridge program provides childcare vouchers and navigation support to caregivers of children in foster care and to foster youth who have children of their own. Eligibility depends on available funding and county policy.</p>	<p>Income-based childcare assistance may be available to children in probate guardianships.</p>	<p>Emergency Child Care Bridge program benefits are not available after a guardianship is established, but income-based childcare assistance may be available.</p>
<p>California offers a variety of publicly funded childcare programs to eligible families. <i>Information on Probate Guardianship of the Person</i> (form GC-205-INFO) and <i>Information on Juvenile Court Guardianship</i> (form JV-350-INFO) give more information on these programs. Local childcare resource and referral agencies help families find childcare and determine whether they qualify for publicly funded childcare. Parents and guardians can find a local resource and referral agency here: https://rrnetwork.org/family-services/find-child-care.</p>		



Foster Parent/Resource Family	Probate Guardian	Juvenile Court Guardian
Special Needs Supplemental Payments		
<p>Special needs supplemental payments may be available. These payments are in addition to the basic rate, and can include:</p> <p>Level of Care based on the physical, behavioral, emotional, educational, health, and permanency care provided to a child. Payments range from \$1,129 to \$1,510 per month.</p> <p>Intensive Services Foster Care for children with intensive medical, behavioral, developmental, or emotional needs. The payment is \$2,946 per month.</p> <p>Specialized Care Increments for children with special medical, behavioral, developmental, or emotional needs. The amounts of these payments are set by the county. For more information, see www.cdss.ca.gov/inforesources/foster-care/specialized-care or speak to a social worker.</p> <p>Dual Agency Rate for children in foster care who also qualify for regional center services. These rates are \$1,323 per month for a child up to 3 years old and \$2,955 per month for a child over 3.</p> <p>Whole Family Foster Home and Infant Supplement payments are available to support youth living in foster care with their nondependent children. This rate is \$900 per month.</p> <p>An Expectant Parent Payment is available to support a youth in foster care for the last three months of pregnancy. This payment is \$2,700.</p> <p>A Clothing Allowance is available for foster children in some counties. The payment amount varies by county.</p> <p>Education Travel Reimbursement is available to caregivers who transport a child to the child’s school of origin (the school the child was attending before being placed in the resource family home). This rate is set by the state based on two round trips per day between the foster/resource family home and the school.</p>	<p>No special needs supplemental payments are available to a child with living with a <i>relative</i> probate guardian.</p> <p>A child living with a nonrelative probate guardian and receiving state AFDC-FC payments may also, if eligible, receive a specialized care increment, a clothing allowance, or the teen parent part of a Whole Family Foster Home payment.</p> <p>See the Foster Parent/Resource Family column for details about these payments.</p>	<p>Special needs supplemental payments may be available. These include:</p> <ul style="list-style-type: none"> • Level of Care • Intensive Services Foster Care • Specialized Care Increments • Dual Agency Rate • Whole Family Foster Home and Infant Supplement • Clothing Allowance <p>See the Foster Parent/Resource Family column for details about these payments.</p>



3. How a Guardian Is Appointed and What Happens Afterward

STAGE	Probate Guardian	Juvenile Court Guardian
Petition	A person who wants to be appointed guardian of a child must file a petition with the probate court. The child's parent or the child, if at least 12 years old, can also file the petition. (See <i>Information on Probate Guardianship of the Person</i> (form GC-205-INFO).)	To start a juvenile court case, a county social worker or prosecuting attorney must file a petition in juvenile court.
Investigation	<p>Before the court decides to appoint a guardian, an investigation is usually required. If the proposed guardian is a relative, a court investigator conducts the investigation. If the proposed guardian is not a relative, a county social worker conducts the investigation. The investigator prepares a report, makes a recommendation whether the petition should be granted, and files the report with the court, which makes it available to all persons served in the proceeding and their attorneys.</p> <p>The parent and the proposed guardian are responsible for the costs of the investigation unless payment would be a hardship.</p>	The social worker or probation officer conducts an investigation to determine, among other things, whether to detain the child temporarily out of the parent's home and whether to recommend that the court remove the child from the parent's home. A person who wants to serve as guardian of a child in juvenile court should contact the child's social worker or probation officer early in the case to ask if the child can live with them.
Appointment of Counsel	The probate court has the authority to appoint an attorney to represent the child. The court may also appoint an attorney for the Indian custodian or biological parent of an Indian child but does not otherwise have the authority to appoint counsel for a parent.	<p>In a dependency case, the juvenile court must appoint counsel for the child unless it finds that the child would not benefit from the appointment. And in almost every case, the court appoints counsel for a parent who cannot afford counsel.</p> <p>In a juvenile justice case, the court must appoint counsel for the child if the child appears without counsel. The court may also appoint separate counsel for a parent in specific circumstances.</p>
Hearing	The court holds a hearing to decide whether to appoint a guardian. A parent or other interested person may go to the hearing and object, orally or in writing, to the appointment of a guardian for the child or to the appointment of the person proposed as guardian in the petition. The court will decide whether appointing a guardian is necessary and in the child's best interest.	The court holds a hearing to decide if the petition is true and whether to order the child placed out of the parent's home. If it decides the child cannot live safely at home, the court will not appoint a guardian right away unless the parents and child agree. Instead, it will order the child placed first with a foster parent/resource family and order the social worker or probation officer to provide reunification services (see below).
Reunification Services	The probate court cannot order family reunification services but can order supportive services for the guardian and child, if needed.	The juvenile court can order services to help the parents and child reunify (live together safely) <i>before</i> it chooses a permanent plan (e.g., guardianship) but not afterward.



STAGE	Probate Guardian	Juvenile Court Guardian
<p><i>Decision to Appoint a Guardian</i></p>	<p>If the probate court finds that appointment of a guardian is necessary and in the child’s best interest, the court may appoint a guardian.</p>	<p>The juvenile court may appoint a guardian at different times during the case, after making the required findings. In a dependency case, if the court finds that the petition is true, it can appoint a guardian for the child at the dispositional hearing, if the parents and the child agree and the court finds that appointing the guardian is in the child’s best interest. In a juvenile justice case, the court can appoint a guardian for the child at any time after the dispositional hearing if the probation officer recommends it or the child’s attorney requests it. In either a dependency or juvenile justice case, if the court has ordered out-of-home placement and denied or terminated reunification services, the court can appoint a guardian as the child’s permanent plan at a separate hearing. The court decides whom to appoint as guardian. The person who has been caring for the child is almost always appointed. The procedures for appointing a guardian are generally the same in dependency and juvenile justice, but there are some differences. For more information, see <i>Information on Juvenile Court Guardianship</i> (form JV-350-INFO), and check with the social worker or probation officer.</p>
<p><i>Court Oversight</i></p>	<p>After a guardian is appointed, there are no regular court hearings, although the probate court has the authority to regulate and control the guardian’s actions. The court can order the guardian to allow visitation of the child with parents or other persons.</p> <p>The court may order the guardian to submit an annual status report to the court and, depending on the county, the court may hold a hearing. (See <i>Information on Probate Guardianship of the Person</i> (form GC-205-INFO).)</p> <p>On receipt of a request, the court may order the guardian to take action. The court may also order the guardian to appear and explain actions they have taken; the court may approve or rescind those actions.</p>	<p>The juvenile court keeps jurisdiction over the guardianship. When the court appoints a guardian, it must also issue parental visitation orders unless it finds that visitation would be detrimental to the child.</p> <p>In many cases after the guardianship is granted, especially if the guardian is related to the child, the court will terminate dependency or juvenile justice jurisdiction and will not hold any more regularly scheduled court hearings. In other cases, the court will grant the guardianship, keep dependency or juvenile justice jurisdiction, and continue to hold regular review hearings. After it terminates juvenile jurisdiction, the juvenile court keeps jurisdiction over the guardianship and can give orders to the guardian.</p> <p>Any request to change a court order, including a visitation order, or to end the guardianship must be filed in the juvenile court using <i>Request to Change Court Order</i> (form JV-180).</p>



STAGE	Probate Guardian	Juvenile Court Guardian
<i>Role of Social Worker or Probation Officer</i>	<p>A county social worker is responsible for screening any proposed guardian and for conducting the guardianship investigation if the proposed guardian is not related to the child.</p> <p>If the probate court thinks a child who is the subject of a guardianship petition may be abused or neglected, it can ask a social worker to investigate and file a dependency petition in the juvenile court before it decides whether to appoint a guardian. If the social worker files a dependency petition, then the juvenile court will have authority over the child’s custody and placement. The probate court case will be put on hold until the juvenile court case is over.</p> <p>After a probate guardian is appointed, no social worker is involved unless the child or guardian receives public financial support or services.</p>	<p>If the dependency or juvenile justice case is kept open after guardianship is granted, the social worker or probation officer will provide support to the guardian and child and prepare reports for scheduled juvenile court hearings.</p> <p>If the juvenile dependency or juvenile justice case is closed after guardianship is granted, the juvenile court will continue to oversee the guardianship. Continued involvement by the social worker or probation officer will depend on any services and financial support the child continues to receive.</p>
<i>Terminating Guardianship</i>	<p>The guardianship automatically terminates (ends) when the child turns 18 or if, before turning 18, the child dies, is emancipated by court order, gets married, joins the armed services, or is adopted.</p> <p>If the guardian, a parent, the child, an Indian custodian, or the child’s tribe shows that it is in the child’s best interest, the court can end the guardianship before the child turns 18. The longer the child has lived with the guardian, the harder it is to show that termination is in the child’s best interest.</p> <p>If the child consents, the court can extend a guardianship up to the child’s 21st birthday to let the child complete a federal application for Special Immigrant Juvenile status.</p>	<p>The guardianship automatically terminates when the child turns 18 or if, before reaching age 18, the child dies, is emancipated by court order, gets married, joins the armed services, or is adopted.</p> <p>The court can terminate the guardianship if it finds that another permanent plan, such as adoption, is in the child’s best interest. A social worker or probation officer, the guardian, a parent, the child, an Indian custodian, or the child’s tribe can file a request with the juvenile court to terminate the guardianship.</p>
<i>Terminating Parental Rights</i>	<p>Appointment of a probate guardian suspends parental rights, but does not terminate them. However, under the Probate Code, if a child has been living with the guardian for at least two years, the guardian can file a petition to terminate parental rights so that the guardian can adopt the child. Parents are entitled to appointed counsel if this happens. In some situations, specified in the Family Code, the guardian can ask to adopt the child after as few as six months have passed or may need to wait up to three years.</p> <p>If the child is an Indian child, the Indian Child Welfare Act requires different procedures.</p>	<p>Appointment of a juvenile court guardian suspends parental rights, but does not terminate them. A social worker or probation officer, the guardian, or the child can file a request with the juvenile court to terminate parental rights and change the permanent plan to adoption. The court will hold a hearing to decide whether to grant the request. Each parent is entitled to notice of the hearing, to participate, and to have an attorney appointed for them.</p> <p>If the child is an Indian child, the Indian Child Welfare Act requires different procedures.</p>

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ EMAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO CENTRAL DIVISION, CENTRAL COURTHOUSE, 1100 UNION ST., SAN DIEGO, CA 92101	
GUARDIANSHIP OF: _____	
PROOF OF PERSONAL SERVICE (GUARDIANSHIP)	CASE NUMBER _____

I, _____, declare:

1. At the time of service I was at least 18 years of age and not a party to this case.
2. I am a resident of or employed in the county where service occurred.
3. My business or residence address is: _____

4. I served copies of the following paper(s) for the **TEMPORARY** Guardianship set for hearing on:

Date: _____ Time: _____ a.m. p.m. in Dept.: _____

Address of court same as noted above is (specify): _____

- Petition for Appointment of Temporary Guardian of the Person (JC Form #GC-110(P))
- Notice of Hearing – Guardianship or Conservatorship (JC Form #GC-020)
- Other (list exact titles of paper(s) served): _____

I served copies of the following paper(s) for the **GENERAL** Guardianship set for hearing on:

Date: _____ Time: _____ a.m. p.m. in Dept.: _____

Address of court same as noted above is (specify): _____

- Petition for Appointment of Guardian of Minor (JC Form #GC-210/210(P))
- Guardianship Petition – Child Information Attachment (JC Form #GC-210(CA))
- Notice of Hearing – Guardianship or Conservatorship (JC Form #GC-020)
- Notice of Case Assignment (SDSC Form #PR-156)
- Comparison of Guardians With Other Nonparent Caregivers (JC Form #GC-207-INFO/JV-352-INFO)
- Other (list exact titles of paper(s) served): _____

5. I personally delivered these papers to

(a) Name of person served: _____

(b) Address where served: _____

(c) Date served: _____ Time served: _____

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

Date: _____

Type or print name

Signature

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____ E-MAIL ADDRESS (<i>Optional</i>): _____ ATTORNEY FOR (<i>Name</i>): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO CENTRAL DIVISION, CENTRAL COURTHOUSE, 1100 UNION ST., SAN DIEGO, CA 92101	
<input type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (<i>Name</i>): _____ <input type="checkbox"/> MINOR <input type="checkbox"/> (PROPOSED) CONSERVATEE	
NOTICE OF HEARING—GUARDIANSHIP OR CONSERVATORSHIP	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*):
(*representative capacity, if any*):
has filed (*specify*):

2. You may refer to documents on file in this proceeding for more information. (*Some documents filed with the court are confidential. Under some circumstances you or your attorney may be able to see or receive copies of confidential documents if you file papers in the proceeding or apply to the court.*)

3. The petition includes an application for the independent exercise of powers by a guardian or conservator under
 Probate Code section 2108 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:	Dept.:	Room:
b. Address of court <input type="checkbox"/> same as noted above <input type="checkbox"/> is (<i>specify</i>):			

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available upon request if at least 5 days notice is provided. Contact the clerk's office for *Request for Accommodations by Persons with Disabilities and Order* (form MC-410). (Civil Code section 54.8.)



ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NO.: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO CENTRAL DIVISION, CENTRAL COURTHOUSE, 1100 UNION ST., SAN DIEGO, CA 92101	
GUARDIANSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (name):	
ORDER APPOINTING GUARDIAN OR EXTENDING GUARDIANSHIP OF THE PERSON	CASE NUMBER:
WARNING: THIS APPOINTMENT IS NOT EFFECTIVE UNTIL LETTERS HAVE ISSUED.	

1. The petition for appointment of a guardian or extension of a guardianship of the person came on for hearing as follows (check boxes c, d, and e to indicate personal presence):

- a. Judge (name):
- b. Hearing date: _____ Time: _____ Dept.: _____ Room: _____
- c. Petitioner (name):
- d. Attorney for Petitioner (name):
- e. Attorney for (proposed) ward (name, address, e-mail, and telephone):

THE COURT FINDS

- 2. a. All notices required by law have been given.
- b. Notice of hearing to the following persons has been should be dispensed with (names):
- 3. Appointment of a guardian of the person estate of the proposed ward is necessary and convenient. (NOTE: The Probate Code does not authorize the appointment of a guardian of the estate for a proposed ward 18 years of age or older.)
- 4. Extension of the guardianship of the person past the ward's 18th birthday is necessary and convenient.
- 5. Granting the guardian powers to be exercised independently under Probate Code section 2590 is to the advantage and benefit and is in the best interest of the guardianship estate.
- 6. Attorney (name): _____ has been appointed by the court as legal counsel to represent the (proposed) ward in these proceedings. The cost for representation is: \$ _____
- 7. The appointed court investigator, probation officer, or domestic relations investigator is (name, title, address, and telephone): _____

Do NOT use this form for a temporary guardianship.

GUARDIANSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (name):	CASE NUMBER:
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THE COURT ORDERS

8. a. (name):
 (address): (telephone):

is appointed guardian of the PERSON of (name):
 and Letters shall issue upon qualification.

b. (Not applicable to a proposed ward 18 years of age or older.)
 (name):
 (address): (telephone):

is appointed guardian of the ESTATE of (name):
 and Letters shall issue upon qualification.

c. The appointment of
 (name):
 (address): (telephone):

as guardian of the PERSON of (name):
 is extended past the ward's 18th birthday and new Letters shall issue forthwith.

9. Notice of hearing to the persons named in item 2b is dispensed with.

10. a. 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 10c.

d. The guardian is not authorized to take possession of money or any other property without a specific court order.

11. For legal services rendered on behalf of the (proposed) ward, the parents of the (proposed) ward
 the (proposed) ward's estate shall pay to (name):
 the sum of: \$ _____
 forthwith as follows (specify terms, including any combination of payers):

12. The guardian of the estate is granted authorization under Probate Code section 2590 to exercise independently the powers specified in Attachment 12 subject to the conditions provided.

13. Orders are granted relating to the powers and duties of the guardian of the person under Probate Code sections 2351–2358 as specified in Attachment 13.

GUARDIANSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF <i>(name):</i>	CASE NUMBER:
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- 14. Orders are granted relating to the conditions imposed under Probate Code section 2402 upon the guardian of the estate as specified in Attachment 14.
- 15. Other orders as specified in Attachment 15 are granted.
- 16. The probate referee appointed is *(name and address):*

17. Number of boxes checked in items 9–16: _____

18. Number of pages attached: _____

Date:

 JUDGE OF THE SUPERIOR COURT

SIGNATURE FOLLOWS LAST ATTACHMENT

GUARDIANSHIP OF (name):	CASE NUMBER:
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NOTICE TO INSTITUTIONS AND FINANCIAL INSTITUTIONS
(Probate Code sections 2890–2893)

When these *Letters of Guardianship* (Letters) are delivered to you as an employee or other representative of an *institution* or *financial institution* (described below) in order for the guardian of the estate (1) to take possession or control of an asset of the minor named above held by your institution (including changing title, withdrawing all or any portion of the asset, or transferring all or any portion of the asset) or (2) to open or change the name of an account or a safe-deposit box in your financial institution to reflect the guardianship, you must fill out Judicial Council form GC-050 (for an institution) or form GC-051 (for a financial institution). An officer authorized by your institution or financial institution must date and sign the form, and you must file the completed form with the court.

There is no filing fee for filing the form. You may either arrange for personal delivery of the form or mail it to the court for filing at the address given for the court on page 1 of these Letters.

The guardian should deliver a blank copy of the appropriate form to you with these Letters, but it is your institution's or financial institution's responsibility to complete the correct form, have an authorized officer sign it, and file the completed form with the court. If the correct form is not delivered with these Letters or is unavailable for any other reason, blank copies of the forms may be obtained from the court. The forms may also be accessed from the judicial branch's public website free of charge. The Internet address (URL) is www.courts.ca.gov/forms.htm. Select the form group *Probate—Guardianships and Conservatorships* and scroll down to form GC-050 for an institution or form GC-051 for a financial institution. The forms may be printed out as blank forms and filled in by typewriter (nonfillable form) or may be filled out online and printed out ready for signature and filing (fillable form).

An *institution* under California Probate Code section 2890(c) is an insurance company, insurance broker, insurance agent, investment company, investment bank, securities broker-dealer, investment advisor, financial planner, financial advisor, or any other person who takes, holds, or controls an asset subject to a conservatorship or guardianship other than a financial institution. Institutions must file a *Notice of Taking Possession or Control of an Asset of Minor or Conservatee* (form GC-050) for an asset of the minor or conservatee held by the institution. A single form may be filed for all affected assets held by the institution.

A *financial institution* under California Probate Code section 2892(b) is a bank, trust (including a Totten trust account but excluding other trust arrangements described in Probate Code section 82(b)), savings and loan association, savings bank, industrial bank, or credit union. Financial institutions must file a *Notice of Opening or Changing a Guardianship or Conservatorship Account or Safe-Deposit Box* (form GC-051) for an account or a safe-deposit box held by the financial institution. A single form may be filed for all affected accounts or safe-deposit boxes held by the financial institution.

LETTERS OF GUARDIANSHIP
AFFIRMATION

I solemnly affirm that I will perform according to law the duties of guardian.

Executed on (date): _____, at (place): _____

_____ (TYPE OR PRINT NAME)	_____ (SIGNATURE OF APPOINTEE)
-------------------------------	-----------------------------------

CERTIFICATION

I certify that this document, including 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.

(SEAL)

Date: _____
Clerk, by _____, Deputy

GC-110(P)

Petition for Appointment of Temporary Guardian of the Person

Clerk stamps date here when form is filed.

Temporary guardianship of (all children's names): _____

You may use this form or Petition for Appointment of Temporary Guardian or Conservator (form GC-110) to ask the court to appoint a temporary guardian of the person for a minor child. (You must use form GC-110 to ask for appointment of a temporary guardian of a minor child's estate or person and estate.) You may use this form to request appointment of a temporary guardian for one or more than one child. A petition for appointment of a (general) guardian concerning this child or these children (form GC-210 or form GC-210(P)) must have already been filed in this case or filed with this petition.

Fill in court name and street address:

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO**

CENTRAL DIVISION, CENTRAL COURTHOUSE,
1100 UNION ST., SAN DIEGO, CA 92101

Clerk fills in case number when form is filed.

Case Number: _____

1 Your name (include the names of all persons who are requesting the court to appoint them or the person named in 4 as temporary guardian of the child or children named above and in 6. All must sign this form.):

- a. _____
- b. _____

2 Your address and telephone number:

Street: _____ Apt.: _____

City: _____

State: _____ Zip: _____ Phone: _____

3 Your lawyer (if you have one):

Name: _____ Bar No.: _____

Firm name, if any: _____

Street: _____ Suite: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax (optional): _____ E-mail (optional): _____

4 I/We want to be the temporary guardian of the child or children named in 6. (Go to 5.)

I/We want the person or persons named here to be the temporary guardian of the child or children named above. Tell the court about the proposed guardian(s) below.

Name(s): _____

Street: _____ Apt.: _____

City: _____ State: _____ Zip: _____

Phone: _____

I am the child or one of the children named in 6 and one of the persons named in 1. I am at least 12 years old. I want the person named here to be my temporary guardian.

My date of birth is (month/day/year): _____



Temporary guardianship of (*all children's names*): _____

Case Number: _____

5 The relationship of the proposed temporary guardian named in ① or ④ to the child or children named in ⑥ is (check all that apply):

- | | |
|---|--|
| <input type="checkbox"/> Grandmother (father's mother) | <input type="checkbox"/> Aunt |
| <input type="checkbox"/> Grandfather (father's father) | <input type="checkbox"/> Uncle |
| <input type="checkbox"/> Grandmother (mother's mother) | <input type="checkbox"/> Brother (adult) |
| <input type="checkbox"/> Grandfather (mother's father) | <input type="checkbox"/> Sister (adult) |
| <input type="checkbox"/> Other Relative (<i>explain relationship to child or children</i>): _____ | |

- Not related to the child or children (*explain proposed guardian's interest in or connection to the child*):

6 The child or children who need a temporary guardian are:

a. Child's full legal name: _____

Child's current address: _____

Child's current phone number: _____

b. Child's full legal name: _____

Child's current address: _____

Child's current phone number: _____

- Check here if you want a temporary guardian for additional children. Give the information asked above for each additional child on a separate sheet of paper. Write "Form GC-110(P)—Attachment 6: Additional Children" at the top of the paper and attach it to this form.

7 Why do the child or children in ⑥ need a temporary guardian right now?

The child or children need temporary care, maintenance, and support right now because (*explain*):

- Check here if you need more space. Continue your explanation on a separate sheet of paper. Write "GC-110(P)—Item 7: Reasons for Appointment of Temporary Guardian" at the top of the paper and attach it to this form.



Temporary guardianship of (*all children's names*): _____

Case Number: _____

INFORMATION ABOUT GIVING NOTICE OF THE HEARING ON YOUR PETITION AND REQUESTING A GOOD CAUSE EXCEPTION TO GIVING NOTICE

You must give at least five days advance written notice of the court hearing on your petition for appointment of a temporary guardian. The written notice must be personally delivered to (1) the child if he or she is at least 12 years old, (2) the child's parents, and (3) any person who has a valid and effective visitation order with the child. Written notice is given by delivering a filled-in copy of this petition and a filled-in copy of a *Notice of Hearing—Guardianship or Conservatorship* (form GC-020), showing the date, time, and place of the hearing and the title of this petition. See *What Is "Proof of Service" in a Guardianship?* (form GC-510) for more information on how to give notice in a guardianship and how to prove that you have given notice. The instructions in that form for personal service apply here, but the time limits for giving notice mentioned in that form do not apply to a temporary guardianship. There is much less time to complete this task when a petition for appointment of a temporary guardian is involved.

The court may waive (excuse) or change the requirement of giving notice if you can show the court good cause why an exception should be made to the requirement of giving notice. This showing may be made by completing item 9b on page 3 of this form.

If you want the court to waive notice to someone because he or she cannot be found, you must show the court that you have made reasonable efforts to find that person. See rules 7.52 and 7.1012 of the California Rules of Court for information on making reasonable efforts to find a person and on the good cause exception to notice of the hearing on a petition for appointment of a temporary guardian.

10 All attachments are made part of this form as though placed here.

There are _____ pages attached to this form. (*If none, write "0."*)

All persons named in 1 (petitioners) and their attorney (if they have one) must read and sign below.

Date: _____
Petitioner's Attorney types or prints name here *Petitioner's Attorney signs here*

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

Date: _____
Petitioner types or prints name here *Petitioner signs here*

Date: _____
Petitioner types or prints name here *Petitioner signs here*

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO CENTRAL DIVISION, CENTRAL COURTHOUSE, 1100 UNION ST., SAN DIEGO, CA 92101	
TEMPORARY GUARDIANSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name): _____	MINOR
ORDER APPOINTING TEMPORARY GUARDIAN	CASE NUMBER: _____

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

1. The petition for appointment of a temporary guardian came on for hearing as follows (check boxes c–l to indicate personal presence):
- a. Judicial officer (name): _____
 - b. Hearing date: _____ Time: _____ Dept.: Room:
 - c. Petitioner (name): _____
 - d. Attorney for petitioner (name): _____
 - e. Minor (name): _____
 - f. Attorney for minor (name): _____
 - g. Minor’s parents (names): _____
 - h. Attorney for minor’s parents (names): _____
 - i. Person with valid visitation order (name): _____
 - j. Attorney for person with valid visitation order (name): _____
 - k. Public Guardian (name): _____
 - l. Attorney for Public Guardian (name): _____

THE COURT FINDS

2. a. Notice of the time and place of hearing has been given as required by law.
 b. Notice of the time and place of hearing has been should be dispensed with for (names): _____
3. It is necessary that a temporary guardian be appointed to provide for temporary care, maintenance, and support
 protect property from loss or injury pending the hearing on the petition for appointment of a general guardian.
 pending an appeal under Probate Code section 1301. during the suspension of powers of the guardian.

THE COURT ORDERS

4. a. (Name): _____
 (Address): _____ (Telephone): _____
- is appointed temporary guardian of the PERSON of (name): _____
 and Letters shall issue upon qualification.
- b. (Name): _____
 (Address): _____ (Telephone): _____
- is appointed temporary guardian of the ESTATE of (name): _____
 and Letters shall issue upon qualification.

TEMPORARY GUARDIANSHIP OF (Name): MINOR	CASE NUMBER:
---	--------------

5. Notice of hearing to the persons named in item 2b is dispensed with.
6. a. 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 6c.
- d. The temporary guardian is not authorized to take possession of money or any other property without a specific court order.
7. In addition to the powers granted by law, the temporary guardian is granted other powers. These powers are specified in attachment 7. below (specify): _____

8. Other orders as specified in attachment 8 are granted.
9. Unless modified by further order of the court, this order expires on (date): _____
10. Number of boxes checked in items 4–9: _____
11. Number of pages attached: _____

Date: _____

 JUDICIAL OFFICER

SIGNATURE FOLLOWS LAST ATTACHMENT

ATTORNEY OR PARTY WITHOUT ATTORNEY (name, address, and State Bar number):
After recording, return to:

TEL NO.: FAX NO. (optional):
E-MAIL ADDRESS (optional):
ATTORNEY FOR (name):

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
CENTRAL COURTHOUSE, CENTRAL DIVISION, 1100 UNION ST., SAN DIEGO, CA 92101

FOR RECORDER'S USE ONLY

TEMPORARY GUARDIANSHIP CONSERVATORSHIP
OF (name): MINOR CONSERVATEE

CASE NUMBER:

LETTERS OF TEMPORARY GUARDIANSHIP CONSERVATORSHIP
 Person Estate

FOR COURT USE ONLY

LETTERS

1. (Name):
is appointed temporary guardian conservator of the person
 estate of (name):

2. Other powers that have been granted or restrictions imposed on the temporary
 guardian conservator are specified in Attachment 2.
 specified below:

3. These Letters shall expire
a. on (date): or upon earlier issuance of Letters to a general guardian or conservator.
b. on 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

This form may be recorded as notice of the establishment of a temporary conservatorship of the estate as provided in Probate Code section 1875.

TEMPORARY <input type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP <input type="checkbox"/>	CASE NUMBER:
OF (name):	
<input type="checkbox"/> MINOR <input type="checkbox"/> CONSERVATEE	

NOTICE TO INSTITUTIONS AND FINANCIAL INSTITUTIONS
(Probate Code sections 2890–2893)

When these *Letters of Temporary Guardianship* or *Letters of Temporary Conservatorship* (Letters) are delivered to you as an employee or other representative of an *institution* or *financial institution* (described below) in order for the temporary guardian or temporary conservator of the estate (1) to take possession or control of an asset of the minor or conservatee named above held by your institution (including changing title, withdrawing all or any portion of the asset, or transferring all or any portion of the asset) or (2) to open or change the name of an account or a safe-deposit box in your financial institution to reflect the guardianship or conservatorship, you must fill out Judicial Council form GC-050 (for an institution) or form GC-051 (for a financial institution). An officer authorized by your institution or financial institution must date and sign the form, and you must file the completed form with the court.

There is no filing fee for filing the form. You may either arrange for personal delivery of the form or mail it to the court for filing at the address given for the court on page 1 of these Letters.

The temporary guardian or temporary conservator should deliver a blank copy of the appropriate form to you with these Letters, but it is your institution's or financial institution's responsibility to complete the correct form, have an authorized officer sign it, and file the completed form with the court. If the correct form is not delivered with these Letters or is unavailable for any other reason, blank copies of the forms may be obtained from the court. The forms may also be accessed from the judicial branch's public Web site free of charge. The Internet address (URL) is www.courts.ca.gov/forms/. Select the form group *Probate—Guardianships and Conservatorships* and scroll down to form GC-050 for an institution or form GC-051 for a financial institution. The forms may be printed out as blank forms and filled in by typewriter, or may be filled out online and printed out ready for signature and filing.

An *institution* under California Probate Code section 2890(c) is an insurance company, insurance broker, insurance agent, investment company, investment bank, securities broker-dealer, investment advisor, financial planner, financial advisor, or any other person who takes, holds, or controls an asset subject to a conservatorship or guardianship other than a financial institution. Institutions must file a *Notice of Taking Possession or Control of an Asset of Minor or Conservatee* (form GC-050) for an asset of the minor or conservatee held by the institution. A single form may be filed for all affected assets held by the institution.

A *financial institution* under California Probate Code section 2892(b) is a bank, trust (including a Totten trust account but excluding other trust arrangements described in Probate Code section 82(b)), savings and loan association, savings bank, industrial bank, or credit union. Financial institutions must file a *Notice of Opening or Changing a Guardianship or Conservatorship Account or Safe-Deposit Box* (form GC-051) for an account or a safe deposit box held by the financial institution. A single form may be filed for all affected accounts or safe deposit boxes held by the financial institution.

LETTERS OF TEMPORARY GUARDIANSHIP CONSERVATORSHIP
AFFIRMATION

I solemnly affirm that I will perform according to law the duties of temporary guardian. conservator.

Executed on (date): _____, at (place): _____

(TYPE OR PRINT NAME)

(SIGNATURE OF APPOINTEE)

CERTIFICATION

I certify that this document, including 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.

(SEAL)

Date:

Clerk, by _____, Deputy

CONFIDENTIAL



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
CENTRAL DIVISION, CENTRAL COURTHOUSE, 1100 UNION ST., SAN DIEGO, CA 92101 (619) 844-2888

**GUARDIANSHIP QUESTIONNAIRE
(CONFIDENTIAL)**

NOTICE TO PETITIONERS

When seeking guardianship of a child(ren) to whom you are related, you must file several documents in the probate business office and pay an \$800 investigation fee after Family Court Services completes the guardianship investigation. The fee may be waived or reduced by the court, or payments arranged in cases of extreme hardship. In order to begin the investigation process, copies of the following filed documents (from your initial guardianship packet) must be submitted to Family Court Services at the address listed above, prior to scheduling an investigation date:

1. Petition for Appointment of Guardian of Minor(s) (JC Form #GC-210P)
2. Order Directing or Waiving Investigation signed by Judge of the Superior Court (SDSC Form #PR-63)
3. Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) (JC Form #FL-105/GC-120)
4. Confidential Guardian Screening Form (JC Form #GC-212)
5. Guardianship Questionnaire (SDSC Form #FCS-045) (Provided only to Family Court Services)

Once an order has been issued for Family Court Services to complete the investigation, you can avoid delays in processing your guardianship matter by expeditiously returning these documents to Family Court Services. You may mail the information and receipt to Family Court Services at 1100 Union St., Room 430, San Diego, California 92101. You may also drop off your paperwork from 8 a.m. – 12 p.m. and 1 p.m. – 4 p.m. Monday through Friday.

Family Court Services will be seeking information regarding the social history of the proposed guardians, parents and child(ren) as is required by state law. Please complete the entire Guardianship Questionnaire (SDSC Form #FCS-045). Information provided on this questionnaire, in the family interview(s), in other submitted comments and from investigative sources will be used to prepare a family social history, evaluation, and recommendation to the court. This report will then be placed in a sealed court file. Copies will be issued to the proposed guardians, parents, and their respective attorneys.

If you have questions regarding the Family Court Services investigation process, or concerns regarding appointments, you may call the guardianship clerk at the number listed above.

The proposed guardians are responsible for notifying the parents, if possible, regarding the Family Court Services investigation appointment.

The parents do not have to be present unless they are contesting the guardianship or wish to provide information in support of it. Any adult living in the home and acting in a parental role should be present for the interview.

Please do not bring the child(ren) to the FCS appointment. A subsequent appointment will be scheduled should the investigator need to interview the child(ren).



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

FAMILY COURT SERVICES

GUARDIANSHIP QUESTIONNAIRE (CONFIDENTIAL)

THIS FORM IS TO BE COMPLETED AND SUBMITTED TO FAMILY COURT SERVICES BY: Your appointment will not be set until this form has been returned to Family Court Services.

COUNSELOR: PROBATE CASE NUMBER:

COURT DATE: FCS DATE:

I. MINOR CHILD(REN) LISTED ON GUARDIANSHIP PETITION:

Table with 5 columns: Full Legal Name, Birth Date, Social Security Number, School and Grade Level, Person with whom Residing

Is this child(ren) a member of, or eligible for membership in, an Indian tribe recognized by the federal government? No Not sure Yes (specify tribe):

Attorney for Minor(s): Name: Tel. No.: Address: Street Ste. City State Zip Code

II. (PROPOSED) GUARDIAN(S):

1. Full Legal Name: AKA or Maiden Name: Address: Street Apt. City State Zip Code Telephone Numbers: Home () Work () Social Security Number: Birth Date: / / Place of Birth: Driver License Number: State: Currently Valid: Yes No Relationship to Child(ren) on Petition: Maternal Paternal

2. Full Legal Name: AKA or Maiden Name: Address: Street Apt. City State Zip Code Telephone Numbers: Home () Work () Social Security Number: Birth Date: / / Place of Birth: Driver License Number: State: Currently Valid: Yes No Relationship to Child(ren) on Petition: Maternal Paternal

Attorney for Proposed Guardian(s): Name: Tel. No.: () Address: Street Ste. City State Zip Code

III. PARENTS OF MINOR(S): (Full legal names) If one of the natural parents has died, please mark "deceased" for that person's address and add the date of death, if known.

1. Full Legal Name: _____ AKA or Maiden Name: _____

Address: _____
Street Apt. City State Zip Code

Telephone Numbers: Home (____) _____ Work (____) _____

Social Security Number: _____ Birth Date: ____ / ____ / ____ Place of Birth: _____

Driver License Number: _____ State: _____ Currently Valid: Yes No

Relationship to Child(ren) on Petition: _____

Attorney:

Name: _____ Tel. No.: (____) _____

Address: _____
Street Ste. City State Zip Code

2. Full Legal Name: _____ AKA or Maiden Name: _____

Address: _____
Street Apt. City State Zip Code

Telephone Numbers: Home (____) _____ Work (____) _____

Social Security Number: _____ Birth Date: ____ / ____ / ____ Place of Birth: _____

Driver License Number: _____ State: _____ Currently Valid: Yes No

Relationship to Child(ren) on Petition: _____

Attorney:

Name: _____ Tel. No.: (____) _____

Address: _____
Street Ste. City State Zip Code

3. Full Legal Name: _____ AKA or Maiden Name: _____

Address: _____
Street Apt. City State Zip Code

Telephone Numbers: Home (____) _____ Work (____) _____

Social Security Number: _____ Birth Date: ____ / ____ / ____ Place of Birth: _____

Driver License Number: _____ State: _____ Currently Valid: Yes No

Relationship to Child(ren) on Petition: _____

Attorney:

Name: _____ Tel. No.: (____) _____

Address: _____
Street Ste. City State Zip Code

4. Full Legal Name: _____ AKA or Maiden Name: _____

Address: _____
Street Apt. City State Zip Code

Telephone Numbers: Home (____) _____ Work (____) _____

Social Security Number: _____ Birth Date: ____ / ____ / ____ Place of Birth: _____

Driver License Number: _____ State: _____ Currently Valid: Yes No

Relationship to Child(ren) on Petition: _____

Attorney:

Name: _____ Tel. No.: (____) _____

Address: _____
Street Ste. City State Zip Code

IV. HOUSEHOLD COMPOSITION:

A. List other adults 18 or older residing in your home. Indicate if they are acting in a parental role with the child(ren).
***** (Any individuals acting in a parental role will be required to attend the investigation interview).**

1. Full Legal Name: _____ AKA or Maiden Name: _____
 Telephone Numbers: Home (____) _____ Work (____) _____
 Birth Date: ____ / ____ / ____ Birth Place: _____ Sex: _____ Social Security Number: _____
 Driver License Number: _____ State: _____ Currently Valid: Yes No
 Relationship to Applicant: _____ Relationship to Child(ren): _____

2. Full Legal Name: _____ AKA or Maiden Name: _____
 Telephone Numbers: Home (____) _____ Work (____) _____
 Birth Date: ____ / ____ / ____ Birth Place: _____ Sex: _____ Social Security Number: _____
 Driver License Number: _____ State: _____ Currently Valid: Yes No
 Relationship to Applicant: _____ Relationship to Child(ren): _____

3. Full Legal Name: _____ AKA or Maiden Name: _____
 Telephone Numbers: Home (____) _____ Work (____) _____
 Birth Date: ____ / ____ / ____ Birth Place: _____ Sex: _____ Social Security Number: _____
 Driver License Number: _____ State: _____ Currently Valid: Yes No
 Relationship to Applicant: _____ Relationship to Child(ren): _____

4. Full Legal Name: _____ AKA or Maiden Name: _____
 Telephone Numbers: Home (____) _____ Work (____) _____
 Birth Date: ____ / ____ / ____ Birth Place: _____ Sex: _____ Social Security Number: _____
 Driver License Number: _____ State: _____ Currently Valid: Yes No
 Relationship to Applicant: _____ Relationship to Child(ren): _____

B. List other child(ren) under age 18 living in your household:

Name	Birth Date	Social Security Number	School

Your Name: _____ Relationship: _____
(Please Print)

V. LAW ENFORCEMENT INFORMATION:

Have charges ever been filed against you for crimes other than minor traffic citations?

Yes No If yes, please explain:

	<u>Charge</u>	<u>City/State</u>	<u>Date</u>
1)	_____	_____	_____
2)	_____	_____	_____
3)	_____	_____	_____

Are you on parole or probation? Yes No

Parole or Probation Officer's Name: _____ Tel. No.: (____) _____

Have you or anyone living in your home ever been accused of child abuse or child molestation?

Yes No If yes, please explain: _____

VI. YOUR EDUCATION:

Highest Grade Completed: _____ Graduated High School? Yes No Year: _____

License(s) or Credential(s) Received: _____

College Degree(s) Received: _____

VII. YOUR EMPLOYMENT: *Please bring confirmation of employment, including pay stubs to the investigation interview.*

Employer: _____ Capacity/Job Title: _____

Length of Employment: _____ Salary: _____

Supervisor's Name, Address and Telephone Number: _____

VIII. YOUR HEALTH:

Name of Your Health Insurance Plan: _____

Present Health Status: Good Fair Poor

If your health is fair or poor, please explain: _____

Are you taking any medication? Yes No

If yes, what kind and for what reason(s)? _____

Special Health Problems: _____

Have you ever had any problem with the following?

Alcohol: Yes No Drugs: Yes No Mental/Emotional Problems: Yes No

If yes, what is your current condition regarding this problem? (*Bring proof of treatment to investigation interview*)

Professional Practitioners: (*Medical doctors, psychotherapists, counselors who may have treated you within the past two years.*)

Name and Title	Date of Last Contact	Address	Telephone Number

Co-Petitioner Name: _____ Relationship: _____
(Please Print)

V. LAW ENFORCEMENT INFORMATION:

Have charges ever been filed against you for crimes other than minor traffic citations?

Yes No If yes, please explain:

	<u>Charge</u>	<u>City/State</u>	<u>Date</u>
1)	_____	_____	_____
2)	_____	_____	_____
3)	_____	_____	_____

Are you on parole or probation? Yes No

Parole or Probation Officer's Name: _____ Tel. No.: (____) _____

Have you or anyone living in your home ever been accused of child abuse or child molestation?

Yes No If yes, please explain: _____

VI. YOUR EDUCATION:

Highest Grade Completed: _____ Graduated High School? Yes No Year: _____

License(s) or Credential(s) Received: _____

College Degree(s) Received: _____

VII. YOUR EMPLOYMENT: *Please bring confirmation of employment, including pay stubs to the investigation interview.*

Employer: _____ Capacity/Job Title: _____

Length of Employment: _____ Salary: _____

Supervisor's Name, Address and Telephone Number: _____

VIII. YOUR HEALTH:

Name of Your Health Insurance Plan: _____

Present Health Status: Good Fair Poor

If Your Health is Fair or Poor, Please Explain: _____

Are you taking any medication? Yes No

If yes, what kind and for what reason(s)? _____

Special Health Problems: _____

Have you ever had any problem with the following?

Alcohol: Yes No Drugs: Yes No Mental/Emotional Problems: Yes No

If yes, what is your current condition regarding this problem? *(Bring proof of treatment to investigation interview)*

Professional Practitioners: *(Medical doctors, psychotherapists, counselors who may have treated you within the past two years.)*

Name and Title	Date of Last Contact	Address	Telephone Number

IX. FAMILY FINANCES:

Residence: Please provide proof of residence, e.g. rental agreement, at investigation interview.

The home you live in is: owned rented.

How long have you lived there? _____ Monthly Cost: \$_____ Value: \$_____

Number of Bedrooms: _____ Number of Bathrooms: _____ Approximate Size: _____ sq.ft.

Income: Please list source(s) of income and amount(s).

	<u>Income Source</u>	<u>Amount</u>
1.	_____	_____
2.	_____	_____
3.	_____	_____

Other Assets: Please list other major assets or real property.

	<u>Asset</u>	<u>Value</u>
1.	_____	_____
2.	_____	_____
3.	_____	_____

X. PLANS FOR CHILD CARE: (If necessary)

Care Provider(s):

Name	Address	Telephone Number	Hours	Relationship to Child

