

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SONOMA

**Probate Division
3055 Cleveland Avenue
Santa Rosa, CA 95403-2878
(707) 521-6650
Hours: 8:00 a.m. to 3:30 p.m.
<http://sonoma.courts.ca.gov/>**

GUARDIANSHIP PACKET

\$10.00

Included in this packet are the forms you will need when applying for guardianship of a minor child. After you have completed the forms **MAKE AT LEAST 2 (TWO) COPIES** of each of the forms you will be presenting to the court.

➤ Probate Guardianship Pamphlet	GC-205
➤ Information on Probate Guardianship	GC-206-INFO
➤ Comparison of Guardians with other Nonparent Caregivers.....	GC-207-INFO
➤ Petition for Appointment of Guardian of Minor (Person and Estate)	GC-210
➤ Professional Fiduciary Attachment to Petition for Appointment of Guardian.....	GC-210(A-PF)
➤ Information Sheet on Indian Child Inquiry Attachment.....	ICWA-005-INFO
➤ Indian Child Inquiry Attachment.....	ICWA-010(A)
➤ Child Information Attachment.....	GC-210(CA)
➤ Confidential Guardian Screening Form	GC-212
➤ Duties of Guardian.....	GC-248
➤ Consent of Guardian, Nomination, and Waiver of Notice	GC-211
➤ Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act	GC-120
➤ Attachment to Declaration	GC-20[A]
➤ Report of Proposed Guardian	PR-2
➤ Notice of Hearing - Guardianship or Conservatorship	GC-020
➤ What is "Proof of Service" in a guardianship?.....	GC-510
➤ Proof of Service by Mail (reverse side of Notice of Hearing).....	GC-020
➤ Attachment to Proof of Service by Mail.....	GC-020(MA)
➤ Proof of Personal Service of Notice of Hearing	GC-020(P)
➤ Attachment to Proof of Personal Service	GC-020(PA)
➤ Declaration of Diligent Search	PR-7
➤ Order Dispensing with Notice - Guardianship or Conservatorship	GC-021
➤ Order Appointing Guardian of Minor	GC-240
➤ Letters of Guardianship	GC-250

The fee for filing a *Petition for Appointment of Guardian* of the Person AND Estate of Minor is **\$435.00**. *Petition for Appointment of Guardian of the Person ONLY* is **\$225.00**. All fees are payable at the time of filing. You may qualify to have this fee waived. Information and Forms about waiving court fees and costs are available at the Court.

INFORMATION ABOUT GUARDIANSHIP PETITIONS

The originals of the forms and at least one copy must be submitted with the filing fee. Using your endorsed copy, you will need to make additional copies for service on those persons or agencies that must receive them before the Court considers your petition.

Guardianships are complex legal proceedings. A guardian assumes significant responsibilities. Because of the complexity and significance of guardianships many people consult with an attorney before filing a request to be appointed as a guardian. Many people also choose to be represented by an attorney.

NOTICE REQUIREMENTS: Failure to satisfy the notice requirements for guardianships is the reason many guardianship petitions are not granted. In most cases, applicable notice requirements are as follows:

Notice of the hearing on your petition for appointment of guardian must be given at least 15 days before the hearing.

Unless the Court orders otherwise, the following persons must be *personally* served with a notice of hearing form [GC-020] and a copy of the petition [GC-210]:

1. The minor, if the minor is 12 years of age or older.
2. The parents of the minor.
3. All persons with a court order granting them legal custody of the minor.
4. Any person presently serving as a guardian of the estate of the minor.
5. Any person who has been nominated by the minor's parent to serve as the minor's guardian.

The form you should use to show proof of personal service is Proof of Personal Service of Notice of Hearing [GC-020P].

Unless the court orders otherwise, the following persons must be served *by mail* with a notice of hearing form [GC-020] and a copy of the petition [GC-210]:

1. All second-degree relatives of the minor. Such relatives include grandparents, brothers and sisters, and spouses.
2. The person having actual care of the minor at the present time, if that person is not the person who has legal custody of the minor.

The form you should use to show proof of service by mail is on the reverse side of the Notice of Hearing form [GC-020]. You may attach form [GC-020MA] if you need additional space to list persons served by mail.

Have someone over 18 years old and not a party to the action serve the parties. Have your server complete either the Proof of Personal Service of Notice of Hearing [GC-020P], or the Proof of Service by Mail form [GC-020], whichever is applicable. Attach the original

completed Proof of Service form to a copy of the endorsed filed Notice of Hearing form **[GC-020]** and bring to the Probate Division for filing. Bring an extra copy of the Proof of Service to be endorsed filed.

Exceptions: The Court may order that notice to the foregoing people not be required only if the Court determines that: (a) the person cannot with reasonable diligence be given notice; or (b) the giving of notice would be contrary to the interest of justice. If you wish to request an Order Dispensing with Notice **[GC-021]**, the justification must be provided in a written declaration. A Declaration of Diligent Search form **[PR-7]** is included with the forms provided in this packet. There is no Judicial Council form for a declaration in support of waiver of notice for the reason that giving notice would be contrary to the interest of justice.

In certain circumstances, notice must also be given to agencies such as the State Department of Mental Health, or Developmental Services, or the Veterans Administration. You should refer to Probate Code Section 1511 to determine, under the circumstances of your particular case, who is entitled to receive notice.

If you indicate on form **GC-210(CA)** that the proposed ward has Native American ancestry, please refer to the **ICWA-005 Info sheet** and required **ICWA-010 (A)** that must be attached to the petition. If the child has Native American ancestry additional forms **ICWA-020 PARENTAL NOTIFICATION OF INDIAN STATUS** and **ICWA-030 NOTICE OF CHILD CUSTODY PROCEEDINGS FOR INDIAN CHILD** **MUST** be filled with the Petition (forms are available at: www.courts.ca.gov). You also should refer to the Indian Child Welfare Act for notice requirements. Contact the U.S. Dept. of Interior at: www.bia.gov/WhoWeAre/BIA/OIS/HumanServices/IndianChildWelfareAct/index.htm

If you are seeking a guardianship of the person and if the Proposed Guardian is not related to the minor by blood or marriage, you must provide an additional copy of the petition **[GC-210 or GC-210P]** and notice of hearing **[GC-020]** to the State Director of Social Services. Service should be completed by mail directed to 744 P Street, MS 4-61, Sacramento, California 95814.

All persons or agencies to which notice has been given should be listed on the back of the Notice of Hearing form **[GC-020]** you file with the Court. The form must confirm that the people or agencies receiving notice have also been provided with a copy of the petition **[GC-210]**.

TEMPORARY GUARDIANSHIPS: Ordinarily, the appointment of a temporary guardian will be restricted to emergency situations in which a declaration has been filed containing facts sufficient to show that the person and/or property of the minor is in imminent danger of being injured or damaged before the noticed hearing on the Petition for Appointment of Guardian. The forms for the appointment of a temporary guardian are Judicial Counsel forms **[GC-110 or GC-110P, GC-140, GC-150 and Local Form PR-10]** are not included in the guardianship packet. In temporary guardianships, the Petitioner must satisfy additional requirements.

Among these requirements is personal service of the notice of the hearing on the petition for temporary guardianship. Notice must be provided to the minor, if the minor is 12 years of age or older, to the parents of the minor and to any person having a valid visitation order with the minor. A Proof of Personal Service of Notice of Hearing **[GC-020P]** must be filed. Unless the Court is provided with sufficient facts, in declaration form **[PR-10]**, waiver of the notice requirement, notice of the hearing on the temporary guardianship must be given not less than **five court days**

before the hearing.

If a party wishes to dispense with notice, an Order Dispensing with Notice **[GC-021]** must be filed and shall contain facts sufficient to show that the person entitled to notice cannot, with reasonable diligence, be given notice, or that giving notice may result in injury or damage to the person and/or property of the minor.

A petition for appointment of temporary guardian **[GC-110 or GC-110P]** CANNOT be filed unless there is also on file a petition for appointment of (general) guardian **[GC-210]**.

FURTHER INFORMATION: For further information on the requirements associated with guardianships, refer to Division Four of the California Probate Code and [Rule 6 of the Local Rules](#) of the Sonoma County Superior Court.