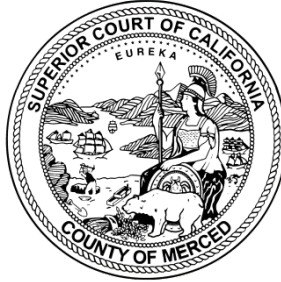


**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MERCED**



GUARDIANSHIP PACKET

FORMS INCLUDED IN THIS PACKET	
General Instructions	
Information on Probate Guardianship of the Person	Judicial Council Form #GC-205-INFO
Information Sheet on Indian Child Inquiry Attachment and Notice of Child Custody Proceeding for Indian Child	Judicial Council Form #ICWA-005-INFO
Request for Interpreter (Civil)	Judicial Council Form #INT-300
FORMS FOR PETITIONER TO FILE TO START GUARDIANSHIP CASE:	
Petition for Appointment of Guardian of the Person	Judicial Council Form #GC-210(P)
Guardianship Petition - Child Information Attachment	Judicial Council Form #GC-210(CA)
Indian Child Inquiry Attachment	Judicial Council Form #ICWA-010
Notice Of Hearing – Guardian of the Person	Judicial Council Form #GC-020
Comparison of Guardians with Other Nonparent Caregivers	Judicial Council Form #GC-207-INFO/JV-352-INFO
Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJA)	Judicial Council Form #FL-105/GC-120
Attachment to Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJA)	Judicial Council Form #FL-105(A)
Duties of Guardian	Judicial Council Form #GC-248
Consent of Proposed Guardian	Judicial Council Form #GC-211
Confidential Guardian Screening Form	Judicial Council Form #GC-212
Court Investigations Guardianship Questionnaire	Local Form #MSC-PR-001
Proof of Service for Personal Service or by Notice and Acknowledgement of Receipt	Local Form #MSC-PR-005
Proof of Service by Mail	Local Form #MSC-PR-004
FORMS TO USE TO FILE A PETITION FOR TEMPORARY GUARDIANSHIP	
Petition for Appointment of Temporary Guardian of the Person	Judicial Council Form #GC-110(P)
Notice Of Hearing – Temporary Guardian of the Person	Judicial Council Form #GC-020

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INSTRUCTIONS: GUARDIANSHIP OF THE PERSON

WHAT IS PROBATE GUARDIANSHIP OF THE PERSON?

Guardianship of the Person is a probate court proceeding in which a judge gives a responsible adult custody of a minor child, who is called the “ward.” The person who is asking to be the guardian can request to be appointed, or the parent(s) of the child, or a child over the age of 12, can nominate and request that another person be appointed. The person who is asking for the guardianship will file certain application papers, attend a hearing (or two, if requesting temporary guardianship), and meet with the Investigator.

DO I NEED A GUARDIANSHIP?

Depending on your situation, you may not need to file for guardianship. If you are a relative and only want to enroll the child in school and/or obtain medical and dental care (including mental health care) for the child, you may only need a Caregiver’s Authorization Affidavit (Family Code Section 6550). However, the Caregiver’s Authorization Affidavit does not affect the rights of the minor’s parents or legal guardian regarding care, custody and control of the minor and does not mean that the caregiver has legal custody of the minor. You can speak with your local Self-Help Office attorney about whether a Caregiver’s Authorization Affidavit or a Guardianship is more appropriate for your situation.

WHAT IS THE DIFFERENCE BETWEEN TEMPORARY AND PERMANENT GUARDIANSHIP?

A Temporary Guardianship may be appropriate if there is an emergency and you need to establish guardianship quickly (for example, the child’s parents are both dead, absent, incarcerated or incapacitated, or the child’s parents are also minors). In those cases, you can request an order giving you temporary guardianship that lasts until the hearing on the permanent guardianship. You cannot file for only temporary guardianship.

HOW SOON CAN I GET A HEARING?

Typically, a Temporary Guardianship hearing will be set within about 5-10 days of filing. A permanent guardianship hearing is set about 60 -70 days from the date of filing, so that the Court Investigator has time to complete a background investigation on each proposed guardian and any other adult living in the home where the minor child will live. The judge will receive and review the report before the hearing.

WHAT RIGHTS AND RESPONSIBILITIES WILL I HAVE AS GUARDIAN?

The Duties of Guardian form explains in detail all of the rights and duties of a guardian. You will have legal custody of the child (your “ward”) and will have responsibility for caring for your ward and making all the decisions that a parent would make. A legal guardian can also apply for a passport on behalf of his or her ward.

WHAT FORMS DO I FILL OUT?

Required Forms to Use to Start a Guardianship Case

- GC-210(P) - Petition for Appointment of Guardian of the Minor
- GC-210(CA) - Child Information Attachment (1 separate form for each child)
- ICWA-010(A) - Indian Child Inquiry Attachment
- GC-020 - Notice of Hearing of Petition for Appointment of Guardian of the Person
- GC-020(P) - Proof of Personal Service (attached to Notice of Hearing)
- DE-120(MA)/GC-020(MA – Attachment to Notice of Hearing Proof of Service By Mail
- FL-105GC-120 – Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act
- GC-211 – Consent of Proposed Guardian (includes nomination/consent to guardianship)
- GC-212 – Confidential Guardian Screening Form
- Local court form Court Investigations Guardianship Questionnaire
- GC-240 - Order Appointing Guardian of the Minor (your court may prepare these for you)
- GC-250 – Letters of Guardianship (your court may prepare these for you)

Forms to File for Temporary Guardianship:

- GC-110(P) - Petition for Appointment of Temporary Guardian
- GC-020 – Notice of Hearing

Forms to File to Waive Filing and Investigation Fees:

When you file your petition for guardianship, the Clerk's office will charge \$225 plus \$60 if you are requesting Temporary Guardianship, plus \$30 per hearing for court reporter services, plus a separate investigator fee of up to \$800. You may be able to waive these fees. To apply for a fee waiver, file the following documents with your Petition papers:

- FW-001-GC – Request to Waive Court Fees (Ward or Conservatee)
- FW-003-GC – Order on Court Fee Waiver (Superior Court)

WHAT DO I DO AFTER I COMPLETE MY FORMS?

Make sure that you have listed all of the people you will need to serve on your Proof of Service forms. Attach them to your Notice of Hearing (Guardianship). Make 3 copies of each form (except the Fee Waiver forms and the Court Investigations Guardianship Questionnaire) and take them to your court's Probate Clerk's Office. The clerk will file-stamp them and give you back your copies. You will then need to serve the forms before the hearing(s).

WHO DO I SERVE AND WHEN?

Temporary Guardianship:

At least 5 days before the hearing, serve Petition for Appointment of Temporary Guardian and Notice of Hearing (you can serve the Notice and Petition for Permanent Guardian at the same time)

- both parents
- the minor child (if over 12)
- anyone nominated as guardian in a will
- any existing guardian

Permanent Guardianship:

Immediately after filing for guardianship, you should serve the Petition and Notice of Hearing (with form GC-207-INFO attached) by mail on:

- all grandparents
- all siblings at least 12 years of age
- **Merced County Child Welfare Services**, Attn: Guardianship Dept.
2115 Wardrobe Ave, Merced, CA 95340
- **California Department of Social Services**
744 P Street, Sacramento, CA 95814-6413

At least 16 court days before the hearing, you must personally serve the Petition and Notice of Hearing (unless already served) on:

- both parents
- the minor child (if at least 12)
- anyone nominated as a guardian in a will
- persons nominated as guardians in a will (if any), and

** You should already have all of these people listed on the proof of service when you file your papers. Anyone who signs the consent form (GC-211) does not need to be served.*

WHAT IF I CAN'T FIND ALL OF THE PEOPLE I AM SUPPOSED TO SERVE?

You can request to waive service (not serve) for good cause, which means you have tried unsuccessfully to find them, you don't know who they are, or you are concerned that the minor child might be severely harmed (physically injured, or hidden away) if they know about the Petition for Temporary Guardianship ahead of the hearing. If you request to waive service, the judge will decide at the hearing whether you have demonstrated "good cause" for the waiver.

WHAT DO I DO AFTER I SERVE THE PAPERS?

Have the person who serves the papers sign and date the Proof of Service forms attached to the Notice of Hearing. Make one copy of the Notice of Hearing (with original signed Proofs of Service attached) and give the original and copy to the Probate Clerk. The Clerk will file the original and stamp your copy and return it to you for your records.

WHAT DO I DO NEXT?

Go to your scheduled hearings and cooperate with the Court Investigator's investigation. If you are appointed Guardian, you will receive signed Orders and Letters of Guardianship after court.

OTHER RESOURCES:

1. You can read the Guardianship Pamphlet. You can obtain a copy from the Clerk's Office or download a copy of the pamphlet here:
<https://www.courts.ca.gov/documents/gc205.pdf>
2. This video put out by Solano County and Contra Costa County Superior Courts provides excellent information on duties, procedures, and paperwork for guardianships:

<https://www.youtube.com/watch?v=3pt2tLk8Fk0&list=PLnMJyJNWwPW4nfPaeke3MvFvvdjga-knB&index=9>

3. You can also find information at the Judicial Council's California Courts Online Self-Help Center:

<http://www.courts.ca.gov/selfhelp-guardianship.htm>

This form gives general information about *guardianship of the person* under the Probate Code. It discusses:

- Alternatives to guardianship;
- Nomination of a guardian;
- Who can be appointed as a guardian;
- How to ask the probate court to appoint a guardian;
- How to formalize the appointment;
- The rights and duties of a guardian of the person;
- Court oversight, removal, and replacement of the guardian; and
- How and when a guardianship can end.

For an overview of guardianship and a comparison of probate and juvenile court guardianships with placement ordered by the juvenile court with a foster/resource family, read *Comparison of Guardians With Other Nonparent Caregivers* (form GC-207-INFO/JV-352-INFO). For information on juvenile court guardianship, read *Information on Juvenile Court Guardianship* (form JV-350-INFO). For information on probate guardianship of the estate, read *Information on Probate Guardianship of the Estate* (form GC-206-INFO).

CAUTION: This form is not a substitute for legal advice from a licensed attorney. Parents and potential nonparent caregivers considering guardianship should consult a lawyer for answers to questions or concerns about their situation. Click this link, www.courts.ca.gov/selfhelp-findlawyer.htm, for help finding a lawyer. More information is available from the [California Courts Online Self-Help Center](#) and private publications and resources. The superior court clerk's office or [self-help center](#) also has general information, as well as information about any local procedures or rules.

Before asking a court to appoint a guardian, a parent or potential guardian may find it useful to think about these questions:

- Does the child really need a guardianship?
- What alternatives, such as those discussed on pages 2 and 3, are available?
- Would any of those alternatives be better for the child?
- Do the parents know about the alternatives and agree to the guardianship?
- If the parents don't agree, is there enough evidence to show the court that the child needs a guardian?

A person who cannot answer these questions is strongly encouraged to seek legal advice or, at least, more information.

1 What Is a Guardianship?

A *guardianship of the person* is a court-ordered relationship that gives an adult, called a *guardian*, legal and physical custody of a child, with the right to make parental decisions about the child's care and control, residence, education, and medical treatment. (For a detailed discussion of a guardian's rights and duties, see 11, below.)

With a couple of exceptions (see 3, below), parents may not be appointed guardians of their own child.

Appointment of a guardian of the person completely suspends the parents' rights to have the child live with them and to make decisions for the child for as long as the guardianship lasts. The appointment of a guardian does not,

however, terminate parental rights without additional action by the guardian and the court. For more information, see 10 and 15, below.

2 Are There Nonparental Caregiver Arrangements That Do Not Require a Court Order?

Yes. Parents can make arrangements for their child to live with an adult who is not the child's parent without going to court. These arrangements can be useful if a parent knows or believes they will not be able to take care of the child for a limited time. For example, a custodial parent may be ill; need hospitalization or other residential treatment; be detained, deported, or incarcerated; or be deployed on active military duty.



2

Under California law, a parent cannot give *custody* of their child to another person without a court order. Only a court can order legal and physical custody taken from a parent and given to a nonparent. This can happen in a few different types of cases, including a family law child custody case, a probate guardianship of the person, an adoption case, and a juvenile court case.

If a parent allows an adult relative or friend to take temporary care of their child, some service providers will question the caregiver's authority to make decisions or give permission for the child's activities or treatment. For example, a school may require written proof of the caregiver's right to enroll a child in school, or a health care provider may require a formal, written document that shows parental authorization of the caregiver to consent to the child's medical or dental care. This section discusses several ways to arrange for another adult to exercise parental authority.

a. Caregiver's Authorization Affidavit

The Family Code allows an adult, other than a parent, with whom a child is living to complete and sign a *Caregiver's Authorization Affidavit (CAA)* and make certain decisions for the child. A completed CAA authorizes a *nonrelative* caregiver to enroll the child in school and consent to the child's school-related medical care. A *relative* caregiver who provides additional information on the CAA also has authority to consent to the child's medical and dental care and limited authority over a child's mental health care.

Family Code section 6550 authorizes use of the CAA. Section 6552 describes the required contents of the CAA form. You can find a sample of the form here: www.courts.ca.gov/documents/caregiver.pdf. A paper copy may be available from your superior court clerk's office or [self-help center](#), or the county public law library.

A CAA does not need to be filed in court, but it must be signed by the caregiver under penalty of perjury, which means that a caregiver who lies on the form can be charged with a crime. A CAA does not affect the decision-making rights of the child's parents and does not give the caregiver custody of the child.

a. The child's parent can veto any of the caregiver's decisions, can take the child to live with them at any time, even if the caregiver does not think that is best for the child, and can end the CAA at any time.

b. Written caregiver agreement (*power of attorney*)

A parent who has full custody of a child can use a *power of attorney (POA)* to authorize another adult to take care of their child. A POA is a written document signed by one person giving another person authority to act for the first person.

CAUTION: Many child custody experts discourage parents from using a POA to authorize another adult to take care of a child. Creating a valid POA is difficult. It requires precise language, several formal steps, and can easily lead parents to grant rights different from those they intend. Any parent thinking about using a POA is strongly encouraged to consult an attorney to discuss the pros and cons.

A POA may be useful if a parent knows or believes they will be unavailable for a specific time, such as an active-duty military deployment, or wants to give a caregiver more authority than is allowed by a CAA. With a POA, a parent can give a caregiver all or some of the same *powers* as a guardian of the person (see ① and ⑪ for discussions of those powers).

If the caregiver agrees in writing, they owe the parent a strict *duty* to exercise the powers specified in the POA. *The agreement is important.* Without an agreement, a caregiver has no duty to use the powers the parent has given them in the POA to care for the child. A parent who creates a POA also keeps all powers and duties to care for their child. If a caregiver under a POA does not properly care for the child, the parent is still responsible for doing so.

In addition, the child's parent can veto any of the caregiver's decisions, can take the child to live with them at any time even if the caregiver does not think that is best for the child, and can end the arrangement at any time.



c. Voluntary Placement Agreement

In some circumstances, parents can also voluntarily give temporary care and custody of their child to a child welfare agency, probation department, or tribe without a court order. This *Voluntary Placement Agreement* (VPA) must satisfy certain legal conditions; specify the child's legal status and the rights and obligations of the parents, the child, and the agency taking custody of the child; and be documented on *Voluntary Placement Agreement—Placement Request* (California Department of Social Services form SOC 155, available at <https://cdss.ca.gov/cdssweb/entres/forms/English/soc155.pdf>).

Under a VPA, the child is placed in foster care, which includes placement in the home of a relative or nonrelative extended family member if possible. The child may be eligible for foster care benefits, but the parents may also be required to pay for a portion of the child's care. The agreement usually lasts for 6 months, but it may be extended for an additional 6 months for a total period not to exceed 12 months. Parents can terminate the agreement at any time but, as noted above, if they end it before the child welfare agency agrees, the agency can file a dependency petition for the child in juvenile court.

d. Indian custodianship

An Indian custodianship can provide another option that does not require court involvement if the child is an Indian child, as defined by the federal Indian Child Welfare Act (ICWA). An Indian custodian is any Indian person who has legal custody of an Indian child under tribal law or custom or under state law. Although under California law, a nonparent may gain legal custody of a child, including an Indian child, only by court order, the state recognizes legal custody of an Indian child that is valid under tribal law or custom. The child's parent may also create an Indian custodianship without a court order by transferring temporary physical care, custody, and control of the Indian child to an Indian person.

3 Who Can Be Appointed as Guardian?

The court may appoint any adult (a person 18 years of age or older)—including a relative, a friend of the family, or another interested person—as guardian of a child's person. The court may *not* appoint a parent unless (a) the parent is terminally ill and is appointed as co-guardian with a nonparent or (b) the child is 18–20 years old, has consented, and has requested Special Immigrant Juvenile findings.

4 Can a Parent or Other Person Pick the Person They Want to Be the Guardian?

A parent can nominate a guardian if:

- The other parent(s) also nominate, or consent in writing to the nomination of, the same guardian for that child.
- When the petition for appointment is filed, the other parent(s) are dead or lack legal capacity to consent to the nomination, or the consent of the other parent would not be required for the child's adoption.

The parent may make the nomination in the petition for appointment, at the hearing on the petition, or in a writing signed before or after the petition is filed. The nomination may state that the parent wants the nominee, if appointed, to have the same authority over the child as a parent with legal custody would have and to be able to exercise that authority without court oversight to the same extent as a parent with legal custody would be able to.

The nomination is effective when made, except that a written nomination may provide that the nomination takes effect only when a specified event or events, including the parent's later legal incapacity, detention, or death, has occurred.

Unless a written nomination provides otherwise, the nomination remains in effect even if the parent later dies or is determined to lack legal capacity.

5 Who Can Request Appointment of a Guardian?

A relative or other person, including the child if 12 years old or older, can file a petition asking the court to appoint a guardian. The person who files the petition does not need to be the same person as the one who wants to be appointed guardian, but usually is. This form assumes that the same person is filing the petition *and* asking to be guardian.



6 Filing the Petition and Giving Notice of the Hearing

a. Petition

Once a person has decided that a child needs a guardian appointed, the first step in the process of establishing guardianship is to complete *Petition for Appointment of Guardian of Minor* (form GC-210) or *Petition for Appointment of Guardian of the Person* (form GC-210(P)) and all other required documents. Then file the forms with the clerk of the court in the county where the child lives unless it would be better *for the child* to file the petition in a different county. A list of statewide forms that need to be filed with a petition for appointment of a guardian of the person is available on *Forms You Need to Ask the Court to Appoint a Guardian of the Person* (form GC-505). Some courts have additional local forms that need to be filed along with the statewide forms.

NOTE: After a petition is filed, the court may, but is not required to, appoint an attorney to represent the child. Any interested person can ask the court to appoint an attorney for the child. If the child is an Indian child, the child's parent or Indian custodian has a right to an appointed attorney if they cannot afford to hire an attorney. The court is not otherwise authorized to appoint an attorney for a parent or for the petitioner.

The petition needs to ask the court to appoint a guardian of the person or a guardian of both the person and the estate, give the proposed guardian's name and address and the child's name and date of birth, and state that the appointment is "necessary or convenient." The petition must also give the names and addresses of the child's parents and other persons who have specific relationships with the child. If the child is an Indian child, the petition must state that fact and give the name and address of any Indian custodian and the child's tribe. The petition must also tell the court whether there are any adoption, child custody, juvenile court, family law, or other guardianship proceedings affecting the child in progress in California or any other state or country.

The court charges a fee for filing a guardianship petition. If the child or the child's estate cannot afford to pay the fees, the petitioner can ask the court to waive the fee requirement. The court clerk can provide the required fee waiver forms.

b. Notice

Before the court can hold a hearing to decide the petition, the person who filed the petition must give **notice** of the hearing to specific persons unless the court finds that the petitioner tried diligently and could not give notice to a person or that notice would be against the interests of justice. The notice must include a copy of the petition and a copy of *Comparison of Guardians With Other Nonparent Caregivers* (form GC-207-INFO/JV-352-INFO).

Notice must be given to the child if 12 years old or older, the parents, anyone else with legal custody, and anyone nominated to be the guardian by *servicing* them personally or, if that is not possible, by first-class mail with an acknowledgment of receipt requested. For more information about *service* of notice, see *What Is "Proof of Service" in a Guardianship?* (form GC-510). Other persons may be given notice personally, by mail, or, if they consent, electronically. If the child is an Indian child, notice must be mailed to any Indian custodian and the child's tribe as required by the Indian Child Welfare Act.

7 Investigation

a. Guardianship investigation

Unless it finds a good reason not to, the court will order an investigation before the hearing on the petition to appoint a guardian. A court investigator will contact the proposed guardian, the parents, the child, and any other persons who might know about the child's family and their needs. The investigator will give a report to the court and make a recommendation on what decision the court should make. The report is confidential; the court will make it available only to persons served (see item 6b, above) in the proceeding and their attorneys.

The court or county charges a fee for conducting the guardianship investigation. The court can waive its fee if it would cause a hardship to the child or the child's estate. The county may also waive its fee because of hardship.

b. Child welfare referral and investigation

If the probate court thinks the child has been, or is at risk of being, abused or neglected by a parent, the court may refer the child to the county child welfare agency for an investigation and commencement of



- b. juvenile court proceedings. If the probate court makes a referral, the guardianship proceedings are paused, but the probate court can make any order necessary to protect the child, including an order appointing a temporary guardian or issuing a temporary restraining order.

If, after three weeks, the agency has not notified the probate court that it has filed a petition to begin proceedings in juvenile court, the probate court or the child's attorney, if the probate court has appointed one, may file a request with the juvenile court to review the agency's decision not to begin juvenile court proceedings and to order the agency to file a petition to begin those proceedings.

If the juvenile court begins proceedings, the probate guardianship proceedings must remain paused. If the juvenile court does not begin proceedings, the probate court can hold a hearing and decide whether to appoint a guardian.

8 Hearing and Standard for Appointment

An interested person may appear and object or respond to the petition *in writing* at or before the hearing. In addition, an interested person may appear and object or respond *orally* at the hearing. If no one objects, the court may decide the matter on the verified petition and declarations. If a person objects, then the court will consider evidence, determine any issues, and make appropriate orders.

Based on its determination of the child's best interest, the court may grant the petition, may grant another person's petition, or may find that the child does not need a guardianship and deny all the petitions. The probate court may appoint a guardian for a child when the appointment is "necessary or convenient." This can happen if no parent is willing, available, or suitable to have care, custody, and control of the child. A parent may not be able to care for the child because of the parent's death, incapacity, military obligations, detention, or other reasons. The petitioner must prove to the court that a guardianship is needed.

Appointing a *guardian of the person* may be necessary or convenient if the court decides that the appointment is in the child's **best interest**. If a parent objects to the appointment of a guardian of the person, the court must, before appointing a guardian, find that remaining in or returning to parental custody would be **detrimental** (harmful) to the child.

The longer a child has been living safely with the proposed guardian, the more likely a court is to find that returning to the parents is detrimental to the child or not in the child's best interest.

9 Affirmation and Letters

For appointment of a guardian to be valid, the court must sign the *Order Appointing Guardian or Extending Guardianship of the Person* (form GC-240). Once the court signs the order, the guardian needs to complete *Letters of Guardianship* (form GC-250) and take both forms GC-240 and GC-250 to the clerk's office. After affirming that the guardian will perform their duties according to law, the clerk will issue *Letters of Guardianship*, a legal document that is proof of appointment as the child's guardian. The clerk will keep the original *Letters* in the case file. The guardian should buy a certified copy from the clerk, make photocopies of the certified copy, and keep the certified copy in a safe place. Showing officials and service providers a copy of the *Letters* will help the guardian perform their duties, such as enrolling the child in school and obtaining medical care, by verifying their legal authority to act on the child's behalf.

10 Custody and Visitation Rights—Guardians and Parents

A guardian of the person has full legal and physical custody of the child and is responsible for all decisions relating to care and control of the child. The child's parents can no longer make decisions for the child during a guardianship. The rights of the parents are completely suspended—not terminated—as long as the guardianship remains in effect.

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. If the court does not make an order, the guardian can decide who visits the child, how often, and for how long.

After the child has been in the guardian's custody for a minimum time—varying from six months to three years depending on the applicable statute—the guardian may petition to terminate parental rights and adopt the child.



11 Guardian's Rights and Duties

a. Basic rights and duties

A guardian of the person generally has the same rights to legal and physical custody of the child as a parent. If a parent nominates a person as guardian and that person is appointed by the court, the court will grant the guardian, to the extent provided in the nomination, the same rights and duties regarding the child that a custodial parent has unless the court finds good cause to withhold any of them.

In other circumstances, however, the court can order the guardian to get court approval before taking specific actions for which a parent would not need court approval. The order of appointment and the *Letters* will state whether the court has placed limits on the guardian's authority.

If the child has special needs, a guardian must strive to meet those needs or secure appropriate services. Some children may have physical or learning disabilities. Other children come from abusive homes or have been victims of abuse. Counseling and other services may be necessary to assist a child who has special needs or has had difficult or traumatic life experiences.

A guardian is responsible for providing for food, clothing, shelter, education, and all the medical and dental needs of the child. A guardian must also 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 physician.

b. Residence

A guardian of the person has the right to decide where the child lives. The child normally lives with the guardian, but the guardian can make other arrangements if they are in the best interest of the child. The guardian should check with the court before placing the child to live with the parents.

A guardian must give proper written notice to the court and other persons of any change of address of either the child or the guardian. A guardian must get permission from the court *before* changing the child's address to a place outside California.

c. Education

A guardian of the person holds the child's educational rights and is responsible for the child's education. The guardian determines where the child will attend school and helps the child set and attain educational goals. The guardian must assist the child in obtaining services if the child has special educational needs. As the child's advocate in the school system, the guardian should attend teacher conferences and play an active role in the child's education. The guardian of a younger child may want to consider enrolling the child in Head Start or another similar program. The guardian of an older child should consider the child's future educational needs, such as college or a specialized school.

d. Health care

A guardian of the person is responsible for meeting the child's medical, dental, and mental health needs. In most cases, the guardian has the authority to consent to the child's medical treatment. However, surgery may not be performed on a child 14 years old or older except in an emergency unless either (1) both the child and the guardian give consent or (2) a court order specifically authorizes the surgery.

A guardian of the person may not place a child in a mental health treatment facility against the child's wishes. A mental health conservatorship proceeding is required for such an involuntary placement. However, the guardian should arrange counseling and other mental health services for the child if appropriate.

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

e. Financial support

Even when the child has a guardian, the parents are still obligated to support the child financially. The guardian may take action to obtain child support. You may contact the local child support agency in your county to collect support from a parent. The child may also be eligible for other public benefits, Social Security benefits, Veterans Administration benefits, Indian child welfare benefits, and other public or private funds. For information about some options, see (12), below.



f. Consent to changes to child's legal status

A guardian of the person has the authority to consent to (allow) many changes the child may want to make in the transition to independent adulthood. These include:

(1) United States passport application

A guardian has authority to apply for a United States passport for the child.

(2) Driver's license application

A guardian has authority to consent to a child's driver's license application. By giving consent, the guardian becomes liable for any civil damages that result if the minor causes an accident. The law requires that anyone signing the DMV application obtain insurance to cover the minor.

(3) Enlistment in the armed services

The guardian has authority to consent to a minor's enlistment in the armed services. If the minor enters into active duty with the armed services, the minor becomes emancipated under California law, and the guardianship ends.

(4) Marriage

For the child to get married, both the guardian **and the court** must give permission. If the minor enters a valid marriage, the minor becomes emancipated under California law, and the guardianship ends.

g. Liability for child's misconduct

A guardian, like a parent, is liable for the harm and damage 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.

h. Additional duties

The court may place other conditions on the guardianship or additional duties on the 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. The guardian must follow all court orders.

12 Financial Support and Services for Children in Probate Guardianship

- a.** Subject to certain conditions, a child living in the home of a *nonrelative* probate guardian may receive state Aid to Families with Dependent Children—Foster Care (AFDC-FC) in the same monthly amount as a child placed in the home of a foster parent or resource family. A child living with a *relative* guardian may receive CalWORKs cash payments based on income.

A youth 18 years of age or older who continues living with a former guardian may continue to receive AFDC-FC or CalWORKs while attending high school or an equivalent full-time educational or vocational training program if expected to graduate before the reach age 19 or, if they have a disability and are attending high school full time, until age 21.

- b.** California offers a variety of publicly funded childcare programs that help low-income families, including families of children living with guardians, pay for childcare. These programs include CalWORKs childcare, Alternative Payment program (AP) voucher and contract-based childcare, California State Preschool Program (CSPP), Head Start and Early Head Start, and Transitional Kindergarten. Many of these childcare programs offer special consideration for families caring for children who have been formally or informally placed outside their home.

Each county in California has at least one childcare resource and referral agency that helps families find childcare and figure out whether they qualify for public funding to help pay for it. Guardians can use this website to find their local resource and referral agency: <https://rrnetwork.org/family-services/find-child-care>. This section discusses the main childcare programs in California.

(1) CalWORKs childcare vouchers:

CalWORKs childcare has three stages:

Stage 1: An entitlement for parents or guardians receiving CalWORKs cash assistance or who received cash assistance in the past 24 months and are engaged or want to engage in a Welfare-to-Work activity. Families stay in Stage 1 until they are transferred to Stage 2.



(1) Stage 2: An entitlement for parents or guardians who received CalWORKs cash assistance in the past 24 months or a lump-sum diversion payment or services. See (2), below, for eligibility requirements.

Stage 3: Subject to enough funding, families are transferred to Stage 3 after 24 months of receiving cash assistance or if they received a lump-sum diversion payment or services. See (2), below, for eligibility requirements.

Families get continuous CalWORKs childcare for children in their care, including children in formal and informal out-of-home care, for at least 12 months until recertification. Childcare is available until the child is 13 years old or until the child is 21 years old if they have a disability. Qualifying families should *not* be put on a subsidized childcare waiting list for CalWORKs Stages 1 and 2, as these are entitlement programs. Families can choose a childcare center, family childcare home, or family, friend, or neighbor setting that best meets their needs.*

(2) AP voucher and contract-based childcare (including CalWORKs Stages 2 and 3):

Families qualify for childcare based on income, or if they receive CalWORKs cash assistance, or if they are experiencing homelessness and the parent or guardian has a “need” for child care (for example, if they are working or going to school). Families have continuous eligibility for at least 12 months until recertification, until the child is 13 years old or until the child is 21 years old if the child has a disability. Families can choose a childcare center, family childcare home, or family, friend, or neighbor setting that best meets their needs.*

* Some counties may require guardians to use licensed “family, friend, or neighbor” child care.

(3) California State Preschool Program (CSPP):

AP voucher and contract-based child care eligibility requirements apply, but there are some exceptions. CSPP is for children ages 4–5, and there are no “need-based” requirements for part-day CSPP. CSPPs are located on school campuses and in neighborhoods.

(4) Head Start and Early Head Start:

Families experiencing homelessness or receiving CalWORKs cash assistance or supplemental security income (SSI) qualify regardless of income. Other families must qualify based on income. Head Start offers full services to families with children ages 3–5; Early Head Start is for pregnant women and children under age 3.

(5) Transitional Kindergarten:

No-cost early care and education for 4-year-olds offered on school campuses. Parents and guardians with childcare subsidies may keep their 4-year-old children in non-school settings if they prefer.

c. Other community resources

Each county has agencies and service providers that can help a guardian meet the specific needs of a child who comes from a conflict-filled, troubled, or deprived environment. If the child has special needs, the guardian must strive to meet those needs or secure appropriate services. Some children have physical or learning disabilities. Other children come from abusive homes or have been victims of abuse. A child who has special needs or has had traumatic life experiences may need counseling and other services. The probate court cannot help a guardian get services. To find resources and get referrals, the guardian can check with the court *self-help center*, the local child welfare agency, or even a support group for guardians. A relative guardian can start by visiting the **California Kinship Navigator** at www.getvirtualsupport.org/app/.

13 Court Oversight of Guardian

Guardians are subject to the regulation and control of the court in performing their duties. To the extent resources are available, the court will require the guardian to complete and submit annual status reports to the court. *Confidential Guardianship Status Report* (form GC-251) must be used for this report. The report must provide information about the child’s residence, education, physical and emotional health, other persons the child lives with, the child’s relationship with the parents, and whether the guardianship is still needed. If the guardian, the child, or another interested person wants the court to decide whether the guardian has the authority or duty to take or not take a specific action, they can file a petition. After notice and a hearing, the court will decide and make orders.



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In addition, some counties have “court visitors” who track and review guardianships. In these counties, a guardian is expected to cooperate with all requests of the court visitor. And no matter the county, the guardian must always cooperate with the court and court investigators.

14 Removal and Replacement of Guardian

After notice and a hearing on a petition filed by the child, a relative or friend of the child, or any other interested person, the probate court may remove a guardian for specific reasons or when it is in the child’s best interest. The court may also suspend the powers of the guardian until it can hold a hearing on the petition for removal. A guardian may also file a petition to resign, and, if the court determines after a hearing that the resignation appears proper, the court must allow it.

If there is a vacancy for any reason, the court may appoint a successor guardian after notice and a hearing as in the case of the original appointment.

15 Termination of Guardianship

A guardianship of the person automatically terminates (ends) when the child reaches age 18 *or* one of the following events occurs before the child reaches age 18:

- The child is adopted;
- The child is emancipated by getting married, enlisting in the military, or court order; or
- The child dies.

If none of these events has occurred, the child, a parent, or the guardian may petition the court for termination of guardianship before the child reaches age 18. To grant the petition, the court must find that termination is in the child’s best interest.

The longer a child has been living safely with the guardian, the more difficult it will be to show that ending the guardianship is in the child’s best interest. In fact, several statutes authorize a guardian to file a petition to terminate parental rights in conjunction with a request to adopt the child.

Under the Probate Code, for example, if a child, other than an Indian child, has lived with a probate guardian for at least two years and the court has found that adoption by the guardian would be in the child’s best interest, a proceeding to terminate parental rights may be brought in the guardianship proceeding, in an adoption proceeding, or in a separate action. The rights and procedures in Family Code sections 7800–7895, including a parent’s right to notice and counsel, apply to this proceeding. (Family Code section 8802 provides different waiting periods and procedures depending on the situation.)

If the guardianship is terminated while the child is still a minor, and no other custodial arrangement is ordered, the child returns to parental custody.

If the child, before reaching age 18, has requested or consented to the extension of the guardianship to allow time to complete a federal application for Special Immigrant Juvenile status, the court may extend the guardianship past the youth’s 18th birthday, but not past the youth’s 21st birthday.

16 Legal Advice and Resources

As noted on page 1, prospective guardians and parents are strongly encouraged to **talk with an attorney**. The attorney can advise them about the legal effect of a guardianship on parental rights, a guardian’s rights and responsibilities, the limits of a guardian’s authority, the rights of the child, and the court processes for appointing, overseeing, modifying, and terminating a guardianship.

Court staff cannot give legal *advice*. The court’s *self-help center* can, however, give legal *information* to a person who is not represented by an attorney and help the person fill out any forms they need to file. Information and answers can also be found by contacting local community resources, researching private publications, or visiting the county public law library.

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**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).)

Clerk stamps date here when form is filed.

Fill out this form if you or a witness in your case needs an interpreter when you are in court.

See instructions on page 2 of this form for more information.

Fill in court name and street address:

**Superior Court of California, County of
MERCED**
 ___ 2260 N Street, Merced, CA 95340
 ___ 627 W. 21st St., Merced, CA 95340
 ___ 1159 G St., Los Banos, CA 93635

Court fills in case number when form is filed.

Case Number:

- 1 Your Information** (person requesting an interpreter). *If you have a lawyer, give your lawyer's information.*

Name: _____

State Bar No.: _____

Firm Name: _____

Address: _____

City: _____ State: ___ Zip: _____

Telephone: _____

E-Mail Address: _____

- 2 I am a party in this case** (check one item below):

Plaintiff/Petitioner Defendant/Respondent Other (describe): _____

- 3 I need an interpreter in the following language when I am in court:**

español (Spanish) Tiếng Việt (Vietnamese) 한국어 (Korean) 普通话 (Mandarin)
 广东话 (Cantonese) فارسی (Farsi/Persian) русский (Russian) Tagalog (Tagalog)
 العربية (Arabic) ਪੰਜਾਬੀ (Punjabi) Other: _____

Include town of origin, if you speak an indigenous language: _____

- 4 I have a witness who needs an interpreter for the following court date:**

(Complete a separate form for each witness.)

a. Date: _____ Time: _____

Department and judicial officer, if known: _____

No date is set yet.

b. The witness needs an interpreter in (check one):

The language marked above **OR**

Other (enter the language the witness speaks): _____

Date: _____



Signature of party or attorney



Your Name:

Case Number:

INSTRUCTIONS

- Court proceedings are in English. If a party or witness does not speak or understand English well, he or she may need an interpreter. The interpreter will allow him or her to testify, speak to the judge, and understand what others are saying in court. Certified and registered court interpreters are trained to interpret in court. If you need language help, you can ask the court to provide a court interpreter by filling out the first page of this form.
- You should complete this form if you or a witness in your case needs an interpreter. A witness is someone who provides information in court, under oath. You should complete a separate form for every witness who needs language help. Complete the first page and file it with the court. Check with your local court to find out how far in advance you must file a request for an interpreter. You can also find out when the court will answer your request.
- Courts try to provide an interpreter in every language and in every civil case. The court will provide you with a response to let you know if your request was granted. Sometimes, a court cannot provide an interpreter in every case.



Request for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office or go to www.courts.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Response* (Form MC-410). (Civ. Code, § 54.8.)

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 MERCED
627 W. 21st Street
Merced, CA 95340

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: _____

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

- 5** The proposed guardian named in **1** or **4** is *(check all that apply)*:
- a. Related to the child or children named in **8**, as shown in item 3 of the child's or children's attached *Guardianship Petition—Child Information Attachment* (form(s) GC-210(CA)).
 - b. Not related to the child or children named in **8**.
 - c. A nominee of a parent of one or more of the children named in **8**, as shown in item 5 of the child's or children's attached *Guardianship Petition—Child Information Attachment* (form(s) GC-210(CA)).
- 6** **Check this box if you checked the box in item 5b (guardian unrelated to child or children).** Answer the question in item a and check the box in item b or c. If you check the box in c, provide the signed statement of the proposed guardian on a separate sheet of paper. Write "Form GC-210(P)—Attachment 6: Statement of Unrelated Guardian" at the top of the paper and attach it to this form.
- a. Does the proposed guardian run a licensed foster family home? Yes No
 - b. I am the proposed guardian. I will promptly furnish any information requested by an agency investigating an adoption or a local agency designated by the county to provide public social services.
 - c. I am **not** the proposed guardian. The signed statement of the proposed guardian agreeing to promptly furnish any information requested by an agency investigating an adoption or a local agency designated by the county to provide public social services is attached to this form as Attachment 6.
- 7** **A person other than the proposed guardian(s) named in 1 or 4 has been nominated in a will or other writing as guardian of the child or children named in 8. A copy of the written nomination is attached.** Write "Form GC-210(P)—Attachment 7: Nomination of Another Person as Guardian" at the top of the writing and attach it to this form. Fill in the nominated person's name and address in item 2 of the *Guardianship Petition—Child Information Attachment* (form GC-210(CA)) for each child for whom the person was nominated as guardian.
- 8** **Tell the court about the child or children who need a guardian.** Fill out and attach to this form a separate copy of *Guardianship Petition—Child Information Attachment* (form GC-210(CA)) for each child named below. Show all children's names at the top of all pages of this form. Fill out and attach to this form a Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) (form FL-105/GC-120) concerning all children under 18 years of age listed below.

The full legal name and date of birth of each child who needs a guardian is *(specify)*:

a. Name:	<i>First</i>	<i>Middle</i>	<i>Last</i>	Date of birth:	<i>Month/Day/Year</i>
b. Name:	<i>First</i>	<i>Middle</i>	<i>Last</i>	Date of birth:	<i>Month/Day/Year</i>
c. Name:	<i>First</i>	<i>Middle</i>	<i>Last</i>	Date of birth:	<i>Month/Day/Year</i>
d. Name:	<i>First</i>	<i>Middle</i>	<i>Last</i>	Date of birth:	<i>Month/Day/Year</i>
e. Name:	<i>First</i>	<i>Middle</i>	<i>Last</i>	Date of birth:	<i>Month/Day/Year</i>

Check here if there are additional children. Continue this list on a separate sheet of paper. Write "Form GC-210(P)—Attachment 8: Additional Children" at the top of the paper and attach it to this form.



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:
---------------	--------------

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 (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 MERCED STREET ADDRESS: 627 W. 21st Street MAILING ADDRESS: 627 W. 21st Street CITY AND ZIP CODE: Merced, CA 95340 BRANCH NAME: PROBATE	
<input type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name): _____ <div style="text-align: right;"> <input type="checkbox"/> MINOR <input type="checkbox"/> (PROPOSED) CONSERVATEE </div>	
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):
Petition for Appointment of Guardian of the Person

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 same as noted above is (specify): _____

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.)



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>

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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 MERCED	
STREET ADDRESS: 627 W. 21st Street MAILING ADDRESS: 627 W. 21st Street CITY AND ZIP CODE: Merced, CA 95340 BRANCH NAME: PROBATE	
PETITIONER: _____ <i>(This section applies only to family law cases.)</i> RESPONDENT: _____ OTHER PARTY: _____	
GUARDIANSHIP OF <i>(Name):</i> _____ <i>(This section applies only to guardianship cases.)</i>	
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
---	---	---

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.

CASE NAME: _____	CASE NUMBER: _____
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**ATTACHMENT TO
DECLARATION UNDER UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT (UCCJEA)**

<input type="text"/> Child's name <input type="checkbox"/> Residence information is the same as given on form FL-105/GC-120 for child a. (If NOT the same, provide the information below.)	Place of birth	Date of birth	Sex
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Period of residence to present	Present address <input type="checkbox"/> Confidential	Person child lived with (name and complete current address) <input type="checkbox"/> Confidential	Relationship
to	Child's residence (City, State)	Person child lived with (name and complete current address)	
to	Child's residence (City, State)	Person child lived with (name and complete current address)	
to	Child's residence (City, State)	Person child lived with (name and complete current address)	

<input type="text"/> Child's name <input type="checkbox"/> Residence information is the same as given on form FL-105/GC-120 for child a. (If NOT the same, provide the information below.)	Place of birth	Date of birth	Sex
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Period of residence to present	Address <input type="checkbox"/> Confidential	Person child lived with (name and complete current address) <input type="checkbox"/> Confidential	Relationship
to	Child's residence (City, State)	Person child lived with (name and complete current address)	
to	Child's residence (City, State)	Person child lived with (name and complete current address)	
to	Child's residence (City, State)	Person child lived with (name and complete current address)	

<input type="text"/> Child's name <input type="checkbox"/> Residence information is the same as given on form FL-105/GC-120 for child a. (If NOT the same, provide the information below.)	Place of birth	Date of birth	Sex
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Period of residence to present	Address <input type="checkbox"/> Confidential	Person child lived with (name and complete current address) <input type="checkbox"/> Confidential	Relationship
to	Child's residence (City, State)	Person child lived with (name and complete current address)	
to	Child's residence (City, State)	Person child lived with (name and complete current address)	
to	Child's residence (City, State)	Person child lived with (name and complete current address)	

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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 MERCED STREET ADDRESS: 627 W. 21st Street MAILING ADDRESS: 627 W. 21st Street CITY AND ZIP CODE: Merced, CA 95340 BRANCH NAME: PROBATE	
GUARDIANSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (<i>Name</i>): _____ MINOR	
DUTIES OF GUARDIAN and Acknowledgment of Receipt	CASE NUMBER: _____

DUTIES OF GUARDIAN

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

1. GUARDIANSHIP OF THE PERSON

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

- a. **Fundamental responsibilities** - The guardian of the person of a child has the care, custody, and control of the child. As guardian, you are responsible for providing for food, clothing, shelter, education, and all the medical and dental needs of the child. You must provide for the safety, protection, and physical and emotional growth of the child.
- b. **Custody** - As guardian of the person of the child, you have full legal and physical custody of the child and are responsible for **all** decisions relating to the child. The child's parents can no longer make decisions for the child while there is a guardianship. The parents' rights are suspended—not terminated—as long as a guardian is appointed for a minor.
- c. **Education** - As guardian of the person of the child, you are responsible for the child's education. You determine where the child should attend school. As the child's advocate within the school system, you should attend conferences and play an active role in the child's education. For younger children, you may want to consider enrolling the child in Head Start or other similar programs. For older children, you should consider their future educational needs such as college or a specialized school. You must assist the child in obtaining services if the child has special educational needs. You should help the child in setting and attaining his or her educational goals.
- d. **Residence** - As guardian, you have the right to determine where the child lives. The child will normally live with you, but when it is necessary, you are allowed to make other arrangements if it is in the best interest of the child. You should obtain court approval before placing the child back with his or her parents.

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

(Continued on reverse)

GUARDIAN OF (Name):	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)
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CONFIDENTIAL (DO NOT ATTACH TO PETITION)

GC-212

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i></p> <p>TELEPHONE NO.: _____ FAX NO. <i>(Optional):</i> _____</p> <p>E-MAIL ADDRESS <i>(Optional):</i> _____</p> <p>ATTORNEY FOR <i>(Name):</i> _____</p>	<p>FOR COURT USE ONLY</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF MERCED</p> <p>STREET ADDRESS: 627 W. 21st Street MAILING ADDRESS: 627 W. 21st Street CITY AND ZIP CODE: Merced, CA 95340 BRANCH NAME: PROBATE</p>	<p>CASE NUMBER: _____</p>
<p>GUARDIANSHIP OF _____ <i>(Name):</i></p> <p style="text-align: right;">MINOR</p>	<p>HEARING DATE AND TIME: _____ DEPT.: _____</p>
<p>CONFIDENTIAL GUARDIAN SCREENING FORM</p> <p>Guardianship of <input type="checkbox"/> Person <input type="checkbox"/> Estate</p>	

The proposed guardian must complete and sign this form. The person requesting appointment of a guardian must submit the completed and signed form to the court with the guardianship petition.

This form must remain confidential.

How This Form Will Be Used

This form is **confidential** and will not be a part of the public file in this case. Each proposed guardian must complete and sign a separate copy of this form under rule 7.1001 of the California Rules of Court. The information provided will be used by the court and by persons and agencies designated by the court to assist the court in determining whether to appoint the proposed guardian as guardian. The proposed guardian **must** respond to each item.

1. a. **Proposed guardian (name):** _____
 b. Date of birth: _____
 c. Social security number: _____ d. Driver's license number: _____ State: _____
 e. Telephone numbers: Home: _____ Work: _____ Other: _____
2. I am I am not required to register as a sex offender under California Penal Code section 290.
(If you checked "I am," explain in Attachment 2.)
3. I have I have not been charged with, arrested for, or convicted of a crime deemed to be a felony or a misdemeanor. *(If you checked "I have," explain in Attachment 3.)*
 (Check here if you have been arrested for drug or alcohol-related offenses.)
4. I have I have not had a restraining order or protective order filed against me in the last 10 years.
(If you checked "I have," explain in Attachment 4.)
5. I am I am not receiving services from a psychiatrist, psychologist, or therapist for a mental health-related issue. *(If you checked "I am," explain in Attachment 5.)*
6. Do you, or does any other person living in your home, have a social worker or parole or probation officer assigned to him or her?
 Yes No *(If you checked "Yes," explain in Attachment 6 and provide the name and address of each social worker, parole officer, or probation officer.)*
7. Have you, or has any other person living in your home, been charged with, arrested for, or convicted of any form of child abuse, neglect, or molestation? Yes No *(If you checked "Yes," explain in Attachment 7.)*
8. I am I am not aware of any reports alleging any form of child abuse, neglect, or molestation made to any agency charged with protecting children (e.g., Child Protective Services) or any other law enforcement agency regarding me or any other person living in my home. *(If you checked "I am," explain in Attachment 8 and provide the name and address of each agency.)*
9. Have you, or has any other person living in your home, habitually used any illegal substances or abused alcohol?
 Yes No *(If you checked "Yes," explain in Attachment 9.)*

GUARDIANSHIP OF (Name):	CASE NUMBER:
MINOR	

10. Have you, or has any other person living in your home, been charged with, arrested for, or convicted of a crime involving illegal substances or alcohol?

Yes No *(If you checked "Yes," explain in Attachment 10.)*

11. Do you or does any other person living in your home suffer from mental illness?

Yes No *(If you checked "Yes," explain in Attachment 11.)*

12. Do you suffer from any physical disability that would impair your ability to perform the duties of guardian?

Yes No *(If you checked "Yes," explain in Attachment 12.)*

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

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

15. I have I have not been removed as guardian, conservator, executor, or fiduciary in any other proceeding.
(If you checked "I have," explain in Attachment 15.)

16. I am I am not a private professional fiduciary, as defined in Business and Professions Code section 6501(f).
(If you checked "I am," respond to item 17. If you checked "I am not," go to item 18.)

17. I am I am not currently licensed by the Professional Fiduciaries Bureau of the Department of Consumer Affairs. My license status and information is stated in item 1 on page 1 of the Professional Fiduciary Attachment signed by me and attached to the petition that proposes my appointment as guardian in this matter. *(Complete and sign the Professional Fiduciary Attachment and attach it to the petition, or deliver it to the petitioner for attachment, before the petition is filed. See item 4d of the petition. Use form GC-210(A-PF)/GC-310(A-PF) for this attachment.)*

18. I am I am not a responsible corporate officer authorized to act for (name of corporation):

a California nonprofit charitable corporation that meets the requirements for appointment as guardian of the proposed ward under Probate Code section 2104. I certify that the corporation's articles of incorporation specifically authorize it to accept appointments as guardian. *(If you checked "I am," explain the circumstances of the corporation's care of, counseling of, or financial assistance to the proposed ward in Attachment 18.)*

19. I have I have not filed for bankruptcy protection within the last 10 years.
(If you checked "I have," explain in Attachment 19.)

MINORS' CONTACT INFORMATION		
20. Minor's name:	School (name):	
Home telephone:	School telephone:	Other telephone:
21. Minor's name:	School (name):	
Home telephone:	School telephone:	Other telephone:
22. Minor's name:	School (name):	
Home telephone:	School telephone:	Other telephone:
<input type="checkbox"/> Information on additional minors is attached.		

DECLARATION

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

Date:

(TYPE OR PRINT NAME OF PROPOSED GUARDIAN)



(SIGNATURE OF PROPOSED GUARDIAN)*

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

**MERCED COUNTY SUPERIOR COURT
COURT INVESTIGATIONS GUARDIANSHIP QUESTIONNAIRE**

Minor's Name

Case No.

Hearing Date:

Petitioner's (paternal or maternal) relationship to the minor:

This questionnaire **MUST** be completed and served to the Court Investigator with the Petition for Appointment of Guardianship. If you find there is not enough room to complete your answer, use the reverse of the page or attach a separate sheet of paper clearly identifying the question. **DO NOT** leave any question blank. State **N/A** if the question does not apply to you.

IF THERE IS A PROPOSED CO-GUARDIAN WHO IS NOT LISTED AS SPOUSE OR SIGNIFICANT OTHER, AN ADDITIONAL FORM MUST BE COMPLETED FOR THAT PERSON.

FAILURE TO SERVE THE COURT INVESTIGATOR WITH THIS FORM AND COPIES OF ALL DOCUMENTS FILED IN THIS MATTER MAY RESULT IN DELAYS.

For clarification or questions regarding this questionnaire or the guardianship procedure please contact:

Merced County Superior Court Investigator
(209) 725-4190
Monday through Friday 8:00 a.m. to 4:00 p.m.

PERSONAL HISTORY

PROPOSED GUARDIAN

FULL NAME		OTHER NAMES/MAIDEN
DATE OF BIRTH/BIRTHPLACE	CA ID/DL NO.	SOCIAL SECURITY NO.
LIST ALL ADDRESSES FOR THE PAST 5 YEARS 1.	2.	3.
PHONE NO. FROM _____ TO _____ <input type="checkbox"/> OWN <input type="checkbox"/> RENT RENT/MORTGAGE \$ _____ /MONTH	PHONE NO. FROM _____ TO _____ <input type="checkbox"/> OWN <input type="checkbox"/> RENT RENT/MORTGAGE \$ _____ /MONTH	PHONE NO. FROM _____ TO _____ <input type="checkbox"/> OWN <input type="checkbox"/> RENT RENT/MORTGAGE \$ _____ /MONTH
LAST GRADE OF SCHOOL ATTENDED <input type="checkbox"/> 1-7 <input type="checkbox"/> 8 <input type="checkbox"/> 9 <input type="checkbox"/> 10 <input type="checkbox"/> 11 <input type="checkbox"/> 12 <input type="checkbox"/> SOME COLLEGE <input type="checkbox"/> COLLEGE GRADUATE <input type="checkbox"/> MASTERS		

FATHER'S NAME _____ MOTHER'S NAME _____

YOUR HEALTH GOOD FAIR POOR NAME OF YOUR PHYSICIAN: _____

STATE ANY MEDICAL CONDITIONS YOU ARE CURRENTLY BEING TREATED FOR: _____

MEDICATIONS - NAME, AMOUNT, REASON, HOW OFTEN TAKEN: _____

ATTENDING COUNSELING? YES NO TYPE: _____ COUNSELOR: _____

HAVE YOU EVER BEEN CONVICTED FOR AN OFFENSE OTHER THAN A MINOR TRAFFIC VIOLATION? <input type="checkbox"/> YES <input type="checkbox"/> NO	IF YES, PLEASE LIST: DATE CITY VIOLATION OUTCOME
--	---

HAVE YOU EVER BEEN OR ARE YOU ON PROBATION/PAROLE? <input type="checkbox"/> YES <input type="checkbox"/> NO	IF YES, PLEASE LIST: DATE CITY OFFICER/AGENT/TELEPHONE NO.
---	---

DO YOU DRINK ALCOHOLIC BEVERAGES? YES NO HOW MUCH/OFTEN? _____

WHAT DRUGS DO/DID YOU USE? _____ WHEN DID YOU LAST USE? _____

HOW MUCH/OFTEN? DAILY WEEKLY MONTHLY COST? _____

HAVE YOU EVER ENTERED OR COMPLETED AN ALCOHOL OR DRUG TREATMENT PROGRAM? <input type="checkbox"/> YES <input type="checkbox"/> NO	IF YES, GIVE DETAILS:
---	-----------------------

HAVE YOU EVER HAD CONTACT WITH A CHILD PROTECTIVE SERVICE AGENCY? <input type="checkbox"/> YES <input type="checkbox"/> NO	IF YES, GIVE DETAILS AND COUNTY:
--	----------------------------------

ARE YOU MARRIED DIVORCED SEPARATED WIDOWED LIVING TOGETHER

DATES AND PLACE OF ALL MARRIAGES: _____ CHILDREN OF THE MARRIAGE: _____ DATE/REASON FOR END OF MARRIAGE: _____

PERSONAL HISTORY

SPOUSE OR SIGNIFICANT OTHER

FULL NAME OTHER NAMES/MAIDEN

DATE OF BIRTH/BIRTHPLACE CA ID/DL NO. SOCIAL SECURITY NO.

LIST ALL ADDRESSES FOR THE PAST 5 YEARS 1. 2. 3. PHONE NO. FROM TO OWN RENT RENT/MORTGAGE \$ /MONTH

LAST GRADE OF SCHOOL ATTENDED 1-7 8 9 10 11 12 SOME COLLEGE COLLEGE GRADUATE MASTERS

FATHER'S NAME MOTHER'S NAME

YOUR HEALTH GOOD FAIR POOR NAME OF YOUR PHYSICIAN:

STATE ANY MEDICAL CONDITIONS YOU ARE CURRENTLY BEING TREATED FOR:

MEDICATIONS-NAME, AMOUNT, REASON, HOW OFTEN TAKEN:

ATTENDING COUNSELING? YES NO TYPE: COUNSELOR:

HAVE YOU EVER BEEN CONVICTED FOR AN OFFENSE OTHER THAN A MINOR TRAFFIC VIOLATION? IF YES, PLEASE LIST: DATE CITY VIOLATION OUTCOME

HAVE YOU EVER BEEN OR ARE YOU ON PROBATION/PAROLE? IF YES, PLEASE LIST: DATE CITY OFFICER/AGENT/TELEPHONE NO.

DO YOU DRINK ALCOHOLIC BEVERAGES? YES NO HOW MUCH/OFTEN?

WHAT DRUGS DO/DID YOU USE? WHEN DID YOU LAST USE?

HOW MUCH/OFTEN? DAILY WEEKLY MONTHLY COST?

HAVE YOU EVER ENTERED OR COMPLETED AN ALCOHOL OR DRUG TREATMENT PROGRAM? IF YES, GIVE DETAILS:

HAVE YOU EVER HAD CONTACT WITH A CHILD PROTECTIVE SERVICE AGENCY? IF YES, GIVE DETAILS AND COUNTY:

ARE YOU MARRIED DIVORCED SEPARATED WIDOWED LIVING TOGETHER

DATES AND PLACE OF ALL MARRIAGES: CHILDREN OF THE MARRIAGE: DATE/REASON FOR END OF MARRIAGE:

EMPLOYMENT / FINANCIAL

PROPOSED GUARDIAN

NAME/ADDRESS/PHONE OF EMPLOYER		TITLE:
HOW LONG?	DAYS/HOURS YOU WORK	GROSS SALARY/MO.
OTHER INCOME <input type="checkbox"/> TANF <input type="checkbox"/> SOCIAL SECURITY <input type="checkbox"/> UNEMPLOYMENT <input type="checkbox"/> CHILD SUPPORT <input type="checkbox"/> MEDI-CAL		
AMOUNT \$	MO/WK	RECEIVED FROM:

NAME/ADDRESS/PHONE OF PREVIOUS EMPLOYERS:
 (GIVE DATES OF EMPLOYMENT AND REASON FOR TERMINATION)

WHERE DO YOU BANK? (COMPLETE ADDRESS)	TYPES OF ACCOUNTS:	ACCOUNT NUMBERS:
---------------------------------------	--------------------	------------------

HAVE YOU EVER FILED FOR BANKRUPTCY? IF YES, GIVE DATE PLACE AND RESULT:
 YES NO

DO YOU SUPPORT ANYONE OUTSIDE OF YOUR RESIDENCE? IF YES GIVE NAME/RELATIONSHIP AND REASON:
 YES NO

SPOUSE/SIGNIFICANT OTHER

NAME/ADDRESS/PHONE OF EMPLOYER		TITLE:
HOW LONG?	DAYS/HOURS YOU WORK	GROSS SALARY/MO.
OTHER INCOME <input type="checkbox"/> TANF <input type="checkbox"/> SOCIAL SECURITY <input type="checkbox"/> UNEMPLOYMENT <input type="checkbox"/> CHILD SUPPORT <input type="checkbox"/> MEDI-CAL		
AMOUNT \$	MO/WK	RECEIVED FROM:

NAME/ADDRESS/PHONE OF PREVIOUS EMPLOYERS:
 (GIVE DATES OF EMPLOYMENT AND REASON FOR TERMINATION)

WHERE DO YOU BANK? (COMPLETE ADDRESS)	TYPES OF ACCOUNTS:	ACCOUNT NUMBERS:
---------------------------------------	--------------------	------------------

HAVE YOU EVER FILED FOR BANKRUPTCY? IF YES, GIVE DATE PLACE AND RESULT:
 YES NO

DO YOU SUPPORT ANYONE OUTSIDE OF YOUR RESIDENCE? IF YES GIVE NAME/RELATIONSHIP AND REASON:
 YES NO

RESIDENCE

ARE THERE ANY OTHER ADULTS RESIDING IN THE HOME? YES NO

IF YES:

NAME	DOB	CA ID/DL NO.	SOCIAL SECURITY NO.	RELATIONSHIP
------	-----	--------------	---------------------	--------------

ARE THERE ANY OTHER CHILDREN RESIDING IN THE HOME? YES NO

IF YES:

NAME	DOB	RELATIONSHIP
------	-----	--------------

GUARDIANSHIP CHILD

CHILD TO BE UNDER GUARDIANSHIP:

NAME	DOB	RELATIONSHIP
------	-----	--------------

ANY NATIVE AMERICAN BLOOD?	PERCENTAGE?	TRIBE?
----------------------------	-------------	--------

NAME/ADDRESS OF SCHOOL	GRADE:
	TEACHER:

NAME/ADDRESS OF PHYSICIAN

DID MOTHER RECEIVE PRENATAL CARE? YES NO FULL TERM BIRTH? YES NO

DOES CHILD HAVE MEDICAL PROBLEMS? YES NO IF YES, EXPLAIN:

WAS THERE A DRUG TEST AT BIRTH? YES NO IF YES, RESULTS:

DOES CHILD HAVE BEHAVIORAL PROBLEMS? YES NO IF YES, EXPLAIN:

DIFFICULTIES IN SCHOOL? YES NO IF YES, EXPLAIN:

SPECIAL EDUCATION NEEDS? YES NO IF YES, EXPLAIN:

CRIMINAL INVOLVEMENT? YES NO IF YES, EXPLAIN:

CURRENT SOCIAL WORKER? YES NO IF YES, NAME:

IS CHILD IN A DAYCARE PROGRAM? YES NO IF YES, PROVIDER:

GIVE ALL OF THE ABOVE INFORMATION ON ALL CHILDREN PROPOSED TO BE UNDER GUARDIANSHIP. YOU CAN USE THE REVERSE OF THIS PAGE OR A SEPARATE SHEET. ATTACH COPIES OF BIRTH CERTIFICATES FOR EACH CHILD PROPOSED TO BE UNDER GUARDIANSHIP.

BIRTH PARENTS

MOTHER'S FULL NAME		OTHER NAMES/MAIDEN
DATE OF BIRTH/BIRTHPLACE	CA ID/DL NO.	SOCIAL SECURITY NO.
ADDRESS		TELEPHONE NO.
NAME/ADDRESS OF EMPLOYER		TELEPHONE NO.
IS MOTHER IN AGREEMENT WITH GUARDIANSHIP? <input type="checkbox"/> YES <input type="checkbox"/> NO	DOES MOTHER CONTRIBUTE TO THE SUPPORT OF CHILD? <input type="checkbox"/> YES <input type="checkbox"/> NO	DOES MOTHER VISIT WITH CHILD? <input type="checkbox"/> YES <input type="checkbox"/> NO
DOES MOTHER HAVE ANY OTHER CHILDREN NOT A PARTY TO THIS ACTION? <input type="checkbox"/> YES <input type="checkbox"/> NO	IF YES: NAME	AGE
HAS THE MOTHER EVER BEEN ARRESTED AND/OR CONVICTED? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, GIVE DETAILS:		
HAS CPS EVER INVESTIGATED THE MOTHER? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, GIVE DETAILS:		

FATHER'S FULL NAME		OTHER NAMES
DATE OF BIRTH/BIRTHPLACE	CA ID/DL NO.	SOCIAL SECURITY NO.
ADDRESS		TELEPHONE NO.
NAME/ADDRESS OF EMPLOYER		TELEPHONE NO.
IS FATHER IN AGREEMENT WITH GUARDIANSHIP? <input type="checkbox"/> YES <input type="checkbox"/> NO	DOES FATHER CONTRIBUTE TO THE SUPPORT OF CHILD? <input type="checkbox"/> YES <input type="checkbox"/> NO	DOES FATHER VISIT WITH CHILD? <input type="checkbox"/> YES <input type="checkbox"/> NO
DOES FATHER HAVE ANY OTHER CHILDREN NOT A PARTY TO THIS ACTION? <input type="checkbox"/> YES <input type="checkbox"/> NO	IF YES: NAME	AGE
HAS THE FATHER EVER BEEN ARRESTED AND/OR CONVICTED? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, GIVE DETAILS:		
HAS CPS EVER INVESTIGATED THE FATHER? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, GIVE DETAILS:		

GENERAL INFORMATION

WERE THE PARENTS EVER MARRIED? <input type="checkbox"/> YES <input type="checkbox"/> NO	IF YES, STATUS?
IF NO, WAS PATERNITY EVER ESTABLISHED? <input type="checkbox"/> YES <input type="checkbox"/> NO	IF YES, CASE NO. COUNTY/STATE
IS THERE AN ORDER FOR SUPPORT? <input type="checkbox"/> YES <input type="checkbox"/> NO	IF YES, HOW MUCH? PAID TO?
IS THERE A CUSTODY ORDER BETWEEN THE PARENTS FOR THE CHILD? <input type="checkbox"/> YES <input type="checkbox"/> NO	IF YES, CASE NO.

GENERAL INFORMATION CONT'D

HAVE YOU, YOUR SPOUSE, ANOTHER ADULT
IN THE HOME, OR THE PARENTS BEEN
INVOLVED IN ANY OF THE FOLLOWING?

RECEIVED COUNSELING FOR DOMESTIC VIOLENCE?

YES NO IF YES, WHO/WHY?

DOMESTIC DISPUTE WHERE LAW ENFORCEMENT WAS CALLED?

YES NO IF YES, WHO/WHY?

BEEN THE SUBJECT OF A DOMESTIC OR CIVIL RESTRAINING ORDER?

YES NO IF YES, WHO/WHY?

ADDITIONAL INFORMATION

LIST ANY OTHER INFORMATION YOU FEEL MAY BE HELPFUL TO THE INVESTIGATION.

I DECLARE UNDER THE PENALTY OF PERJURY THAT THE INFORMATION ON THIS FORM IS TRUE AND CORRECT TO
THE BEST OF MY KNOWLEDGE.

DATED:

NAME OF PETITIONER

SIGNATURE

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PARTY WITHOUT AN ATTORNEY (Name and Address): <i>In Pro Per</i>	TELEPHONE NO:	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MERCED STREET ADDRESS: 627 W. 21st STREET MAILING ADDRESS: 627 W. 21st STREET CITY AND ZIP CODE: MERCED, CA 95340 BRANCH NAME: PROBATE		
GUARDIANSHIP OF THE PERSON ESTATE OF (NAME): <div style="text-align: right;">MINOR</div>		
PROOF OF SERVICE FOR PERSONAL SERVICE OR BY NOTICE AND ACKNOWLEDMENT OF RECEIPT		CASE NUMBER

I declare that:

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

4. I served copies of the following paper(s) in the manner shown below:

Petition for Appointment of Guardian of Minor	Petition for Appointment of Temporary Guardian
Notice of Hearing for _____	UCCJEA
Notice of Hearing for _____	Waiver of Notice
Consent of Guardian	Nomination of Guardian
Petition for Visitation – Guardianship	Petition for Modification of Visitation - Guardianship
Petition for Termination of Guardianship	Other: _____

5. Manner of service:
 - a. Personal Service. I personally delivered the above papers to:
 - (1) Name of person served: _____
 - (2) Address where served: _____
 - (3) Date served: _____
 - (4) Time served: _____
 - b. Mailed Service. I placed a sealed envelope containing the papers listed above, along with two copies of a Notice and Acknowledgement of Receipt and a self-addressed, stamped envelope, deposited with the United States Postal Service with postage fully prepaid to:
 - (1) Name of person served: _____
 - (2) Address to which documents where mailed: _____
 - (3) Date documents were mailed: _____
 - (4) City and State where mailing occurred: _____

I declare under the 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 Person who Served Papers)

This page intentionally left blank

PARTY WITHOUT AN ATTORNEY (Name and Address):	TELEPHONE NO:	<i>FOR COURT USE ONLY</i>
<i>In Pro Per</i>		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MERCED		
STREET ADDRESS: 627 W. 21 st Street MAILING ADDRESS: 627 W. 21 st Street CITY AND ZIP CODE: Merced, CA 95340 BRANCH NAME: Probate		
GUARDIANSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (NAME):		
MINOR		
PROOF OF SERVICE BY MAIL		CASE NUMBER

I declare that:

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

4. I served copies of the following paper(s):

<input type="checkbox"/> Petition for Appointment of Guardian of Minor	<input type="checkbox"/> Petition for Appointment of Temporary Guardian
<input type="checkbox"/> Notice of Hearing for _____	<input type="checkbox"/> UCCJEA
<input type="checkbox"/> Notice of Hearing for _____	<input type="checkbox"/> Waiver of Notice
<input type="checkbox"/> Consent of Guardian	<input type="checkbox"/> Nomination of Guardian
<input type="checkbox"/> Petition for Visitation – Guardianship	<input type="checkbox"/> Petition for Modification of Visitation - Guardianship
<input type="checkbox"/> Petition for Termination of Guardianship	<input type="checkbox"/> Other: _____

5. I served the above listed documents on each person named below by enclosing a copy in an envelope addressed as shown below AND
 - a. **depositing** the sealed envelope with the United States Postal Service on the date and at the place shown in item 6 with the postage fully prepaid.
 - b. **placing** the envelope for collection and mailing on the date and at the place shown in item 6 following our ordinary business practices. I am readily familiar with this business's practices for collection and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

6. a. Date Mailed: _____ b. Place mailed (city & state): _____

I declare under the 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 Person who Served Papers)

NAME AND ADDRESSES OF EACH PERSON TO WHOM NOTICE WAS MAILED

	Name of person served	Address (number, street, city, state, and zip code)
1.	Merced County Child Welfare Svcs. Attn: Guardianship Department	2115 Wardrobe Ave. Merced, CA 95340
2.	California Dept. of Social Services	744 P Street Sacramento, CA 95814-6413
3.		

Continued on page 2.

GUARDIANSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (NAME):	CASE NUMBER
MINOR	

ADDITIONAL PERSONS TO WHOM NOTICE WAS MAILED:

Name of person served	Address (number, street, city, state, and zip code)
4. <input type="text"/>	<input type="text"/>
5. <input type="text"/>	<input type="text"/>
6. <input type="text"/>	<input type="text"/>
7. <input type="text"/>	<input type="text"/>
8. <input type="text"/>	<input type="text"/>
9. <input type="text"/>	<input type="text"/>
10. <input type="text"/>	<input type="text"/>

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 MERCED
627 W. 21st Street
Merced, CA 95340

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. _____

Clerk fills in case number when form is filed.

Case Number: _____

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):

- Grandmother (father's mother)
- Grandfather (father's father)
- Grandmother (mother's mother)
- Grandfather (mother's father)
- Other Relative (explain relationship to child or children): _____
- Aunt
- Uncle
- Brother (adult)
- Sister (adult)

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 (<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 MERCED STREET ADDRESS: 627 W. 21st Street MAILING ADDRESS: 627 W. 21st Street CITY AND ZIP CODE: Merced, CA 95340 BRANCH NAME: Probate	
<input checked="" type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP OF THE <input checked="" type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (<i>Name</i>): _____ <div style="text-align: right;"> <input checked="" type="checkbox"/> MINOR <input type="checkbox"/> (PROPOSED) CONSERVATEE </div>	
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*):

 Petition for Appointment of Temporary Guardian of the Person

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 same as noted above is (*specify*): _____

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.)



