

JUDICIAL COUNCIL OF CALIFORNIA

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INVITATION TO COMMENT

SPR18-32

Title	Action Requested
Probate Guardianship: Response to Petition	Review and provide comments by June 8, 2018
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Revise forms GC-210, GC-210(P), GC-211, GC-212, and GC-248	January 1, 2019
Proposed by	Contact
Probate & Mental Health Advisory Committee Hon. John H. Sugiyama, Chair	Corby Sturges. 415-865-4507 corby.sturges@jud.ca.gov

Executive Summary and Origin

The Probate & Mental Health Advisory Committee proposes revising five forms to improve notice of the legal consequences of the appointment of a guardianship of the person and to provide a meaningful opportunity for parents and other interested persons to respond to a petition for appointment of a guardian. The proposal responds to concerns raised by committee members, courts, and attorneys that the effects of the appointment of a guardian were not clear to petitioners, parents, and other persons interested in a proposed ward's health, safety, and welfare.

The Proposal

Judicial Council form GC-211, *Consent of Proposed Guardian, Nomination of Guardian, and Consent to Appointment of Guardian and Waiver of Notice*, has long served three purposes. It gives a proposed guardian the opportunity to consent to serve if appointed. It allows a parent or the donor of a gift to nominate a guardian as provided in Probate Code sections 1500–1502.¹ Finally, it solicits consent to the appointment of the guardian requested in the petition and waiver of notice of the hearing on the petition and receipt of a copy of the petition from persons of indeterminate identity, though presumably all persons entitled to receive a copy of the petition and notice of the hearing on it.

The combination of these functions on a single form has tended to obscure the significance of each function. Of particular concern is the possibility that this form may induce parents to

¹ Unless otherwise specified, all further statutory references are to the Probate Code.

The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.

consent to the appointment of a guardian of the person for their child without understanding that they cannot simply change their minds and terminate the guardianship at will. In the 15 years since the form's last revision, changes to the law emphasizing the relative importance to a child of a safe, caring, and stable placement over a relationship with a biological parent have increased the urgency of proper notice.² The revisions proposed would be a first step toward addressing that concern.³

The revisions to the other forms in the proposal derive mainly from the revisions to form GC-211, as they are necessary to conform to that form's new, more limited purpose. The committee has also, however, taken the opportunity to clarify several potentially misleading elements on those forms.

The Probate and Mental Health Advisory Committee proposes revising Judicial Council forms GC-210, GC-210(P), GC-211, GC-212, and GC-248, effective January 1, 2019, as follows:

1. Revise form GC-210, *Petition for Appointment of Guardian*, to
 - Clarify that the petition should allege that appointment of a guardian is in the best interest of the child, as required by Probate Code section 1514(b) and Family Code section 3020;
 - Clarify that item 11 must be completed if the proposed guardian, not the petitioner, is not related to the proposed ward; and
 - Remove references to the attachment of form GC-211;
2. Revise form GC-210(P), *Petition for Appointment of Guardian of the Person*, to clarify that the petition should allege that appointment of a guardian is in the best interest of the child and remove references to the attachment of form GC-211;
3. Revise form GC-211, *Consent of Proposed Guardian, Nomination of Guardian, and Consent to Appointment of Guardian and Waiver of Notice*, to
 - Rename it *Response to Petition for Appointment of Guardian*;
 - Provide more prominent notice that the appointment of a guardian of the person suspends a parent's authority and outline more clearly the process and standard required to modify or terminate a guardianship;
 - Indicate the respondent's relationship to the proposed ward and the family;
 - Provide the respondent an opportunity to give specific consent to the establishment of a guardianship and the appointment of the guardian proposed in the petition, to

² See Prob. Code, § 1516.5 (authorizing a proceeding to free a child from parental custody and control within an existing guardianship proceeding after two years in the guardian's physical custody); *In re Guardianship of Ann S.* (2009) 45 Cal.4th 1110 (upholding section 1516.5 against a constitutional challenge); see also Fam. Code, § 3041(c)–(d) (establishing a presumption that continued custody with a nonparent caregiver who has assumed the role of the child's parent for a substantial period of time is in a child's best interest and that parental custody would be detrimental to the child).

³ The proposed revisions would also alleviate problems integrating the form into courts' electronic case management systems caused by the form's susceptibility to use by multiple persons for multiple purposes.

- object to the appointment of the proposed guardian and, if qualified, to nominate a different person, or to object to the establishment of a guardianship; and
- Provide an opportunity for the respondent to indicate whether the child is or may be an Indian child for purposes of the application of the Indian Child Welfare Act;
 - Provide a separate opportunity for the respondent to waive further notice of hearings on the petition; and
 - Remove the provision for the proposed guardian to consent to the appointment;
4. Revise form GC-212, *Confidential Guardian Screening Form*, to provide an initial opportunity for a proposed guardian to indicate consent to serve as guardian if appointed; and
5. Revise form GC-248, *Duties of Guardian*, to
- Provide the proposed guardian with an opportunity to give consent to serve as guardian after learning the duties attendant to appointment;
 - Include express references to the sections of the Probate Code that specify the powers and duties of a guardian of the person and a guardian of the estate; and
 - Clarify that the proposed guardian or guardians, regardless of whether they are also petitioners, must sign the consent and acknowledgment of receipt on page 5.

Alternatives Considered

The committee considered deferring the proposed revisions until it could prepare comprehensive revisions to the entire guardianship form set, but determined that these revisions, which affect fundamental rights to notice and an opportunity to be heard, were urgently needed. The committee intends to continue its work on the guardianship form set and propose additional revisions in upcoming cycles. The committee hopes specifically to clarify the informational forms directed to self-represented litigants in guardianship proceedings and to revise the form set to simplify the guardianship process for litigants and court staff while ensuring that bench officers and court attorneys receive the information they need to make decisions firmly grounded in fact and law.

Implementation Requirements, Costs, and Operational Impacts

Implementation will require courts that provide paper versions of these forms to incur production and copying costs. Courts will also need to reprogram their electronic case management systems to accommodate the revised forms and train staff to integrate the revisions into their case processes. The revisions should, however, expedite case processing in certain respects. The revisions to form GC-211—in particular, to integrate the nomination and consent functions of the current form into a global response to the petition and to move the consent of the proposed guardian from this form to forms GC-212 and GC-248—should increase the forms' compatibility with electronic case management systems and reduce uncertainty on the part of self-represented litigants.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- Is the notice box on page 1 of form GC-211 sufficiently clear about the potential consequences for the parent-child relationship of the appointment of a guardian of the person?
- Should form GC-248 continue to include blocks for multiple signatures, or should it include only one signature block so that each proposed guardian would need to receive a separate copy of the *Duties* and sign a separate consent and acknowledgment of receipt?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Forms GC-210, GC-210(P), GC-211, GC-212, and GC-248, at pages 5–20

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NO.: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
GUARDIANSHIP OF (name):	CASE NUMBER:
PETITION FOR APPOINTMENT OF GUARDIAN OF <input type="checkbox"/> MINOR* <input type="checkbox"/> MINORS* <input type="checkbox"/> Person** <input type="checkbox"/> Estate**	HEARING DATE AND TIME: DEPT.:

1. **Petitioner** (name each):

requests that

- a. (name):
 (address):
 (telephone):
 be appointed guardian of the PERSON of the minor or minors named in item 2 and *Letters* issue upon qualification.
- b. (Not applicable to proposed wards 18 years of age and older.)
 (name):
 (address):
 (telephone):
 be appointed guardian of the ESTATE of the minor or minors named in item 2 and *Letters* issue upon qualification.
- c. (1) bond not be required because the petition is for guardian of the person only because the proposed guardian is a corporate fiduciary or an exempt government agency for the reasons stated in Attachment 1c.
 (2) \$ bond be fixed. It will be furnished by an authorized surety company or as otherwise provided by law. (Specify reasons in Attachment 1c if the amount is different from the minimum required by Prob. Code, § 8482.)
 (3) \$ in deposits in a blocked account be allowed. Receipts will be filed. (Specify institution and location):
- d. authorization be granted under Probate Code section 2590 to exercise the powers specified in Attachment 9.
- e. orders relating to the powers and duties of the proposed guardian of the person under Probate Code sections 2351–2358 be granted (specify orders, facts, and reasons in Attachment 1e).
- f. an order dispensing with notice to the persons named in Attachment 10 be granted.
- g. other orders be granted (specify in Attachment 1g).

2. Attached is a copy of *Guardianship Petition—Child Information Attachment* (form GC-210(CA)) for each minor for whom this petition requests the appointment of a guardian. The full legal name and date of birth of each minor is:

- a. Name: Date of Birth (month/day/year):
- b. Name: Date of Birth (month/day/year):
- c. Name: Date of Birth (month/day/year):
- d. Name: Date of Birth (month/day/year):

The names and dates of birth of additional minors are specified on Attachment 2 to this petition.

* Under section 1510.1(d) of the Probate Code, the terms *child*, *minor*, and *ward* include a youth 18 to 20 years of age.
 ** You MAY use this form or form GC-210(P) for a guardianship of the person. You MUST use this form for a guardianship of the estate or of the person and estate. Do NOT use this form for a temporary guardianship.

GUARDIANSHIP OF (name):	CASE NUMBER:
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3. Petitioner is
- a. related to the minor or minors named in item 2, as shown in item 7 of each minor's attached form GC-210(CA).
 - b. the minor named in item 2, who is 12 years of age or older.
 - c. another person on behalf of minor or minors named in item 2, as shown in item 7 of each minor's attached form GC-210(CA).
4. The proposed guardian is (check all that apply):
- a. a nominee (affix a copy of nomination as Attachment 4a).
 - b. related to the minor or minors named in item 2, as shown in item 3 of each minor's attached form GC-210(CA).
 - c. other, as shown in item 3 of each minor's attached form GC-210(CA).
 - d. a professional fiduciary within the meaning of the Professional Fiduciaries Act. The proposed guardian's license status is shown in item 1 on page 1 of the attached Professional Fiduciary Attachment. (Use form GC-210(A-PF)/GC-310(A-PF) for this attachment.)
5. Petitioner, with intent to adopt, has accepted or intends to accept physical care or custody of the minor.
6. A person other than the proposed guardian has been nominated as the guardian of the minor by will other writing. A copy of the nomination is affixed as Attachment 6. (Specify name and address of nominee in item 2 of minor's attached form GC-210(CA).)
7. Character and estimated value of property of the estate (complete if petition requests appointment of a guardian of the estate or the person and estate):
- a. Personal property: \$ _____
 - b. Annual gross income from all sources, including real and personal property, wages, pensions, and public benefits: \$ _____
 - c. **Total:** \$ _____
 - d. Real property: \$ _____
8. Appointment of a guardian of the person estate of the minor or minors named in item 2 is necessary or convenient and would be in the best interest of the minor(s) for the following reasons:

- Continued in Attachment 8. Parental custody would be detrimental to the minor or minors named in item 2 (not applicable to proposed wards 18 years of age and older).
9. Granting the proposed guardian of the estate powers to be exercised independently under Probate Code section 2590 would be to the advantage and benefit and in the best interest of the guardianship estate. Reasons for this request and the powers requested are specified in Attachment 9.
10. Notice to the persons named in Attachment 10 should be dispensed with under Probate Code section 1511 because
- they cannot with reasonable diligence be given notice (specify names and efforts to locate in Attachment 10).
 - giving notice to them would be contrary to the interest of justice (specify names and reasons in Attachment 10).

GUARDIANSHIP OF <i>(name)</i> :	CASE NUMBER:
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11. (Complete this item if this petition asks for appointment of a guardian of the person or a guardian of the person and the estate and the proposed guardian is not related to each minor named in item 2.)
- a. Petitioner is the proposed guardian and will promptly furnish all information requested by any agency referred to in Probate Code section 1543.
 - b. Petitioner is not the proposed guardian. A statement by the proposed guardian that he or she will promptly furnish all information requested by any agency referred to in Probate Code section 1543 is affixed as Attachment 11b.
 - c. The proposed guardian's home is is not a licensed foster family home.
 - d. The proposed guardian has never filed a petition for adoption of the minor except as specified in Attachment 11d.

12. Attached to this petition is a *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form GC-120) concerning each child under 18 years of age listed in item 2.

13. Filed with this petition are the following *(check all that apply)*:
- Petition for Appointment of Temporary Guardian* (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)*:

14. All attachments to this form are incorporated by this reference as though placed here in this form. Number of pages attached:

Date: _____
(SIGNATURE OF ATTORNEY*)

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

I declare under penalty of perjury under the laws of the State of California that all the information on this form is true and correct.

Date: _____

(TYPE OR PRINT NAME)	▶	(SIGNATURE OF PETITIONER)
(TYPE OR PRINT NAME)	▶	(SIGNATURE OF PETITIONER)
(TYPE OR PRINT NAME)	▶	(SIGNATURE OF PETITIONER)

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

Date: _____

(TYPE OR PRINT NAME)	▶	(SIGNATURE OF PROPOSED WARD)
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GC-210(P)

Petition for Appointment of Guardian of the Person

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

Clerk stamps date here when form is filed.

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

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

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

Fill in court name and street address:

Superior Court of California, County of

2 Your address and telephone number:

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

Clerk fills in information below when form is filed.

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

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

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

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

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

Name(s): _____

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

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

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

Name(s): _____

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

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



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

- 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:	<div style="display: flex; justify-content: space-between;"> First Middle Last </div>	Date of birth:	<div style="display: flex; justify-content: space-between;"> Month/Day/Year </div>
b. Name:	<div style="display: flex; justify-content: space-between;"> First Middle Last </div>	Date of birth:	<div style="display: flex; justify-content: space-between;"> Month/Day/Year </div>
c. Name:	<div style="display: flex; justify-content: space-between;"> First Middle Last </div>	Date of birth:	<div style="display: flex; justify-content: space-between;"> Month/Day/Year </div>
d. Name:	<div style="display: flex; justify-content: space-between;"> First Middle Last </div>	Date of birth:	<div style="display: flex; justify-content: space-between;"> Month/Day/Year </div>
e. Name:	<div style="display: flex; justify-content: space-between;"> First Middle Last </div>	Date of birth:	<div style="display: flex; justify-content: space-between;"> Month/Day/Year </div>

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)*:

- 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*

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NUMBER: FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
GUARDIANSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (name):	
RESPONSE TO PETITION FOR APPOINTMENT OF GUARDIAN <input type="checkbox"/> AND WAIVER OF FURTHER NOTICE	
CASE NUMBER:	
NOTICE: When the court appoints a guardian of the person for a minor child, the parent's authority to take care of the child ends. The child's guardian has full legal and physical custody until the child reaches 18 years of age or is adopted, unless the court changes the guardian or ends the guardianship. Anyone, even a parent, who wants to change the guardian or end the guardianship must file a petition with the court. The court will not grant the petition unless the judge decides that the order would be in the best interest of the child.	

1. I am related to the minor child named above (specify familial relationship):
 I am NOT related to the minor child named above, but I am connected to the child and the family (specify connection):

2. a. I agree that appointment of a guardian of the person estate would be in the best interest of the minor child or children AND I agree to the appointment of the guardian proposed in the Petition.
- b. I agree that appointment of a guardian of the person estate would be in the best interest of the minor child or children, but I do NOT agree to the appointment of the guardian proposed in the Petition because:

- Continued on Attachment 2b.
- (1) I am a parent of the minor child. I nominate (name and address):
 as guardian of the person estate of the minor child.
- (2) I am the donor of a gift to the minor child. I nominate (name and address):
 as guardian of the property (estate) that I gave to the minor child.
- c. I do NOT agree to the appointment of a guardian of the person estate for the minor child or children. Appointment of a guardian would not be in the best interest of the child or children for the following reasons:

 Continued on Attachment 2c.
- d. The child is or may be an Indian child. A completed form ICWA-010(A) or, if I am the parent, form ICWA-020, is attached.

I declare under penalty of perjury under the laws of the State of California that all information on this form and any attachment is true and correct.

Date: _____

(TYPE OR PRINT NAME) (SIGNATURE)

(See next page for another option)

GUARDIANSHIP OF <i>(name)</i> :	CASE NUMBER:
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WAIVER OF FURTHER NOTICE

3. I have received notice of the hearing and a copy of the *Petition for Appointment of Guardian* (form GC-210 or GC-210(P)) filed on *(date)*: . I am entitled to notice of these proceedings, but I waive further notice of hearings, including continued hearings, on this petition. I understand that this means the court may grant the petition and appoint a guardian without getting my opinion.

Date:

(TYPE OR PRINT NAME)



(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NUMBER: FOR COURT USE ONLY DRAFT Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
GUARDIANSHIP OF (Name): <div style="text-align: right;">MINOR</div>	CASE NUMBER: HEARING DATE AND TIME: DEPT:
CONFIDENTIAL GUARDIAN SCREENING FORM Guardianship of <input type="checkbox"/> Person <input type="checkbox"/> Estate	

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:
 e. Telephone numbers: Home: Work: Other:
 d. Driver's license number: State:
2. I do I do not consent to serve as guardian of the child named above if I am appointed by the court.
3. 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 3.)
4. 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 4.)
 (Check here if you have been arrested for drug or alcohol-related offenses.)
5. 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 5.)
6. 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 6.)
7. 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 7 and provide the name and address of each social worker, parole officer, or probation officer.)
8. 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 8.)
9. 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 9 and provide the name and address of each agency.)
10. 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 10.)

GUARDIANSHIP OF (Name):	CASE NUMBER:
MINOR	

11. 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 11.)
12. Do you or does any other person living in your home suffer from mental illness? Yes No (If you checked "Yes," explain in Attachment 12.)
13. 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 13.)
14. 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 14.)
15. I have I have not previously been appointed guardian, conservator, executor, or fiduciary in another proceeding. (If you checked "I have," explain in Attachment 15.)
16. 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 16.)
17. 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 18. If you checked "I am not," go to item 19.)
18. 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.)
19. 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 19.)
20. I have I have not filed for bankruptcy protection within the last 10 years. (If you checked "I have," explain in Attachment 20.)

MINORS' CONTACT INFORMATION		
21. Minor's name:	School (name):	
Home telephone:	School telephone:	Other telephone:
22. Minor's name:	School (name):	
Home telephone:	School telephone:	Other telephone:
23. 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 information on this form and any attachments 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.

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NO.: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
GUARDIANSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE of (name):	MINOR
DUTIES OF GUARDIAN with Consent 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 page two)

Page 1 of 5

GUARDIANSHIP OF <i>(name)</i> : <div style="text-align: right;">MINOR</div>	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 guardian is governed by the law itself and not by this summary.

**CONSENT TO APPOINTMENT
AND ACKNOWLEDGMENT OF RECEIPT**

1. I consent to serve as the guardian of the child named above if I am appointed by the court.
2. I have received, read, and kept a copy of this statement of the duties of a guardian.

Date:

(TYPE OR PRINT NAME)

▶

(SIGNATURE OF PROPOSED GUARDIAN)

Date:

(TYPE OR PRINT NAME)

▶

(SIGNATURE OF PROPOSED GUARDIAN)

Date:

(TYPE OR PRINT NAME)

▶

(SIGNATURE OF PROPOSED GUARDIAN)