

Rules Committee Action Request Form

Rules Committee Meeting Date: April 10, 2026

Action requested: Circulate for comment (January 1 effective date)

Title of proposal: Probate Conservatorship: Duties of Conservator and Acknowledgment of Receipt

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.):
Revoke form GC-348; adopt forms GC-348-INFO and GC-349; amend Cal. Rules of Court, rule 7.1051

Committee or other entity submitting the proposal:
Probate and Mental Health Advisory Committee

Staff contact (name, phone, and email):
Corby Sturges, 415-865-4507, corby.sturges@jud.ca.gov

Annual agenda approved by Rules Committee on (*date*): October 16, 2025

Project description from annual agenda: 3. The committee will develop a recommendation for revisions to Duties of Conservator and Acknowledgment of Receipt of Handbook for Conservators (form GC-348), the form used to implement the requirement in Probate Code section 1834, to conform to changes in the law enacted since 2011, particularly changes enacted by Assembly Bill 1663 (Stats. 2022, ch. 894). Recommended revisions may lead to separation of this form into two separate forms, one to explain the duties and liabilities of a conservator and another for the conservator to file with the court to acknowledge receipt of the required materials. If the committee recommends two separate forms, it will also recommend amending rule 7.1051 to reflect that separation.

Circulation or Implementation Notes: (If requesting a special invitation-to-comment cycle or an effective date other than January 1, please explain.)

Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any relevant information not contained in the attached summary.)

Information for JC staff

EGG reviewed on (*date*): March 10, 2026

Office director (or designee) reviewed on (*date*): 3/11/2026 by (*name*): Audrey Fancy

Complete the following for all JC reports recommending forms:

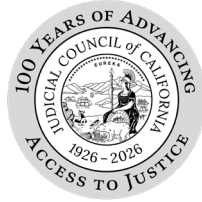
- **Form Translations** (check all that apply)

Proposal includes forms that: staff requests be translated, are required by statute to be translated.
Provide citations to code that mandates translation:

- **Website Content** (check all that apply)

New or revised form descriptions are needed for the California courts website. (If checked, form descriptions should be approved by a supervisor before submitting this RAR.)

Changes or additions to self-help website are needed.



Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688

courts.ca.gov/policy-administration/invitations-comment

INVITATION TO COMMENT

SPR26-32

Title

Probate Conservatorship: Duties of Conservator and Acknowledgment of Receipt

Proposed Rules, Forms, Standards, or Statutes

Amend Cal. Rules of Court, rule 7.1051; revoke form GC-348; adopt forms GC-348-INFO and GC-349

Proposed by

Probate and Mental Health Advisory Committee
Hon. Jayne Chong-Soon Lee, Chair

Action Requested

Review and submit comments by May 18, 2026, to invitations@jud.ca.gov

Proposed Effective Date

January 1, 2027

Contact

Corby Sturges, 415-865-4507
corby.sturges@jud.ca.gov

Executive Summary and Origin

To conform to changes in conservatorship law, the Probate and Mental Health Advisory Committee proposes revoking one form, adopting two mandatory forms to replace the revoked form, and amending one rule. One proposed form would be a statement of the duties of a conservator for the court to distribute to each newly appointed conservator. A conservator would use the second proposed form to acknowledge receipt of the statement of duties and the Judicial Council's *Handbook for Conservators* as required by Probate Code section 1834. The proposed rule amendment would update form references to use the new form titles and numbers.

Background

Probate Code section 1834(a) requires every conservator, before the court clerk issues letters of conservatorship,¹ to file with the court an acknowledgment of receipt of (1) a statement of the duties of a conservator and (2) the information required by section 1835. These statutes charge

¹ The clerk issues letters of conservatorship to a conservator as evidence of the conservator's appointment, taking of the oath of office, and, if required, filing of a bond. (Prob. Code, § 2310.)

All further statutory references are to the Probate Code unless otherwise specified.

This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules Committee, or its Legislation Committee. It is circulated for comment purposes only.

the Judicial Council with developing the acknowledgment form, the statement of duties, and a package containing the information required by section 1835.²

The Judicial Council adopted form GC-348 by circulating order, effective January 1, 1992, in response to Senate Bill 1022 (Stats. 1991, ch. 1019), which added section 1834 to the Probate Code. The council has revised the form several times, most recently effective January 1, 2011.³

Since 2011, the law governing conservatorships has changed several times. Significant legislation in the past five years alone includes the following:

- Assembly Bill 1663 (Stats. 2022, ch. 894; see Link A), amended the law to clarify a conservator's duty to accommodate the conservatee's preferences, add to the information the council must include in the handbook, and enumerate the conservatee's rights;
- Senate Bill 280 (Stats. 2023, ch. 705; see Link B), amended the law to require a conservator of the person to develop a comprehensive care plan for the conservatee and file it with the court within 120 days of appointment; and
- Senate Bill 1106 (Stats. 2024, ch. 455; see Link C), amended the law to expand the notices required of a conservator's proposed change of the conservatee's residence as well as the persons entitled to receive those notices.

The Proposal

To conform to the law and make the forms more user-friendly, the committee proposes the following revisions, effective January 1, 2027:

1. Revoke *Duties of Conservator and Acknowledgment of Receipt of Handbook* for Conservators (form GC-348);
2. Adopt *Duties of Conservator—Probate* (form GC-348-INFO) to provide a statement of a conservator's duties under the law on a plain-language information sheet in language accessible to nonprofessional conservators;
3. Adopt *Conservator's Acknowledgment of Receipt of Information* (form GC-349) for use to complete the acknowledgment of receipt required by section 1834; and
4. Amend California Rules of Court, rule 7.1051 to reflect the replacement of form GC-348 with two separate forms and require the use of form GC-349 by a conservator to acknowledge receipt of form GC-348-INFO and the handbook.

² §§ 1834(a), 1835(c).

³ Judicial Council of Cal., Advisory Com. Rep., *Probate: Statement of Duties and Liabilities of Conservators* (Sept. 25, 2010).

Duties of Conservator and Acknowledgment of Receipt of Handbook for Conservators (form GC-348)

Because of the number of revisions necessary for form GC-348 to comply with current law, the advisory committee proposes revoking this form and replacing it with one form to provide a statement of the duties of a conservator and a second form to acknowledge receipt of that statement of duties and the Judicial Council's *Handbook for Conservators*.

Duties of Conservator—Probate (form GC-348-INFO)

The committee proposes adopting form GC-348-INFO to replace the portion of form GC-348 that explains the conservator's duties. The proposed new statement of duties includes those added to the law since form GC-348's last revision in 2011. The new form also abbreviates many of the existing form's descriptions of duties and instead refers conservators to the *Handbook for Conservators* for more detailed information. The handbook explains all the duties discussed on the form in much greater detail. Because a conservator must obtain both the form and the handbook and will therefore have access to the latter's detailed explanations, the committee's proposal would reduce the overlap in information between the new form and the handbook without depriving a conservator of the resources needed to perform their duties under the law.

In addition, the new form presents information about a conservator's duties in the plain-language format used for information sheets directed to self-represented litigants. This format uses a larger typeface and breaks the text into two columns to increase readability while conserving space.

Conservator's Acknowledgment of Receipt of Information (form GC-349)

The committee proposes adopting form GC-349 for mandatory use in place of the acknowledgment on page 7 of existing form GC-348. The new form would provide a conservator with a simple, one-page form for the single purpose of filing with the court the required acknowledgment of receipt of form GC-348-INFO and a copy of the *Handbook for Conservators*. The separate acknowledgment form would alleviate the need for a conservator to make or obtain multiple copies of the statement of duties to keep one or more for their own reference while filing the signed original with the court to fulfill their statutory duty. Reducing the filed form to one page by removing the informational pages would also promote efficiency for courts and court users.

Rule 7.1051

The committee proposes amending rule 7.1051 to replace the rule's reference to form GC-348 with a reference to form GC-348-INFO, add a reference to form GC-349, and require each conservator to use form GC-349 to acknowledge receipt of form GC-348-INFO and the handbook.

Alternatives Considered

The committee did not consider taking no action. Form GC-348 is outdated and overly detailed; the committee needed to update it. In addition, form GC-348 combines the statement of duties with the acknowledgment of receipt of that statement and the handbook, and, as discussed above,

that creates the potential for confusion and inefficiency. Two separate forms, each serving a distinct purpose, will limit that potential.

Fiscal and Operational Impacts

The proposal is expected to result in one-time implementation costs to the courts, including the costs of reprogramming case management systems and training staff to process the new acknowledgment form. Self-help center staff will also need training so they are able to assist self-represented conservators. The benefits of conforming to the law, simplifying and reformatting the information form, and separating the acknowledgment of receipt from the statement of duties justify these costs.

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?

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 two 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. Cal. Rules of Court, rule 7.1051, at page 5
2. Forms GC-348 (to be revoked), GC-348-INFO, and GC-349, at pages 6–18
3. Link A: leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1663
4. Link B: leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB280
5. Link C: leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB1106

Rule 7.1051 of the California Rules of Court would be amended, effective January 1, 2027, to read:

1 **Rule 7.1051. Conservator's acknowledgment of receipt of Duties of Conservator**
2 **information (Prob. Code, § 1834)**

3
4 Before the court issues letters, each conservator must ~~execute~~ sign and file Conservator's
5 Acknowledgment of Receipt of Information (form GC-349) ~~an acknowledgment of receipt~~
6 ~~of the~~ to confirm they have received Duties of Conservator—Probate (form GC-348-
7 INFO) ~~and Acknowledgment of Receipt of Handbook~~ (form GC-348) and the Judicial
8 Council's Handbook for Conservators.

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 STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF _____ (Name): _____ CONSERVATEE	
DUTIES OF CONSERVATOR and Acknowledgment of Receipt of Handbook for Conservators	CASE NUMBER: _____

DUTIES OF CONSERVATOR

When you are appointed by the court as a conservator, you become responsible to the court and assume certain duties and obligations. All of your actions as conservator are subject to review by the court. You should clearly understand the information on this form. You will find additional information in the Judicial Council's *Handbook for Conservators*, receipt of which, in addition to a copy of this form, you are required by law to acknowledge.

I. THE CONSERVATEE'S RIGHTS

Conservatees do not lose all rights or all voice in important decisions affecting their lives. All conservatees have the right to be treated with understanding and respect, the right to have their wishes considered, and the right to be well cared for by their conservators. Conservatees generally keep the right to (1) control their own wages or salary from employment, (2) make or change a will, (3) marry, (4) receive personal mail, (5) be represented by a lawyer, (6) ask a judge to change conservators, (7) ask a judge to end the conservatorship, (8) vote, unless a judge decides they are not capable of exercising this right, (9) control personal spending money if a judge has authorized an allowance, and (10) make their own medical decisions, unless a judge has taken away that right and given it exclusively to their conservators.

II. CONSULT WITH YOUR ATTORNEY

Your attorney will advise you on your duties, the limits of your authority, the conservatee's rights, your dealings with the court, all other topics discussed in this form, and many other matters. He or she will tell you when you must ask for prior court approval to take an action, when you may do so (and why it might be a good idea), and when prior court approval is not required. All legal questions should be discussed with your attorney, not the court staff, which is not permitted to give legal advice. Your attorney will also help prepare your inventories, accountings, petitions, and all other documents to be filed with the court; and will see that the persons entitled to be notified of your actions are given proper notice. He or she will also advise you about legal limits on estate investments, leases and sales of estate assets, loans, lawsuits against others involving the conservatee or his or her property, and many other matters, and can prepare or review documents needed in these matters. You should communicate frequently and cooperate fully with your attorney at all times. **When in doubt, contact your attorney.** Other questions may be answered by calling on local community resources. (To find these resources, see the *Handbook for Conservators* and the local supplement distributed by the court.)

III. CONSERVATOR OF THE PERSON

If the court appoints you as conservator of the person, you are responsible for the conservatee's care and protection. You must decide, within certain limits, where the conservatee will live; and you must arrange for the conservatee's health care, meals, clothing, personal care, housekeeping, transportation, and recreation.

A. DETERMINE THE APPROPRIATE LEVEL OF CARE FOR THE CONSERVATEE

You must determine the conservatee's appropriate level of care. Your determination must be in writing, signed under penalty of perjury, must be filed with the court within 60 days of the date of the court's order appointing you as conservator, and must include:

CONSERVATORSHIP OF (Name): CONSERVATEE	CASE NUMBER:
---	--------------

- III. A. 1. An evaluation of the level of care existing when the petition for your appointment as a conservator was filed and the measures that would be necessary to keep the conservatee in his or her **personal residence**.

(Note: The conservatee's **personal residence** is the residence the conservatee understood or believed to be his or her permanent residence on (1) the date the petition for appointment of a conservator was filed in this matter, or (2) on the last earlier date the conservatee could form or communicate an understanding or belief about a permanent residence, whether or not he or she was living there when the appointment petition was filed. See Cal. Rules of Court, rule 7.1063(b).)

2. A plan to return the conservatee to his or her **personal residence** or an explanation of the limitations or restrictions on a return of the conservatee to that residence in the foreseeable future if the conservatee was not living there when the petition for appointment of a conservator was filed.
3. A reevaluation after a material (important) change in circumstances affecting the conservatee's needs for placement and care after your initial determination.
4. If the conservatee is a limited conservatee who is developmentally disabled, special rules may apply to the determination of his or her level of care and residential placement. See item **VI** below.

B. DECIDE WHERE THE CONSERVATEE WILL LIVE

1. You must decide where the conservatee will live. You may choose a residence in California without prior approval of the court, but you must choose the least restrictive appropriate residence that is available and necessary to meet the conservatee's needs and that is in his or her best interests.
2. You must file a written notice of any change of the conservatee's residence with the court within 30 days of the move, and you must mail copies of the notice to the conservatee's attorney, the conservatee's spouse or registered domestic partner, and the conservatee's relatives who were mailed copies of the petition for your appointment as conservator, unless the court excuses you from the mailing to prevent harm to the conservatee. (There is a court form you must use for this notice and another form you may use to prove that you have mailed it. The forms are the *Post-Move Notice of Change of Residence of Conservatee or Ward* (form GC-080) and the *Attachment to Post-Move Notice, etc.* (form GC-080(MA)). These forms refer to a "post-move notice" because the notice may be filed and mailed after the date of the move.)
3. The law presumes that the conservatee's **personal residence** (see item **IIIA**) is the conservatee's least restrictive appropriate residence. There must be a reason supported by sufficient evidence to justify a change of residence from the conservatee's personal residence (including a move from a care facility or other temporary placement to a residence that is not the conservatee's personal residence).
4. If you want to move the conservatee from his or her **personal residence**, in addition to the post-move notice described in item 2, you must mail a notice of your intent to change the conservatee's residence to the conservatee, the conservatee's attorney, if any, and to each other person or entity entitled to notice of the hearing on the petition for your appointment as conservator; and then you must file with the court proof that the notice was mailed. Unless there is an emergency requiring a shorter period of notice, this notice must be mailed at least 15 days before the date of the proposed move. (There is a court form you must use for this notice and another form you may use to prove that you have mailed it. The forms are the *Pre-Move Notice of Proposed Change of Personal Residence of Conservatee or Ward* (form GC-079) and the *Attachment to Pre-Move Notice, etc.* (form GC-079(MA)). These forms refer to a "pre-move notice" because the notice must be mailed before the move.)
5. If you want to establish the conservatee's residence outside California, you must petition the court for permission before the move. Notice of the court hearing on this petition, together with a copy of the petition, must be mailed to the conservatee and the other persons and entities that were entitled to notice of the hearing on the petition for your appointment as conservator. There is a court form for this petition, the *Petition to Fix Residence Outside the State of California* (form GC-085). Notice of the hearing and proof of its mailing is given on another court form, the *Notice of Hearing—Guardianship or Conservatorship* (form GC-020).
6. You may not place the conservatee involuntarily in a mental health treatment facility unless he or she has been determined to be gravely disabled as the result of a mental disorder or impairment by chronic alcoholism, you have been appointed as conservator under the Lanterman-Petris-Short Act (Welf. & Inst. Code, § 5350 et seq.), and then only if the court has authorized the placement. If the court has authorized you to place the conservatee in a secured-perimeter residential care facility or a locked and secured nursing facility because he or she suffers from dementia, you must be sure that the placement is the least restrictive placement appropriate to the conservatee's needs.

CONSERVATORSHIP OF (Name):	CASE NUMBER:
CONSERVATEE	

III. C. PROVIDE MEDICAL CARE FOR THE CONSERVATEE

You are responsible for making sure that the conservatee's health care needs are met. But there are special rules you must follow to meet these needs. Two of the most important rules are as follows:

1. Unless the court has given you exclusive authority to consent to the conservatee's medical treatment because the court has determined that the conservatee has lost the capacity to make sound medical decisions, your consent or refusal to consent to such treatment is not sufficient if the conservatee disagrees (except in certain emergency situations). If you do have exclusive medical consent authority, you should be sure that all medical treatment and medications are appropriate.
2. If the conservatee has dementia and has lost the capacity to give an informed consent to the administration of medications for its treatment and care, you must be given specific authority by the court to consent to the administration of these medications. If you do have this authority, you should be sure that the medications are appropriate.

D. WORK WITH THE PERSON(S) RESPONSIBLE FOR MANAGING THE CONSERVATEE'S PROPERTY

If other persons are handling the conservatee's property, such as his or her estate conservator, the conservatee's spouse or registered domestic partner in possession of the couple's marital or partnership property, or the trustee of a trust created for the management of the conservatee's property and for his or her support, you must work together to be sure that the conservatee can afford the care you arrange. Purchases you make for the conservatee must be approved by the person(s) responsible for managing the conservatee's assets or you may not be reimbursed or your reimbursement may be delayed.

IV. CONSERVATOR OF THE ESTATE

The conservatee's property or assets and income are known as the conservatee's "estate." If the court appoints you as conservator of the estate, you will manage the conservatee's finances, protect the conservatee's income and property or assets, make an inventory of the conservatee's property or assets, make sure the conservatee's bills are paid, invest the conservatee's money, see that the conservatee receives all the income and benefits to which he or she is entitled, ensure that the conservatee's tax returns are filed on time and all taxes paid, keep accurate financial records, and regularly report the conservatee's financial condition to the court. *(Note: Property or assets and income in a trust for the conservatee's support and maintenance are usually not considered as part of the conservatee's estate, particularly if the trust was created and funded before the appointment of a conservator. Unless the conservatee's spouse or registered domestic partner consent to its inclusion in the conservatee's estate, the community property of the conservatee and his or her spouse or registered domestic partner under the management and control of the spouse or partner is also not part of the conservatee's estate.)*

A. MANAGING THE ESTATE

1. Prudent management for the benefit of the conservatee; prudent investments

You must manage the estate's property or assets and income for the benefit of the conservatee and with the care of a prudent person dealing with someone else's property. You must not make unreasonably risky investments of money or property of the estate.

2. Prior court approval required for fees, borrowing, loans, and gifts

You must ask and receive the court's permission, after full disclosure of all relevant facts, before you may pay from the conservatee's estate fees to yourself for your services as conservator and to your attorney for his or her services to you; borrow money for or loan money from the conservatee's estate (to yourself or anyone else); or make gifts of estate assets or property.

3. Keep estate money and property separate from your or anyone else's money or property

You must keep the money and property of the conservatee's estate separate from your money or property or from the money or property of any other person. Never deposit estate funds in your personal bank account or otherwise mix them with your or anyone else's funds, even for brief periods. Title to individual stocks, bonds, or other securities; securities broker accounts; mutual funds; and accounts with banks and other financial institutions must show that these assets are property of the conservatorship estate and not your or anyone else's property.

4. Interest-bearing accounts and other investments

Except for a checking account intended for payment of ordinary expenses, estate bank accounts must earn interest. You may deposit estate funds in one or more insured accounts in financial institutions, but you should not put more than the FDIC insurance limit, currently \$250,000, in any single institution. You have authority to make some investments without court approval. Other investments may be made only after court approval has been obtained. Consult with an attorney before making any investments, even those you have authority to make without court approval.

CONSERVATORSHIP OF (Name):

CASE NUMBER:

CONSERVATEE

IV. A. 5. Claims against others on behalf of the conservatee

Pursue claims against others on behalf of the conservatee's estate when it is in the best interests of the conservatee or his or her estate to do so. The court may require you to be represented by a lawyer to proceed with litigation on behalf of the conservatee's estate. Consider requesting prior court authority to pursue or compromise large or complex claims, particularly those that might require litigation and the assistance of legal counsel and those that might result in an award of attorney fees for the other party against the conservatee's estate if you are unsuccessful. You may sign a contingent fee agreement with legal counsel on behalf of the conservatee's estate if such agreements are customary for the type of case involved, but the court must approve the agreement before it is enforceable. You may ask for court approval of a contingent fee agreement before signing it and before legal counsel performs any services under it.

6. Defend against claims against the conservatee's estate

Defend against actions or claims against the conservatee or his or her estate when it is in the best interest of the conservatee or the estate to do so. The court may require you to be represented by a lawyer for your defense of a lawsuit against the conservatee's estate. You may request court approval or instructions concerning the defense or compromise of such a lawsuit.

7. Public and insurance benefits

You must learn about and collect all public and insurance benefits for which the conservatee is eligible.

8. Evaluate the conservatee's ability to manage cash and other assets

You should evaluate the conservatee's ability to manage cash or other assets and take appropriate action, including asking for prior court approval when necessary or appropriate, to enable the conservatee to do so to the level of his or her ability.

9. Locate the conservatee's estate planning documents

You should undertake, as soon as possible after your appointment and qualification as conservator, to locate and take reasonable steps to ensure the safety of the conservatee's estate planning documents, including wills and codicils, living trusts, powers of attorney for health care and finances, life insurance policies, and pension records.

10. Preserve property mentioned in the conservatee's estate planning documents

Make reasonable efforts to identify, locate, and preserve property mentioned in the conservatee's estate planning documents.

11. Guard against inappropriate disclosure of the conservatee's financial information

Subject to your duty of full disclosure to the court and persons entitled under the law to receive it, you must closely guard against unnecessary or inappropriate disclosure of the conservatee's financial information.

12. Conservatee's tangible personal property

If you plan to dispose of any of the conservatee's tangible personal property, inform the conservatee's family members in advance and give them an opportunity to acquire the property, with approval or confirmation of the court.

13. Factors to consider when deciding whether to dispose of any of the conservatee's property

In deciding whether it is in the best interest of the conservatee to dispose of property of his or her estate, consider the following factors, among others, as appropriate in the circumstances:

- (A) The likely benefit or improvement of the conservatee's life that disposing of the property would bring;
- (B) The likelihood that the conservatee would need or benefit from the property in the future;
- (C) The previously expressed or current desire of the conservatee concerning the property, unless accommodating those desires would violate your fiduciary duty to the conservatee or impose an unreasonable expense on the estate;
- (D) The provisions of the conservatee's estate plan concerning the property;
- (E) The tax consequences of disposing of the property;
- (F) The impact of disposition on the conservatee's eligibility for public benefits;
- (G) The condition of the entire estate;
- (H) The likelihood that the property will deteriorate or be subject to waste if kept in the estate; and
- (I) The benefit versus the cost or liability of maintaining the property in the estate.

CONSERVATORSHIP OF (Name): CONSERVATEE	CASE NUMBER:
---	--------------

IV. A. 14. **Property, casualty, and liability insurance**

Determine the appropriate kinds and adequate levels of property, casualty, and liability insurance covering the property, assets, risks, and potential liabilities of the conservatee and his or her estate. Maintain the insurance in force during the entire period of the administration (except for assets after they are sold).

15. **Communicate with conservator of the person and trustee**

You should communicate as necessary and appropriate with the conservator of the conservatee's person, if any, and with the trustee of any trust of which the conservatee is a beneficiary.

16. **Other limitations or restrictions**

There are many limitations or restrictions on your authority to deal with estate assets not mentioned here. If you do not obtain the court's permission when it is required before taking an action, you may be removed as conservator or you may be required to reimburse the estate from your own personal funds, or both.

B. **INVENTORY OF ESTATE PROPERTY**

1. **Locate and take possession of the estate's property and prepare an inventory**

You must identify, locate, take possession of, and protect all the conservatee's property, assets, and income that will be or become part of the conservatorship estate. You must change the record title or ownership of most property and assets of the estate to reflect the conservatorship. You must record a copy of your *Letters of Conservatorship* (form GC-350) with the county recorder in each county where the conservatee owns real property. You must then prepare an inventory, or a list, of all of the real and personal property of the estate. There are court forms that must be used for the inventory. These consist of a two-page cover sheet, *Inventory and Appraisal* (form DE-160/GC-040) and one or more pages to be attached to the cover sheet containing the list of property, *Inventory and Appraisal Attachment* (form DE-161/GC-041). The property is separated into two categories, cash and cash-equivalent items, listed on Attachment 1; and all other types of real and personal property, listed on Attachment 2.

2. **Determine the value of the estate's property**

You must arrange to have a **probate referee** appointed by the court appraise, or determine the fair market value of, the noncash property of the estate shown in Attachment 2 of your inventory unless the referee's appointment is waived by the court. You, rather than the referee, may appraise the value of the cash and cash-equivalent items of property listed in Attachment 1, such as bank accounts.

3. **File and mail copies of the inventory and appraisal and notice of how to object**

Within 90 days after your appointment as conservator, unless the court gives you more time, you must file with the court your inventory containing the appraisals of estate property, signed by you and, if the probate referee has appraised assets, by the referee. You must also mail copies of the completed inventory and appraisal to the conservatee, the conservatee's attorney, if any, and the conservatee's spouse or registered domestic partner, parents, and children, and must give them written notice of how to file an objection to the inventory and appraisal. There is a court form that must be used for this notice, the *Notice of Filing of Inventory and Appraisal and How to Object to the Inventory or the Appraised Value of Property* (form GC-042).

C. **RECORD KEEPING AND ACCOUNTING**

1. **Keep records and prepare accountings**

You must keep complete and accurate records of each financial transaction affecting the estate, including all receipts of income, changes in assets or property held in the estate, and expenditures. The checkbook for the conservatorship checking account is your indispensable tool for keeping records of income and expenditures. You should also save original bills or invoices paid, records of property sale transactions, receipts for money spent, and bank or other institutions' statements showing income received and money spent. You must prepare periodic accountings of all money and property you have received, what you have spent, the date of each transaction, and its purpose. Your accountings must describe in detail what you have left after you pay the estate's expenses. There are court forms you may, or in some situations must, use for your accountings. You will have to file original statements from banks and other institutions with your accountings.

CONSERVATORSHIP OF (Name):	CASE NUMBER:
CONSERVATEE	

IV. C. 2. Court review of your accountings and records

You must file with the court a report with each of your accountings that shows the current circumstances of the conservatee and the estate, along with a petition requesting that the court review and approve the accounting. Your first accounting is due one year after your appointment, and later accountings must be filed at least every two years after that. The court may order you to file more frequent accountings. You must save your receipts and other original records because the court may ask to review them. If you do not file your accountings as required, the court will order you to do so. You may be removed as conservator if you fail to properly prepare and file your accountings or comply with the court's orders.

V. DUTY TO DISCLOSE CHANGES IN MARITAL OR DOMESTIC PARTNERSHIP STATUS

If you are the spouse of the conservatee, you must disclose to the court, and give notice to interested persons under the Probate Code, of the filing of any action or proceeding against the conservatee for (1) legal separation, (2) dissolution of marriage, or (3) adjudication of nullity of the marriage. If you are or were the registered domestic partner of the conservatee, you must disclose to the court any termination of the domestic partnership. The disclosure must be made within 10 days of the initial filing of the action or proceeding or termination of the partnership by filing a notice with the court. If you are not the spouse or registered domestic partner or former partner of the conservatee and one of these events occurs, the conservatee's spouse or former registered domestic partner must disclose the event to you within the same 10-day period.

VI. LIMITED CONSERVATOR (for the developmentally disabled only)

A. AUTHORITY SPECIFIED IN YOUR *LETTERS OF CONSERVATORSHIP* AND APPOINTMENT ORDER

If the court appoints you as limited conservator, you will have authority to take care of **only** those aspects of the conservatee's life and financial affairs specified in your *Letters of Conservatorship* and the court's order appointing you. The conservatee retains all other legal and civil rights. Although most of the information provided in this form also applies to limited conservatorships (especially the duties of the conservator of the person), you should clarify with your attorney exactly which information applies in your case.

B. DUTY TO HELP LIMITED CONSERVATEE DEVELOP SELF-RELIANCE

You must secure treatment services, and opportunities that will assist the limited conservatee to develop maximum self-reliance and independence. This assistance may include training, education, medical and psychological services, social opportunities, vocational opportunities, and other appropriate help.

C. DETERMINATION OF LEVEL OF CARE FOR CERTAIN LIMITED CONSERVATEES

The level of care determination described in item **IIIA** does not apply to a limited conservatee who receives services from a regional center for the developmentally disabled and for whom the Director of Developmental Services or the regional center is acting as conservator. Determination of the services provided for and residential placement of these limited conservatees are to be identified, delivered, and evaluated consistent with the individual program plan process described in Welfare and Institutions Code sections 4640-4659. (See *Prob. Code*, § 2352.5(e).)

VII. TEMPORARY CONSERVATOR

If the court appoints you as temporary conservator, you will generally have the same duties and authority as general conservators, **except** the conservatorship will end on the date specified in your *Letters of Temporary Conservatorship*. Most of the information in this form also applies to temporary conservatorships, but you must consult your attorney about which duties you will **not** perform because of the short duration of the temporary conservatorship appointment. A temporary conservator should avoid making long-term decisions or changes that could safely wait until a general conservator is appointed. As temporary conservator, you may not move a conservatee from his or her home, unless there is an emergency, or sell or give away the conservatee's home or any other assets without prior court approval.

Sign the *Acknowledgment of Receipt* on page 7.

CONSERVATORSHIP OF (Name):	CASE NUMBER:
CONSERVATEE	

VIII. JUDICIAL COUNCIL FORMS

This form identifies a number of Judicial Council forms used for court filings in conservatorship proceedings. This form, the petition for your appointment as conservator, and the order that appoints you as conservator are examples of Judicial Council forms. Judicial Council forms are either mandatory or optional. If a mandatory form applies to a situation or proposed action, it must be used. Optional forms may be used, at the option of the person preparing and filing the form or, in some situations, at the option of the court. Each form is identified on the bottom left side of its first page as optional or mandatory. Judicial Council forms are not available for every situation where a document may or must be filed with the court, but the forms address the most common and important matters that occur during a conservatorship. The *Handbook for Conservators* has additional information about Judicial Council conservatorship forms.

Your attorney will select and prepare the appropriate Judicial Council forms. However, if you do not have an attorney, you can prepare them yourself. All Judicial Council forms are posted on the California courts' public website, www.courts.ca.gov. Select "Forms" at the top of the site's home page, then select the form group in the drop-down menu in the middle of the page. All conservatorship forms are collected in the Probate—Guardianships and Conservatorships form group. They are designated with the prefix "GC," followed by a three-digit number. Forms shown in the drop-down list with an asterisk are mandatory forms.

The forms are posted on the website in both unfillable and fillable versions, as PDF files. The unfillable versions are designed to be completed by typewriter or, in some cases, by hand. Fillable forms may be filled out online, then printed out ready for signing and filing with the court, and they may also be saved to your computer and completed in more than one sitting. Go to the "Forms and Information" page at the Web site's Self-Help Center for more information on accessing the forms.

**ACKNOWLEDGMENT OF RECEIPT
of Duties of Conservator and Handbook for Conservators
(Probate Code, § 1834)**

I acknowledge that I have received this statement of the duties and liabilities of the office of conservator, the Duties of Conservator (form GC-348), and the Handbook for Conservators adopted by the Judicial Council.

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 (PROPOSED) CONSERVATOR)
Date:		
(TYPE OR PRINT NAME)	▶	(SIGNATURE OF (PROPOSED) CONSERVATOR)
Date:		
(TYPE OR PRINT NAME)	▶	(SIGNATURE OF (PROPOSED) CONSERVATOR)

NOTICE

This statement of duties and liabilities is a summary and is not a complete statement of the law. Your conduct as a conservator is governed by the law itself and not by this summary or by the Judicial Council's *Handbook for Conservators*. When in doubt, consult your attorney.

To the conservator:

This form gives a brief description of your legal duties as a conservator, including differences if you were appointed as a limited or temporary conservator. It is accurate as of the effective date below, but it is not a substitute for the law itself. You should also read the Judicial Council's *Handbook for Conservators*. The handbook explains the duties stated on this form.

The court that appointed you should have given you a link to the free online handbook, available at courts.ca.gov/documents/handbook.pdf, or sold you a paper copy for \$20. Most conservators use the online version of the handbook. If you would like to buy a paper copy, ask the probate clerk.

Follow these steps:

- Once you have received this form and the handbook, sign form GC-349 (*Conservator's Acknowledgment of Receipt of Information*) and file it with the court.
- Sign the affirmation on page 2 of form [GC-350](#) (*Letters of Conservatorship*), post a bond if you are a conservator of the estate, and meet any other requirements adopted by your local court.
- File form GC-350 and buy several certified copies from the clerk. You'll need to give this form to service providers to prove the court gave you authority to act for the conservatee.
- Read the handbook as well as this form. The handbook explains how to perform the duties that are only stated or briefly described on this form.

1 Important terms

- **Conservator:** A person appointed by a court to make decisions and act for another person who cannot take care of their own needs for personal care, food, clothing, or shelter; manage their own financial resources; or both. The court can appoint one conservator to take care of the conservatee's personal needs and health care and a different conservator to manage the conservatee's finances, or it can appoint one conservator to do both.
- **Conservatee:** The person who is not able to take care of their own needs for personal care, food, clothing, shelter, physical health, and safety or to manage their financial resources without a conservator's help.

- **Conservator of the person:** A person appointed by the court who is responsible for making sure the conservatee receives goods and services that meet their needs for personal care, food, clothing, shelter, physical health, and safety.
- **Conservator of the estate:** A person appointed by the court who is responsible for managing the conservatee's financial resources—that is, their money and property.
- **Limited conservator:** A conservator with limited powers and duties appointed for an adult with a developmental disability. A limited conservator has only the powers and duties specified in the court's appointment order.

If you are not the only conservator appointed for a conservatee—for example, if you are the conservator of the person, and another person or company is the conservator of the estate—you need to communicate and work together with the other conservator.

To find full definitions of these and other important terms, look in Appendix F of the *Handbook for Conservators*.

2 Your General Duties

- a. You have a duty to respect the rights of the conservatee and protect those rights if someone else tries to limit them. This duty requires you to treat the conservatee with understanding and respect and do what the conservatee wants unless that would violate your other legal duties to the conservatee or cost the conservatee too much money. As much as you can, in light of any limits to the conservatee's ability to understand and communicate, you need to:
 - Help the conservatee to be as independent as possible;
 - Find out whether the conservatee agrees with your planned decisions and actions for them;
 - Consider what the conservatee wants you to do and whether you can do it; and
 - Regularly inform the conservatee of the decisions you have made.



- b. You have a duty to act only in the conservatee's interest, not in the interest of anyone else, and especially not in your own interest. This is called the duty of loyalty.
- c. You have a duty to take care of the conservatee, the conservatee's money and property, or both. If you are a conservator of the estate, you must use care and diligence in managing the conservatee's money and property.
- c. A conservatee may do some things only if the court has given them that right. These may include the right to:
- Decide where to live;
 - Make their own educational decisions; and
 - Receive and spend money from an allowance if the court ordered you to pay the conservatee an allowance.

Note: You need to keep records that show you paid the allowance, but you don't need to account for how the conservatee spends it.

Check your appointment order, your letters of conservatorship, and form GC-342 to find out if the court limited any of your conservatee's rights or granted them any additional rights. Read form GC-341 to learn more about a conservatee's general rights.

- d. If the court appointed you as a **limited conservator**, your conservatee keeps the right to make a decision or take an action **unless** the court has specifically taken away that right. In addition, you do not have the power to do something for the conservatee unless the court has given you that specific power in a written order.

Sometimes, the court will take away a limited conservatee's right and not give you the power to exercise that right. For example, if a limited conservatee has no money or property, the court may take away their right to make a contract. But because there is no money or property to manage, the court will not give that power to the limited conservator.

3 Rights of Conservatee

A conservatee has many rights. In addition to this section and the linked forms, Chapter 1 of the *Handbook for Conservators* also discusses a conservatee's rights.

- a. A conservatee has the right to:
- Receive from you a copy of your appointment order and pages 1 and 2 of form [GC-341](#) (*Notice of Conservatee's Rights*);
 - Receive from the court a copy of form [GC-342](#) (*Personalized Information for Conservatee—Probate*);
 - Have a lawyer represent them in court;
 - Have the court appoint a lawyer for them if they cannot hire one;
 - Ask the court to change conservators;
 - Ask the court to end the conservatorship; and
 - Buy goods and services to meet their own basic needs and the basic needs of their spouse and children younger than 18 years old.
- b. Unless the court has limited or taken away the right, a conservatee also has the right to:
- Receive visits from family and friends;
 - Receive personal mail, email, and phone calls;
 - Decide whom to have social and sexual relationships with;
 - Make their own medical decisions;
 - Refuse placement in a locked residential facility;
 - Receive and control money they earn from work;
 - Make or change their will;
 - Get married; and
 - Vote.

4 Duties of a Conservator of the Person

Your three most important duties as conservator of the person are:

- Completing a care plan for the conservatee, filing it with the court, and then acting to implement it;
- Deciding where the conservatee will live; and
- Making sure that the conservatee gets the medical care they need and can afford.

This section describes each of those duties. More details are provided in Chapter 2 of the *Handbook for Conservators*.



- a. You must complete a conservatorship care plan and file it with the court within 120 days of your appointment. The care plan outlines the conservatee's needs and how you will make sure those needs are met. Use mandatory forms [GC-355](#) (part 1) and [GC-356](#) (part 2) to complete the plan. Those forms state all the information the plan must include.

After you complete and file the plan, you need to deliver copies to the persons listed on form GC-355, but there are some exceptions. Read the instructions on the forms and in Chapter 2 of the *Handbook for Conservators*. If you still have questions, talk to a lawyer or visit your court's self-help center.

- b. You must decide where the conservatee will live. The place that you choose must be:
- In California, unless you asked for authority to move the conservatee to a residence outside of California and the court gave you that authority;
 - In the best interests of the conservatee; and
 - The least restrictive appropriate residence that is available and necessary to meet the conservatee's needs. This means that the place must allow the conservatee the greatest possible freedom and independence while also supporting their treatment or care needs. The conservatee's own long-term home (personal residence) at the time the conservatorship petition was filed is usually the least restrictive appropriate residence. For more information about requirements related to the conservatee's personal residence, read Chapter 2 of the *Handbook for Conservators*.

(1) *Changing where the conservatee lives*

If you want to move the conservatee out of their current home, including a care facility or other temporary home, you must give notice of the proposed move both before the move (on form [GC-079](#)) and afterward (on form [GC-080](#)). In the notice after the move, you must include a declaration stating that the new residence is the least restrictive appropriate residence that is available and necessary to meet the conservatee's needs and that the change of residence is in the conservatee's best interests.

Unless the court orders you not to, you must give both notices to all the persons who were entitled to receive notice of the petition for appointment of a conservator and anyone who asked for special notice. For a more detailed explanation of the requirements, read Chapter 2 of the *Handbook of Conservators*.

(2) *Placing the conservatee in a locked facility*

You may not place the conservatee in a locked facility unless the conservatee has a major neurocognitive disorder (such as dementia) and the court gave you this power. Look at your appointment order (form GC-339 or [GC-340](#)) to find out if you have the power.

Note: As a probate conservator, you may never place the conservatee in a mental health treatment facility.

- c. Ensure that the conservatee receives medical treatment appropriate to meeting their health care needs as specified in the care plan.

You must make sure that the conservatee's health care needs are met. There are special rules for how you must meet these needs. Two of the most important rules are:

- (1) In general, you must not authorize or consent to the conservatee's medical treatment if the conservatee objects. But there are exceptions:
- (a) If the court gave you authority in a written order to make decisions about medical treatment, even if the conservatee objects, because the conservatee is not able to make those decisions. If the court gave you this authority, you must make decisions about medical treatment in the conservatee's best interests and consistent with their known preferences and instructions.
 - (b) If the court made an order specifically authorizing the treatment.
 - (c) In an emergency. That means you believe, based on medical advice, the treatment is required either (1) to relieve severe pain or (2) to address a medical condition that, if not immediately diagnosed and treated, will lead to serious disability or death.



- (2) Even if the court has given you the power to authorize medical treatment when the conservatee objects, you do not have the power to consent to giving the conservatee medication for care and treatment of a major neurocognitive disorder (such as dementia) unless the court gave you this power. Look at your appointment order (form GC-339 or GC-340) to find out if you have the power.

For more about the duties of a conservator of the person, read Chapter 2 of the *Handbook for Conservators*.

5 Duties of a conservator of the estate

The conservatee's money, property, and income are called their "estate." Estates can include things like houses, land, and financial accounts.

a. As conservator of the estate, you must:

- Manage the conservatee's finances (for more guidance, see 5b below);
- Protect the conservatee's estate from losing value or being damaged;
- Make a list (inventory) of what is in the conservatee's estate;
- Make sure that the conservatee's bills are paid;
- Invest the conservatee's money and property, as appropriate
- Make sure that the conservatee gets all the income and benefits that they should;
- Make sure that the conservatee's tax returns are filed and that their taxes are paid;
- Keep accurate financial records; and
- Update the court regularly about the conservatee's financial condition.

b. When performing the duties in item 5a, you must:

- Act prudently and use care and diligence in managing the estate and making investments.
- Get permission from the court before you receive any payment from the conservatee's estate, give a gift of the conservatee's money or property, borrow money, or take out a loan using the conservatee's property as collateral.

- Keep the conservatee's money and property separate from your own money and property and from anyone else's.
- Use interest-bearing accounts and investments.
- File a claim against a person who harms the conservatee or the estate, as appropriate.
- If anyone makes a claim against the conservatee, defend the estate against that claim.
- Find out whether the conservatee qualifies for any public benefits or insurance. If you think they qualify for something that would help them, apply for it for them.
- Figure out if the conservatee is able to manage any of their own money.
- Find the conservatee's estate-planning documents (for example, a will or a trust), keep the documents confidential if appropriate, and protect and maintain the property described in them.
- Make sure that the only people who have access to the conservatee's financial information are the people who should have that access.
- As appropriate, get and keep insurance for property, casualty, and liability for the estate.
- Let family members know and get permission from the court before giving away or getting rid of the conservatee's belongings.

Note: The law places many other limits on what you can do with the estate that are not stated here. For more detailed descriptions of your powers and duties as conservator of the estate, read Chapter 3 of the *Handbook for Conservators*. Pay special attention to whether you need to get court approval for a planned action and, if you do, whether you need to get court approval before you do it or can wait until afterward.

If you were required to get the court's approval before acting and you did not, the court may:

- (1) Undo (rescind) your action;
- (2) Remove and replace you as conservator; and
- (3) Order you to pay money back to the estate from your own personal funds if your act caused the estate to lose value.



6 Duties of a limited conservator

If the court appointed you as limited conservator of an adult with a developmental disability, the court granted you some but not all of the powers of a conservator of the person, estate, or both. Your appointment order and letters of conservatorship state your exact powers. If the order and letters don't state a power, you don't have that power, and you don't have a duty to use it. You still have the general duties described in section 2, as well as duties to exercise your specific powers as needed and in the conservatee's best interests.

In addition to your other duties, you must also help the limited conservatee become as independent and self-reliant as possible. You must help them get the treatment, training, services, and education that will help them to take care of their own needs as much as they can.

NOTE: Your duty to help the limited conservatee become self-reliant may require you to go back to the court and ask it to give you one or more additional powers or to take away one or more of your powers.

For more about the duties of a limited conservator, read Chapter 4 of the *Handbook for Conservators*.

7 Duties of a temporary conservator

A temporary conservator has the same kinds of powers and duties as a conservator but must use them only as needed to care for the conservatee or protect their property from loss or damage until the court can decide whether appointing a conservator is necessary. The powers and duties will end on the date the court appoints a conservator or dismisses the petition for appointment.

Because the powers and duties are temporary, you should avoid making long-term decisions or changes that can safely wait until after the court's decision.

Except in an emergency, you may not move a conservatee out of their home unless the court finds, after a hearing, that the move is needed to prevent harm that cannot be fixed and there is no other way to prevent the harm that is less restrictive of the conservatee's freedom.

You may not sell or give away the conservatee's home or any property in the home without first getting specific court approval after a noticed hearing and court findings that the conservatee will not be able to return to live in the home and the proposed action is needed to prevent harm that cannot be fixed.

For more about the duties of a temporary conservator, read Chapter 5 of the *Handbook for Conservators*.

8 Special rules if the conservatee is married or has a domestic partner

- a. **If you are married to the conservatee**, and you file for divorce, legal separation, or annulment, you must let the probate court, everyone in the case, and other people who have an interest in the case (see Prob. Code, §§ 48, 1424) know within 10 days of filing. The court can set a hearing to consider removing you as conservator and appointing a new conservator.
- b. **If you are the conservatee's domestic partner** and you end the domestic partnership, you must let the probate court know within 10 days of the date the domestic partnership ends. The court can set a hearing to consider removing you as conservator and appointing a new conservator.
- c. **If someone else is married to, or the domestic partner of**, the conservatee, and they file for divorce, legal separation, or annulment or end the domestic partnership, they must let you know in writing within 10 days of filing the papers or ending the partnership. You must then take reasonable steps to protect the conservatee's interests. For more information, see Chapter 1 of the *Handbook for Conservators*.

9 Help understanding your duties

A conservator's legal duties are complicated, and it's important for you to understand them. If you violate your duties because you don't know what you're doing, the court can remove you as conservator and make you pay the estate back for any loss you caused. If you have questions about the duties described in this form and explained in the *Handbook for Conservators*, or you don't understand what the law requires you to do, talk to your lawyer if you have one.

If you don't have a lawyer, your court's self-help center may be able to help you. You can find the court's self-help center location and hours at selfhelp.courts.ca.gov/self-help/find-self-help. If the self-help center helps with conservatorship cases, it will help you for free and give you legal information but not legal advice.

Your court also may have information about other places, such as public law libraries, where you can find legal information in your area.

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	<p style="text-align: center;"><i>FOR COURT USE ONLY</i></p> <p style="text-align: center;">DRAFT Not approved by the Judicial Council</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (name): <p style="text-align: right;">CONSERVATEE</p>	
CONSERVATOR'S ACKNOWLEDGMENT OF RECEIPT OF INFORMATION	CASE NUMBER:
<p>To the conservator: Complete this form and file it with the court clerk after you have received form GC-348-INFO (<i>Duties of Conservator</i>) and a copy of the Judicial Council's <i>Handbook for Conservators</i>.</p> <p>Please review form GC-348-INFO and the handbook carefully. They tell you what the law requires you to do as a conservator. You can get access to the <i>Handbook for Conservators</i> online at courts.ca.gov/documents/handbook.pdf. If you prefer to use a paper copy, the court clerk can tell you how to buy one.</p> <p>If you need help understanding your duties, contact your lawyer if you have one. If you do not have a lawyer, your local court's self-help center may be able to help. Go to selfhelp.courts.ca.gov/self-help/find-self-help to find your court's self-help center.</p>	

I have received form GC-348-INFO (*Duties of Conservator*) and a copy of the Judicial Council's *Handbook for Conservators* online at courts.ca.gov/documents/handbook.pdf or on paper.

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

Date: _____ <p style="text-align: center;">Type or Print Name</p>	_____ <p style="text-align: center;">Signature of Conservator</p>
Date: _____ <p style="text-align: center;">Type or Print Name</p>	_____ <p style="text-align: center;">Signature of Conservator</p>
Date: _____ <p style="text-align: center;">Type or Print Name</p>	_____ <p style="text-align: center;">Signature of Conservator</p>

Rules Committee Action Request Form

Rules Committee Meeting Date: April 10, 2026

Action requested: Circulate for comment (January 1 effective date)

Title of proposal: Probate Guardianship: Appointment of Unavailable Parent and Nominee as Joint Guardians of the Person

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.):

Amend Cal. Rules of Court, rule 7.101; adopt form GC-210(JP); approve form GC-214; revise forms GC-210, GC-210(CA), GC-210(P), GC-211, and GC-240; revise form GC-505 and renumber as GC-208-INFO

Committee or other entity submitting the proposal:

Probate and Mental Health Advisory Committee

Staff contact (name, phone, and email):

Corby Sturges, 415-865-4507, corby.sturges@jud.ca.gov

Annual agenda approved by Rules Committee on (*date*): October 16, 2025

Project description from annual agenda: 4. The committee will develop a recommendation to implement Assembly Bill 495 (Stats. 2025, ch. 664) by revising forms used in the guardianship process. The recommendation will also bring the affected forms into conformity with existing law and improve their usability. The proposal will include revising Consent of Proposed Guardian, Nomination of Guardian, and Consent to Appointment of Guardian and Waiver of Notice (form GC-211) to provide for conditional nomination of a guardian; it may include separating this multipurpose form into several independent forms. If necessary to implement AB 495, the committee will recommend changes to other guardianship forms.

Circulation or Implementation Notes: (If requesting a special invitation-to-comment cycle or an effective date other than January 1, please explain.)

Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any relevant information not contained in the attached summary.)

Information for JC staff

EGG reviewed on (*date*): March 12, 2026

Office director (or designee) reviewed on (*date*): 3/13/2026 by (*name*): Audrey Fancy

Complete the following for all JC reports recommending forms:

- **Form Translations** (check all that apply)

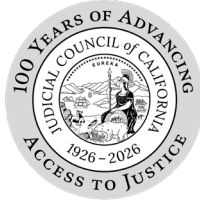
Proposal includes forms that: staff requests be translated, are required by statute to be translated.

Provide citations to code that mandates translation:

- **Website Content** (check all that apply)

New or revised form descriptions are needed for the California courts website. (If checked, form descriptions should be approved by a supervisor before submitting this RAR.)

Changes or additions to self-help website are needed.



Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688

courts.ca.gov/policy-administration/invitations-comment

INVITATION TO COMMENT

SPR26-33

Title

Probate Guardianship: Appointment of Unavailable Parent and Nominee as Joint Guardians of the Person

Proposed Rules, Forms, Standards, or Statutes

Amend Cal. Rules of Court, rule 7.101; adopt form GC-210(JP); approve form GC-214; revise forms GC-210, GC-210(CA), GC-210(P), GC-211, and GC-240; revise form GC-505 and renumber as GC-208-INFO

Proposed by

Probate and Mental Health Advisory Committee
Hon. Jayne Chong-Soon Lee, Chair

Action Requested

Review and submit comments by May 18, 2026, to invitations@jud.ca.gov

Proposed Effective Date

January 1, 2027

Contact

Corby Sturges, 415-865-4507
corby.sturges@jud.ca.gov

Executive Summary and Origin

Assembly Bill 495, effective January 1, 2026, authorizes a court to appoint a custodial but unavailable parent and a person nominated by that parent as joint guardians of the person of the parent's child. In response, the Probate and Mental Health Advisory Committee proposes amending one rule, adopting one form, revoking one form and approving two new forms in its place, and revising four forms to facilitate the process of petitioning for and appointing joint guardians under the new law. The proposal would also revise and renumber an information form, update cross-references, simplify language, and make other improvements to the forms.

The Proposal

Effective January 1, 2026, AB 495 (see Link A) amended the Probate Code to authorize a court to appoint a custodial parent and a nominated guardian as joint guardians of the person if the parent is unavailable due to circumstances that include, but are not limited to, "a serious medical

This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules Committee, or its Legislation Committee. It is circulated for comment purposes only.

condition or disability, military service, incarceration, or an immigration-related administrative action.”¹ The parent’s nomination of the guardian must specify which of these circumstances applies.² The statute also requires that all court records related to the appointment of joint guardians under section 2105(g) be kept confidential.³

The Probate and Mental Health Advisory Committee proposes that the Judicial Council, effective January 1, 2027, make the following rule amendments and form revisions to facilitate the process of requesting and granting the appointment of joint guardians under section 2105(g).

1. Amend California Rules of Court, rule 7.101 to (1) require the use of form GC-210(JP) to petition for appointment of an unavailable parent and the parent’s nominee as joint guardians of the person instead of form GC-210 or GC-210(P), (2) update a reference to the title of form GC-210, and (3) make other minor clarifying amendments.
2. Adopt *Confidential Petition for Appointment of Joint Guardians of the Person—Parent Unavailable* (form GC-210(JP)) for mandatory use to request appointment of an unavailable parent and the parent’s nominee as joint guardians of the person of the parent’s child or children if one of the circumstances listed in section 2105(g) applies.
3. Revise *Consent of Proposed Guardian, Nomination of Guardian, and Consent to Appointment of Guardian and Waiver of Notice* (form GC-211) to provide a more comprehensive form for nomination of a guardian by a parent or person from whom a minor receives property.⁴ The committee proposes the form for optional use because the law authorizes several methods of nominating a guardian, including in the petition for appointment, orally at the hearing on a petition for appointment, or in a writing signed before or after a petition is filed. (§ 1502(a).) The form would be renamed *Nomination of Guardian* and include:
 - a. A field for the use of a parent or a person from whom the proposed ward receives property to nominate a guardian (§§ 1500, 1501);
 - b. An optional field for the use of another person to join the nomination or another parent to consent to it (§ 1500(a));
 - c. A field to explain and excuse the absence of another parent’s joinder or consent (§ 1500(b)); and
 - d. A section with check boxes and prompts to condition the nomination’s effect on the occurrence of a specified circumstance or event (§ 1502(b)).

¹ Prob. Code, § 2105(g)(1). All further statutory references are to the Probate Code unless otherwise specified.

² *Ibid.*

³ § 2105(g)(3). The statute does not limit public access to the judicial proceedings themselves.

⁴ In this respect, the revised form would expand items 2 and 3 on existing form GC-211.

4. Approve *Consent to Appointment of Guardian* (form GC-214) for optional use:
 - a. By one or more proposed guardians to consent to their appointment as specified in the petition (see existing form GC-211, item 1) and to the performance of their duties if they are appointed; and
 - b. By persons entitled to notice of the hearing on the petition and receipt of a copy of the petition under section 1511 to consent to the appointment of a guardian as specified in the petition and waive notice of the hearing and receipt of a copy of the petition (see existing form GC-211, item 4).

5. Revise *Petition for Appointment of Guardian of Minor* (form GC-210) to:
 - a. Instruct a petitioner to use form GC-210(JP) instead of form GC-210 to request appointment of an unavailable parent and the parent's nominee as joint guardians of the person;
 - b. Add options to items 1a and 1b to expressly request appointment of joint guardians in situations other than that addressed by section 2105(g);
 - c. Add options throughout to more clearly accommodate use by more than one petitioner to request appointment of more than one proposed guardian for more than one proposed ward;
 - d. Separate item 8 into two items, one regarding appointment of a guardian of the person (item 8) and the other appointment of a guardian of the estate (item 9). In item 8, add language prompting the petitioner to discuss reasons the appointment of a guardian of the person would be in the best interest of the proposed ward or wards (§ 1514(b)(1); Fam. Code, § 3040(a));
 - e. Update the references to other forms that may be filed with the petition and remove the reference to form GC-220, *Petition for Special Immigrant Juvenile Findings*, the filing of which must be kept confidential⁵; and
 - f. Simplify language, update formatting and style, shorten the form title to promote consistency with other guardianship forms, and make other improvements.

6. Revise *Petition for Appointment of Guardian of the Person* (form GC-210(P)) to:
 - a. Instruct a petitioner to use form GC-210(JP) instead of form GC-210(P) if requesting appointment of an unavailable parent and the parent's nominee as joint guardians of the person;
 - b. Add options throughout to more clearly accommodate more than one petitioner, proposed ward, or proposed guardian;

⁵ Code Civ. Proc., § 155(c).

- c. Update references to other forms that may be filed with the petition and remove the reference to form GC-220, *Petition for Special Immigrant Juvenile Findings*, the filing of which must be kept confidential⁶; and
 - d. Simplify language, update formatting and style, and make other improvements.
7. Revise *Child Information Attachment to Probate Guardianship Petition* (form GC-210(CA)) to:
 - a. Update cross-references to the proposed new and revised forms; and
 - b. Simplify language, update formatting and style, and make other improvements.
8. Revise *Order Appointing Guardian or Extending Guardianship of the Person* (form GC-240) to:
 - a. Add check boxes to items 8a and 8b for use by the court to indicate that it is appointing more than one guardian of the person or of the estate, respectively;
 - b. Clarify the nature and scope of the orders that may be granted in items 12, 13, and 14 and their respective attachments; and
 - c. Simplify language, update formatting and style, and make other improvements.
9. Revise *Forms You Need to Ask the Court to Appoint a Guardian of the Person* (form GC-505) to:
 - a. Update references to titles and numbers of forms that have been developed or revised since this form's last revision in 2007;
 - b. Renumber the form as GC-208-INFO so it is adjacent to the other guardianship information forms⁷; and
 - c. Simplify the form's language to promote legal accuracy, clarity, and better understanding of the guardianship process.

Alternatives Considered

The committee considered taking no action but determined that existing forms and rules were inadequate to accommodate the appointment of joint guardians as authorized by section 2105(g). The committee also considered revising the existing petition forms, GC-210 and GC-210(P), to accommodate the procedure but determined that a separate petition form was necessary to maintain the confidentiality of the proceedings required by statute. (§ 2105(g)(3).) To the extent the proposed revisions are unrelated to section 2105(g), the committee considered taking no

⁶ *Ibid.*

⁷ The committee also proposes renumbering *What Is Proof of Service in a Guardianship?* (form GC-510) as form GC-209-INFO as part of the proposal *Probate Law and Procedure: Forms to Implement Assembly Bill 747* (SPR26-34), which is circulating for public comment concurrently with this proposal.

action but determined that the proposed revisions are warranted because they will benefit courts and court users.

Fiscal and Operational Impacts

The proposal is expected to result in one-time implementation costs to the courts, including costs of reprogramming case management systems and training staff to process the new forms. Self-help center staff will also need training so they are able to assist self-represented petitioners. The costs are attributable largely to the legislative creation of the appointment authority and its relationship to other provisions of law.

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?

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 two 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. Cal. Rules of Court, rule 7.101, at pages 6–7
2. Forms GC-208-INFO, GC-210(JP), GC-210(P), GC-210, GC-210(CA), GC-211, GC-214, and GC-240, at pages 8–30
3. Link A: Assem. Bill 495 (Stats. 2025, ch. 664),
[leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202520260AB495](https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202520260AB495)

Rule 7.101 of the California Rules of Court would be amended, effective January 1, 2027, to read:

1 **Rule 7.101. Use of Judicial Council forms**

2
3 **(a) Use of mandatory forms**

4
5 If the Judicial Council has adopted a mandatory form for a petition, an order, or
6 another document to be submitted to the court is one for which the Judicial Council
7 has adopted a mandatory form, that form must be used. Except as otherwise
8 provided in this rule, if the Judicial Council has adopted alternative versions of a
9 mandatory form in more than one alternative version, one of the alternative
10 versions must be used. If that form is inadequate in a particular situation, an
11 addendum may be attached to it.

12
13 **(b) Alternative mandatory forms**

14
15 The Judicial Council has adopted the following alternative mandatory forms have
16 been adopted by the Judicial Council as alternative mandatory forms for use in
17 probate specific proceedings or other proceedings governed by provisions of under
18 the Probate Code:

- 19
20 (1) *Petition for Appointment of Guardian of Minor* (form GC-210) and *Petition*
21 *for Appointment of Guardian of the Person* (form GC-210(P));
22
23 (2) *Petition for Appointment of Temporary Guardian* (form GC-110) and
24 *Petition for Appointment of Temporary Guardian of the Person* (form
25 GC-110(P));
26
27 (3) * * *

28
29 **(c) Use of guardianship petitions forms**

- 30
31 (1) *Guardianship of the estate or of both the person and the estate*

32
33 Notwithstanding any other provision of this rule, a party petitioning for
34 appointment of a temporary guardian of the person of a minor may file either
35 form GC-110 or form GC-110(P). A party petitioning for appointment of a
36 general guardian of the person of a minor may file either form GC-210 or
37 form GC-210(P). A party petitioning for appointment of a temporary
38 guardian of the estate or the person and estate of a minor must file form GC-
39 110. A party petitioning for appointment of a general guardian of the estate
40 or a guardian of both the person and the estate of a minor must file form GC-
41 210, and a party petitioning for appointment of a temporary guardian of the
42 estate or a guardian of both the person and the estate must file form GC-110.

1
2
3
4
5
6
7
8
9
10
11
12
13

(2) Guardianship of only the person

(A) Except as provided in (B), a party petitioning for appointment of a guardian of only the person must file either form GC-210 or form GC-210(P), and a party petitioning for appointment of a temporary guardian of only the person must file either form GC-110 or form GC-110(P).

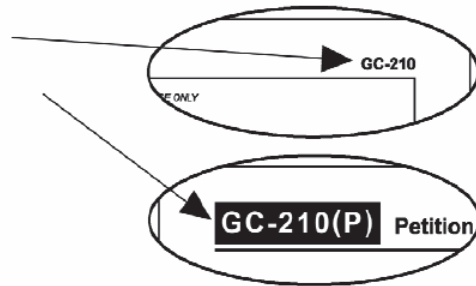
(B) Notwithstanding (A) or any other provision of this rule, a party petitioning for appointment of an unavailable parent and the parent's nominee as joint guardians of the person under Probate Code section 2105(g) must use *Confidential Petition for Appointment of Joint Guardians of the Person—Parent Unavailable* (form GC-210(JP)).

GC-208-INFO**Forms to Use to Ask the Court to Appoint a Guardian of the Person***

Look at the numbers at the top of a form to match them with the form numbers listed below. You can use this form as a checklist.

* In every case, you need to find out if the child who needs a guardian is an “Indian child.” Appointment of a guardian for an Indian child is subject to additional rules that are not discussed in these instructions. See item 14 on the next page for a link to more resources.

OR

**I want to become a guardian of a child. What forms do I need to use?**

- 1 Fill out and sign **one** of the following form petitions (“your petition”):
- Form GC-210(P)** (*Petition for Appointment of Guardian of the Person*) (recommended if you won’t have an attorney to help you) or
 - Form GC-210** (*Petition for Appointment of Guardian*).

If you want to ask the court to appoint an unavailable parent and the parent’s nominee as **joint guardians**, you must use

- Form GC-210(JP)** (*Confidential Petition for Appointment of Joint Guardians of the Person—Parent Unavailable*).

- 2 Fill out these forms and **attach** them to your petition (these forms are part of the petition):
- Fill out and attach** to your petition a **separate form GC-210(CA)** (*Child Information Attachment to Probate Guardianship Petition*), **one** for **each** child you think needs a guardian.
 - Fill out, sign, and attach** to your petition **one single form GC-120** (*Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)*) for **all** the children you think need a guardian. **Note:** If, after you file the petition, you learn of a case not listed on the form, you will need to file an updated form GC-120 that includes the new case.
- 3 Fill out these forms but do **not** attach them to your petition (you need to file these forms with the petition, but not as part of it):
- Fill out and sign form GC-212** (*Confidential Guardian Screening Form*). This form is confidential, under the direct control of the court, and not available to the general public.
 - If required** by the court, **fill out and sign item 1** on **form GC-214** (*Consent to Appointment of Guardian*) or another statement of consent to tell the court that you agree to serve as guardian. Many courts don’t require **separate consent** if you ask **only** for your own appointment; check with your court.
 - Fill out any local forms** your court **requires** you to file with your petition (check your court’s local rules and guidelines for information and instructions about these forms).

What do I need to do if I want the court to appoint someone *with me or other than me* as guardian?

- 4
- Ask **each** proposed guardian to **fill out and sign form GC-212**, as instructed above in Step 3. If you are asking the court to appoint you with another person as joint guardians, you **each** need to fill out one of these forms.
 - Fill out item 1 or 2 or both** on **form GC-214**, as instructed above in Step 3, or another statement of consent for each proposed guardian to tell the court that they agree to serve if appointed. Ask each proposed guardian to **sign** the form or statement under their name. If you are asking the court to appoint a joint guardian with you, **fill out item 2** after you have filled out and signed item 1 and have the other proposed guardian **sign** it. Many courts don’t require signed consent if each proposed guardian signs the petition; check with your court.

What happens when I file my petition and the other forms listed above?

- 5
- File your petition** (item 1), including all **attachments** (item 2), with the **other required forms** (items 3 and 4) in the probate clerk’s office at the courthouse. The clerk will give you a **case number** and a date, time, and courtroom or department for a **hearing**, where a judicial officer will decide whether to appoint a guardian. When you file, **take an extra copy of the petition and other papers**. Ask the clerk to stamp the filing date and case number on the copies, **write the hearing date and place on your copy of the petition, and return them to you**. Some courts also require you to give the clerk extra copies of **your petition and other papers**. Check with your court before you **file** so you can make as many copies as needed.

What can I do if I can’t afford to pay the court’s filing fees?

- 6
- Fill out, sign, and file form FW-001-GC** (*Request to Waive Court Fees (Guardian or Conservator)*); **fill out** and give the clerk **form FW-003-GC** (*Order on Court Fee Waiver (Superior Court) (Guardian or Conservator)*) for the judge to sign.



What forms will I need after I file my petition and have a hearing date?

- 7 If the child's parent or parents or anyone else you are required to notify of the hearing on your petition agrees with your request for appointment of a guardian, fill out item 3 at the bottom of another form GC-214 or another statement of consent. Have each person who agrees date and sign item 3 or their consent statement, then file the form or statement with the court when you file form GC-020 (*Notice of Hearing—Guardianship or Conservatorship*), discussed below.

Note: Even if a person signs item 3 on form GC-214, they can change their mind, come to the hearing, and ask the court not to appoint a guardian.

What do I need to do before the court hearing on my petition?

You need to arrange for someone other than yourself to notify certain people about your petition and the court hearing. That person must then show the court that they have done that. Read form GC-209-INFO (*What is "Proof of Service" in a Guardianship?*) and:

- 8 Fill out the first page of form GC-020 (*Notice of Hearing—Guardianship or Conservatorship*).
- 9 Follow the instructions in form GC-209-INFO for personal delivery ("personal service") of copies of your petition and form GC-020 and showing the court that personal service has been made ("proving service").
- 10 Follow the instructions in form GC-209-INFO for mailing ("service by mail") copies of your petition and form GC-020 and showing the court that service by mail has been made ("proving service").
- 11 File with the court, at least 5 days before the hearing, the original form GC-020 with attached original filled-out proofs of personal and mailed service, signed by each person who delivered or mailed the papers.
- 12 Fill out and deliver the following forms to the court at or before the hearing on your petition. Check your court's local rules to find the deadlines for delivering these forms to the court.
- Form GC-240 (*Order Appointing Guardian or Extending Guardianship of the Person*) (the judge will sign this order at or shortly after the hearing on your petition if they grant your request for appointment of a guardian);
 - Form GC-248 (*Duties of Guardian and Acknowledgment of Receipt*) (you or any other person the court appoints as guardian must sign this form and the form must be filed with the court before the clerk will sign and file the *Letters of Guardianship* (see below)); and
 - Form GC-250 (*Letters of Guardianship*) (the court clerk will sign and file the original of this form, often called simply *letters*, and will give you (for a fee) certified copies that you, or any other person the court has appointed as guardian, must use to show legal authority to act as the child's guardian.
- 13 Fill out and file any local forms your court requires at or before the hearing on your petition. Check your court's local rules for information about these forms, deadlines for filing them, and requirements for service of copies to other persons interested in the case.

Need help?

- 14 Your court may have a self-help center or a volunteer assistance program that can help you with a guardianship. If you can get on the internet, visit selfhelp.courts.ca.gov/self-help/find-self-help to search for your court's closest self-help center. If the court's self-help center cannot help you, it may be able to refer you to other organizations in your area that can help.
- 15 If you can get on the internet, you can also visit the California Courts Self-Help Guide, at selfhelp.courts.ca.gov/guardianship (English) or selfhelp.courts.ca.gov/es/tutela-de-menor (Spanish). This website has information about the guardianship process—including what you need to do to find out if the child in your case is an Indian child and then what you need to do if they are—and information about other resources available to you.

You can download form GC-205-INFO (*Information on Probate Guardianship of the Person*), form GC-207-INFO (*Comparison of Guardians With Other Nonparent Caregivers*), and all required forms mentioned above free of charge from this site. The information forms are available in Spanish and other languages and include basic information about guardianships. After you download the required forms, you can fill them out on a computer and print them, ready to sign and file.

- 16 You can also go to courts.ca.gov/find-your-court to access your local court's website. This site can tell you where to file your forms and go for court hearings and can tell you about the local rules and practices you need to know during the progress of your case. You can also download copies of the court's local forms.

GC-210(JP)

Confidential Petition for Appointment of Joint Guardians of the Person—Parent Unavailable

Clerk stamps date here when form is filed.

DRAFT
Not approved by
the Judicial Council

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

You must use **this** form (**not** form GC-210 or form GC-210(P)) if you want to ask the court to appoint **joint guardians of the person** for a child* or children* whose **parent is unavailable** for a reason specified in that parent's nomination of a guardian. One of the proposed guardians must be the unavailable parent who made the nomination. The other proposed guardian must be a person or persons nominated by the unavailable parent.

Fill in court name and street address:

Superior Court of California, County of

Clerk fills in information below when form is filed.

Case Number:

Hearing Date and Time: _____

Dept.: _____

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

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

2 Your address and contact information:

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

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

Name: _____ Bar No.: _____
 Firm name, if any: _____
 Street Address: _____ Suite: _____
 City: _____ State: _____ Zip: _____
 Phone: _____ Fax: _____ Email: _____

4 a. I/We want the parent named below to be one of the guardians of the child or children named in 8. *(Give the parent's name and last known contact information.)*

Name of parent proposed as joint guardian:

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

b. **I/We want to be one of the guardians of the child or children named in item 8.**

c. **I/We want the person or persons named below to be one of the guardians of the child or children named in 8.** *(Give the contact information for the proposed guardian.)*

Name of proposed guardian:

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

* 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 (all children's names):

Case Number:

5 The **proposed guardian or guardians** listed in (4b) or (4c) are the **nominee or nominees** of the parent named in (4a), as shown in item 3c of each child's attached form GC-210(CA) (*Child Information Attachment to Probate Guardianship Petition*), and are (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 form GC-210(CA).
- b. Not related to the child or children named in (8).

6 **One or more proposed guardians are not related** to the child or children in (8). Complete if you checked (5b). Answer the question in a, then check the box in b or c or both. If you check the box in c, attach the signed statement of each unrelated proposed guardian on a separate sheet of paper labeled "Form GC-210(JP), Attachment 6: Statement of Unrelated Proposed Guardian" at the top of the paper.

- a. Does any unrelated proposed guardian run a licensed foster family home? Yes No
- b. I am/we are one or more of the unrelated proposed guardians. I/we will promptly submit any information requested by the agency investigating my/our suitability for appointment as guardian.
- c. I am/we are **not** one or more of the unrelated proposed guardians. The signed statement of each proposed nonrelative guardian agreeing to promptly submit any information requested by the agency investigating the proposed guardian's suitability for appointment is attached to this form as Attachment 6.

7 **A person other than a proposed guardian listed in (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(JP)—Attachment 7: Nomination of Another Person as Guardian" at the top of the will or other writing and attach it to this form. Fill in the nominated person's name and address in item 2 of form GC-210(CA) (*Child Information Attachment to Probate Guardianship Petition*) for each child for whom the person was nominated as guardian.

8 **The child or children who need a guardian are named below.**

Fill out and attach to this form a separate copy of form GC-210(CA) for each child named below. Show all the children's names at the top of all pages of each form GC-210(CA).

Fill out and file with this form a completed form GC-120 (Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)) 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 are (specify):

a. Name: _____ Date of birth: _____
First Middle Last Month/Day/Year

b. Name: _____ Date of birth: _____
First Middle Last Month/Day/Year

c. Name: _____ Date of birth: _____
First Middle Last Month/Day/Year

d. Name: _____ Date of birth: _____
First Middle Last Month/Day/Year

e. Name: _____ Date of birth: _____
First Middle Last Month/Day/Year

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



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

Case Number:

9 a. **The guardianship is necessary or convenient for the reasons given below.**
(Explain why each child in 8 needs a guardian, including why a guardianship would be in their best interest.)

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

b. The child or children in 8 cannot be placed in the custody of their other parent or parents because:
(1) The other parent or parents are unavailable.
(2) Placement in the custody of the other parent or parents would be detrimental to the child or children because *(explain)*:

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

a. Appoint the persons listed in 4 joint guardians of the person of the child or children named in 8 and issue form GC-250 *(Letters of Guardianship)*.
b. Allow me/us not to give notice of the hearing on the petition to the following person(s) listed in item 2 of one or more of the attached forms GC-210(CA) for the reasons given below. *(Give (1) the name of each child, (2) the name and relationship to each child of each person to whom you want the court to allow you not to give notice, and (3) the reasons for your request, including the steps, if any, you have taken to find each person.)*:

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

You must give notice of the hearing on your petition for appointment of joint guardians to all relatives and other persons listed in item 2 of each child's form GC-210(CA) **unless** the court allows you not to give notice to one or more of them. The court may allow you not to give notice to someone if you can show that (1) you cannot locate the person after trying diligently to find them or (2) giving notice to that person would harm the child or otherwise be against the interests of justice. See California Rules of Court, rule 7.52 for information on trying diligently to find a person.



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

Case Number:

10 c. Grant each nominee who is appointed as joint guardian the authority to act without the agreement of the parent guardian, who is unavailable because of the occurrence of the event specified in the nomination.


d. 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(JP)—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)*:


- Form GC-211 *(Nomination of Guardian)* or other written nomination
- Form GC-214 *(Consent to Appointment of Guardian)*
- Form GC-110(P) *(Petition for Appointment of Temporary Guardian of the Person)*
- Form GC-212 *(Confidential Guardian Screening Form)*
- Other *(specify)*:


12 Number of pages attached to this form: _____


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

All petitioners must read and sign below.

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

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

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

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

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.

DRAFT
Not approved by
the Judicial Council

You must use this form or form GC-210 (Petition for Appointment of Guardian) to 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. You must use form GC-210(JP) to ask the court to appoint joint guardians if one proposed guardian is an unavailable parent.

Fill in court name and street address:

Superior Court of California, County of

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

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

Clerk fills in information below when form is filed.

Case Number:

Hearing Date and Time:

Dept.:

2 **Your address and contact information:**

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

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

Name: _____ Bar No.: _____
 Firm name, if any: _____
 Street Address: _____ Suite: _____
 City: _____ State: _____ Zip: _____
 Phone: _____ Fax: _____ Email: _____

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. (Give contact information for the proposed guardian or guardians.)

Name of proposed guardian or guardians:

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

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): _____ (Give contact information for each proposed guardian.)
 Name of proposed guardian or guardians:

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

* 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 (all children's names):

Case Number:

5 The proposed guardian or guardians listed in 4 is or are (check all that apply):

- a. [] Related to the child or children named in 8, as shown in item 3 of each child's attached form GC-210(CA) (Child Information Attachment to Probate Guardianship Petition).
b. [] Not related to the child or children named in 8.
c. [] The nominee or nominees of a parent of one or more of the children named in 8, as shown in item 3c of the child's or children's attached forms GC-210(CA).

6 [] One or more proposed guardians are not related to the child or children in 8. (Complete if you checked 5b. Answer the question in a, then check the box in b or c or both. If you check the box in c, attach the signed statement of each unrelated proposed guardian on a separate sheet of paper labeled "Form GC-210(P), Attachment 6: Statement of Unrelated Proposed Guardian" at the top of the paper.

- a. Does any unrelated proposed guardian run a licensed foster family home? [] Yes [] No
b. [] I am/we are one or more unrelated proposed guardians. I/we will promptly submit any information requested by the agency investigating my/our suitability for appointment as guardian or guardians.
c. [] I am/we are not all of the unrelated proposed guardians. The signed statement of each additional unrelated proposed guardian agreeing to promptly submit any information requested by the agency investigating the proposed guardian's suitability for appointment is attached to this form as Attachment 6.

7 [] A person other than a proposed guardian listed in 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 form GC-210(CA) for each child for whom the person was nominated as guardian.

8 The child or children who need a guardian are named below.

Fill out and attach to this form a separate copy of form GC-210(CA) for each child named below. Show all the children's names at the top of all pages of each form GC-210(CA).

Fill out and attach to this form a completed form GC-120 (Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)) 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 are (specify):

- a. Name: _____ Date of birth: _____
b. Name: _____ Date of birth: _____
c. Name: _____ Date of birth: _____
d. Name: _____ Date of birth: _____
e. Name: _____ Date of birth: _____

[] 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 (all children's names):

Case Number:

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

(Explain why each child in 8 needs a guardian, including why a guardianship would be in their best interest.)

Multiple horizontal lines for writing the explanation.

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

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

a. Appoint each person listed in 4 guardian of the person of the child or children named in 8 and issue form GC-250 (Letters of Guardianship).

b. Allow me/us not to give notice of the hearing on the petition to each of the following persons listed in item 2 of one or more of the attached forms GC-210(CA) for the reasons given below. (State (1) the name of each child, (2) the name and relationship to each child of each person to whom you want the court to excuse you from giving notice, and (3) the reasons for your request, including the steps, if any, you have taken to find each person.):

Multiple horizontal lines for listing persons and reasons for waiver of notice.

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

You must give notice of the hearing on your petition for appointment of a guardian to all relatives and other persons listed in item 2 of each child's form GC-210(CA) unless the court allows you not to give notice to one or more of them. The court may allow you not to give notice to someone if you can show that (1) you cannot locate the person after trying diligently to find them or (2) giving notice to that person would harm the child or otherwise be against the interests of justice. See California Rules of Court, rule 7.52 for information on trying diligently to find a person.



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

Case Number:

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

Multiple horizontal lines for specifying additional orders.

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):

- Form GC-211 (Nomination of Guardian) or other written nomination
 Form GC-214 (Consent to Appointment of Guardian)
 Form GC-110 (Petition for Appointment of Temporary Guardian)
 Form GC-110(P) (Petition for Appointment of Temporary Guardian of the Person)
 Form GC-212 (Confidential Guardian Screening Form)
 Other (specify):

Horizontal lines for specifying other forms.

12 Number of 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 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 in this form and all attachments 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 or persons listed in 4 as guardian or guardians of my person and to their 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.: EMAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NO.:	FOR COURT USE ONLY <p style="text-align: center;">DRAFT Not approved by the Judicial Council</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
GUARDIANSHIP OF (name(s)):		CASE NUMBER:
<p style="text-align: center;">PETITION FOR APPOINTMENT OF GUARDIAN OF THE <input type="checkbox"/> PERSON** <input type="checkbox"/> ESTATE**</p>		HEARING DATE AND TIME: DEPT.:

1. I or we (name each petitioner):

request that the court

- a. (1) appoint (name):
 (address):
 (phone): (email):
 as guardian of the **person** of the minor **child or children** named in item 2 and **issue** Letters upon qualification.
- (2) appoint (name):
 (address):
 (phone): (email):
 as guardian of the **person** of the minor child or children named in item 2 and **issue** Letters upon qualification.
- b. (Not applicable to proposed wards 18 years of age and older.)
 - (1) appoint (name):
 (address):
 (phone): (email):
 as guardian of the **estate** of the minor **child or children** named in item 2 and **issue** Letters upon qualification.
 - (2) appoint (name):
 (address):
 (phone): (email):
 as guardian of the **estate** of the minor child or children named in item 2 and **issue** Letters upon qualification.
- c. (1) not require any bond because the petition asks the court to appoint a 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) require bond of \$. It will be furnished by an authorized surety company or as otherwise provided by law. (If you are requesting bond different from the statutory amount (Prob. Code, § 2320), explain why in Attachment 1c.)
- (3) allow \$ to be deposited in a blocked account with receipts to be filed. (Specify institution and location):
- d. grant authority under Probate Code section 2590 to independently exercise the powers specified in Attachment 9.
- e. make orders expanding or limiting the powers and duties of the guardian of the person under Probate Code section 2351 or 2358 (specify requested orders and give reasons for them in Attachment 1e).
- f. make an order dispensing with notice to the persons named in Attachment 10.
- g. make the other orders specified in Attachment 1g (State each requested order and give the reasons for it).

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

** You must use **this form** or **form GC-210(P)** to ask the court to appoint a guardian of the **person**. You must use **only this form** to ask the court to appoint a guardian of the **estate** or of the **person and estate**. Do **not** use this form for a temporary guardianship. You must use **only form GC-210(JP)** to ask the court to appoint an unavailable parent and their nominee as joint guardians of the person.



GUARDIANSHIP OF (name(s)):	CASE NUMBER:
MINOR(S)	

2. I/we have attached a completed form GC-210(CA) (Child Information Attachment to Probate Guardianship Petition) for each minor child for whom this petition requests the appointment of a guardian. The full legal name and date of birth of each child are:
- | | |
|----------|---------------------------------|
| 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 children are specified on Attachment 2.
3. I am or we are (check all that apply):
- a. related to the minor child or children named in item 2, as shown in item 7 of each child's attached form GC-210(CA).
 - b. a child named in item 2, and I am 12 years of age or older.
 - c. another person, as shown in item 7 of each child's attached form GC-210(CA).
4. The proposed guardian is or proposed guardians are (check all that apply):
- a. a nominee or nominees. (Attach a copy of the nomination as Attachment 4a. You may use form GC-211 (Nomination of Guardian) or another signed writing for this purpose.)
 - b. related to the minor child or children named in item 2, as shown in item 3 of each child's attached form GC-210(CA).
 - c. other, as shown in item 3 of each child's attached form GC-210(CA).
 - d. a professional fiduciary as defined by Business and Professions Code section 6501(f). The proposed guardian's license status is shown in item 1 on page 1 of the attached form GC-210(A-PF)/GC-310(A-PF) (Professional Fiduciary Attachment to Petition for Appointment of Guardian or Conservator).
5. I/We, with intent to adopt, have accepted or intend to accept physical care or custody of the child or children in item 2.
6. A person other than the proposed guardian has been nominated as guardian by will other writing. A copy of this nomination is attached as Attachment 6. (Specify nominee's name and address in item 2 of child's attached form GC-210(CA).)
7. Character and estimated value of property of the estate (complete if you are requesting appointment of a guardian of the estate or of both the person and the estate):
- | | |
|--|----------|
| a. Value of personal property: | \$ _____ |
| b. Annual gross income from all sources, including real and personal property, wages, pensions, and public benefits: | \$ _____ |
| c. Total of a and b: | \$ _____ |
| d. Value of real property: | \$ _____ |
8. Appointment of a guardian of the person of the minor child or children named in item 2 is necessary or convenient and in the best interest of the child or children for the reasons given below on Attachment 8.
- Parental custody would be detrimental to the child or children (not applicable to proposed wards 18 years of age and older).
9. Appointment of a guardian of the estate of the child or children is necessary or convenient for the reasons given below on Attachment 9.
10. Granting the proposed guardian or guardians of the estate one or more powers to be exercised independently under Probate Code section 2590 would be to the advantage and benefit of the guardianship estate and in the estate's best interest. Reasons for this request and the powers requested are specified in Attachment 10.



GUARDIANSHIP OF (name(s)):	CASE NUMBER:
MINOR(S)	

11. The court should dispense with notice under Probate Code section 1511 to the persons named in Attachment 11 because
- they cannot with reasonable diligence be given notice (specify names and efforts to locate them in Attachment 11).
 - giving notice to them would be contrary to the interest of justice (specify names and reasons in Attachment 11).
12. Complete this item if you are **not** requesting appointment of a guardian of the estate only, and the proposed guardian is **not** related to the child or children named in item 2 and is **not** a public officer acting in their official capacity.
- a. I am the proposed guardian and will promptly submit any information requested by an agency referred to in Probate Code section 1543.
 - b. I am not the proposed guardian. A statement by the proposed guardian that they will promptly submit any information requested by an agency referred to in Probate Code section 1543 is included as Attachment 12b.
 - c. The proposed guardian's home is a licensed foster family home. Yes No
 - d. The proposed guardian has never filed a petition for adoption of the minor except as specified in Attachment 12d.
13. Form GC-120 (Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)) disclosing any known juvenile law, adoption, family law, custody, or similar case affecting each child under 18 years of age listed in item 2 is attached.
14. The following forms are filed with this petition (check all that apply):
- Form GC-211 (Nomination of Guardian) or other written nomination
 - Form GC-214 (Consent to Appointment of Guardian)
 - Form GC-110 (Petition for Appointment of Temporary Guardian)
 - Form GC-110(P) (Petition for Appointment of Temporary Guardian of the Person)
 - Form GC-212 (Confidential Guardian Screening Form) for each proposed guardian
 - Other forms (specify):

15. 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*

***(Each petitioner—and, if at least 18 years of age but not yet 21 and not a petitioner, the proposed ward—must also sign.)**

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 Petitioner
Type or Print Name	▶	Signature of Petitioner
Type or Print Name	▶	Signature of Petitioner

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

Date: _____

Type or Print Name	▶	Signature of Proposed Ward
--------------------	---	----------------------------

GC-210(CA)

**Child Information Attachment
to Probate Guardianship Petition**

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** **GC-210(P), item 8** **GC-210(JP), 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 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.

(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 form ICWA-005-INFO (Information Sheet on Indian Child Inquiry Attachment and Notice of Child Custody Proceeding for Indian Child).)

d. Is this child married? Yes No 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 (Temp. Asst. for Needy Families)	\$ _____	<input type="checkbox"/> Other (<i>list</i>):	\$ _____
<input type="checkbox"/> Social Security	\$ _____	<input type="checkbox"/> Other (<i>list</i>):	\$ _____
<input type="checkbox"/> Dept. Veterans Affairs Benefits	\$ _____	<input type="checkbox"/> Other (<i>list</i>):	\$ _____

f. Name and address of the person **who has legal** custody of this child:

g. **This child lives with someone other than** the person in f who has legal custody. (*Fill out below.*)

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. 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. This child is in or is on leave from an institution supervised by the California Department of Developmental Services or the California Department of State Hospitals. (Give the name of the institution below.)

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 you know it)</i>	_____	_____

(Check here if there is more than one tribe that the child may be eligible for membership in, and list the name and address of each additional tribe 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 or guardians:

a. Name (name each proposed guardian):

b. Relationship or relationships to the child named in 1 (check all that apply):

Relative (specify relationship to this child of each proposed relative guardian):

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

c. Did the child's parent nominate the proposed guardian? 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? Yes No I don't know
If "Yes," how long has the child lived with the proposed guardian? (years, months): _____

e. If the court orders the guardianship, will this child live with the proposed guardian? Yes No

f. Does the proposed guardian 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 this 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 proposed guardian or guardians would be in this 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 or persons 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 should 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 out 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 apply fully to this child.

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	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 THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (name(s)): MINOR(S)	
NOMINATION OF GUARDIAN	CASE NUMBER:

1. Nominator 1

- a. Name:
 Address:
 Email: Phone number:
- b. I am (*relationship to minor child; check all that apply*):
- (1) a parent of the child named above
 (2) a person from whom the child named above received, or will receive, property.
- c. I nominate (*name, address, email, and phone*):

as guardian of (*check all that apply*):

- (1) the child's person
 (2) the child's estate
 (3) the property described below, which the child received, or will receive, from me.

2. **Nominator 2** (*check and complete this item if the minor child's other parent joins in the nomination*):

- a. Name:
 Address:
 Email: Phone number:
- b. I am a parent of the child named above.
- c. I join the nomination of the person named in item 1c as guardian of (*check all that apply*):
- (1) the child's person
 (2) the child's estate

3. The other parent has not joined the nomination and is not required to consent to it because

- a. the other parent is dead or lacks legal capacity to consent to the nomination.
 b. the other parent would not be required to consent to the adoption of the child.



GUARDIANSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF <i>(name(s))</i> : _____ <div style="text-align: right; margin-top: 5px;">MINOR(S)</div>	CASE NUMBER: _____
---	--------------------

4. The nomination on page 1 is effective only if *(check each event you want to happen before the nomination takes effect)*:
- a. Nominator 1 dies or becomes incapacitated
 - b. Nominator 2 dies or becomes incapacitated
 - c. The proposed ward has received the property described in item 1c(3)
 - d. Nominator 1 unavailable because they have been *(check all that you want to apply)*:
 - (1) incarcerated
 - (2) admitted, voluntarily or otherwise, to a hospital or other treatment institution
 - (3) detained, deported, or otherwise subject to an immigration-related administrative action
 - (4) activated to military duty; deployed or mobilized with the military
 - (5) other *(specify)*:

 - e. Nominator 2 is unavailable because they have been *(check all that you want to apply)*:
 - (1) incarcerated
 - (2) admitted, voluntarily or otherwise, to a hospital or other treatment institution
 - (3) detained, deported, or otherwise subject to an immigration-related administrative action
 - (4) activated to military duty; deployed or mobilized with the military
 - (5) other *(specify)*:

Date: _____

 Type or Print Name of Nominator 1

▶

 Signature of Nominator 1

Date: _____

 Type or Print Name of Nominator 2

▶

 Signature of Nominator 2

Notice: The guardian of the person of a minor child has **full legal and physical custody** until the child becomes an adult or is adopted, the court removes the guardian, or the court terminates (ends) the guardianship. The court **will not** terminate the guardianship **unless** a parent or other interested person petitions (asks) the court to do so, and the court decides that termination would be in the child's best interest.

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	<i>FOR COURT USE ONLY</i> 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 THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (name(s)):	MINOR(S)
CONSENT TO APPOINTMENT OF GUARDIAN	CASE NUMBER:

CONSENT OF PROPOSED GUARDIAN

1. I consent to appointment as guardian of the person estate of the minor(s) named above as requested in the petition filed in this proceeding on (date): _____ and agree to perform the duties of the office if I am appointed.

Date: _____

_____ ▶ _____

Type or Print Name Signature of Proposed Guardian

2. I consent to appointment as guardian of the person estate of the minor(s) named above as requested in the petition filed in this proceeding on (date): _____ and agree to perform the duties of the office if I am appointed.

Date: _____

_____ ▶ _____

Type or Print Name Signature of Proposed Guardian

CONSENT TO APPOINTMENT OF GUARDIAN

3. I consent to appointment of a guardian in this proceeding as requested in the petition filed on (date): _____. I am entitled to notice in this proceeding. I waive notice of the hearing on the petition and receipt of a copy of the petition, including any request for independent powers contained in it.

Date	Type or Print Name	▶	Signature	Relationship to Minor
Date	Type or Print Name	▶	Signature	Relationship to Minor
Date	Type or Print Name	▶	Signature	Relationship to Minor

Additional names and signatures provided on Attachment 3.

Notice: The guardian of the person of a minor child has **full legal and physical custody** until the child becomes an adult or is adopted, the court removes the guardian, or the court terminates (ends) the guardianship. A parent or other interested person must petition the court to terminate the guardianship, and the court **will not** do so **unless** it decides that termination would be in the child's best interest.

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NO.: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	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 THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (name(s)):	CASE NUMBER:
ORDER APPOINTING GUARDIAN OR EXTENDING GUARDIANSHIP OF THE PERSON	
WARNING: THIS APPOINTMENT IS NOT EFFECTIVE UNTIL LETTERS HAVE ISSUED.	

1. The petition for appointment of a guardian or extension of a guardianship of the person came on for hearing as follows:
 - a. Judicial officer (name):
 - b. Hearing date: _____ Time: _____ Dept.: _____ Room: _____
 (Check item c, d, e, or f to indicate each person who was at the hearing. Leave an item blank if that person was not there.)
 - c. Petitioner (name):
 - d. Attorney for petitioner (name):
 - e. (Proposed) ward (name):
 - f. Attorney for (proposed) ward (name, address, phone, and email):

THE COURT FINDS

2. a. Notice has been given as required by law.
- b. Notice of hearing does not need to be given to the following persons (names):

3. Appointment of a guardian of the person estate of the proposed ward is necessary or convenient.
 (Note: The Probate Code does not authorize the appointment of a guardian of the estate for a proposed ward 18 years of age or older.)
4. Extension of the guardianship of the person past the ward's 18th birthday is necessary or convenient.
5. Granting powers to be exercised independently under Probate Code section 2590 to the guardian of the estate is to the advantage and benefit of the guardianship estate and is in the estate's best interest.
6. The court previously appointed (name of attorney): _____ as legal counsel to represent the (proposed) ward in these proceedings. The cost of that representation is: \$ _____
7. The previously appointed court investigator, probation officer, or domestic relations investigator is (name, title, address, phone, and email): _____

Do not use this form for appointment of a temporary guardian.



GUARDIANSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (name(s)): _____ <div style="text-align: right; margin-top: 10px;">MINOR(S)</div>	CASE NUMBER: _____
--	--------------------

THE COURT ORDERS

8. a. (name): _____
 (address): _____ (phone): _____
 (email): _____

appointed guardian of the **person** of (name(s)): _____
 with Letters to issue upon qualification.

One or more joint guardians of the person are appointed as described on Attachment 8a.

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

(name): _____ (phone): _____
 (address): _____ (email): _____

appointed guardian of the **estate** of (name(s)): _____
 with Letters to issue upon qualification.

One or more joint guardians of the estate are appointed as described on Attachment 8b.

c. The appointment of

(name): _____ (phone): _____
 (address): _____ (email): _____

as guardian of the **person** of (name): _____
 is extended past the ward's 18th birthday, and the clerk is to issue new Letters without delay.

9. Notice of hearing to the persons named in item 2b is not required.

10. a. Bond is not required.

b. Bond is fixed at: \$ _____ to be furnished by an authorized surety company or as otherwise provided by law.

c. Deposits of: \$ _____ are ordered to be placed in a blocked account at (specify institution and location): _____

and receipts must be filed. No withdrawals may be made without a court order.

Additional orders are specified in Attachment 10c.

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

11. For legal services rendered on behalf of the (proposed) ward,

a. the parents of the (proposed) ward

b. the (proposed) ward's estate shall pay to (name of attorney): _____

the sum of: \$ _____

without delay

as follows (specify terms, including any combination of payers): _____

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

13. Orders under Probate Code section 2358 imposing additional conditions providing for the care, treatment, education, or welfare of the ward are specified in Attachment 13.



GUARDIANSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (name(s)): _____ <div style="text-align: right;">MINOR(S)</div>	CASE NUMBER: _____
--	--------------------

14. Orders under Probate Code section 2402 imposing additional conditions providing for the care and custody of the ward's property are specified in Attachment 14.

15. Other orders are specified in Attachment 15.

16. The court designates as probate referee in this case (name and address):

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

18. Number of pages attached: _____

Date:

Judicial Officer

Rules Committee Action Request Form

Rules Committee Meeting Date: April 10, 2026

Action requested: Circulate for comment (January 1 effective date)

Title of proposal: Probate: Forms to Implement Assembly Bill 747

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.):
Approve forms DE-123 and DE-126/GC-326; revise forms DE-122/GC-322, DE-125, and GC-320; revise and renumber forms DE-120(P) and GC-510; and revoke forms DE-120(PA)/GC-020(PA) and GC-020(P).

Committee or other entity submitting the proposal:
Probate and Mental Health Advisory Committee

Staff contact (name, phone, and email):
Julia Kaufman, 916-263-5814, julia.kaufman@jud.ca.gov

Annual agenda approved by Rules Committee on (*date*): October 16, 2025

Project description from annual agenda: The committee will consider recommending revising or revoking certain proof of service forms or developing an information sheet to implement Assembly Bill 747 (Stats. 2025, ch. 563). This bill, among other things, amended Code of Civil Procedure section 417.10, effective January 1, 2027, to require that proof of personal service of a summons under CCP section 415.10 include one or more photos showing the date, time, and GPS coordinates of the location of each effected or attempted service. Several sections of the Probate Code require personal service to comply with CCP 415.10 and, by implication, the proof of service requirements added by AB 747. (One-time Project #9).

Circulation or Implementation Notes: (If requesting a special invitation-to-comment cycle or an effective date other than January 1, please explain.)

Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any relevant information not contained in the attached summary.) See related proposals: Civil Practice and Procedure: Rules and Forms to Implement Changes in Law Regarding Civil Summons and Family Law: Civil and Alternative Service of Summons at courts.ca.gov/policy-administration/invitations-comment

Information for JC staff

EGG reviewed on (*date*): 03/05/2026

Office director (or designee) reviewed on (*date*): 03/09/26 by (*name*): Audrey Fancy

Complete the following for all JC reports recommending forms:

- **Form Translations** (check all that apply)

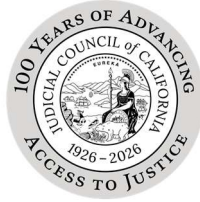
Proposal includes forms that: staff requests be translated, are required by statute to be translated.

Provide citations to code that mandates translation:

- **Website Content** (check all that apply)

New or revised form descriptions are needed for the California courts website. (If checked, form descriptions should be approved by a supervisor before submitting this RAR.)

Changes or additions to self-help website are needed.



Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688

courts.ca.gov/policy-administration/invitations-comment

INVITATION TO COMMENT

SPR26-34

Title

Probate Law and Procedure: Forms to Implement Assembly Bill 747

Action Requested

Review and submit comments by May 18, 2026, to invitations@jud.ca.gov

Proposed Rules, Forms, Standards, or Statutes

Approve forms DE-123 and DE-126/GC-326; revise forms DE-122/GC-322, DE-125, and GC-320; revise and renumber forms DE-120(P) and GC-510; revoke forms DE-120(PA)/GC-020(PA) and GC-020(P)

Proposed Effective Date

January 1, 2027

Contact

Julia Kaufman, 916-263-5814
julia.kaufman@jud.ca.gov

Proposed by

Probate and Mental Health Advisory
Committee
Hon. Jayne Chong-Soon Lee, Chair

Executive Summary and Origin

Assembly Bill 747 (Stats. 2025, ch. 563) made numerous changes to the laws regarding service under the Code of Civil Procedure, which apply to service required by the Probate Code. To bring the forms used for service in probate proceedings into compliance with the new service requirements, the Probate and Mental Health Advisory Committee proposes approving two optional forms, revising five forms, and revoking two forms.

Background

[Assembly Bill 747](#) (see Link A) will, on January 1, 2027, change the requirements for service in a civil case and the requirements for requesting and ordering alternative service

Implementation of AB 747 requires conforming changes to rules and forms related service for general civil actions, small claims cases, family and juvenile proceedings, and probate and mental health proceedings. As a result, the Civil and Small Claims Advisory Committee and the

This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules Committee, or its Legislation Committee. It is circulated for comment purposes only.

Family and Juvenile Law Advisory Committee are also proposing form revisions to implement these changes in the law.¹

Assembly Bill 747

Most significantly for this proposal, AB 747 changes the laws governing for substituted service and the proof of service of summons for personal or substituted service.

Substituted service

Code of Civil Procedure section 415.20 governs substituted service, which is performed by giving a copy of the summons and complaint to a person other than the party at the party's residence or place of business and then mailing a copy of the summons and complaint to the party.² For individuals, substituted service is allowed under section 415.20(b) if personal service cannot be effected "with reasonable diligence."

AB 747 adds language to section 415.20(b) to state that a party has shown reasonable diligence by "attempting personal delivery of the summons and complaint, in good faith, on at least three occasions on three different days at three different times." Additionally, AB 747 adds language to expand options for mailing a copy of the summons and complaint to the party from "by first-class mail, postage prepaid" to "by United States Postal Service first-class mail, Priority Mail with tracking, or Certified Mail with return receipt requested, with postage prepaid."

Proof of service of summons for personal and substituted service

AB 747 updates Code of Civil Procedure section 417.10(a) to add several requirements for proofs of service under sections 415.10 (personal service) and 415.20 (substituted service). Under AB 747, a proof of service under these sections must include "one or more photographs of the site of each effected or attempted service of the summons and complaint."³ Each photograph must contain "a readable stamp that establishes and automatically records the date, time, and global positioning system (GPS) or equivalent coordinates of the effected or attempted service."⁴ If a GPS, mobile, or equivalent signal is not available when service is effected or attempted, the process server must provide "a detailed statement on or with the proof of service explaining the reason for the lack of a readable GPS or equivalent stamp on the photograph."⁵ The photographs must be taken "as close as reasonably practicable to the time of effecting or attempting service."⁶

¹ See Civil Practice and Procedure: Rules and Forms to Implement Changes in Law Regarding Civil Summons and Family Law: Civil and Alternative Service of Summons at courts.ca.gov/policy-administration/invitations-comment.

² Code of Civil Procedure section 415.20(a) relates to substituted service on a business entity and is not relevant to this proposal.

³ Code Civ. Proc., § 417.10(a)(1), as added by section 9 of Stats. 2025, ch. 563.

⁴ *Id.*, § 417.10(a)(1)(A).

⁵ *Id.*, § 417.10(a)(1)(B).

⁶ *Id.*, § 417.10(a)(5).

For service at residential locations, at least one of the photographs must show the door of the residence, or, the entrance to the building, if the door is not reasonably accessible.⁷ For service at a business, at least one of the photographs must show the door of the business, or, if the door is not reasonably accessible, the entrance of the specific office or other place of business of the person being served.⁸

A photograph is not required if “in the reasonable judgment of the process server, taking a photograph would compromise the process server’s safety.”⁹ The server must document the effected or attempted service on the proof of service and “provide a detailed statement explaining why taking a photograph would have compromised their safety.”¹⁰

The Proposal

To implement AB 747, the Probate and Mental Health Advisory Committee proposes approving two forms, revising three forms, revising and renumbering two forms, and revoking two forms to respond to recent changes in the law.

Forms DE-120(P) and GC-020(P)

Forms DE-120(P) and GC-020(P) are optional forms that may be used to prove service of a notice of hearing. These forms may be used when the Probate Code requires service in compliance with the Code of Civil Procedure.¹¹ Form DE-120(P) (*Proof of Personal Service of Notice of Hearing—Decedent’s Estate or Trust*) and Form GC-020(P) (*Proof of Personal Service of Notice of Hearing—Guardianship or Conservatorship*) may be attached to a *Notice of Hearing* in decedent’s estate or trust proceedings or a *Notice of Hearing* in guardianship/conservatorship proceedings, respectively. Given the similarities of the content of these separate proof of service forms and that they are both intended to prove service in probate proceedings, the committee proposes combining the forms into one attachment that can be used in either a decedent’s estate or a guardianship/conservatorship proceeding and retitling the form to indicate its use for these proceedings. The content of the new form would be updated to reflect the requirements of AB 747.¹²

Specifically, the committee proposes:

- Renumbering form DE-120(P) to DE-120(P)/GC-020(P);

⁷ *Id.*, § 417.10(a)(2)(A).

⁸ *Id.*, § 417.10(a)(2)(B).

⁹ *Id.*, § 417.10(a)(4).

¹⁰ *Id.*

¹¹ See Prob. Code, §§ 851 (requires service “in the manner provided in Chapter 4 (commencing with Section 413.10) of Title 5 of Part 2 of the Code of Civil Procedure”) and 1511 (requires service “in the manner provided in Section 415.10 or 415.30 of the Code of Civil Procedure”).

¹² The changes to these forms were so extensive that they are not highlighted in the attached form.

- Revoking form GC-020(P) since the proposed renumbered form, DE-120(P)/GC-020(P), would be used in its place;
- Retitling form DE-120(P)/GC-020(P) to *Proof of Service (Personal or Substituted)—Notice of Hearing*;
- Revising the content of the form to replace the references to the Notice of Hearing for a specific case type with a generalized reference to the Notice of Hearing in the title and updating the caption to reflect all probate case types;
- Revising the declarations regarding personal and substituted service to include the location of service photograph, required by AB 747; and
- Removing the option to document service on multiple persons on a single form since the additional requirements of AB 747, including the photographic requirements, are more easily proven on separate forms.

Form DE-120(PA)/GC-020(PA)

Form DE-120(PA)/GC-020(PA) is an optional form that can be attached to current form DE-120(P) or GC-020(P) and is used to prove personal service on multiple people. The committee proposes revoking this form as the proposed form DE-120(P)/GC-020(P) could be completed for each person served. Revising this form to comply with AB 747 would be impractical as it would require all the new photograph requirements of AB 747 to be listed multiple times.

Form DE-126/GC-326

The committee proposes new optional form DE-126/GC-326 (*Proof of Service of Citation/Summons—Probate*) to document service of probate citations and summons forms, which is required to be in compliance with the requirements of the Code of Civil Procedure.¹³ The proposed form would reflect the changes required by AB 747 as it includes subsections in the personal and substituted service items for a server to indicate how they met the photograph requirements. This form would also contain the new language regarding mailing in substituted service cases to indicate that the papers were mailed by either first class mail, priority mail with tracking, or certified mail with return receipt requested. And, the form would refer to the newly created declaration of diligence (form DE-123) discussed below.

Form DE-123

The committee proposes new optional form DE-123 (*Declaration of Diligence for Substituted Service Attachment*). This form would provide a template for servers to document the personal service attempts made prior to substituted service. It would prompt the server to provide

¹³ See Prob. Code §§ 1824 (requires service in the manner provided in Code of Civil Procedure sections 415.10 or 415.30), 1242 (requires service in the manner provided in the Code of Civil Procedure starting with section 413.10), and 8250 (requires service as provided in chapters 3 and 4 of title 5 of part 2 of the Code of Civil Procedure).

information (including photographs) that demonstrate reasonable diligence, as specified by AB 747.

Form GC-510

Form GC-510 (*What Is “Proof of Service” in a Guardianship*) is an information sheet that explains how to serve documents in a guardianship case. The committee proposes revising the form to incorporate the new photograph requirements set forth in AB 747 that apply to personal service. Additional proposed revisions include renumbering the form as GC-209-INFO as other INFO forms in the guardianship series are included in the GC-200 series. The form is reorganized for greater ease of use and the language is updated for additional clarity.¹⁴

Technical changes

The committee also proposes revising the caption at the top of each form in this proposal. To improve readability, the proposed caption is in title case instead of all caps, which allows the font size to be increased for almost all caption elements. Additionally, the first line of text reads “Party Without Attorney or Attorney” instead of “Attorney or Party Without Attorney” to emphasize that parties without attorneys must fill in the caption.

Forms DE-122/GC-322, DE-125, and GC-320

Forms DE-122/GC-322, DE-125, and GC-320 are citations and summons forms for probate matters that include a proof of service on each form. Instead of proposing revisions to reflect the new service requirements set forth in AB 747, the committee proposes revising these forms to remove the proof of service section from each form. As discussed above, proposed form DE-126/GC-326 would be used to document service for all citations and summons forms in probate matters. Separating the proof of service will reduce confusion and improve usability, as the citations and summons are required to be issued by the clerk of the court before service on the parties and the proof of service is filed after the issuance of the citation or summons. The citations have also been reorganized to provide more space and to update the advisement on requests for accommodations. The summons has been updated to remove outdated language referring to telephone directories and typewriters. Additionally, the revised citations and summons have been restructured to create more space and increase readability.

Alternatives Considered

The committee did not consider the alternative of taking no action because changes to the forms are needed to reflect the statutory service requirements, as updated by AB 747.

The committee considered several options for updating the proofs of service on the citations and summons forms. The options included keeping the proof of service pages integrated into the citations and summons forms and updating the content to comply with the new law or creating a proof of service attachment. Ultimately the committee decided to propose a standalone proof of service form as the court clerk must issue the original citation or summons, before the citation or

¹⁴ These changes were so extensive that they are not highlighted in the attached form.

summons may be served. Additionally, having a separate proof of service form will allow courts to more effectively track the status of these cases, as the proof of service would appear as a separate item from the citation and summons in case management systems.

Likewise, the committee considered retaining separate proof of personal service forms for guardianship and conservatorship cases and decedent's estate and trust cases, and updating the content of the forms to comply with AB747, but determined that a joint form would provide increased clarity and reduce confusion for the public.

The committee also considered whether any action was needed to implement Senate Bill 85 (Stats. 2025, ch. 403). That legislation would allow a court to direct service of a summons by electronic mail or other electronic technology in certain circumstances. The committee determined that the existing proof of service forms for probate could be used to prove email or electronic service in the appropriate circumstances, without any changes and that the proposed proof of service attachment allows for additional methods of service, under "Other."¹⁵ Therefore, no action was taken as a result of this bill.

Fiscal and Operational Impacts

The statutory changes will require training of court staff and judicial officers. The new and revised forms are intended to assist courts and parties with ensuring that service is made consistent with statutory requirements. These forms could also require changes to computerized case management systems.

¹⁵ Item 7 on proposed form DE-126/GC-326.

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?

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 two 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 DE-120(P)/GC-020(P), GC-020(P), DE-120(PA)/GC-020(PA), DE-126/GC-326, DE-123, GC-209-INFO, DE-122/GC-322, DE-125, and GC-320, at pages 8–25
2. Link A: Assem. Bill 747,
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202520260AB747

<input type="checkbox"/> Estate <input type="checkbox"/> Conservatorship <input type="checkbox"/> Guardianship <input type="checkbox"/> Matter of (Name):	Case Number:
<input type="checkbox"/> Decedent <input type="checkbox"/> Conservatee <input type="checkbox"/> Minor <input type="checkbox"/> Other	

Proof of Service (Personal or Substituted)—Notice of Hearing

(Use this form for each person you had served.)

1. Server's information

- a. I am at least 18 years old and not a party in this case.
- b. Name:
- c. Address:

2. Papers served

I served a copy of the following papers:

- a. The attached Notice of Hearing.
- b. The petition or other document referred to in the attached Notice.
- c. Additional documents *(list)*:

3. a. Name of person served:

- b. Address where the person was served:

(Complete item 4 or 5)

4. Personal service.

- a. I personally delivered the papers to the person in item 3 on *(date)*: _____ at *(time)*: _____

b. Picture requirements (Code Civ. Proc., § 417.10(a)) *(check (1), (2), or (3))*:

- (1) I am attaching a picture I took of where I served the papers. This picture was taken as close as was practical to the time I served the papers.

(a) Stamp requirements for the pictures *(check one)*:

- The picture includes a stamp that shows and automatically recorded the (1) date, (2) time, (3) GPS or equivalent coordinates of when and where the picture was taken.
- The picture does **not** have a stamp with GPS or equivalent coordinates because I did not have a signal *(explain why you did not have a signal)*:

(b) Door requirements for pictures. Was the person served at a home or a business? *(check one)*:

- No
- Yes and the picture includes the door of the home or business.
- Yes and the picture includes the entrance of the home or business because the door was not accessible *(explain why the door was not accessible)*:

- (2) I did not include a picture because taking a picture would have risked my (the person serving papers) safety *(explain)*:

- (3) I did not include a picture because this person was not required to be served under Code Civ. Proc., § 417.10.

<input type="checkbox"/> Estate <input type="checkbox"/> Conservatorship <input type="checkbox"/> Guardianship <input type="checkbox"/> Matter of (Name):	Case Number:
<input type="checkbox"/> Decedent <input type="checkbox"/> Conservatee <input type="checkbox"/> Minor <input type="checkbox"/> Other	

5. **Substituted service.** (To qualify for substituted service, personal delivery must have been attempted on at least three different days at three different times. For service to be complete, mailing must take place. For guardianship cases you must have the court's permission.) I left the papers with or in the presence of (name and title or relationship to person named in item 3): _____ on (date): _____ at (time): _____ and I told them who the papers were for and that they were legal papers.

- a. This person (or the person listed above) is:
- (1) **(business)** a person at least 18 years of age apparently in charge.
 - (2) **(home)** a competent member of the household (at least 18 years of age).

b. **Required mailing:** I thereafter mailed a copy of the papers by prepaid (1) first class mail, (2) priority mail with tracking, or (3) certified mail with return receipt requested, to the person named in item 3 on (date): _____.

c. Picture requirements for personal service (Code Civ. Proc., § 417.10(a) (check (1) or (2)):

(1) I am attaching a picture I took of where I served the papers. This picture was taken as close as was practical to the time I served the papers.

- (a) Stamp requirements for the pictures (check one):
- The picture includes a stamp that shows and automatically recorded the (1) date, (2) time, (3) GPS or equivalent coordinates of when and where the picture was taken.
 - The picture does **not** have a stamp with GPS or equivalent coordinates because I did not have a signal (explain why you did not have a signal): _____

- (b) Door requirements for pictures (check one):
- The picture includes the door of the home or business.
 - The picture includes the entrance of the home or business because the door was not accessible (explain why the door was not accessible): _____

(2) I did not include a picture because taking a picture would have risked my (the person serving papers) safety (explain): _____

d. **A declaration of diligence** is attached. (You may use form DE-123 (Declaration of Diligence for Substituted Service Attachment).)

6. Server verification and signature

- I am (check one):
- a. Exempt from registration under Business and Professions Code section 22350(b).
 - b. Not a registered California process server.
 - c. A registered California process server
 - (1) Owner Employee Independent Contractor
 - (2) Registration number: _____
 - (3) County: _____
 - (4) Fee for service was (give amount): \$ _____

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

Date: _____

Name of Person Who Served Papers	Signature of Person Who Served Papers
----------------------------------	---------------------------------------

<input type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name):	CASE NUMBER:
<input type="checkbox"/> MINOR <input type="checkbox"/> (PROPOSED) CONSERVATEE	

PROOF OF PERSONAL SERVICE OF NOTICE OF HEARING—GUARDIANSHIP OR CONSERVATORSHIP

(Attach a separate completed and signed copy of this form or other proof of personal service to Notice of Hearing-Guardianship or Conservatorship for each person who personally served a copy of the Notice.)

1. I am over the age of 18 and not a party to this cause.
2. I served the attached *Notice of Hearing—Guardianship or Conservatorship* by personally delivering a copy to each person listed below at the address and on the date and time indicated below.
3. I served with the attached *Notice of Hearing—Guardianship or Conservatorship* a copy of the petition or other document referred to in the Notice.
4. I served with the attached Notice of Hearing—Guardianship or Conservatorship copies of the following documents *(specify)*:

 Continued on Attachment 4.
5. I am *(check all that apply)*:
 - a. not a registered California process server.
 - b. a California sheriff or marshal.
 - c. a registered California process server.
 - d. an employee or independent contractor of a registered California process server.
 - e. exempt from registration (Bus. & Prof. Code, § 22350(b)).
6. My name, address, telephone number, and, if applicable, county of registration and number, are *(specify)*:

REVOKED

NAME OF EACH PERSON PERSONALLY SERVED, ADDRESS WHERE SERVED, AND DATE AND TIME SERVICE WAS MADE

	Name	Address where served <i>(number, street, city, and state)</i>	Date and time service made
1.			Date: _____ Time: _____
2.			Date: _____ Time: _____
3.			Date: _____ Time: _____
4.			Date: _____ Time: _____

January 1, 2027

List of names and addresses of persons personally served by the undersigned continued on an attachment. *(You may use Attachment to Notice of Hearing Proof of Personal Service, form DE-120(PA)/GC-020(PA), for this purpose.)*

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

(For California sheriff or marshal use only)
I certify that the foregoing is true and correct.

Date: _____

Signature

Date: _____

Signature

<input type="checkbox"/> ESTATE	<input type="checkbox"/> GUARDIANSHIP	<input type="checkbox"/> CONSERVATORSHIP	<input type="checkbox"/> MATTER OF	CASE NUMBER:
<i>(Name):</i>				

ATTACHMENT TO NOTICE OF HEARING PROOF OF PERSONAL SERVICE

(This Attachment is for use with forms DE-120(P) and GC-020(P).)

NAME OF EACH PERSON PERSONALLY SERVED, ADDRESS WHERE SERVED, AND DATE AND TIME SERVICE WAS MADE

No.	Name	Address where served <i>(number, street, city and state)</i>	Date and time service made
_____			Date: _____ Time: _____
_____			Date: _____ Time: _____
_____			Date: _____ Time: _____
_____			Date: _____ Time: _____
_____			Date: _____ Time: _____
_____			Date: _____ Time: _____
_____			Date: _____ Time: _____
_____			Date: _____ Time: _____
_____			Date: _____ Time: _____
_____			Date: _____ Time: _____
_____			Date: _____ Time: _____
_____			Date: _____ Time: _____

REVOKED

January 1, 2027

Party Without Attorney or Attorney Name: Firm Name: Street Address: City: State: Zip Code: Telephone No.: Fax No.: Email Address: Attorney for (name):	<i>For Court Use Only</i> <p style="text-align: center;">DRAFT Not approved by the Judicial Council DE-126/GC-326 2026-03-25</p>
Superior Court of California, County of Street Address: Mailing Address: City and Zip Code: Branch Name:	
<input type="checkbox"/> Estate <input type="checkbox"/> Conservatorship <input type="checkbox"/> Guardianship <input type="checkbox"/> Matter of (Name): <input type="checkbox"/> Decedent <input type="checkbox"/> Conservatee <input type="checkbox"/> Minor <input type="checkbox"/> Other	
Proof of Service of Citation/Summons—Probate	Case Number:

1. Server's information

- a. I am at least 18 years old and not a party in this case.
- b. Name:
- c. Address:

2. Papers served

I served (delivered) a copy of the following papers (check a, b, or c):

- a. Form GC-320 (*Citation for Conservatorship*), a copy of which is attached, and the following papers (check all that apply):
 - (1) Form GC-309 (*Request for Appointment of Probate Limited Conservator Over Adult With Developmental Disability (Petition for Appointment)*)
 - (2) Form GC-310 (*Request for Appointment of Probate Conservator (Petition for Appointment)*)
 - (3) Other papers (specify):
- b. Form DE-122/GC-122 (*Citation—Probate*), a copy of which is attached and the following papers (specify):
- c. Form DE-125 (*Summons (Probate)*), a copy of which is attached and the following papers (specify):

3. a. Party served (specify name of party as shown on the papers served):

- b. Address (specify):



<input type="checkbox"/> Estate <input type="checkbox"/> Conservatorship <input type="checkbox"/> Guardianship <input type="checkbox"/> Matter of (Name):	Case Number:
<input type="checkbox"/> Decedent <input type="checkbox"/> Conservatee <input type="checkbox"/> Minor <input type="checkbox"/> Other	

(Complete item 4, 5, 6, or 7)

4. **Personal service**

- a. I personally delivered the copies of the papers to the person in item 3 on (date): _____ at (time): _____
- b. Picture requirements for personal service (Code Civ. Proc., § 417.10(a)) (check (1) or (2)):
- (1) I am attaching a picture I took of where I served the papers. This picture was taken as close as was practical to the time I served the papers.
- (a) Stamp requirements for the pictures (check one):
- The picture has a readable stamp that shows the (1) date, (2) time, and (3) global positioning system (GPS) or equivalent coordinates of when and where the picture was taken. The information in the stamp was automatically recorded when the picture was taken.
- The picture does **not** have a stamp with GPS or equivalent coordinates because I did not have a signal (explain why you did not have a signal): _____
- (b) Door requirements for pictures. Was the person served at a home or a business? (check one):
- No
- Yes and the picture includes the door of the home or business.
- Yes and the picture includes the entrance of the home or business because the door was not accessible (explain why the door was not accessible): _____
- (2) I did not include a picture because taking a picture would have risked my (the person serving the papers) safety (explain): _____

5. **Substituted service** (To qualify for substituted service, personal delivery must have been attempted on at least three different days at three different times. For service to be complete, mailing must take place.)

I left the papers with or in the presence of (name and title or relationship to person named in item 3): _____ on (date): _____
 at (time): _____ and I told them who the papers were for and that they were legal papers.

- a. This person (or the person listed above) is:
- (1) **(business)** a person at least 18 years of age apparently in charge.
- (2) **(home)** a competent member of the household (at least 18 years of age).
- b. **Required mailing:** I thereafter mailed a copy of the papers by prepaid (1) first class mail, (2) priority mail with tracking, or (3) certified mail with return receipt requested, to the person named in item 3 on (date): _____
- c. Picture requirements for substituted service (Code Civ. Proc., § 417.10(a)) (check (1) or (2)):
- (1) I am attaching a picture I took of where I served the papers. This picture was taken as close as was practical to the time I served the papers.
- (a) Stamp requirements for the pictures (check one):
- The picture has a readable stamp that shows the (1) date, (2) time, and (3) global positioning system (GPS) or equivalent coordinates of when and where the picture was taken. The information in the stamp was automatically recorded when the picture was taken.
- The picture does **not** have a stamp with GPS or equivalent coordinates because I did not have a signal (explain why you did not have a signal): _____



<input type="checkbox"/> Estate <input type="checkbox"/> Conservatorship <input type="checkbox"/> Guardianship <input type="checkbox"/> Matter of _____ (Name):	Case Number: _____
<input type="checkbox"/> Decedent <input type="checkbox"/> Conservatee <input type="checkbox"/> Minor <input type="checkbox"/> Other	

5. c. (1) (b) Door requirements for pictures (*check one*):
- The picture includes the door of the home or business.
 - The picture includes the entrance of the home or business because the door was not accessible (*explain why the door was not accessible*):

(2) I did not include a picture because taking a picture would have risked my (the person serving the papers) safety (*explain*):

d. **A declaration of diligence** is attached. (*You may use form DE-123 (Declaration of Diligence for Substituted Service Attachment) for substituted service on a natural person, minor, conservatee, or political candidate.*)

6. **Mail and acknowledgment service**

I mailed the papers to the person served, addressed as shown in item 3b, by first class mail, postage prepaid, on (*date*): _____ from (*city*): _____

- a. with two copies of the *Notice and Acknowledgment of Receipt—Civil* and a postage-paid return envelope addressed to me. (*Attach the completed form POS-015 (Notice and Acknowledgment of Receipt—Civil) signed by the person being served.*)
- b. to an address outside California by registered or certified mail with return receipt requested. (*Attach completed return receipt.*)

7. **Other** (*specify other manner of service and authorizing code section*):

8. **Server verification and signature**

I am (*check one*):

- a. Exempt from registration under Business and Professions Code section 22350(b).
- b. Not a registered California process server.
- c. A registered California process server
 - (1) Owner Employee Independent Contractor
 - (2) Registration number: _____
 - (3) County: _____
 - (4) Fee for service was (*give amount*): \$ _____

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

Date: _____

_____ Name of Person Who Served Papers		_____ Signature of Person Who Served Papers
---	--	--

<input type="checkbox"/> Estate <input type="checkbox"/> Conservatorship <input type="checkbox"/> Guardianship <input type="checkbox"/> Matter of _____ (Name):	Case Number:
<input type="checkbox"/> Decedent <input type="checkbox"/> Conservatee <input type="checkbox"/> Minor <input type="checkbox"/> Other	

Declaration of Diligence for Substituted Service Attachment

Instructions: Complete this form if you were unable to personally serve (deliver) the papers in this case and you tried at least three different times on three different days. Attach the completed form to form DE-120(P)/GC-020(P) or DE-126/GC-326.

1. Person who tried to serve the papers

- a. I am at least 18 years old and am not a party to this case.
- b. Name:
- c. Address:

- d. Telephone number:
- e. I am (*check one*):
 - (1) exempt from registration under Business and Professions Code section 22350(b).
 - (2) not a registered California process server.
 - (3) a registered California process server: owner employee independent contractor
 Registration no.: _____ County: _____

2. Attempts to serve. I tried in good faith to personally deliver the papers in this case on at least three different days and at at least three different times. I tried to serve (*person*):

- a. on date: _____ at time: _____ and at (*address*): _____
- b. on date: _____ at time: _____ and at (*address*): _____
- c. on date: _____ at time: _____ and at (*address*): _____
- d. on additional dates and times, as listed below (*write the date, time, and address of each additional attempt*):

3. Picture requirements. (*For each attempt to serve you listed above, you must meet the picture requirements described here.*)

- a. First attempt. For the attempt I listed in item 2a above (*check (1) or (2)*):
 - (1) I am attaching a picture of where I tried to serve the papers, which I took as close as was practical to the time I tried to serve the papers.
 - (a) Stamp requirements for picture (*check one*):
 - The picture has a readable stamp that shows the (1) date, (2) time, and (3) global positioning system (GPS) or equivalent coordinates of when and where the picture was taken. The information in the stamp was automatically recorded when the picture was taken.
 - The picture does **not** have a stamp with GPS or equivalent coordinates because I did not have a signal (*explain why you did not have a signal*):



<input type="checkbox"/> Estate (Name):	<input type="checkbox"/> Conservatorship	<input type="checkbox"/> Guardianship	<input type="checkbox"/> Matter of	<input type="checkbox"/> Decedent	<input type="checkbox"/> Conservatee	<input type="checkbox"/> Minor	<input type="checkbox"/> Other	Case Number:
--	--	---------------------------------------	------------------------------------	-----------------------------------	--------------------------------------	--------------------------------	--------------------------------	--------------

3. a. (1) (b) Door requirements for picture. Did you try to serve at a home or business? (*check one*):

- No.
 Yes and the picture shows the door of the home or business.
 Yes and the picture shows the entrance of the home or business because the door was not accessible (*explain why the door was not accessible*):

(2) I am **not** attaching a picture because taking a picture would have risked my (the person serving the papers) safety (*explain*):

b. Second attempt. For the attempt I listed in item 2b above (*check (1) or (2)*):

(1) I am attaching a picture of where I tried to serve the papers, which I took as close as was practical to the time I tried to serve the papers.

(a) Stamp requirements for picture (*check one*):

- The picture has a readable stamp that shows the (1) date, (2) time, and (3) global positioning system (GPS) or equivalent coordinates of when and where the picture was taken. The information in the stamp was automatically recorded when the picture was taken.
 The picture does **not** have a stamp with GPS or equivalent coordinates because I did not have a signal (*explain why you did not have a signal*):

(b) Door requirements for picture. Did you try to serve at a home or business? (*check one*):

- No.
 Yes and the picture shows the door of the home or business.
 Yes and the picture shows the entrance of the home or business because the door was not accessible (*explain why the door was not accessible*):

(2) I am **not** attaching a picture because taking a picture would have risked my (the person serving the papers) safety (*explain*):

c. Third attempt. For the attempt I listed in item 2c above (*check (1) or (2)*):

(1) I am attaching a picture of where I tried to serve the papers, which I took as close as was practical to the time I tried to serve the papers.

(a) Stamp requirements for picture (*check one*):

- The picture has a readable stamp that shows the (1) date, (2) time, and (3) global positioning system (GPS) or equivalent coordinates of when and where the picture was taken. The information in the stamp was automatically recorded when the picture was taken.
 The picture does **not** have a stamp with GPS or equivalent coordinates because I did not have a signal (*explain why you did not have a signal*):



<input type="checkbox"/> Estate <input type="checkbox"/> Conservatorship <input type="checkbox"/> Guardianship <input type="checkbox"/> Matter of (Name):	Case Number:
<input type="checkbox"/> Decedent <input type="checkbox"/> Conservatee <input type="checkbox"/> Minor <input type="checkbox"/> Other	

3. c. (1) (b) Door requirements for picture. Did you try to serve at a home or business? (check one):

- No.
- Yes and the picture shows the door of the home or business.
- Yes and the picture shows the entrance of the home or business because the door was not accessible (explain why the door was not accessible):

(2) I am **not** attaching a picture because taking a picture would have risked my (the person serving the papers) safety (explain):

d. Additional attempts. (Check here if you made more than three attempts. Attach a piece of paper and write "Attachment 3d, Picture requirements—additional attempts" at the top. For each attempt you listed in item 2d, provide the same information about the picture requirements for items 3a, 3b, and 3c. You may use form MC-025.)

4. **Verification**

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

Date:

Name of Person Who Tried to Serve Papers

▶

Signature of Person Who Tried to Serve Papers

What is Service?

Service is the act of giving copies of your court papers to the people involved in your case. As the person asking for guardianship, you are responsible for having the people listed below served. Service must be in person or by mail unless the court orders differently. You can find out more about the papers you must file and serve in form GC-208-INFO (*Forms to Use to Ask the Court to Appoint a Guardian of the Person*).

- Personal service means the server personally hands the papers to someone.
- Service by mail means the server mails the papers to someone.

When is the deadline to have my court papers served?

- In most cases, **personal service and service by mail must be completed at least 15 days before the date of the hearing.** Other exceptions are if the court orders differently or as stated below.
- If service must be made on the director of the Regional Center for the Developmentally Disabled for the child’s county, **service must be completed at least 30 days before the hearing.** If the child in your case is developmentally disabled and you think you may have to serve a Regional Center director, when you file your Petition you can ask the clerk for a later hearing date because you will need more time than usual to serve the *Notice of Hearing* and the *Petition*.
- **If the child is or may be a Native American, or has Native American ancestors,** there are additional mailing and other requirements that may apply to your case. For more information about the special requirements for a guardianship involving a Native American child, see form ICWA-005-INFO (*Information Sheet on Indian Child Inquiry Attachment and Notice of Child Custody Proceeding For Indian Child*).

What happens if the papers aren't served in time?

If the papers are not served by the deadline, the court will have to continue (reschedule) the hearing date on your petition. This will delay appointment of a guardian for the children involved in your case. If you cannot serve a person, you must ask the court to either change how service is done or to waive service.

Who can serve my papers?

- Any adult who is not involved in the case (not someone who signed the petition or is entitled to notice). **You cannot serve your own court papers.**
- A registered process server (a business you pay to deliver papers).
- A sheriff or marshal in the county where you need the papers served. There may be a fee for service, which is waived if the court has granted you a fee waiver. Give a copy of your form FW-003-GC (*Order on Court Fee Waiver*), form SER-001 (*Request for Sheriff to Serve Court Papers*), and a copy of all the court papers you want served to the sheriff or marshal.



People who must be personally served

- The child in the case, if they are at least 12 years old.
- The child’s parents.
- Any person who has legal custody of the child.
- Any court-appointed guardian of the child’s property (the child’s “estate”).
- Any person nominated as guardian of the child by one or both of the child’s parents (if your petition does not ask the court to appoint that person as guardian).
- Any person nominated as guardian of the *estate*, if the person who made the nomination gave property to the child.

For step-by-step instructions for personal service, see page 3.

Can my server mail the papers instead of personally delivering them? Yes, but it often doesn’t work. You may use a process where the server mails the person the papers along with form POS-015 (*Notice and Acknowledgment of Receipt*). Then the person who received the papers must sign form POS-015 and mail it back to the server so the server can file it with the completed proof of service. Because the receiving person must sign and mail a form back, this type of service often doesn’t work. So, most people do personal service.

People who can be served by mail

- The child’s relatives listed in the child’s form GC-210(CA) (*Child Information Attachment to Probate Guardianship Petition*), attached to the *Petition*.
- Paternal grandfather (parent of father).
- Paternal grandmother (parent of father).
- Maternal grandfather (parent of mother).
- Maternal grandmother (parent of mother).
- Siblings (including half-siblings) (if younger than 12 years of age, notice must be mailed to their parent, guardian, or person with legal custody instead of mailing directly to the child).
- Department of Social Services, Director of Social Services (if the person who wants to be guardian of the person is not related to the child).
- Director of State Hospitals or Developmental Disabilities (if the child is a patient in or on leave from a state hospital).
- Director of the Regional Center for the Developmentally Disabled for the child’s location (if the child is developmentally disabled and the person you want the court to appoint is (1) not the child’s natural parent; (2) is a provider of services to persons with developmental disabilities or the spouse or an employee of a provider; and (3) not a public agency).

For step-by-step instructions for service by mail, see page 4.



Steps for personal service

- ① Choose a server.
- ② Give your server a copy of all the forms you’ve filed for the case. You will need one set for each person who needs to be served:
 - **A completed copy of the petition for appointment of a guardian (the “*Petition*”).** In a guardianship of the person, this may be either form GC-210(P) (*Petition for Appointment of Guardian of the Person*) or form GC-210 (*Petition for Appointment of Guardian of Minor*). Copies of all papers attached to the *Petition* must also be served with it.
 - **A completed copy of form GC-020 (*Notice of Hearing—Guardianship or Conservatorship*),** (the “*Notice of Hearing*”) showing the date, time, and place of the hearing on the *Petition*, including (unsigned) copies of all attachments showing proof of service.
- ③ Give your server the address or location of each person you need to serve.
- ④ Give your server these instructions:
 - Walk up to each person to be served and make sure they are the right person.
 - Hand each person copies of the completed *Notice of Hearing* and *Petition*.
 - Take a picture of where the service took place, and make sure the photo has a stamp that automatically records the date, time, and GPS coordinates. If at a house or business, take a picture of the door. Do not take a picture if it is not safe.
- ⑤ Have your server complete and sign a form DE-120(P)/GC-020(P) (*Proof of Service (Personal or Substituted)—Notice of Hearing*) for each person served. Attach a copy of the picture, if one was taken. If more than one person personally serves the papers, each person must fill out and sign their own separate form DE-120(P)/GC-020(P) showing the names of the person they served.
- ⑥ Make a copy of the completed form GC-020 (*Notice of Hearing*) and attached forms DE-120(P)/GC-020(P) (*Proof of Service (Personal or Substituted)—Notice of Hearing*) and file them with the court as soon as you can, but no later than 5 court days before the hearing. The court should give you back a file-stamped copy of the forms.
- ⑦ Bring the file-stamped copy of your notice and proofs of service to the hearing.



Steps for service by mail

- ① Choose a server.
- ② Give your server a copy of all the forms you’ve filed for the case. You will need one set for each person who needs to be served:
 - **A completed copy of the petition for appointment of a guardian (the “*Petition*”).** In a guardianship of the person, this may be either form GC-210(P) (*Petition for Appointment of Guardian of the Person*) or form GC-210 (*Petition for Appointment of Guardian of Minor*); form GC-210 can be used for both person and estate. Copies of all papers attached to the *Petition* must also be served with it.
 - **A completed copy of form GC-020 (*Notice of Hearing—Guardianship or Conservatorship*),** (the “*Notice of Hearing*”) showing the date, time, and place of the hearing on the *Petition*, including (unsigned) copies of all attachments showing proof of service.
- ③ Give your server the address or location of each person or group you need to serve.
- ④ Give your server these instructions:
 - Put copies of the filled-in form GC-020 and the *Petition*, including all the attached pages, in sealed envelopes (9" x 12" or 10" x 13" manila envelopes are recommended) addressed to the persons or organizations listed above that apply to your case.
 - Make sure the addresses shown on the envelopes for the relatives of each child match the addresses shown for these relatives in each child's form GC-210(CA) (*Child Information Attachment to Probate Guardianship Petition*).
 - Mail the addressed envelopes via the U.S. Postal Service, with first-class postage prepaid.
 - Fill out, date, and sign the *Proof of Service* on the second page of the original form GC-020.
 - If there are more than four persons being served by mail, continue the list of persons served by mail on one or more copies of form DE-120(MA)/GC-020(MA) (*Attachment to Notice of Hearing Proof of Service by Mail*).
 - Give the completed and signed original *Proof of Service* and all completed attached pages back to you.
- ⑤ Make a copy of the completed form GC-020 and any attached forms DE-120(M)/GC-020(M) and file them with the court as soon as you can, but no later than 5 court days before the hearing. The court should give you back a file-stamped copy of the forms.
- ⑥ Bring the file-stamped copy of your notice and proofs of service to the hearing.

Summons
(Citacion Judicial)

Probate (Juicio Testamentario)

For Court Use Only
(Solo Para Uso De La Corte)

Notice To: (Aviso a)

From: (De)

Estate of: (Herencia de)

DRAFT
Not approved by
the Judicial Council
DE-125 2026-03-20

Case Number (Número del caso):

A court proceeding has been started which may affect your interests in the estate. Read the document delivered with this Summons.

You have 30 CALENDAR DAYS after this summons is served on you to file at this court a written response if you want to be heard by the court.

A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to consider it.

If you do not file your response on time, you may lose your right to participate in the proceeding or present your evidence. You will not receive another warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or a legal aid office.

La corte ha comenzado a tramitar una acción judicial testamentaria que puede afectar sus intereses sucesorios. Lea el documento enviado con esta citación judicial.

Después de que le entreguen esta citación usted tiene un plazo de 30 DIAS CALENDARIOS para presentar en esta corte una respuesta escrita, si desea una audiencia ante la corte.

Una carta o una llamada telefónica no le ofrecerá protección; su respuesta escrita tiene que cumplir con las formalidades legales apropiadas si usted quiere que la corte considere su caso.

Si usted no presenta su respuesta a tiempo, puede perder su derecho a participar en el proceso judicial o a presentar sus pruebas. Usted no recibirá notificación adicional por parte de la corte.

Existen otros requisitos legales. Es posible que usted quiera llamar a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de referencia de abogados o a una oficina de ayuda legal.

NOTICE TO THE PERSON SERVED: You are served

- a. as an individual.
b. on behalf of (specify):
under: Code Civ. Proc., § 416.10 (corporation)
Code Civ. Proc., § 416.20 (defunct corporation)
Code Civ. Proc., § 416.40 (association or partnership)
Code Civ. Proc., § 416.60 (minor)
Code Civ. Proc., § 416.70 (conservatee)
Code Civ. Proc., § 416.90 (individual)
other (specify):
c. by personal delivery on (date):

(SEAL)

The name and address of the COURT is: (El nombre y dirección de la CORTE es)

The name, address, and telephone number of the filing party's attorney, or the party without an attorney, is: (El nombre, la dirección y el número de teléfono del abogado del accionante, o del accionante que no tiene abogado, es)

DATE:
(Fecha)

Clerk, by _____, Deputy
(Actuario) (Delegado)

Party Without Attorney or Attorney State Bar Number: Name: Firm Name: Street Address: City: State: Zip Code: Telephone No.: Fax No.: Email Address: Attorney for (name):	<i>For Court Use Only</i> DRAFT Not approved by the Judicial Council GC-320 2026-03-20
Superior Court of California, County of Street Address: Mailing Address: City and Zip Code: Branch Name:	
Conservatorship of the <input type="checkbox"/> Person <input type="checkbox"/> Estate of (name): Proposed Conservatee	
Citation for Conservatorship <input type="checkbox"/> Limited Conservatorship	Case Number:

THE PEOPLE OF THE STATE OF CALIFORNIA,

To (name):

1. You are hereby cited and required to appear at a hearing in this court on

Name and address of court if different from above:

Date: Time:
 Dept.: Room:

and to give any legal reason why, according to the verified petition filed with this court, you should not be found to be
 unable to provide for your personal needs unable to manage your financial resources and by reason thereof,
 why (name): should not be appointed conservator limited conservator
 of your person estate.

2. A conservatorship of the person may be created for a person who is unable properly to provide for his or her personal needs for physical health, food, clothing, or shelter. A conservatorship of the property (estate) may be created for a person who is unable to resist fraud or undue influence, or who is substantially unable to manage his or her own financial resources. "Substantial inability" may not be proved solely by isolated incidents of negligence or improvidence.
3. At the hearing a conservator may be appointed for your person estate.
 The appointment may affect or transfer to the conservator your right to contract, to manage and control your property, to give informed consent for medical treatment, to fix your place of residence, and to marry.
4. You may be disqualified from voting if you are found to be incapable of communicating, with or without reasonable accommodations, a desire to participate in the voting process. You will not be disqualified from voting on the basis that you do, or would need to do, any of the following to complete an affidavit of voter registration:
 - a. Sign the affidavit of voter registration with a mark or a cross, pursuant to section 2150(b) of the Elections Code;
 - b. Sign the affidavit of voter registration by means of a signature stamp pursuant to section 354.5 of the Elections Code;
 - c. Complete the affidavit of voter registration with the assistance of another person pursuant to section 2150(d) of the Elections Code; or
 - d. Complete the affidavit of voter registration with reasonable accommodations.

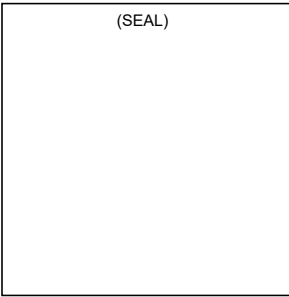
CONTINUED ON PAGE 2. THE CLERK'S SEAL IS ALSO ON THAT PAGE.



Conservatorship of the <input type="checkbox"/> Person <input type="checkbox"/> Estate of (name): _____ <div style="text-align: right;">Proposed Conservatee</div>	Case Number: _____
--	--------------------

5. The judge or the court investigator will explain to you the nature, purpose, and effect of the proceedings and answer questions concerning the explanation.
6. You have the right to appear at the hearing and oppose the petition. You have the right to hire an attorney of your choice to represent you. The court will appoint an attorney to represent you if you are unable to retain one. You must pay the cost of that attorney if you are able. You have the right to a jury trial if you wish.
7. *(For limited conservatorship only)* In addition to the rights stated in item 6 above, you have the right to oppose the petition in part by objecting to any or all of the requested duties or powers of the limited conservator.

Date: _____ Clerk, by _____, Deputy



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 courts.ca.gov/forms for form [MC-410](#) (*Disability Accommodation Request*). (Civ. Code, § 54.8.)

Rules Committee Action Request Form

Rules Committee Meeting Date: April 10, 2026

Action requested: Circulate for comment (January 1 effective date)

Title of proposal: Probate Conservatorship: Revisions to Petitions, Orders, and Letters

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.):

Adopt forms GC-309, GC-309B/GC-310B, GC-309B/GC-310C, GC-339, GC-339B/GC-340B, GC-339C/GC-340C, and GC-350A; and revise forms GC-310, GC-340, and GC-350

Committee or other entity submitting the proposal:

Probate and Mental Health Advisory Committee

Staff contact (name, phone, and email):

Julia Kaufman, 916-263-5814, julia.kaufman@jud.ca.gov

Annual agenda approved by Rules Committee on (*date*): October 16, 2025

Project description from annual agenda: 2. The committee will develop a recommendation for revisions to Petition for Appointment of Probate Conservator (form GC-310), Order Appointing Probate Conservator (form GC-340), and Letters of Conservatorship (form GC-350). The recommendation will bring the forms into conformity with the conservatorship statutes, as amended by Assembly Bill 1194 (Stats. 2021, ch. 417) and Assembly Bill 1663 (Stats. 2022, ch. 894), simplify the forms, and reorganize them to make them more user friendly and easier for self-represented petitioners and conservators to understand. The recommendation will include adoption of new separate forms for appointment of a limited conservator and will propose moving some material from the principal petition and order forms to new attachments. The committee will also consider developing an information form to guide petitioners for appointment of a conservator.

Circulation or Implementation Notes: (If requesting a special invitation-to-comment cycle or an effective date other than January 1, please explain.)

Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any relevant information not contained in the attached summary.)

Information for JC staff

EGG reviewed on (*date*): 03/04/26

Office director (or designee) reviewed on (*date*): 3/06/2026 by (*name*): Audrey Fancy

Complete the following for all JC reports recommending forms:

- **Form Translations** (check all that apply)

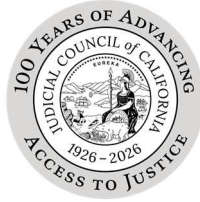
Proposal includes forms that: staff requests be translated, are required by statute to be translated.

Provide citations to code that mandates translation:

- **Website Content** (check all that apply)

New or revised form descriptions are needed for the California courts website. (If checked, form descriptions should be approved by a supervisor before submitting this RAR.)

Changes or additions to self-help website are needed.



Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688

courts.ca.gov/policy-administration/invitations-comment

INVITATION TO COMMENT

SPR26-35

Title

Probate Conservatorship: Revisions to Petitions, Orders, and Letters

Action Requested

Review and submit comments by May 18, 2026, to invitations@jud.ca.gov

Proposed Rules, Forms, Standards, or Statutes

Adopt forms GC-309, GC-309B/GC-310B, GC-309C/GC-310C, GC-339, GC-339B/GC-340B, GC-339C/GC-340C, and GC-350A; revise forms GC-310, GC-340, and GC-350

Proposed Effective Date

January 1, 2027

Contact

Julia Kaufman, 916-263-5814
julia.kaufman@jud.ca.gov

Proposed by

Probate and Mental Health Advisory Committee
Hon. Jayne Chong-Soon Lee, Chair

Executive Summary and Origin

To implement portions of Assembly Bill 1663 (Stats. 2022, ch. 894) and to make conservatorship forms more accessible and user-friendly, the Probate and Mental Health Advisory Committee proposes adopting seven forms for mandatory use and revising three mandatory forms. The proposal will provide new forms for a petition and for an order for appointment of a limited conservator, and new attachments for use in both general and limited conservatorships. The committee intends for the proposal to simplify the forms and make them more intuitive and understandable for self-represented litigants, conservators, and proposed conservatees.

Background

California conservatorship law has undergone many changes over the past 18 years. Beginning with the Omnibus Conservatorship and Guardianship Act of 2006,¹ the Legislature has enacted

¹The Omnibus Act comprised Assembly Bill 1363 (Stats. 2006, ch. 493), and Senate Bills 1116 (Stats. 2006, ch. 490), 1550 (Stats. 2006, ch. 491), and 1716 (Stats. 2006, ch. 492). See also Assembly Bill 1727 (Stats. 2007, ch. 553) (Omnibus Act cleanup legislation).

This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules Committee, or its Legislation Committee. It is circulated for comment purposes only.

multiple measures intended to protect the rights and interests of conservatees and persons for whom appointment of a conservator is proposed,² and to clarify the duties of conservators.

In 2022, Assembly Bill 1663 amended the conservatorship statutes in several respects and reaffirmed the distinctions in conservatorships for persons with developmental disabilities.³ AB 1663, in part, amended Probate Code section 1800.3 to require that the court deem a petition for conservatorship to be a petition for a limited conservatorship if the court becomes aware that the proposed conservatee has a developmental disability, and the petition is not requesting special authority for major neurocognitive disorders (such as dementia).

Currently, mandatory *Petition for Appointment of Probate Conservator* (form GC-310) is the only form for petitions seeking appointment of a probate conservator, a limited probate conservator, or a successor probate conservator of an individual's person, estate, or both.⁴ While it provides the basic information required by the probate code, the combination of these different requests into a single form requires a petitioner to have extensive knowledge of the different types of conservatorships and the legal and factual elements required to establish the need for each. It also requires the petitioner to draft as many as seven separate attachments to include all the orders that may be requested.

In addition, the petition form to establish a probate conservatorship (form GC-310) has not been updated since 2019, the appointment order form (form GC-340) has not been updated since 2016, and the form for the letters (form GC-350) has not been updated since 2015. Accordingly, some of the language included in the forms is outdated and needs to be corrected to conform to the current law; specifically, the orders and letters still use “dementia,” which was updated to “major neurocognitive disorder” by Senate Bill 413 (Stats. 2017, ch. 122).

The Proposal

The Probate and Mental Health Advisory Committee proposes adopting seven forms for mandatory use and revising three mandatory forms to assist in the application of AB 1663, comply with existing law, and make the forms more user-friendly. The committee proposes separating the process for appointing limited and general probate conservatorships by adopting

² This proposal uses “(proposed) conservatee” to refer collectively to these categories of persons (conservatees and proposed conservatees) when appropriate.

³ Other provisions of AB 1663 have already been implemented by the Judicial Council and as such are not included in this proposal. See Judicial Council of Cal., Advisory Com. Rep., *Probate Conservatorships: Less Restrictive Alternatives* (July 17, 2023), <https://jcc.legistar.com/View.ashx?M=F&ID=12246541&GUID=2D040B09-36A5-4157-85D0-428F176C4608>; Judicial Council of Cal., Advisory Com. Rep., *Probate Conservatorship: Confidential Declaration Forms* (August 15, 2024), <https://jcc.legistar.com/View.ashx?M=F&ID=13260199&GUID=5EE6E7D9-7B32-43C9-9BCE-65541A651F29>; and Judicial Council of Cal. Advisory Com. Rep., *Probate Conservatorship: Information for Conservatees* (October 24, 2025), <https://jcc.legistar.com/View.ashx?M=F&ID=14843503&GUID=8ED4D076-E2FE-4391-B0E4-2D7222E15C1A>.

⁴ This proposal uses “general conservatorship” to refer to conservatorships under the Probate Code that do not meet the specific requirements of a limited conservatorship.

separate petitions and orders and revising current forms as needed. In addition, the committee proposes adopting standardized attachments for both the petitions and orders of the most common relief requested, and revising existing forms as needed.

Adopt Request for Appointment of Probate Limited Conservator Over Adult With Developmental Disability (Petition for Appointment) (form GC-309)

The committee proposes adopting the new mandatory petition *Request for Appointment of Probate Limited Conservator Over Adult With Developmental Disability (Petition for Appointment)* (form GC-309). This form would only be used to request a limited conservatorship, which is a conservatorship over a person with developmental disabilities. The form contains all of the information required to be in a petition by Probate Code section 1821, but has been designed to make it easy for self-represented litigants to use, with a simplified layout and the use of plain language wherever possible, including in the title of the form.⁵ The proposed form is at an 8th grade reading level.⁶ This form clearly delineates when a limited conservatorship is being requested, so the court can more easily apply the law as amended by AB 1663 to deem a conservatorship a limited conservatorship when it is requested for a developmentally disabled person. This will also assist the court in providing the correct advisement to the proposed conservatee as set forth in Probate Code section 1828.5 and allow the court investigator to inform the proposed conservatee of the contents of the petition, as required by Probate Code section 1826.

The form also lists each specific power that a court may grant in a limited conservatorship, along with a brief explanation of each power. This is an improvement over the current version of form GC-310, which requires the petitioner to create an attachment and write the powers requested. Some counties have created their own attachments to the petition form to express the special powers and limits requested for limited conservatorships as required by Probate Code section 2351.5(b), signaling a need for statewide forms.

For item 8g, the committee considered including an instruction that would direct the petitioner to request a conservatorship of the estate when requesting the power to enter into contracts on behalf of the limited conservatee. The committee concluded that courts may interpret the requirements for granting the power to enter into contracts differently. Therefore, the committee proposes that the request regarding contracts only remove the power of the limited conservatee to enter into contracts, which closely tracks the language used in Probate Code section 2351.5.⁷

⁵ Judicial Council staff conducted two rounds of user testing sessions to assess the wording, formatting, and usability of proposed form GC-309. Volunteers were observed completing the form, noting errors and sections of the form that were confusing. Improvements to the form were made based on these observations.

⁶ The reading level of the form was determined using the Flesch-Kincaid readability scale, which is used by federal and state agencies to assess the readability of documents and the level of education generally required to understand the text.

⁷ Probate Code section 2351.5(b)(2) provides the court authority over the “right of the limited conservatee to contract.”

Revise *Petition for Appointment of Probate Conservator* (form GC-310)

The committee proposes revising this form to only be used as a petition for general conservatorships by removing the options that only apply to a limited conservatorship.⁸ The revisions are also recommended to maintain consistency with the language and structure of proposed form GC-309. It should be noted that the changes to the form were so extensive that all the changes are not highlighted on the proposed form. Changes to the form include:

- Retitling the form to *Request for Appointment of Probate Conservator (Petition for Appointment)*;
- Updating the caption to include the request for appointment of a joint conservator;
- Revising the instructions on page 1 to explain when the form should be used;
- Removing the questions that are related only to a limited conservatorship or a conservatorship of the estate; and
- Reorganizing the format to be more user-friendly and use plain-language terminology.

The proposed form is at an 8th grade reading level, reduced from a 15th grade reading level. The proposed attachments for the estate (form GC-309B/GC-310B) and joint conservator (form GC-309C/GC-310C), discussed below, would serve as attachments to this petition, when applicable.

Adopt *Estate Attachment to Request for Appointment of Probate Conservator* (form GC-309B/GC-310B)

Proposed form GC-309B/GC-310B will be required only when a conservatorship of the estate is requested. Most items contained in this new proposed form are currently on petition form GC-310. New items include specific powers that are required in limited conservatorship proceedings.⁹ As a majority of self-represented litigants in conservatorship cases request a conservatorship of the person only, using a separate form for items only relevant to conservatorships of the estate will simplify the petition forms. In the new form GC-309 and proposed revised form GC-310, the request for conservatorship of the estate is still included in the petitions but directs the petitioner to complete proposed form GC-309B/GC-310B. This will reduce confusion by simplifying the petitions to require only the information necessary for the conservatorships of the person while also allowing the petitioner to designate a different proposed conservator of the estate, if any. It will clarify the identity of the proposed conservator of the estate by providing space for the person's name and contact information to be separately stated in the attachment.

Form GC-309B/GC-310B also adds plain-language instructions on how to value the estate, an explanation of the bond, and the necessary information regarding the size of the estate and the

⁸ Assem. Bill 1663.

⁹ See Item 4.

bond request for easy completion. The proposed form also details the additional powers that can be granted to a conservator of the estate, limiting the number of attachments that need to be created by petitioners.

Adopt *Joint Conservator Attachment to Request for Appointment of Probate Conservator (form GC-309C/GC-310C)*

Form GC-309C/GC-310C would allow those requesting multiple conservators (also known as joint conservators) to submit each conservator's information on separate forms. Petitioners can provide clear and accurate information (such as their relationship to the proposed conservatee) as to each person or entity, thereby making it clear to the court what information applies to each proposed conservator. Currently, form GC-310 only has space for one petitioner, one proposed conservator of the person, and one proposed conservator of the estate. Proposed form GC-309C/310C also adds plain-language instruction explaining the legal effects of appointing a joint conservator, such as the requirement that joint conservators agree on decisions.¹⁰

Adopt *Order Appointing Limited Probate Conservator (form GC-339)*

Form GC-339 includes findings and orders for the appointment of a limited conservator as required by Probate Code section 1830. This proposed form is needed to ensure that the court properly deems a conservatorship of a person with developmental disabilities as a limited conservatorship as required by AB 1663 by including all the orders allowed under a limited conservatorship, and removing the need for the litigants to create an attachment. As more fully described below, the form also refers to mandatory attachments for use when a conservatorship of the estate is granted or a joint conservator is appointed.

Revise *Order for Appointment of Probate Conservator (form GC-340)*

The committee proposes revising the order to match the formatting and style of the proposed revised petition form GC-310 and the other proposed new forms. The proposed changes to the form were so extensive that all the changes are not highlighted. Changes to the form include:

- Adding the options of the appointment of a joint conservator;
- Clearly designating the identity of the conservator of the person and the conservator of the estate, if they are different people, and providing separate findings for each;
- Removing sections used to grant authority specifically to a limited conservator or a conservator of the estate; those findings and orders would be included in the new order and attachments discussed above;
- Providing the most common orders that can be additionally granted rather than requiring the petitioner to create another attachment; and

¹⁰ Prob. Code, § 2105.

- Updating the language to conform with the changes in terminology related to major neurocognitive disorders, formerly referred to as dementia.¹¹

Adopt Additional Orders Regarding Conservatorship of the Estate (form GC-339B/GC-340B)¹²

This proposed form is for use as an attachment to the limited conservatorship order (form GC-339) or the general conservatorship order (form GC-340). Similar to the separate estate attachment to the underlying petition (form GC-309B/GC-310B), this form will reduce confusion as petitioners will not need to create their own attachments and incorrectly identify or explain the powers granted. This form includes the bond information and mirrors the estate attachment to the petition forms. It also provides the details of the property, contracts, and claims the conservator is entitled to manage as required by Probate Code section 1830 for limited conservatorships, as well as fillable space for specifying additional estate powers granted in either the limited or general conservatorship.

Adopt Additional Orders Regarding Joint Conservators (form GC-339C/GC-340C)

This proposed form is an attachment to the limited conservatorship order (form GC-339) or the general conservatorship order (form GC-340) to provide orders regarding each joint conservator for increased clarity as to the specific findings made for each conservator as well as addressing the current problem of lack of space to provide information about more than one conservator. It also provides an option to refer to previous orders, thereby reducing the need for the parties to duplicate work.

Revise Letters of Conservatorship (form GC-350)

Revisions are needed to this form to update terminology, such as using “major neurocognitive disorder” instead of “dementia,” to comply with the law.¹³ The committee also proposes adding space for information about more than one conservator, adding descriptive headings in item 3, and adding the public guardian and financial institutions as options in the affirmation section to accurately reflect the affirmation requirements for each type of conservator.

Adopt Additional Powers for Limited Conservatorship (form GC-350A)

The committee proposes adopting form GC-350A as an attachment to *Letters of Conservatorship*, to specify the special powers that can only be granted in a limited conservatorship—such as the ability to control the conservatee’s right to choose their own residence. The powers are listed in the same format as the petition (form GC-309) and order (form GC-339).

¹¹ Prob. Code, § 2356.5.

¹² The form numbers match the underlying attachment form. Since the GC-310(A-PF) does not require a form to be attached to the order, the committee elected to not use GC-339A/GC-340A as a form number.

¹³ Prob. Code, § 2356.5.

Alternatives Considered

The committee did not consider the alternative of taking no action because some elements of forms GC-340, and GC-350 need revisions to conform to existing law.

The committee considered keeping the requests for a general conservatorship and a limited conservatorship in one form. However, the feedback received from user-testing of the form and comments from the public led the committee to conclude that developing specific forms for limited conservatorships would reduce confusion and increase access to the courts, as well as assist courts in complying with the legal requirements to appoint conservators.

Finally, the committee considered whether to separate the information about any proposed joint conservator on an attachment (form GC-309C/GC-310C) rather than including the information on the main petition (forms GC-309 or GC-310). The committee concluded that a separate form would keep the main petition forms at a more reasonable length and reduce confusion by allowing the petitioner to specify more clearly and completely the identity of each person proposed for appointment as conservator.

Fiscal and Operational Impacts

Courts would incur costs to train court employees, revise internal procedures, revise any local rules and forms, and update case management systems. However, the committee expects that the new forms will result in fewer continuances, which can reduce work for the courts, as an updated court investigator's report and advisement to the proposed conservatee could be required by late modifications to the petition.

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?

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 two 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?
- Would these new forms negatively impact courts that have adopted their own forms/attachments to address the need for multiple attachments to the current petition?

Attachments and Links

1. Forms GC-309, GC-310, GC-309B/GC-310B, GC-309C/GC-310C, GC-339, GC-340, GC-339B/GC-340B, GC-339C/GC-340C, GC-350, GC-350A, at pages 9–45.
2. Link A: Assembly Bill 1663:
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1663
3. Link B: Senate Bill 413:
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB413

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council GC-309 2026-03-09
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CONSERVATORSHIP OF (name): (PROPOSED) CONSERVATEE	
REQUEST FOR APPOINTMENT OF PROBATE LIMITED CONSERVATOR OVER ADULT WITH DEVELOPMENTAL DISABILITY (PETITION FOR APPOINTMENT) <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE <input type="checkbox"/> JOINT CONSERVATOR <input type="checkbox"/> AMENDED	CASE NUMBER: HEARING DATE:
<p>When to use this form: Use this form to ask the court for decision-making powers for an adult with a developmental disability. This is called a limited conservatorship. This request can also include the power to make decisions about the person's estate (a person has an estate if they have assets or income other than public benefits). For more information, go to selfhelp.courts.ca.gov/limited-conservatorships.</p> <p>Do not use this form if the person who needs help is not developmentally disabled. For more information about how to help someone with an impairment or a disability go to selfhelp.courts.ca.gov/helping-person-impairment-or-disability.</p>	

1. **Person who needs help making their own decisions (proposed conservatee)**

a. Name:

b. Address:

City:

State:

Zip code:

Telephone number:

Email address:

c. How old is this person? (check one):

(1) At least 18 years old.

(2) Will be 18 years old within 1 year.

(3) Is under 18 years old and married or divorced.

(Note: If you cannot check any of the boxes above, do not use this form.)



CONSERVATORSHIP OF (name):	CASE NUMBER:
(PROPOSED) CONSERVATEE	

1. d. Does this person reside in California?

- Yes
 No

e. Does this person reside in the county where this request is being filed?

- Yes
 No (If no, check at least one of the options below to file your request in this county.)

(1) This person is not a resident but temporarily living in this county now (explain):

(2) It would be in the best interests of this person to have this case in this county (explain):

(3) This person owns property in this county (for requests for estate only, you must complete form GC-309B/ GC-310B). (Describe property):

2. Developmental disability

A developmental disability means a disability that:

- (1) Started before the person turned 18 years old;
(2) Will continue with no known end; and
(3) Causes a substantial handicap.

Does the person who needs help have a disability that meets the requirements listed above?

- No (If no, do not use this form. For more information, go to selfhelp.courts.ca.gov/helping-person-impairment-or-disability.)
 Yes (If yes, complete a and b below.)

a. Type of disability:

b. This disability limits the following daily activities of the person who needs help (check all that apply):

- Bathe, care for teeth, go to the bathroom
 Choose proper clothes and dress self
 Prepare meals, eat properly
 Protect self from harm
 Be able to contact help
 Take and manage medication
 Other:

(You may use form GC-312 (Confidential Supplemental Information) to give more detailed reasons.)



CONSERVATORSHIP OF <i>(name):</i> _____ <div style="text-align: right; margin-top: 10px;">(PROPOSED) CONSERVATEE</div>	CASE NUMBER: _____
--	-----------------------

3. Other information about the person who needs help

a. Has anyone filed a court case to ask for decision-making power (conservatorship) over the person?

- I don't know
- No
- Yes *(If yes, complete the section below.)*

Place *(state and county or tribe)*:

Case number:

Name of person appointed *(if any)*:

Date filed *(if known)*:

b. Tribal member or lives on tribal lands *(For information on federally recognized tribes, go to www.usa.gov/tribes.)*

(1) Is the person a member of a federally recognized tribe?

- I don't know
- No
- Yes *(name of tribe and state tribe is located in):*

(2) Does the person live on tribal land *(owned by a federally recognized tribe)*?

- I don't know
- No
- Yes

(3) Does the person own property on tribal land?

- I don't know
- No
- Yes

c. State hospital information

Is the person a patient in or on a leave of absence from a state hospital controlled by the California Department of State Hospitals or the California Department of Developmental Services?

- I don't know
- No
- Yes *(name of institution):*

d. Veteran's benefits

The person *(check one)*:

- Does not receive veteran's benefits.
- Does not receive, but would qualify for veteran's benefits.
- Receives veteran's benefits *(amount of monthly benefits, if known):*
- I don't know.

4. Information about you (petitioner)

a. Name:

b. Address:

City:

State:

Zip code:

Telephone number:

Email address:

- c. There is more than one petitioner. *(Attach a piece of paper and write "Additional Petitioners – Attachment 4c" at the top. Include the name, contact information, and relationship to the person who needs help for each additional petitioner. Each petitioner must sign at the bottom of this form.)*



CONSERVATORSHIP OF <i>(name):</i> (PROPOSED) CONSERVATEE	CASE NUMBER:
--	--------------

5. Your relationship to the person who needs help

I am *(check all that apply)*:

- a. A relative. The person is my *(give relationship)*:
- b. Married to the person and *(check one)*:
 - (1) Not involved in any open family law case (divorce, annulment, legal separation).
 - (2) Involved in an open family law case (divorce, annulment, legal separation) but this request is still in the best interest of the person because *(explain)*:
- c. Currently in a domestic partnership with the person and not planning to terminate that domestic partnership.
- d. Planning to terminate or already terminated domestic partnership with the person but this request is still in the best interest of the person because *(explain)*:
- e. A bank or another entity authorized to conduct the business of a trust company.
- f. A nonprofit charitable corporation that meets the requirements of Probate Code section 2104.
- g. A professional fiduciary (defined in Business and Professions Code section 6501(f)). My statement concerning licensure or exemption is provided in item 1 on page 1 of the attached form GC-210(A-PF)/GC-310(A-PF) *(Professional Fiduciary Attachment to Petition for Appointment of Guardian or Conservator)*.
- h. A state or local public entity, officer, or employee *(explain)*:
- i. Someone who has been chosen in writing (nominated) by one of the following *(check all that apply and attach the nomination)*:
 - (1) An adult child, parent, or sibling of the person who needs help.
 - (2) The spouse or domestic partner of the person.
 - (3) The person.
- j. Other *(explain)*:

6. Financial relationship between you (petitioner) and the person who needs help

I am *(check all that apply)*:

- a. A creditor or an agent of a creditor of the person *(this means that the person owes money to you or someone you work for)*.
- b. A debtor or an agent of a debtor of the person *(this means that you or someone you work for owes money to the person)*.
- c. None of the above.



CONSERVATORSHIP OF <i>(name):</i>	CASE NUMBER:
(PROPOSED) CONSERVATEE	

7. Request for conservatorship (items 7–9)

I am asking the court to appoint the following person or persons as conservator of the person (person with decision-making powers over the person who needs help). *(Check a, b, c, or d)*

- a. **Me, and no other person.**
- b. **Me, and at least one other person.** *(If two or more people hold the same role, this is called a joint conservatorship. You must complete form GC-309C/GC-310C (Joint Conservator Attachment to Petition for Appointment of Probate Conservator) for each additional person and attach it to this form.)*
- c. **One or more persons that are not me.**

(1) Name:

Address:

City:

State:

Zip code:

Telephone number:

Email address:

The person is *(check all that apply)*:

- (a) A relative. The person who needs help is their *(give relationship)*:
- (b) Married to the person who needs help and *(check one)*:
 - (i) Not involved in any open family law cases (divorce, annulment, legal separation).
 - (ii) Involved in an open family law case (divorce, annulment, legal separation) but this request is still in the best interest of the person who needs help because *(explain)*:
- (c) Currently in a domestic partnership with the person who needs help and not planning to terminate that domestic partnership.
- (d) Planning to terminate or already terminated domestic partnership with the person who needs help but this request is still in the best interest of the person who needs help because *(explain)*:
- (e) A bank or another entity authorized to conduct business of a trust company.
- (f) A nonprofit charitable corporation that meets the requirements of Probate Code section 2104.
- (g) A professional fiduciary (defined in Business and Professions Code section 6501(1)). Their statement concerning licensure or exemption is provided in item 1 on page 1 of the attached form GC-210(A-PF)/GC-310(A-PF) *(Professional Fiduciary Attachment to Petition for Appointment of Guardian or Conservator)*.
- (h) A state or local public entity, officer, or employee *(explain)*:
- (i) Someone who has been chosen in writing (nominated) by one of the following *(check all that apply and attach the nomination)*:
 - (i) The person who needs help.
 - (ii) The spouse or domestic partner of the person who needs help.
 - (iii) The adult child, parent, or sibling of the person who needs help.
- (j) Other *(explain)*:
- (2) Check this box if you are listing another person. You must complete form GC-309C/GC-310C for each additional person and attach it to this form. *If two or more people hold the same role, this is called a joint conservatorship.*
- d. **None of the above, I am requesting a conservatorship of the estate only.** *(You must complete form GC-309B/GC-310B (Estate Attachment to Request for Appointment of Probate Conservator) and attach it to this form.)*



CONSERVATORSHIP OF (name): (PROPOSED) CONSERVATEE	CASE NUMBER:
---	--------------

8. Powers you are requesting for the proposed conservator

(For each category listed below, you can request no power, shared power, or full power. If you are requesting some or full power, explain why it is needed. Shared power gives the conservator power equal to the person who needs help, but the person who needs help can still make choices without the consent of the conservator or may override the choice of the conservator. If the conservator has full power, then the choice can be made by the conservator alone, whether or not the person who needs help agrees.)

a. Medical

Power to make medical decisions for the person who needs help *(check one)*:

- No
 Yes, shared power with the person who needs help
 Yes, full power for the proposed conservator, no power to the person who needs help

(If yes, complete 1–3 below)

(1) Can the person make medical decisions on their own?

- No *(If no, you must have form GC-335 (Capacity Declaration) completed and filed before the court hearing.)*
 Yes

(2) Does the person belong to a religion that relies on prayer alone for healing?

- No
 Yes

(3) Explain why the power is needed:

b. Residence

Power to decide where the person who needs help lives *(check one)*:

- No
 Yes, shared power with the person
 Yes, full power for the proposed conservator, no power to the person

(If yes, explain why the power is needed.)

c. Access to confidential papers

Power to access confidential records and papers of the person who needs help *(check one)*:

- No
 Yes, shared power with the person
 Yes, full power for the proposed conservator, no power to the person

(If yes, explain why the power is needed.)



CONSERVATORSHIP OF <i>(name):</i> (PROPOSED) CONSERVATEE	CASE NUMBER:
--	--------------

8. d. **Marriage and domestic partnership**

Power to decide whether or not the person who needs help can get married or enter into a domestic partnership (*check one*):

- No
 Yes, shared power with the person
 Yes, full power for the proposed conservator, no power to the person

(If yes, explain why the power is needed.)

e. **Contacts and relationships**

Power to control the social and sexual contacts and relationships of the person who needs help (*check one*):

- No
 Yes, shared power with the person
 Yes, full power for the proposed conservator, no power to the person

(If yes, explain why the power is needed.)

f. **Education**

Power to make education decisions for the person who needs help (*check one*):

- No
 Yes, shared power with the person
 Yes, full power for the proposed conservator, no power to the person

(If yes, explain why the power is needed.)

g. **Contracts**

Do you want the court to take away the power of the person who needs help to enter into contracts?

- No
 Yes

(If yes, explain why the power is needed.)

h. **Do you want the power to make financial decisions for the estate of the person who needs help?**

- Does not apply. The person does not have an estate.
 No
 Yes *(If yes, you must complete and attach form GC-309B/GC-310B (Estate Attachment to Petition for Appointment of Probate Conservator).)*



CONSERVATORSHIP OF <i>(name):</i> (PROPOSED) CONSERVATEE	CASE NUMBER:
--	--------------

8. i. **Special powers regarding major neurocognitive disorders**

Is the person who needs help going to be treated for a major neurocognitive disorder (such as dementia)?

No

Yes *(If yes, you must complete and attach form GC-313 (Attachment Requesting Special Orders Regarding a Major Neurocognitive Disorder).)*

j. **Other power you are requesting, if any** *(Describe the power you are requesting and why the power is needed.):*

9. **Reasons for your request**

(Explain why the person who needs help is unable to properly provide for their personal needs for physical health, food, clothing, or shelter. Give general reasons here, give detailed reasons on form GC-312 (Confidential Supplemental Information). If you are requesting the estate only, you may skip this item.)

10. **Attending the court hearing**

(Once you file your request, the court will set a hearing date. You, the petitioner, will need to attend the hearing, and generally the person who needs help must attend.)

Is the person who needs help able to attend the hearing?

Yes

No, because *(check all that apply):*

- a. They are medically unable to attend the hearing. You **must** file a completed form GC-325 *(Confidential Declaration on Medical Ability to Attend Hearing—Probate Conservatorship)* before the hearing.
- b. They will not be in the state of California.
- c. They are not willing to attend the hearing, do not wish to object, and do not prefer another person be appointed.



CONSERVATORSHIP OF <i>(name):</i> _____ <div style="text-align: right; margin-top: 10px;">(PROPOSED) CONSERVATEE</div>	CASE NUMBER: _____
--	-----------------------

11. Does the person who needs help have a preference about who should be the person making decisions on their behalf?

(Preferences may be expressed in spoken words or by any form of communication that does not involve talking (for example, writing, sign language or gestures, augmented communication, and facial expressions). If the person is able to form a preference, you must try to figure out that preference and tell the court.)

- a. Yes, the person prefers the conservator to be *(name)*:
I know this because: _____

- b. No, because they are medically unable to express a preference *(explain)*: _____

- c. I don't know their preference, and I am not able to find out their preference because *(explain)*: _____

12. Relatives of the person who needs help

a. List the relatives of the person (spouse, parents, children, siblings, grandparents, and grandchildren). If the relative is no longer living, check the box for deceased.

	Name and relationship to person	Address <i>(number, street, city, state, and zip code)</i>
(1)	_____ Relationship: _____ <input type="checkbox"/> Deceased	
(2)	_____ Relationship: _____ <input type="checkbox"/> Deceased	
(3)	_____ Relationship: _____ <input type="checkbox"/> Deceased	
(4)	_____ Relationship: _____ <input type="checkbox"/> Deceased	
(5)	_____ Relationship: _____ <input type="checkbox"/> Deceased	
(6)	_____ Relationship: _____ <input type="checkbox"/> Deceased	
(7)	_____ Relationship: _____ <input type="checkbox"/> Deceased	
(8)	_____ Relationship: _____ <input type="checkbox"/> Deceased	

Check here if there are additional relatives. List them on a separate sheet of paper, write "Attachment 12a" at the top, and attach it to this form. *(List the name, mailing address, and relationship of each person.)*



CONSERVATORSHIP OF <i>(name):</i> _____ <div style="text-align: right;">(PROPOSED) CONSERVATEE</div>	CASE NUMBER: _____
--	--------------------

12. b. If the person has no living relatives listed in item 12a, list their stepparents, stepchildren, aunts and uncles, and nieces and nephews. If the person has no living aunts or uncles, list their cousins. If the relative is no longer living, check the box for deceased.

	Name and relationship to person	Address <i>(number, street, city, state, and zip code)</i>
(1)	_____ Relationship: _____ <input type="checkbox"/> Deceased	
(2)	_____ Relationship: _____ <input type="checkbox"/> Deceased	
(3)	_____ Relationship: _____ <input type="checkbox"/> Deceased	

Check here if there are additional relatives. List them on a separate sheet of paper, write "Attachment 12b" at the top, and attach it to this form. *(List the name, mailing address, and relationship of each person.)*

c. The person has no living relatives. *(If this box is checked, you must try hard to find living relatives and have reasons if you cannot find them.)*

Explain what you did to look for living relatives and why you cannot find them:

13. Number of pages attached *(if any)*: _____

Date:

Type or Print Name of Lawyer for Petitioner



Signature of Lawyer for Petitioner

(If there is more than one petitioner, the other petitioners must also sign below.)

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 Each Petitioner



Signature of Each Petitioner

Date:

Type or Print Name of Each Petitioner



Signature of Each Petitioner

Date:

Type or Print Name of Each Petitioner



Signature of Each Petitioner

Check here if there are additional petitioners.

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council GC-310 2026-03-24
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CONSERVATORSHIP OF (name): (PROPOSED) CONSERVATEE	
REQUEST FOR APPOINTMENT OF PROBATE CONSERVATOR (Petition for Appointment) <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE <input type="checkbox"/> JOINT CONSERVATOR <input type="checkbox"/> SUCCESSOR	CASE NUMBER: HEARING DATE:
<p>When to use this form: Use this form to ask the court for decision-making powers over a person with a disability or impairment. This request can also include the power to make decisions about the person’s estate (a person has an estate if they have assets or income other than public benefits).</p> <p>Do not use this form if the person’s handicap is only physical, only psychiatric, or only due to learning disabilities. For more information, go to selfhelp.courts.ca.gov/helping-person-impairment-or-disability.</p> <p>Do not use this form if the person who needs help is an adult with a developmental disability and has not been diagnosed with a neurocognitive disorder (such as dementia). For more information, go to selfhelp.courts.ca.gov/limited-conservatorships.</p>	

1. **Person who needs help making their own decisions (proposed conservatee)**

a. Name:

b. Address:

City:

State:

Zip code:

Telephone number:

Email address:

c. How old is this person (check one):

(1) At least 18 years old.

(2) Will be 18 years old within 1 year.

(3) Is under 18 years old and married or divorced.

(Note: If you cannot check any of the boxes above, do not use this form.)



CONSERVATORSHIP OF (name): (PROPOSED) CONSERVATEE	CASE NUMBER:
---	--------------

1. d. Does this person reside in California?

Yes

No

e. Does this person reside in the county where this request is being filed?

Yes

No (If no, check at least one of the options below to file your request in this county.)

(1) This person is not a resident but temporarily living in this county now (explain):

(2) It would be in the best interests of this person to have this case in this county (explain):

(3) This person owns property in this county (for requests for estate only, you must complete form GC-309B/ GC-310B). (Describe property):

2. Other information about the person who needs help

a. Has anyone filed a court case to ask for decision-making power (conservatorship) over the person?

I don't know

No

Yes (If yes, complete the section below.)

Place (state and county or tribe):

Case number:

Name of person appointed (if any):

Date filed (if known):

b. Tribal member or lives on tribal lands (For information on federally recognized tribes, go to www.usa.gov/tribes.)

(1) Is the person a member of a federally recognized tribe?

I don't know

No

Yes (name of tribe and state tribe is located in):

(2) Does the person live on tribal land (owned by a federally recognized tribe)?

I don't know

No

Yes

(3) Does the person own property on tribal land?

I don't know

No

Yes



CONSERVATORSHIP OF (name): (PROPOSED) CONSERVATEE	CASE NUMBER:
---	--------------

2. c. **State hospital information**

Is the person a patient in or on a leave of absence from a state hospital controlled by the California Department of State Hospitals or the California Department of Developmental Services?

- I don't know
 No
 Yes (name of institution):

d. **Veteran's benefits**

The person (check one):

- Does not receive veteran's benefits.
 Does not receive, but would qualify for veteran's benefits.
 Receives veteran's benefits (amount of monthly benefits, if known):
 I don't know.

3. **Information about you (petitioner)**

a. Name:

b. Address:

City:

State:

Zip code:

Telephone number:

Email address:

- c. There is more than one petitioner. (Attach a piece of paper and write "Additional Petitioners – Attachment 3c" at the top. Include the name, information, and relationship to the person who needs help for each additional petitioner. Each petitioner must sign at the bottom of this form.)

4. **Your relationship to the person who needs help**

I am (check all that apply):

- a. A relative. The person is my (give relationship):
- b. Married to the person and (check one):
- (1) Not involved in any open family law case (divorce, annulment, legal separation).
(2) Involved in an open family law case (divorce, annulment, legal separation) but this request is still in the best interest of the person because (explain):
- c. Currently in a domestic partnership with the person and not planning to terminate that domestic partnership.
- d. Planning to terminate or already terminated domestic partnership with the person but this request is still in the best interest of the person because (explain):
- e. A bank or another entity authorized to conduct the business of a trust company.
- f. A nonprofit charitable corporation that meets the requirements of Probate Code section 2104.
- g. A professional fiduciary (defined in Business and Professions Code section 6501(f)). My statement concerning licensure or exemption is provided in item 1 on page 1 of the attached form GC-210(A-PF)/GC-310(A-PF) (Professional Fiduciary Attachment to Petition for Appointment of Guardian or Conservator).



CONSERVATORSHIP OF <i>(name):</i> _____ <div style="text-align: right; margin-top: 10px;">(PROPOSED) CONSERVATEE</div>	CASE NUMBER: _____
--	--------------------

4. h. A state or local public entity, officer, or employee (*explain*):
- i. Someone who has been chosen in writing (nominated) by one of the following (*check all that apply and attach the nomination*):
- (1) An adult child, parent, or sibling of the person who needs help.
 - (2) The spouse or domestic partner of the person.
 - (3) The person.
- j. Other (*explain*):

5. Financial relationship between you (petitioner) and the person who needs help

I am (*check all that apply*):

- a. A creditor or an agent of a creditor of the person (*this means that the person owes money to you or someone you work for*).
- b. A debtor or an agent of a debtor of the person (*this means that you or someone you work for owes money to the person*).
- c. None of the above.

6. Request for conservatorship (items 6–8)

I am asking the court to appoint the following person or persons as conservator of the person (person with decision-making powers over the person who needs help). (*Check a, b, c, or d*)

- a. **Me, and no other person.**
- b. **Me, and at least one other person.** (*If two or more people hold the same role, this is called a joint conservatorship. You must complete form GC-309C/GC-310C (Joint Conservator Attachment to Petition for Appointment of Probate Conservator) for each additional person and attach it to this form.*)
- c. **One or more persons that are not me.**

(1) Name:

Address:

City:

State:

Zip code:

Telephone number:

Email address:

The person is (*check all that apply*):

- (a) A relative. The person who needs help is their (*give relationship*):
- (b) Married to the person who needs help and (*check one*):
 - (i) Not involved in any open family law cases (divorce, annulment, legal separation).
 - (ii) Involved in an open family law case (divorce, annulment, legal separation) but this request is still in the best interest of the person who needs help because (*explain*):
- (c) Currently in a domestic partnership with the person who needs help and not planning to terminate that domestic partnership.
- (d) Planning to terminate or already terminated domestic partnership with the person who needs help but this request is still in the best interest of the person who needs help because (*explain*):



CONSERVATORSHIP OF (name): (PROPOSED) CONSERVATEE	CASE NUMBER:
---	--------------

6. c. (1) (e) A bank or another entity authorized to conduct business of a trust company.
- (f) A nonprofit charitable corporation that meets the requirements of Probate Code section 2104.
- (g) A professional fiduciary (defined in Business and Professions Code section 6501(1)). Their statement concerning licensure or exemption is provided in item 1 on page 1 of the attached form GC-210(A-PF)/GC-310(A-PF) (*Professional Fiduciary Attachment to Petition for Appointment of Guardian or Conservator*).
- (h) A state or local public entity, officer, or employee (*explain*):
- (i) Someone who has been chosen in writing (nominated) by one of the following (*check all that apply and attach the nomination*):
- (i) The person who needs help.
- (ii) The spouse or domestic partner of the person who needs help.
- (iii) The adult child, parent, or sibling of the person who needs help.
- (j) Other (*explain*):
- (2) Check this box if you are listing another person. You must complete form GC-309C/GC-310C for each additional person and attach it to this form. *If two or more people hold the same role, this is called a joint conservatorship.*
- d. **None of the above, I am requesting a conservatorship of the estate only.** (*You must complete form GC-309B/GC-310B (Estate Attachment to Request for Appointment of Probate Conservator) and attach it to this form.*)

7. Powers you are requesting for the proposed conservator

(Check the boxes for the powers that you are requesting and explain why it is needed.)

- a. Power to make medical decisions for the person who needs help.
- No
- Yes (*if yes, complete 1-4 below*)
- (1) Can the person make medical decisions on their own?
- No (*If no, you must have form GC-335 (Capacity Declaration) completed and filed before the court hearing.*)
- Yes
- (2) Does the person belong to a religion that relies on prayer alone for healing?
- No
- Yes
- (3) Is the person going to be treated for a major neurocognitive disorder (example: dementia)?
- No
- Yes (*If yes, you must complete and attach form GC-313 (Attachment Requesting Special Orders Regarding a Major Neurocognitive Disorder).*)
- (4) Explain why the power is needed:



CONSERVATORSHIP OF <i>(name):</i> (PROPOSED) CONSERVATEE	CASE NUMBER:
--	--------------

7. b. Other powers

Other power you are requesting, if any. *(Describe the power you are requesting and why the power is needed.)*:

c. Estate

Power to make financial decisions for the person, also known as a "conservatorship of the estate".

No

Yes *(If yes, you must complete and attach form GC-309B/GC-310B (Estate Attachment to Petition for Appointment of Probate Conservator).)*

8. Reasons for your request

(Explain why the person who needs help is unable to properly provide for their personal needs for physical health, food, clothing, or shelter. Give general reasons here, give detailed reasons on form GC-312 (Confidential Supplemental Information). If you are requesting the estate only, you may skip this item.)

9. Attending the court hearing

(Once you file your request, the court will set a hearing date. You, the petitioner, will need to attend the hearing, and generally the person who needs help must attend.)

Is the person who needs help able to attend the hearing?

Yes

No, because *(check all that apply)*:

- They are medically unable to attend the hearing. You **must** file a completed form GC-325 (*Confidential Declaration on Medical Ability to Attend Hearing–Probate Conservatorship*) before the hearing.
- They will not be in the state of California.
- They are not willing to attend the hearing, do not wish to object, and do not prefer another person be appointed.



CONSERVATORSHIP OF <i>(name):</i> _____ <div style="text-align: right;">(PROPOSED) CONSERVATEE</div>	CASE NUMBER: _____
--	-----------------------

10. Does the person who needs help have a preference about who should be the person making decisions on their behalf?

(Preferences may be expressed in spoken words or by any form of communication that does not involve talking (for example, writing, sign language or gestures, augmented communication, and facial expressions). If the person is able to form a preference, you must try to figure out that preference and tell the court.)

- a. Yes, the person prefers the conservator to be *(name)*:
I know this because: _____

- b. No, because they are medically unable to express a preference *(explain)*: _____

- c. I don't know their preference, and I am not able to find out their preference because *(explain)*: _____

11. Relatives of the person who needs help

a. List the relatives of the person (spouse, parents, children, siblings, grandparents, or grandchildren). If the relative is no longer living, check the box for deceased.

	Name and relationship to person	Address <i>(number, street, city, state, and zip code)</i>
(1)	_____ Relationship: _____ <input type="checkbox"/> Deceased	
(2)	_____ Relationship: _____ <input type="checkbox"/> Deceased	
(3)	_____ Relationship: _____ <input type="checkbox"/> Deceased	
(4)	_____ Relationship: _____ <input type="checkbox"/> Deceased	
(5)	_____ Relationship: _____ <input type="checkbox"/> Deceased	
(6)	_____ Relationship: _____ <input type="checkbox"/> Deceased	
(7)	_____ Relationship: _____ <input type="checkbox"/> Deceased	
(8)	_____ Relationship: _____ <input type="checkbox"/> Deceased	

Check here if there are additional relatives. List them on a separate sheet of paper, write "Attachment 11a" at the top, and attach it to this form. *(List the name, mailing address, and relationship of each person.)*



CONSERVATORSHIP OF <i>(name):</i> _____ <div style="text-align: right;">(PROPOSED) CONSERVATEE</div>	CASE NUMBER: _____
--	--------------------

11. b. If the person has no living relatives listed in item 11a, list their stepparents, stepchildren, aunts and uncles, and nieces and nephews. If the person has no living aunts or uncles, list their cousins. If the relative is no longer living, check the box for deceased.

<u>Name and relationship to person</u>	<u>Address (number, street, city, state, and zip code)</u>
(1) _____ Relationship: _____ <input type="checkbox"/> Deceased	_____ _____ _____
(2) _____ Relationship: _____ <input type="checkbox"/> Deceased	_____ _____ _____
(3) _____ Relationship: _____ <input type="checkbox"/> Deceased	_____ _____ _____
(4) _____ Relationship: _____ <input type="checkbox"/> Deceased	_____ _____ _____

Check here if there are additional relatives. List them on a separate sheet of paper, write "Attachment 11b" at the top, and attach it to this form. *(List the name, mailing address, and relationship of each person.)*

c. The person has no living relatives. *(If this box is checked, you must try hard to find living relatives and have reasons if you cannot find them.)*

Explain what you did to look for living relatives and why you cannot find them:

12. Number of pages attached *(if any)*: _____

Date: _____

Type or Print Name of Lawyer for Petitioner	Signature of Lawyer for Petitioner
---	------------------------------------

(If there is more than one petitioner, the other petitioners must also sign below.)

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 Each Petitioner	Signature of Each Petitioner
---------------------------------------	------------------------------

Date: _____

Type or Print Name of Each Petitioner	Signature of Each Petitioner
---------------------------------------	------------------------------

Date: _____

Type or Print Name of Each Petitioner	Signature of Each Petitioner
---------------------------------------	------------------------------

Check here if there are additional petitioners.

CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (name): <input type="checkbox"/> CONSERVATEE <input type="checkbox"/> PROPOSED CONSERVATEE	CASE NUMBER:
--	--------------

**ESTATE ATTACHMENT TO REQUEST FOR APPOINTMENT OF PROBATE
CONSERVATOR**

Instructions: Complete this form and attach it to form GC-309 or form GC-310 to ask the court for decision-making power over the estate of a person with a disability or impairment. The person has an “estate” if they have assets or income other than public benefits.

1. Person who needs help making their own decisions (must be the same as item 1a on form GC-309 or form GC-310)

Name:

2. Information about the estate (finances) of the person who needs help

- a. Estimated value of the personal property (*personal property is anything other than land, houses, or other buildings, and includes bank accounts, personal possessions, and investments*): \$
- b. Annual gross income from:
 - (1) Real property (land, houses, buildings, including rental income): \$
 - (2) Personal property (examples: investment or retirement accounts): \$
 - (3) Pensions: \$
 - (4) Wages: \$
 - (5) Public assistance benefits: \$
 - (6) Other: \$
- c. Total value of 2a and 2b: \$ _____
- d. Estimated value of real property (land, houses, or other buildings): \$

3. Request for conservatorship of the estate (items 3–6)

I am asking the court to appoint the following person or persons as conservator of the estate (person with decision-making power over the finances of the person who needs help).

- a. The same person who is requested to help with health care (the proposed conservator named in item 7 of form GC-309 or item 6 of form GC-310).
- b. The following person (*write who you want the court to appoint to help with finances below*):

Name:

Address:

City:

State:

Zip code:

Telephone number:

Email address:

The person is (*check all that apply*):

- (1) A relative of the person who needs help (*specify*):
- (2) Married to the person who needs help on form GC-309 or form GC-310 and (*check one*):
 - (a) Not involved in any open family law cases (divorce, annulment, legal separation).
 - (b) Involved in an open family law case (divorce, annulment, legal separation) but this request is still in the best interests of the person who needs help because (*explain*):



CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (name):	CASE NUMBER:
<input type="checkbox"/> CONSERVATEE <input type="checkbox"/> PROPOSED CONSERVATEE	

3. b. (3) Currently in a domestic partnership with the person who needs help on form GC-309 or form GC-310 and not planning to terminate that domestic partnership; or
- (4) Planning to terminate or already terminated domestic partnership with the person who needs help on form GC-309 or form GC-310 but this request is still in the best interest of the person who needs help because (*explain*):
- (5) A bank or another entity authorized to conduct business of a trust company
- (6) A nonprofit charitable corporation that meets the requirements of Probate Code section 2104
- (7) A professional fiduciary (defined in Business and Professions Code section 6501(f)). Their statement concerning licensure or exemption is provided in item 1 on page 1 of the attached form GC-210(A-PF)/GC-310(A-PF) (*Professional Fiduciary Attachment to Petition for Appointment of Guardian or Conservator*).
- (8) A state or local public entity, officer, or employee (*explain*):
- (9) Someone who has already been chosen in writing (nominated) by one of the following (*check one and attach the nomination*):
- (i) The person who needs help on form GC-309 or form GC-310 ((proposed) conservatee)
- (ii) Their spouse or domestic partner, or
- (iii) Their close relative (a close relative is an adult child, parent, or sibling).
- (10) Other (*explain*):
- c. More than one person. (*You must complete form GC-309C/GC-310C for each additional person and attach it to this form. If two or more people hold the same role, this is called a joint conservatorship.*)
4. **Powers you are requesting for the conservator if the person who needs help has a developmental disability.**
(If the person who needs help has a developmental disability, the court will identify the decisions and assets that you have the power to manage and control. Check all the powers you are requesting and explain.)
- a. Control over property
- (1) Describe property:
- (2) (*Explain why the power is needed.*)
- b. Control over debts, wages, rentals, or other claims
- (1) Describe property and claims:
- (2) (*Explain why the power is needed.*)
- c. Contracts or debts that you may make on behalf of the person who needs help
- (1) Describe contracts or debts:
- (2) (*Explain why the power is needed.*)



CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (name):	CASE NUMBER:
<input type="checkbox"/> CONSERVATEE <input type="checkbox"/> PROPOSED CONSERVATEE	

4. d. Claims against the person who needs help that you may pay, settle, or defend

(1) Describe claims:

(2) *(Explain why the power is needed.)*

5. Additional Powers

(In special circumstances, the court will allow the conservator to take certain actions without asking the court for permission each time. If you believe that it would assist the person who needs help for the conservator to be granted independent powers, please explain the powers you are requesting.)

a. I am requesting the court to grant these additional powers *(describe each additional power)*:

b. Explain why these powers would assist the person who needs help. *(For the court to make these orders, you must prove that the powers you are requesting in item 5a above are in the best interests of the person who needs help.)*

6. Reasons for Request

Explain why the person who needs help is greatly unable to manage their finances or cannot avoid being tricked or pressured into making financial choices that are not good for them (fraud or undue influence). Give general reasons here, give detailed response on form GC-312 *(Confidential Supplemental Information)*.

7. Bond

(A bond is like an insurance policy to protect the person who needs help. The court usually requires the person managing the finances to get this bond. It must come from an approved company or follow legal guidelines. The standard amount for the bond is calculated by the court based on the property and income of the estate as stated in item 2c plus a recovery amount. However, you can also request a different amount.)

I am requesting:

a. The standard amount for bond

b. The amount to be set at: \$ _____ because:

(1) \$ _____ will be deposited in a blocked account at *(name and address of banking institution)*:

After the deposit, you must file form MC-356 *(Acknowledgment of Order and Receipts of Blocked Account)*.

(2) Other *(explain why this is the right amount)*:

c. No bond because the person to be appointed is a corporate fiduciary or an exempt government agency.

CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (name):	CASE NUMBER:
<input type="checkbox"/> CONSERVATEE <input type="checkbox"/> PROPOSED CONSERVATEE	

**JOINT CONSERVATOR ATTACHMENT TO REQUEST FOR APPOINTMENT
OF PROBATE CONSERVATOR**

Instructions: Only use this form if you are requesting more than one person be granted the same decision-making powers over the person who needs help (the person in item 1a on form GC-309 or form GC-310). When there is more than one person appointed to the same role, they both must agree on the decisions to be made. If more than two persons are appointed to the same role, the majority must agree on the decisions. If you are requesting more than one person be appointed to the same role, complete this form for each person and attach it to form GC-309 or form GC-310. Before filing this petition, you should make sure that having more than one conservator is best for the person who needs help.

1. Person who needs help (must be the same person as item 1a on form GC-309 or form GC-310)

Name:

2. Information about the proposed joint conservator

a. Name:

b. Address:

City:

State:

Zip code:

c. Telephone number:

Email address (optional):

d. Is the proposed joint conservator a co-petitioner (an additional person who has completed and signed all the forms needed to request the conservatorship)?

Yes

No (If no, the proposed joint conservator will need to sign the consent at section 5 and complete and file form GC-314 (Confidential Conservator Screening Form).)

3. Relationship of proposed joint conservator to person who needs help (proposed conservatee)

The person is (check all that apply):

a. A relative of the person who needs help. (Specify):

b. Married to the person who needs help and (check one):

(1) Not involved in any open family law cases (divorce, annulment, legal separation).

(2) Involved in an open family law case (divorce, annulment, legal separation) but this request is still in the best interests of the person who needs help because (explain):

c. Currently in a domestic partnership with the person who needs help and not planning to terminate that domestic partnership.

d. Planning to terminate or already terminated domestic partnership with the person who needs help but this request is still in the best interest of the person who needs help because (explain):

e. A bank or another entity authorized to conduct business of a trust company.

f. A nonprofit charitable corporation that meets the requirements of Probate Code section 2104.



CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (name): <input type="checkbox"/> CONSERVATEE <input type="checkbox"/> PROPOSED CONSERVATEE	CASE NUMBER:
--	--------------

3. g. A professional fiduciary (defined in Business and Professions Code section 6501(f)). Their statement concerning licensure or exemption is provided in item 1 on page 1 of the attached form GC-210(A-PF)/GC-310(A-PF) (*Professional Fiduciary Attachment to Petition for Appointment of Guardian or Conservator*).
- h. A state or local public entity, officer, or employee (*explain*):
- i. Someone who has already been chosen in writing (nominated) by one of the following (*check one and attach the nomination*):
- (1) The person who needs help ((proposed) conservatee),
 - (2) Their spouse or domestic partner, or
 - (3) Their close relative (a close relative is an adult child, parent, or sibling).
- j. Other (*explain*):

4. Your request

I am requesting the court appoint the person in item 2 as:

- a. Joint conservator of the person (person with joint decision-making power over the health care of the person who needs help).
- b. Joint conservator of the estate (person with joint decision-making power over the finances of the person who needs help).
- c. Explain why having more than one conservator would help the person who needs help:

5. Consent of Joint Conservator

(If the person listed in item 2 is not a petitioner, they must complete and sign the consent to serve below.)

I consent to serve as joint conservator of the person estate

Date:

Type or Print Name

▶ _____

Signature of Proposed Joint Conservator

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council GC-339 2026-03-24
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CONSERVATORSHIP OF (name): (PROPOSED) CONSERVATEE	
ORDER APPOINTING LIMITED PROBATE CONSERVATOR <input type="checkbox"/> JOINT CONSERVATOR OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE	CASE NUMBER:
WARNING: THIS APPOINTMENT IS NOT EFFECTIVE UNTIL LETTERS HAVE ISSUED.	

1. The request came on for hearing as follows:

- a. Judicial officer (name):
- b. Hearing date: Time: Department:
- c. The request was for the appointment of a limited conservator. joint conservator.
- d. Petitioner (name): attended the hearing. did not attend the hearing.
- e. Attorney for petitioner (name): attended the hearing. did not attend the hearing.
- f. Attorney for person who needs help:
 Name:
 Address:

 attended the hearing. did not attend the hearing.
- g. Person who needs help attended the hearing. did not attend the hearing (give reason, if known, including whether they were out of state):
- Additional information is listed on an attachment (include additional petitioners, attorneys, or other persons who made an appearance).

THE COURT FINDS AND ORDERS:

2. Notice (check either a or b):

- a. All notices have been given as required by law.
- b. All other notices have been given by law and notice to the following people has been ordered waived:
 Name and relationship:

3. The person who needs help (conservatee) (name):
(check all that apply):

- a. Is developmentally disabled as defined in Probate Code section 1420.
- b. Cannot communicate, with or without reasonable accommodations, a desire to participate in the voting process and is disqualified from voting.
- c. Is an adult.
- d. Will be an adult on the effective date of this order.
- e. Is a married minor.
- f. Is a minor whose marriage has been dissolved.



CONSERVATORSHIP OF <i>(name):</i> _____ <div style="text-align: right; margin-top: 10px;">(PROPOSED) CONSERVATEE</div>	CASE NUMBER: _____
--	--------------------

4. The appointed court investigator is *(name)*:
 Address, telephone number, and email address:

5. Conservator of the Person

a. Reason for appointment *(check one)*:

- (1) The person who needs help is unable to provide for their personal needs for physical health, food, clothing, or shelter and granting a limited conservatorship of the PERSON is the least restrictive alternative needed for their protection.
- (2) The person who needs help has voluntarily requested appointment of a conservator and good cause has been shown for appointment.

b. Person appointed

(1) The court appoints *(name and address)*:

as limited conservator joint conservator of the PERSON of
(name of person who needs help): _____ and *Letters of Conservatorship* will issue upon qualification.

(2) Additional persons appointed limited conservator of the PERSON are named on attached form GC-339C *(Additional Orders Regarding Joint Conservators)*.

c. The conservator or joint conservator *(check all that apply)*:

- (1) Is a professional fiduciary as defined by Business and Professions Code section 6501(f).
- (2) Holds a valid, unexpired, unsuspended license as a professional fiduciary issued by the Professional Fiduciaries Bureau of the California Department of Consumer Affairs under chapter 6 (commencing with section 6500) of division 3 of the Business and Professions Code.

License no.: _____ Issuance or last renewal date: _____ Expiration date: _____

d. The conservator or joint conservator is *(check either 1, 2, or 3)*:

- (1) Not married to the person who needs help.
- (2) Married to the person who needs help but not involved in any open family law case (divorce, annulment, legal separation).
- (3) Married to the person who needs help and involved in an open family law case (divorce, annulment, legal separation) but it is in the best interests of the person who needs help to appoint the spouse as conservator.
 joint conservator.

e. The conservator or joint conservator is *(check either 1, 2, or 3)*:

- (1) Not currently in a domestic partnership with the person who needs help.
- (2) The domestic partner of the person who needs help and has neither terminated nor is planning to terminate that domestic partnership.
- (3) The domestic partner of the person who needs help and is planning to terminate or already terminated the domestic partnership, but it is in the best interests of the person who needs help to appoint the partner or former domestic partner as conservator. joint conservator.

6. Conservator of the Estate

a. Reason for appointment *(check one)*:

- (1) The person who needs help is substantially unable to manage their own financial resources, or to resist fraud or undue influence and granting a limited conservatorship of the ESTATE is the least restrictive alternative needed for their protection.
- (2) The person who needs help has voluntarily requested appointment of a conservator and good cause has been shown for appointment.



CONSERVATORSHIP OF <i>(name):</i> _____ <div style="text-align: right;">(PROPOSED) CONSERVATEE</div>	CASE NUMBER: _____
--	--------------------

10. Marriage and domestic partnership

- a. The conservator or joint conservator of the person is granted the authority to grant or withhold consent to the marriage of, or the entrance into a domestic partnership by, the conservatee. This power is shared with the conservatee.
- b. The conservatee may not consent to marry or enter into a domestic partnership; the conservator has full power.

11. Contacts and relationships

- a. The conservator or joint conservator of the person is granted the authority to control the social and sexual contacts and relationships of the conservatee. This power is shared with the conservatee.
- b. The conservatee may not control their own social and sexual contacts; the conservator has full power.

12. Education

- a. The conservator or joint conservator of the person is granted the authority to make educational decisions about the conservatee. This power is shared with the conservatee.
- b. The conservatee may not make their own educational decisions; the conservator has full power.

13. Contracts

- The conservatee may not enter into legal contracts.

14. Estate

- Orders relating to the powers and duties of the conservator or joint conservator of the estate as specified in form GC-339B/GC-340B are granted.

15. Special powers regarding major neurocognitive disorders

- The person who needs help (conservatee) has a major neurocognitive disorder as defined in Probate Code section 2356.5 and the court finds all other facts required to make the orders regarding placement or administration of medications. The conservator or joint conservator of the person is granted the authority:
 - a. To place the conservatee in a locked care facility described in Probate Code section 2356.5(b).
 - b. To authorize administration of medications for the care and treatment of a major neurocognitive disorder described in Probate Code section 2356.5(c).

16. Other orders as specified in an additional page that is attached to this order and labeled attachment 16 are granted.

17. Attorney *(name):* _____ has been appointed by the court as legal counsel to represent the conservatee in these proceedings. The cost for representation is: \$ _____ . The conservatee has the ability to pay all none a portion of this amount. *(specify):* \$ _____ .

18. This order is effective on the date signed the following date *(specify):* _____

19. Number of boxes checked in items 2–18: _____

20. Number of pages attached: _____

Date: _____

Judicial Officer

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council GC-340 2026-03-24
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CONSERVATORSHIP OF (name): (PROPOSED) CONSERVATEE	
ORDER APPOINTING <input type="checkbox"/> SUCCESSOR <input type="checkbox"/> JOINT PROBATE CONSERVATOR OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE	CASE NUMBER:
WARNING: THIS APPOINTMENT IS NOT EFFECTIVE UNTIL LETTERS HAVE ISSUED.	

1. The request came on for hearing as follows:

- a. Judicial officer (name):
- b. Hearing date: _____ Time: _____ Department: _____
- c. The request was for the appointment of a conservator. **joint conservator**. successor conservator.
- d. Petitioner (name): attended the hearing. did not attend the hearing.
- e. Attorney for petitioner (name): attended the hearing. did not attend the hearing.
- f. Attorney for person who needs help:
 Name: _____
 Address: _____

 attended the hearing. did not attend the hearing.
- g. **Person who needs help** attended the hearing. did not attend the hearing (give reason, if known, including whether they were out of state): _____
- Additional information is listed on an attachment (include additional petitioners, attorneys, or other persons who made an appearance).

THE COURT FINDS AND ORDERS:

2. Notice (check either a or b):

- a. All notices have been given as required by law.
- b. All notice has been given as required by law, except notice to the following people has been ordered waived:
 Name and relationship: _____

3. The person who needs help (conservatee) (name):

(check all that apply):

- a. Is developmentally disabled as defined in Probate Code section 1420 and lacks the capacity to perform all of the tasks necessary to provide properly for their own personal needs for physical health, food, clothing, or shelter, or to manage their own financial resources.
- b. Has voluntarily requested appointment of a conservator and good cause has been shown for appointment.
- c. Cannot communicate, with or without reasonable accommodations, a desire to participate in the voting process and is disqualified from voting.
- d. Is an adult.



CONSERVATORSHIP OF <i>(name):</i> _____ <div style="text-align: right; margin-top: 5px;">(PROPOSED) CONSERVATEE</div>	CASE NUMBER: _____
---	--------------------

- 3. e. Will be an adult on the effective date of this order.
- f. Is a married minor.
- g. Is a minor whose marriage has been dissolved.

4. The appointed court investigator is *(name):*
 Address, telephone number, and email address:

5. Conservator of the Person

a. Reason for appointment (*check one*):

- (1) The person who needs help is unable to provide for their personal needs for physical health, food, clothing, or shelter, and granting a limited conservatorship of the PERSON is the least restrictive alternative needed for their protection.
- (2) The person who needs help has voluntarily requested appointment of a conservator and good cause has been shown for appointment.

b. Person appointed

(1) The court appoints (*name and address*):

as conservator joint conservator of the PERSON of
(name of person who needs help): _____ and *Letters of Conservatorship* will issue upon qualification.

(2) Additional persons appointed limited conservator of the PERSON are named on attached form GC-339C (*Additional Orders Regarding Joint Conservators*).

c. The conservator, joint conservator, or successor conservator (*check all that apply*):

- (1) Is a professional fiduciary as defined by Business and Professions Code section 6501(f).
- (2) Holds a valid, unexpired, unsuspended license as a professional fiduciary issued by the Professional Fiduciaries Bureau of the California Department of Consumer Affairs under chapter 6 (commencing with section 6500) of division 3 of the Business and Professions Code.

License no.: _____ Issuance or last renewal date: _____ Expiration date: _____

d. The conservator, joint conservator, or successor conservator is (*check either 1, 2, or 3*):

- (1) Not married to the person who needs help.
- (2) Married to the person who needs help but not involved in any open family law case (divorce, annulment, legal separation).
- (3) Married to the person who needs help and involved in an open family law case (divorce, annulment, legal separation) but it is in the best interests of the person who needs help to appoint the spouse as conservator.
 joint conservator.

e. The conservator, joint conservator, or successor conservator is (*check either 1, 2, or 3*):

- (1) Not currently in a domestic partnership with the person who needs help.
- (2) The domestic partner of the person who needs help and has neither terminated nor is planning to terminate that domestic partnership.
- (3) The domestic partner of the person who needs help and is planning to terminate or already terminated the domestic partnership, but it is in the best interests of the person who needs help to appoint the partner or former domestic partner as conservator. joint conservator.



CONSERVATORSHIP OF (name):	(PROPOSED) CONSERVATEE	CASE NUMBER:
-------------------------------	------------------------	--------------

6. Conservator of the Estate

a. Reason for appointment (check one):

- (1) The person who needs help is substantially unable to manage their own financial resources, or to resist fraud or undue influence and granting a limited conservatorship of the ESTATE is the least restrictive alternative needed for their protection.
- (2) The person who needs help has voluntarily requested appointment of a conservator and good cause has been shown for appointment.

b. Person appointed

- (1) The court appoints (name and address):

as conservator joint conservator of the ESTATE of
(name of person who needs help): and Letters of Conservatorship will issue upon qualification.

- (2) Additional persons appointed limited conservator of the ESTATE are named on attached form GC-339C (Additional Orders Regarding Joint Conservators).

c. The conservator or joint conservator (check all that apply):

- (1) Is a professional fiduciary as defined by Business and Professions Code section 6501(f).
- (2) Holds a valid, unexpired, unsuspended license as a professional fiduciary issued by the Professional Fiduciaries Bureau of the California Department of Consumer Affairs under chapter 6 (commencing with section 6500) of division 3 of the Business and Professions Code.
- License no.: Issuance or last renewal date: Expiration date:

d. The conservator or joint conservator is (check either 1, 2, or 3):

- (1) Not married to the person who needs help.
- (2) Married to the person who needs help but not involved in any open family law case (divorce, annulment, legal separation).
- (3) Married to the person who needs help and involved in an open family law case (divorce, annulment, legal separation) but it is in the best interests of the person who needs help to appoint the spouse as conservator.
 joint conservator.

e. The conservator or joint conservator is (check either 1, 2, or 3):

- (1) Not currently in a domestic partnership with the person who needs help.
- (2) The domestic partner of the person who needs help and has neither terminated nor is planning to terminate that domestic partnership.
- (3) The domestic partner of the person who needs help and is planning to terminate or already terminated the domestic partnership, but it is in the best interests of the person who needs help to appoint the partner or former domestic partner as conservator. joint conservator.

7. Medical

- a. The conservator, joint conservator, or successor conservator of the person is granted the authority as specified in Probate Code section 2354.
- b. The person who needs help (conservatee) lacks capacity to give informed medical consent for medical treatment. The conservator, joint conservator, or successor conservator of the person is granted the authority as specified in Probate Code section 2355. The conservatee may not make any medical decisions.



CONSERVATORSHIP OF <i>(name):</i> _____ <div style="text-align: right; margin-top: 10px;">(PROPOSED) CONSERVATEE</div>	CASE NUMBER: _____
--	--------------------

7. c. The treatment shall be performed by an accredited practitioner of a religion as defined in Probate Code section 2355(b).
- d. The person who needs help (conservatee) has a major neurocognitive disorder as defined in Probate Code section 2356.5 and the court finds all other facts required to make the orders regarding placement or administration of medications. The conservator, joint conservator, or successor conservator of the person is granted the authority:
- (1) To place the conservatee in a locked care facility described in Probate Code section 2356.5(b).
- (2) To authorize administration of medications for the care and treatment of a major neurocognitive disorder described in Probate Code section 2356.5(c).

8. **Contacts and relationships**

- The conservator, joint conservator, or successor conservator of the person is granted the authority to control the rights of the conservatee to receive visitors, telephone calls, or personal mail.

9. **Marriage and domestic partnership**

- The conservator, joint conservator, or successor conservator of the person is granted the authority to grant or withhold consent to the marriage of or the entrance into a domestic partnership by the conservatee.

10. **Estate**

- Orders relating to the powers and duties of the conservator, joint conservator, or successor conservator of the estate as specified in form GC-339B/GC-340B are granted.

11. Other orders as specified in an additional page that is attached to this order and labeled attachment 11 are granted.

12. Attorney *(name):* _____ has been appointed by the court as legal counsel to represent the conservatee in these proceedings. The cost for representation is: \$ _____. The conservatee has the ability to pay all none a portion of this amount. *(specify):* \$ _____.

13. This order is effective on the date signed the following date *(specify):* _____

14. Number of boxes checked in items 2–13: _____

15. Number of pages attached: _____

Date: _____

Judicial Officer

CONSERVATORSHIP OF <i>(name):</i> <div style="text-align: right;">(PROPOSED) CONSERVATEE</div>	CASE NUMBER:
--	--------------

ADDITIONAL ORDERS REGARDING CONSERVATORSHIP OF THE ESTATE
(Attachment to Order Appointing Limited Probate Conservator or Order Appointing Probate Conservator)

1. Bond is:
 - a. Fixed at \$ _____ to be furnished by an authorized surety company or as otherwise provided by law.
 - b. Not required.

2. Deposits of \$ _____ are ordered to be placed in a blocked account at *(specify institution and location):*

 and receipts will be filed. No withdrawals are to be made without a court order.

3. The conservator or joint conservator is not allowed to take possession of any money or property without a specific court order.

4. Special orders for limited conservators
 - a. The limited conservator or limited joint conservator is entitled to possession and management of the following properties *(describe properties):*

 - b. The limited conservator or limited joint conservator is entitled to collect, manage, or file suit regarding debts, rentals, wages, or other claims due to the limited conservatee *(describe):*

 - c. The limited conservator or limited joint conservator may incur the following contractual or other obligations on behalf of the limited conservatee *(describe):*

 - d. The limited conservator or limited joint conservator may pay, settle, or defend claims against the limited conservatee *(specify claims):*

 - e. Other powers, limitations, or duties with respect to the management of the property as specifically and expressly granted *(describe):*



CONSERVATORSHIP OF <i>(name):</i> <div style="text-align: right;">(PROPOSED) CONSERVATEE</div>	CASE NUMBER:
--	----------------------

ADDITIONAL ORDERS REGARDING JOINT CONSERVATORS
(Attachment to Order Appointing Limited Probate Conservator or Order Appointing Probate Conservator)

1. a. Name:

Address:

is appointed limited joint conservator of the PERSON of
(name of person who needs help from form GC-339 or form GC-340):
 and Letters of Conservatorship will issue upon qualification.

b. Name:

Address:

is appointed limited joint conservator of the ESTATE of
(name of person who needs help from form GC-339 or form GC-340):
 and Letters of Conservatorship will issue upon qualification.

c. The joint conservator:

- (1) Is a professional fiduciary as defined by Business and Professions Code section 6501(f).
- (2) Holds a valid, unexpired, unsuspended license as a professional fiduciary issued by the Professional Fiduciaries Bureau of the California Department of Consumer Affairs under chapter 6 (commencing with section 6500) of division 3 of the Business and Professions Code.

License no.: _____ Issuance or last renewal date: _____ Expiration date: _____

d. The joint conservator is *(check either 1, 2, or 3)*:

- (1) Not married to the person who needs help.
- (2) Married to the person who needs help but not involved in any open family law case (divorce, annulment, legal separation).
- (3) Married to the person in item 3 and involved in an open family law case (divorce, annulment, legal separation) but it is in the best interests of the person in item 3 to appoint the spouse as joint conservator.

e. The joint conservator is *(check either 1, 2, or 3)*:

- (1) Not currently in a domestic partnership with the person who needs help.
- (2) The domestic partner of the person who needs help and has neither terminated nor is planning to terminate that domestic partnership.
- (3) The domestic partner of the person who needs help and is planning to terminate or already terminated the domestic partnership, but it is in the best interests of the person who needs help to appoint the partner or former domestic partner as joint conservator.

2. The court grants the same powers:

- a. As stated in sections 6–16 of this order and the estate attachment.
- b. As stated in the previous order for conservatorship dated:

ATTORNEY OR PARTY WITHOUT ATTORNEY After recording return to: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council GC-350 2026-03-24
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CONSERVATORSHIP OF (name):	CONSERVATEE
LETTERS OF CONSERVATORSHIP <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE <input type="checkbox"/> LIMITED CONSERVATORSHIP	CASE NUMBER:

1. **Name of conservatee:**
2. **The court appoints:**
 (Name): as joint conservator of the person joint conservator of the estate.
 (Name): as joint conservator of the person joint conservator of the estate.
 (Name): as joint conservator of the person joint conservator of the estate.
 Additional conservators as listed on Attachment 2.
3. **The court grants other powers or imposes other conditions as follows:**
 - a. **Medical:** To exclusively give consent for and to require the conservatee to receive medical treatment that the conservator in good faith based on medical advice determines to be necessary even if the conservatee objects, subject to the limitations stated in Probate Code section 2356.
 - (1) This treatment shall be performed by an accredited practitioner of the religion whose tenets and practices call for reliance on prayer alone for healing of which the conservatee was an adherent prior to the establishment of the conservatorship.
 - (2) This medical authority ends on (only check this box if there is a time limit and give the end date):
 - b. **Locked care facility:** To place the conservatee in a secured facility as described in Probate Code section 2356.5(b).
 - c. **Medications:** To authorize the administration of medications appropriate for the care and treatment of a major neurocognitive disorder as described in Probate Code section 2356.5(c).
 - d. **2590 powers:** To exercise independent powers under Probate Code section 2590 as specified in Attachment 3d (which specifies powers, restrictions, conditions, and limitations).
 - e. **Limited conservatorships:** To have the powers specified for limited conservators of the person or estate as specified in form GC-350A.
 - f. **Property:** Additional conditions relating to the care and custody of property under Probate Code section 2402 as specified in Attachment 3f.
 - g. **Other:** Additional conditions relating to the care, treatment, education, and welfare of the person under Probate Code section 2358 or other powers or conditions as specified in Attachment 3g.
4. **RESTRICTION:** The conservator is not authorized to take possession of money or any other property without a specific court order.
5. Number of pages attached: _____

(SEAL)

WITNESS, clerk of the court, with seal of the court affixed.

Date:

Clerk, by _____, Deputy

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



CONSERVATORSHIP OF <i>(name):</i>	CASE NUMBER:
CONSERVATEE	

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

When these *Letters of Conservatorship* (Letters) are delivered to you as an employee or other representative of an *institution* or *financial institution* (described below) in order for the conservator of the estate (1) to take possession or control of an asset of the conservatee named above held by your institution (including changing title, withdrawing all or any portion of the asset, or transferring all or any portion of the asset) or (2) to open or change the name of an account or a safe-deposit box in your financial institution to reflect the conservatorship, you must complete and file form GC-050 (*Notice of Taking Possession or Control of an Asset of Minor or Conservatee*) (for an institution) or form GC-051 (*Notice of Opening or Changing a Guardianship or Conservatorship Account or Safe-Deposit Box*) (for a financial institution). An officer authorized by your institution or financial institution must date and sign the form, and you must file the completed form with the court.

There is no filing fee for filing the form. Check with the court that issued the Letters for further instructions on how to file the completed form.

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

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

A *financial institution* under Probate Code section 2892(b) is a bank, a trust, a savings and loan association, a savings bank, an industrial bank, or a credit union. Financial institutions must file form GC-051 for an account or a safe-deposit box held by the financial institution. A single form may be filed for all affected accounts or safe-deposit boxes held by the financial institution.

LETTERS OF CONSERVATORSHIP

AFFIRMATION

1. PUBLIC GUARDIAN. No affirmation required (Prob. Code, § 2922(b)).
2. INDIVIDUAL: I solemnly affirm that I will perform the duties of conservator according to law.
3. INSTITUTIONAL FIDUCIARY (*name*):

I solemnly affirm that the institution will perform the duties of conservator according to law. I make this affirmation for myself as an individual and on behalf of the institution as an officer.
 (*Name and title*):

4. Executed on (*date*): _____, _____, California.
- at (*place*): _____, California.

▶ _____
 Signature

CERTIFICATION

I certify that this document, including any attachments, is a correct copy of the original on file in my office, and that the Letters issued to the person appointed above have not been revoked, annulled, or set aside, and are still in full force and effect.

(SEAL)

Date: _____
 Clerk, by _____, Deputy

CONSERVATORSHIP OF <i>(name):</i> (PROPOSED) CONSERVATEE	CASE NUMBER:
--	--------------

ADDITIONAL POWERS FOR LIMITED CONSERVATORSHIP
 (Attachment to *Letters of Conservatorship*)

1. Medical

- a. The conservator or joint conservator of the person is granted the authority as specified in Probate Code section 2354 or if item 1b is checked, then the authority as specified in Probate Code section 2355. This power is shared with the conservatee.
- b. The person who needs help (conservatee) lacks capacity to give informed consent for medical treatment. The conservatee may not make any medical decisions; the conservator has full power.
- c. The treatment shall be performed by an accredited practitioner of a religion as defined in Probate Code section 2355(b).

2. Residence

- a. The conservator or joint conservator of the person is granted the authority to choose the residence or specific dwelling of the conservatee. This power is shared with the conservatee.
- b. The conservatee may not choose their own residence or specific dwelling; the conservator has full power.

3. Confidential papers

- a. The conservator or joint conservator of the person is granted the authority to access the confidential records and papers of the conservatee. This power is shared with the conservatee.
- b. The conservatee may not access their confidential records and papers; the conservator has full power.

4. Marriage and domestic partnership

- a. The conservator or joint conservator of the person is granted the authority to grant or withhold consent to the marriage of, or the entrance into a domestic partnership by, the conservatee. This power is shared with the conservatee.
- b. The conservatee may not marry or enter into a domestic partnership; the conservator has full power.

5. Contacts and relationships

- a. The conservator or joint conservator of the person is granted the authority to control the social and sexual contacts and relationships of the conservatee. This power is shared with the conservatee.
- b. The conservatee may not control their own social and sexual contacts; the conservator has full power.

6. Education

- a. The conservator or joint conservator of the person is granted the authority to make educational decisions about the conservatee. This power is shared with the conservatee.
- b. The conservatee may not make their own educational decisions; the conservator has full power.

7. Contracts

- The conservatee may not enter into legal contracts.

8. Other

- Other power or limit (*explain; add additional pages if necessary*):

Rules Committee Action Request Form

Rules Committee Meeting Date: April 10, 2026

Action requested: Circulate for comment (January 1 effective date)

Title of proposal: Protective Orders: Gun Violence Restraining Order Forms to Implement AB 2917

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.):
Forms GV-100 and GV-100-INFO

Committee or other entity submitting the proposal:
Civil and Small Claims Advisory Committee

Staff contact (name, phone, and email):
Maddie Joyner, (916) 643-8068, maddie.joyner@jud.ca.gov

Annual agenda approved by Rules Committee on (*date*): October 16, 2025

Project description from annual agenda: Agenda item 9: Effective January 1, 2025, AB 2917 (Stats. 2024, ch. 539) created new requirements for gun violence restraining orders, including a requirement that the court consider any recent threats of violence or acts of violence directed toward another group or location, or a past history of those threats or acts, when determining whether the order is warranted. AB 2917 likely requires revisions to gun violence restraining order forms.

Circulation or Implementation Notes: (If requesting a special invitation-to-comment cycle or an effective date other than January 1, please explain.) N/A

Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any relevant information not contained in the attached summary.) N/A

Information for JC staff

EGG reviewed on (*date*): March 9, 2026

Office director (or designee) reviewed on (*date*): March 18, 2026 by (*name*): James Barolo

Complete the following for all JC reports recommending forms:

- **Form Translations** (check all that apply)

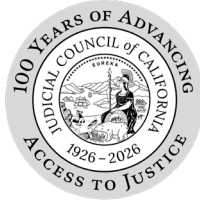
Proposal includes forms that: staff requests be translated, are required by statute to be translated.

Provide citations to code that mandates translation:

- **Website Content** (check all that apply)

New or revised form descriptions are needed for the California courts website. (If checked, form descriptions should be approved by a supervisor before submitting this RAR.)

Changes or additions to self-help website are needed.



Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688

courts.ca.gov/policy-administration/invitations-comment

INVITATION TO COMMENT

SPR26-36

Title

Protective Orders: Gun Violence Restraining Order Forms to Implement AB 2917

Action Requested

Review and submit comments by May 18, 2026, to invitations@jud.ca.gov

Proposed Rules, Forms, Standards, or Statutes

Revise forms GV-100 and GV-100-INFO

Proposed Effective Date

January 1, 2027

Proposed by

Civil and Small Claims Advisory Committee
Hon. Samantha P. Jessner, Chair

Contact

Maddie Joyner, 916-643-8068
maddie.joyner@jud.ca.gov

Executive Summary and Origin

The Civil and Small Claims Advisory Committee proposes the revision of two forms to implement Assembly Bill 2917 (Stats. 2024, ch. 539), which revised the types of evidence courts must consider in determining whether grounds for a gun violence restraining order exist. Additionally, the committee proposes making various changes to improve these forms and to address related issues raised during the public comment period for a recent proposal to implement Senate Bill 899 (Stats. 2024, ch. 544).

The Proposal

Revisions to *Petition for Gun Violence Restraining Order* (form GV-100) and *Can a Gun Violence Restraining Order Help Me?* (form GV-100-INFO) are needed to respond to recent changes to the law, improve the forms, and respond to feedback from the California Department of Justice (DOJ).

Item 6 of form GV-100: lead-in phrasing

Currently, the first paragraph of item 6 of form GV-100 asks the petitioner to explain (1) how the respondent poses a danger to themselves or others by “having” a firearm, firearm part, ammunition, or magazine; and (2) whether less restrictive alternatives are ineffective or inappropriate.

This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules Committee, or its Legislation Committee. It is circulated for comment purposes only.

The committee proposes separating these two prongs into separate subitems, 6a and 6b, to ensure that petitioners specifically address both prongs.

Additionally, the DOJ noted in its comments on the SB 899 proposal¹ that the current form’s use of the phrase “having a firearm,” does not match the relevant statutory language, which uses the phrase “having in [their] custody or control, owning, purchasing, possessing, or receiving a firearm.”² The DOJ also noted that the current employment of “having a firearm” has led to considerable confusion among form users as to whether courts may issue a gun violence restraining order (GVRO) to proactively block future firearm acquisition. Therefore, the committee proposes replacing the phrase “having a firearm” with the statutory language. Additionally, to eliminate this confusion, the committee further proposes revising form GV-100-INFO to include information indicating that the court may still prevent legal access to firearms even if the respondent does not own firearms, ammunition, or other deadly weapons.³

Item 6 of form GV-100: bullet point list

Item 6 of form GV-100 currently contains a bullet point list outlining examples of the types of evidence that a petitioner can offer in support of a request for a GVRO. The existing list tracks the language of Penal Code section 18155, which was amended by AB 2917 (see Link A). Accordingly, the committee recommends revising the types of evidence listed in item 6.

Physical force and violence

The first type of evidence described in existing item 6 combines the concepts of “threats or acts of violence” and “physical force.”

AB 2917 added “toward another individual, group, or location,” to the language governing (1) recent threats of violence or acts of violence, defined as occurring within the past 6 months;⁴ and (2) a pattern of violent acts or violent threats within the past 12 months.⁵ However, this language was not added to the existing statutory language describing physical force.⁶

Therefore, to implement AB 2917, the committee proposes separating out the concepts of “physical force” and “threats or acts of violence” into three distinct bullet points, to read:

- Threats or use of physical force by the respondent against another person.⁷

¹ Judicial Council of Cal., Advisory Com. Rep., *Protective Orders: Civil Restraining Order Forms to Implement Senate Bill 899* (Oct. 15, 2025), pp. 205–11, <https://jcc.legistar.com/View.ashx?M=F&ID=14865130&GUID=CCCB3986-BB03-436B-AE10-15D71EE2593D>.

² Pen. Code, §§ 18150(b)(1), 18175(b)(1).

³ *Ibid.*, § 18155(b)(2)(G).

⁴ *Ibid.*, § 18155(b)(1)(A). Additionally, Penal Code section 18155(b)(1)(B) contemplates recent threats or acts of violence that are self-directed.

⁵ *Ibid.*, § 18155(b)(1)(F).

⁶ *Ibid.*, § 18155(b)(2)(B).

⁷ *Ibid.*

- Threats or acts of violence within the past six months by the respondent directed towards themselves or another individual, group, or location.⁸
- A pattern of violent acts or violent threats within the past 12 months, including, but not limited to, threats of violence or acts of violence by respondent directed toward themselves or another individual, group, or location.⁹

To assist form users, the committee proposes replacing the term “recent” with the phrase “within the past six months” throughout item 6 given the definition of that term in Penal Code section 18155(b)(3).

Illegal possession

Currently, the third type of evidence listed in item 6 reads: “The respondent being convicted of illegally possessing a firearm (gun).” The DOJ suggested deleting the third factor and replacing it with factors that are “broader” and “more frequently relevant.”¹⁰

Form GV-100 has never listed every type of evidence mentioned in Penal Code section 18155, as the types of evidence described in statute are extensive. Because only some of the factors are included on the form, it is prudent to only include factors that are particularly salient. Therefore, the committee recommends deleting the existing illegal possession factor.

Using, displaying, or brandishing a firearm

Currently, the fifth type of evidence listed in item 6 reads: “The unlawful and reckless use, display, or brandishing of a firearm (gun) by the respondent.” As amended by AB 2917, Penal Code section 18155(b)(2)(A) additionally provides that such use, display, or brandishing must indicate “an increased risk for violence or actual threat of violence.”¹¹ The amendments also specify that this includes, but is not limited to, acts using electronic means of communication, including social media postings or messages, text messages, or email.

To implement AB 2917, the committee proposes revising this factor to read as follows:

The unlawful and reckless use, display, or brandishing of a firearm (gun) by the respondent indicating an increased risk for violence or actual threat of violence. This can include acts using electronic technologies like social media, text messages, or email.¹²

⁸ *Ibid.*, § 18155(b)(1)(A)–(B).

⁹ *Ibid.*, § 18155(b)(1)(F).

¹⁰ Judicial Council of Cal., Advisory Com. Rep., Protective Orders: Civil Restraining Order Forms to Implement Senate Bill 899 (Oct. 15, 2025), p. 214, <https://jcc.legistar.com/View.ashx?M=F&ID=14865130&GUID=CCCB3986-BB03-436B-AE10-15D71EE2593D>.

¹¹ Pen. Code, § 18155(b)(2)(A).

¹² *Ibid.*, § 18155(b)(2)(A).

Illegal drugs or alcohol

Currently, the sixth factor in item 6 reads: “Recent criminal offenses by the respondent that involve illegal drugs or alcohol.” The DOJ suggested replacing this language with broader statutory language at Penal Code section 18155(b)(2)(F) describing “evidence of ongoing abuse of controlled substances or alcohol” as opposed to criminal offenses.¹³

The committee notes that the related statutory language contemplates documentary evidence of these acts, including, but not limited to, police reports and conviction records. Therefore, the committee proposes revising this factor as follows:

The respondent’s ongoing abuse of illegal drugs or alcohol, or criminal offenses within the past 6 months that involves illegal drugs or alcohol. (This should be shown using documentary evidence like a police report or conviction record.)¹⁴

Attempted acquisition and body armor

Currently, the seventh type of evidence in item 6 reads: “Recent acquisition of firearms (guns), ammunition, other deadly weapons, or body armor by the respondent.” AB 2917 adds “attempted acquisition” for firearms, ammunition, and other deadly weapons,¹⁵ but not body armor.¹⁶

Therefore, the committee proposes separating the types of evidence listed above as follows:

- The respondent’s acquisition or attempted acquisition within the past 6 months of firearms (guns), ammunition, or other deadly weapons.¹⁷
- The respondent’s acquisition of body armor.¹⁸

New types of evidence

AB 2917 also added several new types of evidence to Penal Code section 18155, including evidence of stalking,¹⁹ cruelty to animals,²⁰ and threats of violence or property damage due to personal characteristics.²¹ The committee proposes revisions to reflect these additional types of evidence.

¹³ Judicial Council of Cal., Advisory Com. Rep., Protective Orders: Civil Restraining Order Forms to Implement Senate Bill 899 (Oct. 15, 2025), p. 213, <https://jcc.legistar.com/View.ashx?M=F&ID=14865130&GUID=CCCB3986-BB03-436B-AE10-15D71EE2593D>.

¹⁴ Pen. Code, § 18155(b)(2)(F).

¹⁵ *Ibid.*, § 18155(b)(2)(G).

¹⁶ *Ibid.*, § 18155(b)(2)(H).

¹⁷ *Ibid.*, § 18155(b)(2)(G).

¹⁸ *Ibid.*, § 18155(b)(2)(H).

¹⁹ *Ibid.*, § 18155(b)(2)(I).

²⁰ *Ibid.*, § 18155(b)(2)(J).

²¹ *Ibid.*, § 18155(b)(2)(K)–(L).

Moreover, the committee proposes adding a bullet point to reflect Penal Code section 18155(b)(1)(E), which involves a conviction for any offense listed in Penal Code section 29805. Although the related statutory language at Penal Code section 18155(b)(1)(E) predates AB 2817, the committee believes that this type of evidence is important to include, as section 29805 cross-references various important and potentially salient offenses, including, among others, domestic battery, abuse of a child or elder or dependent adult, and hate crimes.

Other proposed revisions to form GV-100

While the statutory language governing temporary GVROs requires a finding that the respondent poses a significant danger “in the near future” of causing personal injury to themselves or another person,²² there is no temporal proximity requirement for orders after hearing.²³

The DOJ suggested revising the item where petitioners can request a temporary GVRO (item 11) to include the “in the near future” requirement.²⁴ To resolve this issue, the committee proposes adding a question to item 11 asking why the respondent poses a significant danger “in the near future” of causing personal injury to themselves or another person.²⁵

Form GV-100-INFO

Currently, the text appearing under the heading reading “What do I have to prove to get the order?” on form GV-100-INFO states, in pertinent part, as follows:

You should tell the judge everything that you know about the firearms, firearm parts, ammunition, body armor, or magazines that the person to be restrained currently owns, including how many the person owns, the types, and where they are kept.

The DOJ suggested revisions to indicate that the petitioner should tell the judge about any firearms, firearm parts, ammunition, or magazines that the respondent “owns, possesses, controls.”²⁶ Both Penal Code section 18107, which gives rise to this form language, and item 5 of form GV-100, which solicits this information from petitioners, use “possesses or controls,” but not owns. Therefore, the committee proposes revising the language on the form to conform to the statutory language.

²² *Ibid.*, § 18150(b)(1).

²³ *Ibid.*, § 18175(b)(1).

²⁴ Judicial Council of Cal., Advisory Com. Rep., Protective Orders: Civil Restraining Order Forms to Implement Senate Bill 899 (Oct. 15, 2025), pp. 216–17, <https://jcc.legistar.com/View.ashx?M=F&ID=14865130&GUID=CCCB3986-BB03-436B-AE10-15D71EE2593D>.

²⁵ The committee further proposes bolding “in the near future” for emphasis.

²⁶ Judicial Council of Cal., Advisory Com. Rep., Protective Orders: Civil Restraining Order Forms to Implement Senate Bill 899 (Oct. 15, 2025), pp. 219–20, <https://jcc.legistar.com/View.ashx?M=F&ID=14865130&GUID=CCCB3986-BB03-436B-AE10-15D71EE2593D>.

The committee also proposes making various revisions to the information sheet to mirror the phrasing of revised item 6 of form GV-100, including deleting current form language describing “evidence that the person to be restrained has been identified by a mental health provider as someone prohibited from purchasing, possessing, or controlling any firearms,” which is not explicitly described in the Penal Code section 18155 factors. The committee also proposes deleting a screenshot to the first page of *Notice of Court Hearing* (form GV-109) because it is not clear that including this screenshot adds value. Moreover, it is difficult and time-consuming for staff to update these screenshots over time, as the first page of form GV-109 may be updated in proposals that do not also include form GV-100-INFO. The committee also proposes revisions throughout the attached forms to improve accuracy, readability, and clarity.

Alternatives Considered

As described above, the committee proposes adding a bullet point to item 6 of form GV-100 to reflect Penal Code section 18155(b)(1)(E), which involves a conviction for any offense listed in Penal Code section 29805. Given that the violations listed in Penal Code section 29805 are numerous, the committee considered whether it was best to describe some of the offenses listed in section 29805 using plain language, such as domestic battery or child abuse, or if it was preferable to instead refer to the totality of section 29805. Given the broad scope of the offenses listed in section 29805 and the fact that consideration of these offenses by the court is mandatory,²⁷ the committee concluded that it was more appropriate to reference the code section as a whole.

Fiscal and Operational Impacts

The committee anticipates that this proposal will result in costs incurred by courts to train court staff and incorporate new forms into their paper or electronic processes. Most of the impacts arising from this new law—including education of judicial officers, staff, and justice partners as to the new provisions—are a result of the changes in statute, not the forms proposal.

²⁷ Pen. Code, § 18155(b)(1).

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?

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 two 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 GV-100 and GV-100-INFO, pages 8–15
2. Link A: Assem. Bill 2917 (Stats. 2024, ch. 539),
leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB2917

Clerk stamps date here when form is filed.

DRAFT

2026-04-03

Not approved by the Judicial Council

Read *Can a Gun Violence Restraining Order Help Me?* (form [GV-100-INFO](#)) before completing this form.

1 Petitioner

a. Your Full Name or Name of Law Enforcement Agency:

I am:

- A family member of the respondent.
- An officer of a law enforcement agency (*A petition may be filed in the name of the law enforcement agency in which the officer is employed. If you wrote your full name above, write the name of the law enforcement agency that employs you:*)

An employer of the respondent (*your position and name of company*):

A coworker of the respondent. I have had substantial and regular interactions with the respondent for at least one year and I have obtained the approval of my employer to file this petition (*name of company*):

An employee or teacher of a secondary or postsecondary school that the respondent has attended in the last 6 months. I have obtained the approval of a school administrator to file this petition (*name of the school*):

A roommate of the respondent. I currently live with the respondent or lived with the respondent within the past six months and have had substantial and regular interactions with the respondent for at least one year.

A person who has a dating relationship with the respondent.

A person who has a child in common with the respondent. I have had substantial and regular interactions with the respondent for at least one year.

b. Your Lawyer (*if you have one for this case*): Name: _____

Firm Name: _____ State Bar No.: _____

c. Your Address (*If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email. Law enforcement officer, give agency information.*)

Address: _____ Telephone: _____

City: _____ State: _____ Zip: _____ Fax: _____

Email Address: _____

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

2 Respondent

Full Name: _____ Age: _____

Address (*if known*): _____

City: _____ State: _____ Zip: _____

This is not a Court Order.



3 Venue

Why are you filing in this county? (Check all that apply):

- a. The respondent lives in this county.
- b. Other (specify): _____

4 Other Court Cases

a. Are you aware of any other court cases, civil or criminal, involving the respondent?

- Yes No *If yes, check each kind of case and give as much information as you know as to where and when each was filed:*

	<u>Kind of Case</u>	<u>Filed in (County/State)</u>	<u>Year Filed</u>	<u>Case Number (if known)</u>
(1)	<input type="checkbox"/> Civil Harassment	_____	_____	_____
(2)	<input type="checkbox"/> Domestic Violence	_____	_____	_____
(3)	<input type="checkbox"/> Divorce, Nullity, Legal Separation	_____	_____	_____
(4)	<input type="checkbox"/> Paternity, Parentage, Child Custody	_____	_____	_____
(5)	<input type="checkbox"/> Elder or Dependent Adult Abuse	_____	_____	_____
(6)	<input type="checkbox"/> Eviction	_____	_____	_____
(7)	<input type="checkbox"/> Workplace Violence	_____	_____	_____
(8)	<input type="checkbox"/> Criminal	_____	_____	_____
(9)	<input type="checkbox"/> Other (specify): _____	_____	_____	_____

b. Are there now any protective or restraining orders in effect relating to the respondent?

- Yes No I don't know *If yes, attach a copy if you have one.*

5 Description of Respondent's Firearms (Guns), Firearm Parts, Ammunition, or Magazines

Answer 5a or check 5b if you have reason to believe that the respondent is in possession of firearms (guns), firearm parts, ammunition, or magazines. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).

a. I am informed, and on that basis believe, that the respondent currently possesses or controls the following firearms, firearm parts, ammunition, or magazines (describe the number, types, and locations of any of those items that you believe that the respondent currently possesses or controls):

	<u>Types of firearms (guns), firearm parts, ammunition or magazines</u>	<u>How many or what amount?</u>	<u>Location, if known</u>
(1)	_____	_____	_____
(2)	_____	_____	_____
(3)	_____	_____	_____
(4)	_____	_____	_____
(5)	_____	_____	_____
(6)	_____	_____	_____

b. I am informed, and on that basis believe, that the respondent currently possesses or controls firearms, firearm parts, ammunition, or magazines, but I have no further specific information as to the number, types, and locations of those items.



6 Reasons a Gun Violence Restraining Order is Needed

a. Explain how the respondent poses a danger to themselves or others by having in their custody or control, owning, purchasing, possessing, or receiving a firearm (gun), firearm, part (any receiver, frame, or unfinished receiver or frame as defined by Penal Code section 16531), ammunition, or magazine.

If your request is based on any of the following, please include information about them (the court may also consider other types of information described in Penal Code section 18155):

- Threats or use of physical force by the respondent against another person.
• Threats or acts of violence within the past six months by the respondent directed towards themselves or another individual, group, or location.
• A pattern of violent acts or violent threats within the past 12 months, including, but not limited to, threats of violence or acts of violence by respondent directed toward themselves or another individual, group, or location.
• Violation of a protective order by the respondent.
• Stalking by the respondent.
• Cruelty to animals by the respondent.
• Threats of violence or property damage by the respondent due to personal characteristics like race or ethnicity, nationality, religion, disability, gender, or sexual orientation.
• The respondent being arrested for a felony offense.
• The unlawful and reckless use, display, or brandishing of a firearm (gun) by the respondent indicating an increased risk for violence or actual threat of violence. This can include acts using electronic technologies like social media, text messages, or email.
• The respondent's ongoing abuse of illegal drugs or alcohol, or criminal offenses within the past 6 months that involve illegal drugs or alcohol. (This should be shown using documentary evidence like a police report or conviction record.)
• The respondent's acquisition or attempted acquisition within the past 6 months of firearms (guns), ammunition, or other deadly weapons.
• The respondent's acquisition of body armor.
• A conviction for any offense listed in Penal Code section 29805.

The facts above are set forth:

[] Below [] On Attached Declaration (form MC-031).

Multiple horizontal lines for providing facts.

This is not a Court Order.



6 b. Explain whether any less restrictive alternatives to a gun violence restraining order have been tried and found to be ineffective, or why other less restrictive alternatives have been determined to be inadequate or inappropriate for the current circumstances.

The facts above are set forth:

- Below
On Attached Declaration (form MC-031).

Blank lines for providing facts.

7 Request for Gun Violence Restraining Order

I request that the court issue an order prohibiting the respondent from having in their custody or control, owning, purchasing, possessing or receiving, or attempting to purchase or receive, any firearms (guns), firearm parts, ammunition, or magazines. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531). I further request that the respondent be ordered to immediately surrender (turn in, sell, or store) all firearms, firearm parts, ammunition, and magazines currently in their possession to a law enforcement officer or to sell those items to or store them with a licensed gun dealer.

- a. I request the order above for _____ years. (Please include a number of years between one and five years.)
b. I am asking for this amount of time because:

Blank lines for providing reasons for the duration of the order.

8 No Body Armor

If an order is granted, the respondent will be prohibited from owning, possessing, or buying body armor and would have to relinquish any they have.

9 No Fee to Serve (Notify) Restrained Person

If you want the sheriff or marshal to serve (notify) the restrained person about the orders, they will do it for free.

10 Request for Hearing

I request that the court set a hearing in this matter for the purpose of issuing a gun violence restraining order that will last between one and five years.

This is not a Court Order.



11 **Temporary Gun Violence Restraining Order**

I request that a temporary gun violence restraining order be issued against the respondent to last until the hearing. I am presenting *Temporary Gun Violence Restraining Order* (form [GV-110](#)) for the court’s signature together with this Petition.

a. Why does the respondent pose a significant danger **in the near future** of causing personal injury to themselves or another person?

Reasons stated in Attachment 11a.

b. Has the respondent been told that you were going to court to seek a temporary gun violence restraining order?

Yes No (If you answered no, explain why below):

Reasons stated in Attachment 11b.

12 **Request to Give Less Than Five Days' Notice of Hearing**

You must have your papers personally served on the respondent at least five calendar days before the hearing, unless the court orders a shorter time for service. (See What Is “Proof of Personal Service”? (form [GV-200-INFO](#)). Proof of Personal Service (form [GV-200](#)) may be used to show the court that the papers have been served.)

If you want there to be fewer than five days between service and the hearing, explain why below:

Reasons stated in Attachment 12.

13 Number of pages attached to this form, if any: _____

Date: _____

Lawyer’s name (if any)



Lawyer’s signature

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

Date: _____

Type or print your name



Sign your name

These instructions cannot cover all of the questions that may arise in a particular case. If you do not know what to do to protect your rights, you should see a lawyer or a self-help center.

What is a gun violence restraining order?

It is a court order that temporarily prohibits someone from having any of the following items:

- Firearms, including any handgun, rifle, shotgun, and assault weapon;
- Firearm parts, meaning receivers, frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531) (these may also be called “ghost guns”);
- Ammunition; and
- Magazines (any ammunition feeding device).

The person must turn in, sell, or store any prohibited items listed above that that person currently owns. The police will come and remove the items or the person can store them with a licensed gun dealer while the restraining order is in effect. The restrained person also cannot buy any of the prohibited items during this time. The restrained person also may not own, possess, or buy body armor. If they have body armor, they must relinquish it.

For more information about prohibited items, please see selfhelp.courts.ca.gov/restraining-orders/prohibited-items.

Can I get a gun violence restraining order against someone?

You can ask for one if you are connected to the person you think is dangerous as:

- An immediate family member;
- An employer;
- A coworker who has substantial and regular interactions with the person and has worked with them for at least a year. You must have permission from your employer to ask for the restraining order;
- An employee or teacher at a school that the person has attended in the last six months, where you have permission from a school administrator or staff member who has a supervisory role;
- A law enforcement officer or agency;
- A roommate who resided in the household in the past six months and has had substantial and regular interactions with the person for at least a year;
- Somebody in a dating relationship; or
- Somebody who shares a child with the person and has had substantial and regular interactions with the person for at least a year.

Immediate family members include:

- Your spouse or domestic partner;
- You or your spouse’s parents, children, siblings, grandparents, and grandchildren and their spouses, including any stepparents or stepgrandparents; and
- You or your spouse’s aunts, uncles, nieces, nephews, first and second cousins, great-grandparents, and great-grandchildren if you have had substantial and regular interactions for at least a year.

If you do not have the necessary relationship, advise a law enforcement officer of the situation. The officer may investigate and file the petition if grounds exist.

Will I have to pay a filing fee to request the order?

No.

Will the order protect me in other ways, such as keeping the person from coming near me?

No, the only order the court can make is to force the person to not have the prohibited items listed above. If you need personal protection from a family member, you should proceed under the Domestic Violence Prevention Act. See *Can a Domestic Violence Restraining Order Help Me?* (form [DV-500-INFO](#)) for information on how to proceed. For information on other civil restraining orders, please see selfhelp.courts.ca.gov/types-restraining-orders.

What forms do I need to get the order?

You must fill out the following forms:

- *Petition for Gun Violence Restraining Order* (form [GV-100](#));
- *Confidential Information for Law Enforcement* (form [CLETS-001](#));
- *Notice of Court Hearing* (form [GV-109](#)), items 1 and 2 only; and
- *Temporary Gun Violence Restraining Order* (form [GV-110](#)), items 1 and 2 only.

You may need other local forms. Ask your self-help center or visit your court’s website.



Where can I get these forms?

You can get the forms from legal publishers or the internet at courts.ca.gov/forms. You also may be able to find them at your local courthouse or county law library.

What do I need to do to get the order?

You must file your papers with the superior court in the county where the person to be restrained lives. Check online or ask the court how to file your request for a gun violence restraining order. (A self-help center or legal aid association may be able to assist you in filing your request.) File your forms electronically or give your forms to the clerk of the court. The court will give you a hearing date on the *Notice of Court Hearing*.

How soon can I get the order?

You can ask for a temporary gun violence restraining order, which will be effective right away if granted. The court may decide whether or not to grant the temporary order based only on the facts that you have stated in your petition. If so, the court will decide within 24 hours whether or not to make the temporary order. Sometimes the court will want to examine you personally under oath. If you file in person, the clerk will tell you whether you should wait to talk to the judge or come back later to find out if the court has signed a temporary order.

If you don't ask for a temporary restraining order, you will have to wait until the hearing, at which the court will decide whether to make an order that will last for a period of time between 1–5 years.

How will the person to be restrained know about the order?



If the court issues a temporary restraining order, someone age 18 or older—**not you**—must personally “serve” (give) the person to be restrained a copy of the order. The server must then fill out *Proof of Personal Service* (form [GV-200](#)) and give it to you to file with the court. If the person to be restrained attends the hearing, no further proof of service is required. But if they do not attend the hearing, then any order issued at the hearing must also be personally served. For help with service, ask the court clerk for *What Is “Proof of Personal Service”?* (form [GV-200-INFO](#)). Note: A sheriff or marshal can serve the order for free.

Do I need a lawyer?

Having a lawyer is always a good idea, but it is not required and you are not entitled to a free, court-appointed attorney. Ask the court clerk about free and low-cost legal services and self-help centers in your county.

What do I have to prove to get the order?

You will have to convince the judge that the person to be restrained poses a significant danger of causing personal injury to themselves or another person by having in their custody or control, owning, purchasing, possessing, or receiving any of the prohibited items listed on page 1.

You will also have to convince the judge that a gun violence restraining order is needed to prevent personal injury to the person to be restrained or to another person because less restrictive alternatives either have been tried and haven't worked, or are inadequate or inappropriate for the current circumstances.

You will need to give the judge specific information. **Tell** the judge everything that you know about the firearms, firearm parts, ammunition, body armor, or magazines that the person to be restrained currently **possesses or controls**, including how many the person has, the types, and where they are kept, if you know.

Then you will need to present facts to show that the person to be restrained is dangerous to themselves or others. This could be information about **a threat of violence** that the person to be restrained has made, or **a violent incident** in which **they have** been involved. **It could be** any crime of violence the person has committed **or criminal offenses by them within the past six months involving illegal drugs or alcohol**. It could be evidence that the person to be restrained has violated a protective order. It could also be evidence of the unlawful and reckless use, display, or brandishing of a firearm. **It could also be evidence of the acquisition of body armor. Or it could be evidence that the person to be restrained acquired or attempted to acquire within the past six months firearms, ammunition, or other deadly weapons. However, the court may still issue an order to prevent legal access to firearms even if the person to be restrained does not own firearms, ammunition, or other deadly weapons.** Include all of this information in your petition and also be prepared to present it to the judge at the hearing.



Do I have to attend a court hearing?

Yes. Attend the hearing on the date listed on *Notice of Court Hearing* (form GV-109).

You can attend the hearing remotely, such as by telephone or videoconference, or go to court in person. Check with your local court for instructions on how to appear remotely. Information is also available on the court's website, which you can find here: courts.ca.gov/find-my-court.

Can someone attend the hearing with me?

Yes. Someone can sit with you during the hearing, but that person cannot speak for you to the court. Only you or your lawyer (if you have one) can speak for you.

Do I need to bring a witness to the hearing?

Witnesses are not required, but it helps to have more proof than just your word. For example, consider bringing:

- Witnesses
- Written statements from witnesses made under oath
- Photos
- Medical or police reports
- Damaged property
- Threatening letters, emails, or telephone messages

The court may or may not let witnesses speak at the hearing. So, if possible, bring their written statements under oath to the hearing. (You can use *Declaration* (form [MC-030](#)) for this purpose.)

Will I see the restrained person at the court hearing?

If the person attends the hearing, yes. If you are afraid, tell the court.

How long does the order last?

If the court makes a temporary order, it will last until your hearing date, which must be within 21 days of the date of the temporary order. If at the hearing the court issues a more permanent order, it will last for one to five years. It may be renewed for an additional one to five years.

What if the restrained person does not obey the order?

Call the police. The restrained person can be arrested and charged with a crime.

Can I agree with the restrained person to terminate the order?

No. Once the order is issued, only the judge can change or terminate it. The restrained person would have to file a request with the court to terminate the order.

**What if I need help to understand English?**

When you file your papers, ask the clerk if a court interpreter is available. You can also use form [INT-300, Request for Interpreter \(Civil\)](#), or a local court form or website to request an interpreter. For more information about court interpreters, go to selfhelp.courts.ca.gov/request-interpreter.

What if I have a disability?

If you have a disability and need an accommodation while you are at court, you can use form [MC-410, Disability Accommodation Request](#), to make your request. You can also ask the ADA Coordinator in your court for help. For more information, see form [MC-410-INFO, How to Request a Disability Accommodation for Court](#).

Information about the process is also available online.

See selfhelp.courts.ca.gov/GV-restraining-order.

For help in your area, contact:

[Local information may be inserted.]

Rules Committee Action Request Form

Rules Committee Meeting Date: April 10, 2026

Action requested: Circulate for comment (January 1 effective date)

Title of proposal: Protective Orders: Rules and Forms to Implement AB 561

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.):

Adopt form EA-210; revise forms CH-100-INFO, CH-109, CH-110, CH-116, CH-120-INFO, CH-710, CH-730, EA-100-INFO, EA-109, EA-110, EA-116, EA-120, EA-120-INFO, EA-200, EA-200-INFO, EA-250, EA-300-INFO, EA-309, EA-316, EA-320, EA-320-INFO, EA-710, and EA-730; and revoke form EA-260

Committee or other entity submitting the proposal:

Civil and Small Claims Advisory Committee

Staff contact (name, phone, and email):

Maddie Joyner, (916) 643-8068, maddie.joyner@jud.ca.gov

Annual agenda approved by Rules Committee on (*date*): October 16, 2025

Project description from annual agenda: Agenda item 8: AB 561 (Stats. 2025, ch. 267) allows parties, support persons, and witnesses to appear remotely at a hearing on a petition for a civil harassment. AB 561 will likely require rule amendments and revisions to protective order forms.

Circulation or Implementation Notes: (If requesting a special invitation-to-comment cycle or an effective date other than January 1, please explain.) N/A

Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any relevant information not contained in the attached summary.) N/A

Information for JC staff

EGG reviewed on (*date*): March 4, 2026

Office director (or designee) reviewed on (*date*): March 16, 2026 by (*name*): James Barolo

Complete the following for all JC reports recommending forms:

- **Form Translations** (check all that apply)

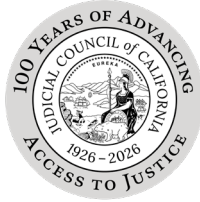
Proposal includes forms that: staff requests be translated, are required by statute to be translated.

Provide citations to code that mandates translation:

- **Website Content** (check all that apply)

New or revised form descriptions are needed for the California courts website. (If checked, form descriptions should be approved by a supervisor before submitting this RAR.)

Changes or additions to self-help website are needed.



Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688

courts.ca.gov/policy-administration/invitations-comment

INVITATION TO COMMENT

SPR-37

Title

Protective Orders: Rules and Forms to Implement Assembly Bill 561

Action Requested

Review and submit comments by May 18, 2026, to invitations@jud.ca.gov

Proposed Rules, Forms, Standards, or Statutes

Adopt form EA-210; revise forms CH-100-INFO, CH-109, CH-110, CH-116, CH-120-INFO, CH-710, CH-730, EA-100-INFO, EA-109, EA-110, EA-116, EA-120, EA-120-INFO, EA-200, EA-200-INFO, EA-250, EA-300-INFO, EA-309, EA-316, EA-320, EA-320-INFO, EA-710, and EA-730; revoke form EA-260

Proposed Effective Date

January 1, 2027

Contact

Maddie Joyner, 916-643-8068
maddie.joyner@jud.ca.gov

Proposed by

Civil and Small Claims Advisory Committee
Hon. Samantha P. Jessner, Chair

Executive Summary and Origin

The Civil and Small Claims Advisory Committee proposes adopting 1 form, revising 23 forms, and revoking 1 form to implement Assembly Bill 561 (Stats. 2025, ch. 267). AB 561 amends the statutes governing civil harassment restraining orders (CHROs) and elder or dependent adult abuse restraining orders (EAROs). For both CHROs and EAROs, AB 561 authorizes the electronic submission of certain documents and also authorizes certain persons to appear remotely. For EAROs, AB 561 authorizes alternative methods of service if there is reason to believe that the respondent is evading service or cannot be located. All the abovementioned provisions become operative on January 1, 2027.

Background

AB 561 (Link A) is highly similar to legislation that was previously implemented by the Civil and Small Claims Advisory Committee and the Family and Juvenile Law Advisory Committee.

This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules Committee, or its Legislation Committee. It is circulated for comment purposes only.

Electronic submission

Senate Bill 538 (Stats. 2021, ch. 686) (Link B) previously added section 6307 to the Family Code for domestic violence restraining orders (DVROs) and section 18122 to the Penal Code for gun violence restraining orders (GVROs). The provisions of SB 538 required a court or court facility that receives these protective order petitions to permit the petitions and any related filings to be submitted electronically.

To implement SB 538, which became effective January 1, 2023, the Family and Juvenile Law Advisory Committee revised *How to Ask for a Domestic Violence Restraining Order* (form DV-505-INFO) to mention filing one's court papers online and directing filers to seek more information on the court's website.¹ Effective that same date, the Civil and Small Claims Advisory Committee revised *Can a Gun Violence Restraining Order Help Me?* (form GV-100-INFO) to mention filing one's forms electronically and checking online or asking the court how to file.²

Remote appearances

SB 538 also added Family Code section 6308 and Penal Code section 18123. SB 538 authorized parties and witnesses in a DVRO or GVRO proceeding to appear remotely. SB 538 also required superior courts to develop local rules and instructions for these remote appearances and required related information to be posted on court websites.

To implement SB 538, effective January 1, 2023, the Family and Juvenile Law Advisory Committee³ and the Civil and Small Claims Advisory Committee⁴ revised the following DVRO and GVRO forms to notify readers that they may attend their hearing⁵ remotely and that additional information is available on the court's website:

- *Notice of Court Hearing* (form DV-109) and *Notice of Court Hearing* (form GV-109);
- *Order on Request to Continue Hearing* (form DV-116) and *Order on Request to Continue Hearing* (form GV-116);

¹ Judicial Council of Cal., Advisory Com. Rep., *Domestic Violence: Rule and Form Changes to Implement New Laws* (Sept. 2, 2022), jcc.legistar.com/View.ashx?M=F&ID=11229751&GUID=A9339929-3ABD-4F35-BE6D-672A0C40FAD0.

² Judicial Council of Cal., Advisory Com. Rep., *Protective Orders: Gun Violence Forms Implementing Statutory Amendments Permitting Remote Appearances and Modifying the Definition of Firearms* (Aug. 10, 2022), jcc.legistar.com/View.ashx?M=F&ID=11205465&GUID=ACE8A41E-6217-4FC9-9B8A-E3ED80D7145F.

³ Judicial Council of Cal., Advisory Com. Rep., *Domestic Violence: Rule and Form Changes to Implement New Laws* (Sept. 2, 2022), jcc.legistar.com/View.ashx?M=F&ID=11229751&GUID=A9339929-3ABD-4F35-BE6D-672A0C40FAD0.

⁴ Judicial Council of Cal., Advisory Com. Rep., *Protective Orders: Gun Violence Forms Implementing Statutory Amendments Permitting Remote Appearances and Modifying the Definition of Firearms* (Aug. 10, 2022), jcc.legistar.com/View.ashx?M=F&ID=11205465&GUID=ACE8A41E-6217-4FC9-9B8A-E3ED80D7145F.

⁵ Note that the domestic violence restraining order forms use “your court date,” while the gun violence restraining order forms use “your hearing.”

- *How Can I Respond to a Request for Domestic Violence Restraining Order?* (form DV-120-INFO)⁶ and *How Can I Respond to a Petition for a Gun Violence Restraining Order?* (form GV-120-INFO); and
- *How to Ask for a Domestic Violence Restraining Order* (form DV-505-INFO) and *Can a Gun Violence Restraining Order Help Me?* (form GV-100-INFO).⁷

A number of forms also mention the alternative of attending court in person, including forms DV-505-INFO, GV-100-INFO, and GV-120-INFO. Additionally, the revisions to the GVRO forms included various conforming changes, such as using “attend” the hearing in lieu of “go to” the hearing.

Alternative service

Assembly Bill 1143 (Stats. 2021, ch. 156) (Link C) amended Code of Civil Procedure section 527.6 and authorized courts to specify another method of service in civil harassment restraining order (CHRO) cases if the court determines at the hearing that, after diligent effort, the petitioner has been unable to accomplish personal service and there is reason to believe that the respondent is evading service or cannot be located.

At the recommendation of the committee, the council undertook the following actions, effective September 1, 2022, to implement AB 1143 for CHROs:⁸

- Amended California Rules of Court, rule 3.1160, which governs requests for protective orders to prevent civil harassment, workplace violence, private postsecondary school violence, and elder or dependent adult abuse. The rule amendment established an exception to the general rule requiring personal service by outlining the circumstances in which the court may specify another method of service.
- Revised *Order on Request to Continue Hearing* (form CH-116) to include an order authorizing the petitioner to serve the respondent through alternative means.
- Adopted *Order Granting Alternative Service* (form CH-117), a new form for courts to allow service of preliminary CHRO papers by an alternative method, as authorized by AB 1143.
- Revised *Proof of Personal Service* (form CH-200) to add “CH-250, *Proof of Service by Mail* (blank form)” to the list of forms that may be identified as having been served.

⁶ Form DV-120-INFO additionally contains an advisement that some courts may require advance notice for remote appearances.

⁷ The Family and Juvenile Law Advisory Committee’s proposal also included revisions to *Get Ready for Your Court Hearing* (form DV-520-INFO). Additionally, form DV-505-INFO contains an advisement that some courts may require advance notice for remote appearances. However, the other protective order types under the purview of the Civil and Small Claims Advisory Committee do not contain analogous forms.

⁸ Judicial Council of Cal., Advisory Com. Rep., *Protective Orders: Civil Harassment Form Adoptions and Revisions, and Rule Amendment* (Apr. 20, 2022), jcc.legistar.com/View.ashx?M=F&ID=10825939&GUID=A6299CD3-5495-4A69-BCF5-DD648D22D5B7.

- Revised *What Is “Proof of Personal Service”?* (form CH-200-INFO) to mention alternative service under a new heading reading “What if the other party is avoiding (evading) service or cannot be located?”
- Approved *What If the Person I Want Protection from is Avoiding (Evading) Service or Cannot Be Located?* (form CH-205-INFO), which provides additional information to petitioners having trouble accomplishing personal service.
- Adopted *Summons (Civil Harassment Restraining Order)* (form CH-210) to facilitate one possible alternative method of service, publication of the petitioner’s court papers. Given the length of the court papers that would typically be included, the committee developed a brief “summons,” which the court could use to order the petitioner to publish in lieu of other court papers.⁹ Additionally, form CH-210 was adopted as a bilingual form with alternating English and Spanish translations.
- Revised *Proof of Service by Mail* (form CH-250) to expand its use as a proof of service by mail for any civil harassment form that may be served by mail. Previously, form CH-250 was limited to use by respondents to demonstrate that they appropriately served their response to a request for a CHRO.¹⁰
- Revoked *Proof of Service of Order After Hearing by Mail* (form CH-260), as the expanded scope of form CH-250 made form CH-260 unnecessary.

Where possible, the committee’s implementation of AB 1143 paralleled the domestic violence forms that were previously adopted, approved, or revised to implement Assembly Bill 2694 (Stats. 2018, ch. 219) (Link D), which contained similar provisions for DVROs as those for CHROs in AB 1143.¹¹

The Proposal

This proposal is needed to respond to a recent change in the law. AB 561 addresses both CHROs and elder or dependent adult abuse restraining orders (EAROs) and is similar to the predecessor legislation described above. Because of this, the committee proposes revising, adopting, and revoking forms for CHROs and EAROs in a manner that largely parallels previous proposals to

⁹ Additionally, the existing *Order Granting Alternative Service* (form CH-117) allows for the use of form CH-210 in contexts other than publication in a newspaper.

¹⁰ Among other revisions, the title of form CH-250 was changed from *Proof of Service of Response by Mail* because, under AB 1143, the petition, temporary restraining order, and notice of hearing are additional items that can be appropriately served by mail if the court so orders. The forms also contain various revisions to reflect the new name of form CH-250.

¹¹ Judicial Council of Cal., Advisory Com. Rep., *Protective Orders: Revisions to Continuance Forms* (Sept. 6, 2019), jcc.legistar.com/View.ashx?M=F&ID=7691946&GUID=79CC5400-8982-4ABE-81E0-9E40A770E666 (revising form DV-116); Judicial Council of Cal., Advisory Com. Rep., *Protective Orders: Alternative Service in Domestic Violence Prevention Act Cases* (Sept. 3, 2019), jcc.legistar.com/View.ashx?M=F&ID=7693459&GUID=C4B9CC28-BF6C-4B1B-AEF6-3F0011E0DED3 (adopting forms DV-117 and DV-210, approving form DV-205-INFO, and revising forms DV-200-INFO and DV-250).

implement SB 538 (electronic submission and remote appearances) and AB 1143 (alternative service).¹²

Electronic submission

AB 561 requires a court that receives petitions for CHROs or EAROs to permit those petitions and any related filings to be submitted electronically.¹³ To implement this requirement, the committee proposes revising *Can a Civil Harassment Restraining Order Help Me?* (form CH-100-INFO), *Can a Restraining Order to Prevent Elder or Dependent Adult Abuse Help Me?* (form EA-100-INFO), and *Can an Elder or Dependent Adult Restraining Order Allowing Contact Help Me?* (form EA-300-INFO) to mention filing one's forms electronically and seeking additional information online. Additionally, for EAROs, but not CHROs, the court may not charge fees for such electronic submissions.¹⁴ The committee accordingly proposes including information on forms EA-100-INFO and EA-300-INFO indicating that petitioners can submit their forms electronically at no charge by the court.

Remote appearances

AB 561 authorizes remote appearances at hearings by: (1) a party or witness in a CHRO proceeding, or (2) a party, representative of the county adult protective services agency, or witness in an EARO proceeding.¹⁵ In both instances, superior courts must develop local rules and instructions for remote appearances and post them on their websites.¹⁶

To implement these requirements, the committee proposes revising the following forms to alert parties that they may attend their hearing remotely and that additional information is available on the court's website:

- *Can a Civil Harassment Restraining Order Help Me?* (form CH-100-INFO) and *Can a Restraining Order to Prevent Elder or Dependent Adult Abuse Help Me?* (form EA-100-INFO);
- *Notice of Court Hearing* (form CH-109) and *Notice of Court Hearing* (form EA-109);
- *Order on Request to Continue Hearing* (form CH-116) and *Order on Request to Continue Hearing* (form EA-116);
- *How Can I Respond to a Request for Civil Harassment Restraining Orders?* (form CH-120-INFO), *How Can I Respond to a Request for Elder or Dependent Adult Abuse*

¹² Additionally, one related rule of court and two revised forms are addressed in a separate spring cycle proposal entitled *Civil Practice and Procedure: Rules and Forms to Implement Assembly Bill 747 and Senate Bill 85* because they are impacted by legislation other than AB 561. The invitation to comment related to this proposal is available here: courts.ca.gov/policy-administration/invitations-comment.

¹³ Code Civ. Proc., § 527.6(y)(1)(A) (CHROs); Welf. & Inst. Code, § 15657.03(r)(2)(A) (EAROs).

¹⁴ Welf. & Inst. Code, § 15657.03(r)(2)(A) (EAROs). Additionally, for both CHROs and EAROs, the court must act on these filings within specified timeframes and certain documents must, if granted, be provided to the petitioner electronically unless the petitioner notes that these documents will be picked up from court.

¹⁵ Code Civ. Proc., § 527.6(i)(2) (CHROs); Welf. & Inst. Code, § 15657.03(w) (EAROs).

¹⁶ *Ibid.*

- *Restraining Orders?* (form EA-120-INFO), and *How Can I Respond to a Request for an Elder or Dependent Adult Restraining Order Allowing Contact?* (form EA-320-INFO);
- *Can an Elder or Dependent Adult Restraining Order Allowing Contact Help Me?* (form EA-300-INFO);
- *Notice of Court Hearing to Allow Contact* (form EA-309); and
- *Notice of Hearing to Renew Restraining Order* (forms CH-710 and EA-710).

The committee proposes, as it previously did for GVRO forms, changing verbs like “go to” or “were at” to the broader “attend” or “attended” to account for remote appearances on *Temporary Restraining Order (Civil Harassment Prevention)* (form CH-110), *Order Renewing Civil Harassment Restraining Order* (form CH-730), and *Order Renewing Elder or Dependent Adult Abuse Restraining Order* (form EA-730). Additionally, because AB 561 prohibits superior courts from charging a fee for some, but not all, of these appearances,¹⁷ the committee proposes specifying on the information sheets who can appear remotely (parties and witnesses for CHROs, and parties, witnesses, and representatives of the county adult protective services agency for EAROs) and who can appear remotely at no charge by the court (parties for CHROs, and parties, witnesses, and representatives of the county adult protective services agency for EAROs). For the CHRO information sheets only, the committee proposes indicating that remote appearances are at “no additional charge” to distinguish between remote appearance fees and filing fees, which are allowed in certain circumstances.

Alternative service

AB 561 authorizes the court in EARO matters to specify another method of service that is reasonably calculated to give actual notice to the respondent. Additionally, the court must determine at the hearing that, after a diligent effort, the petitioner has been unable to accomplish personal service and there is reason to believe that the respondent is evading service or cannot be located.

The committee proposes the following actions to parallel a predecessor proposal involving the implementation of AB 1143:

- Revise *Order on Request to Continue Hearing* (form EA-116) and *Order on Request to Continue Hearing on Request to Allow Contact* (form EA-316) to include an order authorizing the petitioner to serve the respondent through alternative means.
- Revise *Proof of Personal Service* (form EA-200) to revise the title of “EA-250, *Proof of Service by Mail* (blank form)” in item 4.
- Revise *What Is “Proof of Personal Service”?* (form EA-200-INFO) to include alternative service as an option under a new heading reading “What if the other party is avoiding (evading) service or cannot be located?” Additionally, the attached draft of form EA-200-INFO makes a number of conforming revisions to align form EA-200-INFO more closely with forms CH-200-INFO and DV-200-INFO, such as using plain language, new

¹⁷ *Ibid.*

graphics, two columns, and step-by-step instructions. Given the extent of the proposed revisions to form EA-200-INFO, the form attached to this invitation to comment does not display changes using green font.

- Adopt *Summons (Elder or Dependent Adult Abuse Restraining Order)* (form EA-210) to facilitate an alternative method of service, publication of the petitioner’s court papers.
- Revise and retitle *Proof of Service by Mail* (form EA-250) to expand its use as a proof of service by mail for any EARO form that may be served that way and to reflect that its use is not limited to service of the response. Previously, form EA-250 was a proof of service by mail and the form’s title indicated that it was limited to use by respondents. Additionally, in item 4, the committee proposes adding *Elder or Dependent Adult Abuse Restraining Order After Hearing* (form EA-130) as an option among the forms that have been mailed because that form was previously listed on *Proof of Service of Order After Hearing by Mail* (EA-260), which the committee proposes be revoked.
- Revoke *Proof of Service of Order After Hearing by Mail* (EA-260), as the expanded scope of form EA-250 makes form EA-260 unnecessary.

Various forms included in this proposal also have been revised to reflect the new name of form EA-250. For example, on forms EA-120 and EA-320, the only revision is the deletion of “of Response” from the title of form EA-250.

Miscellaneous changes

The attached forms also contain various revisions to use plain language, prevent duplication, and promote ease of use.¹⁸ The committee also proposes that forms CH-100-INFO and EA-100-INFO delete an existing screenshot of the *Notice of Hearing* (form CH-109 or EA-109), as these screenshots take up considerable space on information sheets and placing the screenshots in close proximity to the contextualizing text is difficult. The attached forms also include conforming revisions to change “judge” to “judicial officer.” Finally, the committee proposes revisions to item 6 of form CH-109, item 5 of form EA-109, and item 6 of form EA-309 to avoid using checkboxes combined with fill-in-the-blank fields in the middle of a sentence, which may be confusing for court users.¹⁹

Related rule amendments and form revisions

As discussed above, one rule of court and two forms are included in a separate spring cycle proposal entitled *Civil Practice and Procedure: Rules and Forms to Implement Assembly Bill 747 and Senate Bill 85* because they are impacted by legislation other than AB 561. That

¹⁸ For example, a sentence beginning with “The clerk will” under the heading “What do I need to do to get the order?” has been deleted from page 1 of the existing form EA-100-INFO, as it is duplicative of information in the item that follows. Additionally, the committee proposes various revisions to standardize uses of form names and form numbers.

¹⁹ Additionally, the committee proposes changing the title of item 6 of form CH-109 from “Service of Documents for the Person in (1)” to “Service of Documents by the Person in (1),” which would standardize the title of this item with the phrasing on existing forms DV-109 and EA-109.

proposal includes amendments to California Rules of Court, rule 3.1160 to reflect that the court may specify another method of service for a request for an EARO.

The proposal to implement AB 747 and SB 85 also includes renumbering form CH-205-INFO to form CH-205-INFO/EA-205-INFO, retitling it *What If I Am Unable to Personally Serve the Person I Want Protection From?*, and revising it to include information for EARO petitioners. As discussed above, that information sheet explains how to ask the court for permission to serve the request for restraining orders and related documents using a method other than personal service. Finally, that proposal renumbers *Order Granting Alternative Service* from form CH-117 to form CH-117/EA-117, makes it a standalone form rather than an attachment, and revises it to implement AB 561 for EAROs, among other revisions. The attached forms therefore contain various revisions to refer to form CH-117/EA-117 instead of form CH-117.

Alternatives Considered

Summons (Civil Harassment Restraining Order) (form CH-210) and *Summons (Domestic Violence Restraining Order)* (form DV-210) are existing Judicial Council forms that facilitate alternative service using a brief summons form. The existing forms are fully bilingual and alternate, in full, between English and Spanish text.

The committee discussed whether form EA-210 should also be a fully bilingual form, as *Summons (Civil Harassment Restraining Order)* (form CH-210) and *Summons (Domestic Violence Restraining Order)* (form DV-210) are fully bilingual. Code of Civil Procedure section 412.20(a)(6) indicates that four sentences on a summons form should appear in boldface type in both English and Spanish, as follows:

Notice! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read information below.

Importantly, section 412.20 does not indicate that the entire summons form should be bilingual. Additionally, in the context of restraining order proceedings, the information quoted above is not entirely factually accurate. For example, in restraining order proceedings, a written response is not required.²⁰ Code of Civil Procedure section 412.20(c) further indicates that “[a] summons in a form approved by the Judicial Council is deemed to comply with [section 412.20].”

The committee therefore proposes that new form EA-210 largely appear in English, with the exception of the following sentences that would appear in both English and Spanish:

Notice! The person in (1) is asking for an Elder or Dependent Adult Abuse Restraining Order against you.

²⁰ See, for example, *How Can I Respond to a Request for Civil Harassment Restraining Orders?* (form CH-120-INFO) under the heading reading “Should I go to the court hearing?”

Additionally, the attached forms include an accompanying hyperlink pointing form users to a separate Spanish translation of the entire form, rather than relying on in-text translations. The committee finds this approach preferable because translating the entire form is not required by section 412.20, and one use of this form involves facilitating alternative service by publication. Because newspapers frequently charge by wordcount or line number, the approach proposed by the committee likely leads to reduced costs to petitioners because it would facilitate service by publication in a more concise manner. However, the proposed approach also balances language access by providing a hyperlink to separately access a full-text Spanish translation of the form.

Fiscal and Operational Impacts

The committee anticipates that this proposal would require courts to train court staff and judicial officers on the newly adopted and revised forms. Courts will also incur costs to incorporate the new and revised forms into their paper or electronic processes. Most of the impacts arising from this new law—including education of judicial officers, staff, and justice partners on the new provisions—are a result of the changes in statute, not the forms proposal, and therefore cannot be avoided.

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?

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 two 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 CH-100-INFO, CH-109, CH-110, CH-116, CH-120-INFO, CH-710, CH-730, EA-100-INFO, EA-109, EA-110, EA-116, EA-120, EA-120-INFO, EA-200, EA-200-INFO, EA-210, EA-250, EA-260, EA-300-INFO, EA-309, EA-316, EA-320, EA-320-INFO, EA-710, and EA-730, at pages 11–77

2. Link A: Assem. Bill 561 (Stats. 2025, ch. 267),
leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202520260AB561
3. Link B: Sen. Bill 538 (Stats. 2021, ch. 686)
leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB538
4. Link C: Assem. Bill 1143 (Stats. 2021, ch. 156),
leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1143
5. Link D: Assem. Bill 2694 (Stats. 2018, ch. 219),
leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB2694

DRAFT

CH-100-INFO Can a Civil Harassment Restraining Order Help Me?

These instructions cannot cover all of the questions that may arise in a particular case. If you do not know what to do to protect your rights, you should see a lawyer.

What is a civil harassment restraining order?

It is a court order that helps protect people from harassment.

Can I get a civil harassment restraining order?

You can ask for one if you are worried about your safety because someone:

- Is harassing you
- Is stalking you
- Has committed acts of violence against you, *or*
- Has threatened you with violence.

You do not need to reside in California to file your request for a civil harassment restraining order.

How will the order help me?

The court can order a person to:

- Not harass or threaten you,
- Not contact or go near you, *and*
- Not have any firearms (guns), firearm parts, ammunition, or body armor. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).

For more information about the items a restrained person cannot have, please see selfhelp.courts.ca.gov/restraining-orders/prohibited-items.

You can also ask for protection for people who live with you and family members.

In a civil harassment case, the court cannot:

- Order a person to move out of your residence,
- Order a person to pay child support to you, *or*
- Make orders for custody and visitation.

If you need these orders, you should proceed under the Domestic Violence Protection Act. File form [DV-100](#) (*Request for Domestic Violence Restraining Order*).

The court also cannot:

- Order a person to pay money that the person owes you,
- Order someone to move out of rental property that you own, *or*
- Order someone to stop creating a nuisance that doesn't involve harassment.

If you need these remedies, you must file a civil action.

How much does it cost?

That depends on the type of harassment. If the restrained person has used or threatened to use violence against you or has stalked you, you do not have to pay a filing fee; otherwise, you must pay the fee.

If you cannot afford to pay the filing fee, ask the clerk how to apply for a fee waiver. Form [FW-001](#) (*Request to Waive Court Fees*) is available for this purpose.

If the order is based on prior acts of violence, a credible threat of violence, or stalking, you are entitled to free service of the order by a sheriff or marshal. Also, if you are eligible for a fee waiver, you can ask the sheriff or marshal to serve the order for free. If you are not eligible for free service, you may pay the sheriff or marshal to serve the order.

What forms do I need to get the order?

You must fill out all of form [CH-100](#) (*Request for Civil Harassment Restraining Orders*) and form [CLETS-001](#) (*Confidential Information for Law Enforcement*). If you need attachments, you may use form [MC-025](#) (*Attachment to Judicial Council Form*). You must also fill out items 1 and 2 on form [CH-109](#) (*Notice of Court Hearing*) and items 1, 2, and 3 on form [CH-110](#) (*Temporary Restraining Order (CLETS-TCH)*).

Where can I get these forms?

You can get the forms from legal publishers or from the California Courts website at courts.ca.gov/rules-forms/find-your-court-forms. You also may be able to find them at your local courthouse or county law library.



What do I need to do to get the order?

You must **file your papers with** the superior court in the county where the harassment took place, the person to be restrained resides, or you reside or are temporarily located. Another court may also have jurisdiction over your case. **Check online or ask the court how to** file your request for a civil harassment restraining order. (A self-help center or legal aid association may be able to assist you in filing your request.)

File your forms electronically or give your forms to the clerk of the court. The clerk will give you a hearing date on the *Notice of Court Hearing* form, and if your request for immediate orders is granted, a copy of the *Temporary Restraining Order* signed by a judicial officer.

How soon can I get the order?

If you ask for a temporary restraining order, the court will decide within 24 hours whether or not to make the order. Sometimes the court decides sooner. **If you file in person**, the clerk will tell you whether you should wait or come back later to get the signed *Notice of Court Hearing* and *Temporary Restraining Order*.

How long does the order last?

If the court makes a temporary order, it will last until your hearing date. At that time, the court will decide to continue or cancel the order. The order could last for up to five years.

How will the person to be restrained know about the order?

Someone age 18 or older—**not you** or anyone else to be protected by the order—must “serve” (give) the person to be restrained a copy of the order. The server must then fill out form [CH-200](#) (*Proof of Personal Service*) and give it to you to file with the court. For help with service, ask the court clerk for form [CH-200-INFO](#) (*What is “Proof of Personal Service”?*).

What if the restrained person does not obey the order?

Call the police. The restrained person can be arrested and charged with a crime.

Do I have to attend a court hearing?

Yes. **Attend the hearing on the date listed in** item 3 of form [CH-109](#) (*Notice of Court Hearing*).

You can attend the hearing remotely, such as by telephone or videoconference, at no additional charge to you by the court. **You can also go to court in person.** Check with your local court for instructions on how to appear remotely. Information is also available on the court’s website, which you can find here: courts.ca.gov/find-my-court.

Do I need to bring a witness to the court hearing?

Witnesses are not required, but it helps to have more proof of the harassment than just your word. You can bring:

- Witnesses,
- Written statements from witnesses made under oath,
- Photos,
- Medical or police reports,
- Damaged property, *and*
- Threatening letters, emails, or telephone messages.

A witness may appear remotely at the hearing, such as by telephone or videoconference. **A witness can also go to court in person.**

The court may or may not let witnesses speak at the hearing. So, if possible, you should bring their written statements under oath to the hearing. (You can use form [MC-030](#) (*Declaration*) for this.)

Do I need a lawyer?

Having a lawyer is always a good idea, but it is not required and you are not entitled to a free, court-appointed lawyer. Ask the court clerk about free and low-cost legal services and self-help centers in your county.

Will I see the restrained person at the court hearing?

If the person comes to the hearing, yes. But that person does not have the right to speak to you. If you are afraid, tell the court officer.

Can I bring someone with me to court?

Yes. You can bring someone to sit with you during the hearing. But that person cannot speak for you in court. Only you or your lawyer (if you have one) can speak for you.



What if I have a disability?

If you have a disability and need an accommodation while you are at court, you can use form [MC-410](#) (*Disability Accommodation Request*) to make your request. You can also ask the ADA Coordinator in your court for help. For more information, see form [MC-410-INFO](#) (*How to Request a Disability Accommodation for Court*).

Information about the process is also available online.

See selfhelp.courts.ca.gov/CH-restraining-order.

For help in your area, contact:

[Local information may be inserted.]

What if I don't speak English?

When you file your papers, ask the clerk if a court interpreter is available. You can also use form [INT-300](#) (*Request for Interpreter (Civil)*), or a local court form or website to request an interpreter. For more information about court interpreters, go to selfhelp.courts.ca.gov/request-interpreter.

Can I agree with the restrained person to cancel the order?

No. Once the order is issued, only the **judicial officer** can change or cancel it. You or the restrained person would have to file a request with the court to cancel the order.

Clerk stamps date here when form is filed.

DRAFT

2026-02-13

**Not approved by
the Judicial Council**

1 Person Seeking Protection

a. Your Full Name: _____

Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address *(If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.)*

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

2 Person From Whom Protection Is Sought

Full Name: _____

The court will complete the rest of this form.

3 Notice of Hearing

A court hearing is scheduled on the request for restraining orders against the person in (2):

**Hearing
Date** →

Date: _____ Time: _____

Dept.: _____ Room: _____

Name and address of court if different from above:

You may attend your hearing remotely, such as by phone or videoconference. For more information, go to the court's website for the county listed above. To find the court's website, go to courts.ca.gov/find-my-court.

To the person in (2):

- If you attend the hearing (in person, by phone, or by videoconference) and the judge grants a restraining order against you, the order will be effective immediately, and you could be arrested if you violate the order.
- If you do not attend the hearing, the judge may still grant the restraining order that could last up to five years. After you receive a copy of the order, you could be arrested if you violate the order.

4 Temporary Restraining Orders *(Any orders granted are on form CH-110, served with this notice.)*

a. Temporary restraining orders for personal conduct and stay-away orders as requested in form CH-100, *Request for Civil Harassment Restraining Orders*, are *(check only one box below)*:

(1) All **GRANTED** until the court hearing.

(2) All **DENIED** until the court hearing. *(Specify reasons for denial in b, below.)*

(3) Partly **GRANTED** and partly **DENIED** until the court hearing. *(Specify reasons for denial in b, below.)*



4 b. Reasons for denial of some or all of those personal conduct and stay-away orders as requested in form CH-100 (*Request for Civil Harassment Restraining Orders*) are:

(1) The facts as stated in form CH-100 do not sufficiently show acts of violence, threats of violence, or a course of conduct that seriously alarmed, annoyed, or harassed the person in 1 and caused substantial emotional distress.

(2) Other (*specify*): As stated on Attachment 4b.

5 Confidential Information Regarding Minor

a. A request to keep minor’s information confidential was made (see form CH-160) and **GRANTED**. (*See form CH-165 (Order on Request to Keep Minor's Information Confidential), served with this form.*)

b. **If the request was granted, the information described in item 7 on the order (form CH-165) must be kept CONFIDENTIAL. The disclosure or misuse of the information is punishable as a sanction, with a fine of up to \$1,000 or other court penalties.**

6 Service of Documents by the Person in 1

a. Someone age 18 or older—not you or anyone to be protected—must personally give (serve) a court’s file-stamped copy of this form CH-109 to the person in 2 along with a copy of all the forms indicated below:

(1) CH-100 (*Request for Civil Harassment Restraining Orders*) (file-stamped)

(2) CH-110 (*Temporary Restraining Order*) (file-stamped) **IF GRANTED**

(3) CH-120 (*Response to Request for Civil Harassment Restraining Orders*) (blank form)

(4) CH-120-INFO (*How Can I Respond to a Request for Civil Harassment Restraining Orders?*)

(5) CH-170 (*Notice of Order Protecting Information of Minor*) and CH-165 (*Order on Request to Keep Minor’s Information Confidential*) (file-stamped) **IF GRANTED**

(6) Other (*specify*): _____

b. The service described in 6a must be completed at least:

(1) five days before the hearing.

(2) _____ days before the hearing.

Date: _____

Judicial Officer



To the Person in ① :

- The court cannot make the restraining orders after the court hearing unless the person in ② has been personally given (served) a copy of your request and any temporary orders. To show that the person in ② has been served, the person who served the forms must fill out a proof of service form. Form [CH-200](#) (*Proof of Personal Service*), may be used.
- For information about service, read form [CH-200-INFO](#) (*What Is “Proof of Personal Service”?*).
- You may ask to reschedule the hearing if you are unable to find the person in ② and need more time to serve the documents, or for other good reasons. Read form [CH-115-INFO](#) (*How to Ask for a New Hearing Date*).
- You must attend the hearing if you want the judge to make any of the orders you requested on form CH-100, *Request for Civil Harassment Restraining Orders*. Bring any evidence or witnesses you have. For more information, read form [CH-100-INFO](#) (*Can a Civil Harassment Restraining Order Help Me?*).

To the Person in ②:

- If you want to respond to the request for orders in writing, file form CH-120, *Response to Request for Civil Harassment Restraining Orders*, and have someone age 18 or older—**not you or anyone to be protected**—mail it to the person in ①.
- The person who mailed the form must fill out a proof of service form. Form [CH-250](#) (*Proof of Service by Mail*), may be used. File the completed form with the court before the hearing and bring a copy with you to the court hearing.
- Whether or not you respond in writing, attend the hearing if you want the judge to hear from you before making an order. You may tell the judge why you agree or disagree with the orders requested.
- You may bring witnesses and other evidence.
- At the hearing, the judge may make restraining orders against you that could last up to five years and may order you to turn in to law enforcement, or sell to or store with a licensed gun dealer, any firearms (guns), firearm parts, and ammunition that you own or possess. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531). If an order is granted, you will also be prohibited from owning, possessing, or buying body armor and will have to relinquish any body armor you have.
- If you are unable to attend your court hearing or need more time to prepare your case, you may ask to reschedule your court date. Read form [CH-115-INFO](#) (*How to Ask for a New Hearing Date*).



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 courts.ca.gov/rules-forms/find-your-court-forms for form [MC-410](#) (*Disability Accommodation Request*). (Civ. Code, § 54.8.)

(Clerk will fill out this part.)

—Clerk's Certificate—

I certify that this *Notice of Court Hearing* is a true and correct copy of the original on file in the court.

Clerk's Certificate
[seal]

Date: _____

Clerk, by _____, Deputy

Clerk stamps date here when form is filed.

Person in ① must complete ①, ②, and ③ only.

DRAFT
Not approved by
the Judicial Council
2025-12-23

① Protected Person

a. Your Full Name: _____
Your Lawyer (if you have one for this case):
Name: _____ State Bar No.: _____
Firm Name: _____
b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.)
Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____
Email Address: _____

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

② Restrained Person

(Give all the information you know. Information with a star (*) is required to add this order to the California police database. If age is unknown, give an estimate.)

*Full Name: _____ *Age: _____ Date of Birth: _____
*Race: _____ Height: _____ Weight: _____ Hair Color: _____ Eye Color: _____
*Gender: M F Nonbinary Home Address: _____
City: _____ State: _____ Zip: _____
Relationship to Protected Person: _____

③ Additional Protected Persons

In addition to the person named in ①, the following family or household members of that person are protected by the temporary orders indicated below:

Full Name	Gender	Age	Household Member?	Relation to Protected Person
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

Check here if there are additional persons. List them on an attached sheet of paper and write "Attachment 3—Additional Protected Persons" as a title. You may use form MC-025 (Attachment).

The court will complete the rest of this form.

④ Expiration Date

This order expires at the end of the hearing scheduled for the date and time below:

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

This is a Court Order.



To the Person in 2 :

The court has granted the temporary orders checked as granted below. If you do not obey these orders, you can be arrested and charged with a crime. You may be sent to jail for up to one year, pay a fine of up to \$1,000, or both.

5 Personal Conduct Orders

Not Requested Denied Until the Hearing Granted as Follows:

- a. You must **not** do the following things to the person named in 1
 - and to the other protected persons listed in 3 :
 - (1) Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.
 - (2) Contact the person, either directly or indirectly, in **any** way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by email, by text message, by fax, or by other electronic means.
 - (3) Take any action to obtain the person’s address or location. If this **subitem** (3) is not checked, the court has found good cause not to make this order.
 - (4) Other (*specify*):
 Other personal conduct orders are attached at the end of this order on Attachment 5a(4).

- b. Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order. However, you may have your papers served by mail on the person in 1.

6 Stay-Away Order

Not Requested Denied Until the Hearing Granted as Follows:

- a. You must stay at least _____ yards away from (*check all that apply*):

(1) <input type="checkbox"/> The person in 1	(7) <input type="checkbox"/> The place of child care of the children of the person in 1
(2) <input type="checkbox"/> Each person in 3	
(3) <input type="checkbox"/> The home of the person in 1	(8) <input type="checkbox"/> The vehicle of the person in 1
(4) <input type="checkbox"/> The job or workplace of the person in 1	(9) <input type="checkbox"/> Other (<i>specify</i>): _____ _____ _____
(5) <input type="checkbox"/> The school of the person in 1	
(6) <input type="checkbox"/> The school of the children of the person in 1	

- b. This stay-away order does not prevent you from going to or from your home or place of employment.

7 No Firearms (Guns), Firearm Parts, or Ammunition

- a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get any prohibited items listed in 7 b on the next page.

This is a Court Order.



- 7** b. **Prohibited items are:**
- (1) Firearms (guns);
 - (2) Firearm parts, meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531); and
 - (3) Ammunition.
- c. You must:
- (1) Sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns), firearm parts, and ammunition in your immediate possession or control. This must be done within 24 hours of being served with this order.
 - (2) File a receipt with the court within 48 hours of receiving this order that proves that your firearms (guns), firearm parts, and ammunition have been turned in, sold, or stored. (You may use *Receipt for Firearms, Firearm Parts, and Ammunition* (form CH-800) for the receipt.)
- d. The court has received information that you own or possess a firearm (gun), firearm parts, or ammunition.

8 **Restrained Person Has Prohibited Items**

The court finds that you have the following prohibited items:

a. **Firearms and/or firearm parts**

Description (include serial number, if known)	Location, if known	Proof of compliance received by the court
(1) _____	_____	<input type="checkbox"/> (date): _____
(2) _____	_____	<input type="checkbox"/> (date): _____
(3) _____	_____	<input type="checkbox"/> (date): _____
(4) _____	_____	<input type="checkbox"/> (date): _____

b. **Ammunition**

Description	Amount, if known	Location, if known	Proof of compliance received by the court
(1) _____	_____	_____	<input type="checkbox"/> (date): _____
(2) _____	_____	_____	<input type="checkbox"/> (date): _____
(3) _____	_____	_____	<input type="checkbox"/> (date): _____
(4) _____	_____	_____	<input type="checkbox"/> (date): _____

Check here to list additional items. List them on a separate piece of paper, write “CH-110, Restrained Person Has Prohibited Items” at the top, and attach it to this form.

9 **No Body Armor**

You cannot own, possess, or buy body armor (defined in Penal Code section 16288). You must relinquish any body armor you have in your possession.

This is a Court Order.



10 **Court Hearing to Review Firearms (Guns), Firearm Parts, and Ammunition Compliance**

In addition to the hearing listed on form CH-109, you must attend the court hearing listed below to prove that you have properly turned in, sold, or stored all prohibited items (described in 7b) you still have or own, including any items listed in 8. If you do not attend the court hearing listed below, a judge may find that you have violated the restraining order and notify law enforcement and a prosecuting attorney of the violation.

Name and address of court, if different than court address listed on page 1: _____



Date: _____ Dept.: _____
Time: _____ Room: _____

11 **Possession and Protection of Animals**

Not Requested **Denied Until the Hearing** **Granted as Follows** (specify):

a. The person in 1 is given the sole possession, care, and control of the animals listed below, which are owned, possessed, leased, kept, or held by them, or reside in their household.
(Identify animals by, e.g., type, breed, name, color, sex.)

b. The person in 2 must stay at least _____ yards away from, and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of the animals listed above.

12 **Other Orders**

Not Requested **Denied Until the Hearing** **Granted as Follows** (specify):

Additional orders are attached at the end of this order on Attachment 12.

To the Person in 1 :

13 **Mandatory Entry of Order Into CARPOS Through CLETS**

This order must be entered into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). (Check one):

- a. The clerk will enter this order and its proof-of-service form into CARPOS.
- b. The clerk will transmit this order and its proof-of-service form to a law enforcement agency to be entered into CARPOS.

This is a Court Order.



- 13 c. By the close of business on the date that this order is made, the person in ① or their lawyer should deliver a copy of the order and its proof-of-service form to the law enforcement agency listed below to enter into CARPOS:

Name of Law Enforcement Agency

Address (City, State, Zip)

- Additional law enforcement agencies are listed at the end of this order on Attachment 13.

- 14 **No Fee to Serve (Notify) Restrained Person** **Ordered** **Not Ordered**

The sheriff or marshal will serve this order without charge because:

- a. The order is based on unlawful violence, a credible threat of violence, or stalking.
 b. The person in ① is entitled to a fee waiver.

- 15 Number of pages attached to this order, if any: _____

Date: _____

Judicial Officer

Warnings and Notices to the Restrained Person in ②

You Cannot Have Firearms (Guns), Firearm Parts, or Ammunition

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get any prohibited items listed in ⑦b on page 3 while this order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns), firearm parts, and ammunition that you have or control as stated in ⑦ above. The court will require you to prove that you did so.

Notice Regarding Nonappearance at Hearing and Service of Order

If you have been personally served with this Temporary Restraining Order and form CH-109 (*Notice of Court Hearing*), but you do not appear at the hearing either in person or by a lawyer, and a restraining order that is the same as this Temporary Restraining Order except for the expiration date is issued at the hearing, a copy of the order will be served on you by mail at the address in ②.

If this address is not correct or you wish to verify that the Temporary Restraining Order was converted into a restraining order at the hearing without substantive change, or to find out the duration of the order, contact the clerk of the court.

After You Have Been Served With a Restraining Order

- Obey all the orders.
- Read form CH-120-INFO (*How Can I Respond to a Request for Civil Harassment Restraining Orders?*), to learn how to respond to this order.

This is a Court Order.



- If you want to respond, fill out form CH-120 (*Response to Request for Civil Harassment Restraining Orders*), and file it with the court clerk. You do not have to pay any fee to file your response if the Request claims that you inflicted or threatened violence against or stalked the person in ①.
- You must have form CH-120 served by mail on the person in ① or that person's attorney. You cannot do this yourself. The person who does the mailing should complete and sign form CH-250 (*Proof of Service by Mail*). File the completed proof of service with the court clerk before the hearing date or bring it with you to the hearing.
- In addition to the response, you may file and have declarations served, signed by you and other persons who have personal knowledge of the facts. You may use form MC-030 (*Declaration*), for this purpose. It is available from the clerk's office at the court shown on page 1 of this form or at courts.ca.gov/rules-forms/find-your-court-forms. If you do not know how to prepare a declaration, you should see a lawyer.
- Whether or not you file a response, you should attend the hearing. If you have any witnesses, they must also **attend** the hearing.
- At the hearing, the judge can make restraining orders against you that last for up to five years. Tell the judge why you disagree with the orders requested.

Instructions for Law Enforcement

Enforcing the Restraining Order

This order is enforceable by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Restraining and Protective Orders System (CARPOS). If the law enforcement agency has not received proof of service on the restrained person, the agency must advise the restrained person of the terms of the order and then must enforce it. Violations of this order are subject to criminal penalties.

Start Date and End Date of Orders

This order *starts* on the date next to the judge's signature on page 4. The order *ends* on the expiration date in ④ on page 1.

Arrest Required if Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6. Agencies are encouraged to enter violation messages into CARPOS.

Notice/Proof of Service

The law enforcement agency must first determine if the restrained person had notice of the order. Consider the restrained person "served" (given notice) if (Pen. Code, § 836(c)(2)):

- The officer sees a copy of the proof of service or confirms that the proof of service is on file; or
- The restrained person was informed of the order by an officer.

An officer can obtain information about the contents of the order and proof of service in CARPOS. If proof of service on the restrained person cannot be verified, the agency must advise the restrained person of the terms of the order and then enforce it.

If the Protected Person Contacts the Restrained Person

Even if the protected person invites or consents to contact with the restrained person, this order remains in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The order can be changed only by another court order. (Pen. Code, § 13710(b).)

This is a Court Order.



Conflicting Orders—Priorities for Enforcement

If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced in the following priority (see Pen. Code, § 136.2; Fam. Code, §§ 6383(h)(2), 6405(b)); Code Civ. Proc., § 527.12(d)(2)):

1. *Emergency Protective Order (EPO)*: If one of the orders is an *Emergency Protective Order* (form EPO-001), provisions (e.g., stay-away order) that are more restrictive than in the other restraining/protective orders must be enforced. Provisions of another order that do not conflict with the EPO must also be enforced.
2. *No-Contact Order*: If a restraining/protective order includes a no-contact order, the no-contact order must be enforced. **5**a(2) is an example of a no-contact order.
3. *Criminal Protective Order (CPO)*: If none of the orders includes an EPO or a no-contact order, the most recent CPO must be enforced. (Fam. Code, §§ 6383(h)(2), 6405(b); Code Civ. Proc., § 527.12(d)(2).) Additionally, a CPO issued in a criminal case involving charges of domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil court order. (Pen. Code, § 136.2(e)(2).) All provisions in the civil court order that do not conflict with the CPO must also be enforced.
4. *Civil Restraining Orders*: If there is more than one civil restraining order (e.g., domestic violence, juvenile, elder abuse, civil harassment), then the order that was issued last must be enforced. Provisions that do not conflict with the most recent civil restraining order must also be enforced.

(Clerk will fill out this part.)

Clerk's Certificate
[seal]

—Clerk's Certificate—

I certify that this *Temporary Restraining Order* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

Clerk stamps date here when form is filed.

DRAFT

2026-03-11

Not approved by the Judicial Council

Complete ① and ② only.

① **Protected Party:** _____

② **Restrained Party:** _____

_____ **The court will complete the rest of this form** _____

③ Next Court Date

a. The request to reschedule the court date is **denied**.

Your court date is: _____

(1) Any form [CH-110](#) (*Temporary Restraining Order*) already granted stays in full force and effect until the next court date.

(2) Your court date is not rescheduled because:

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

b. The request to reschedule the court date is **granted**. Your court date is rescheduled for the day and time listed below. See ④–⑧ for more information.

Name and address of court, if different from above:

Hearing Date → Date: _____ Time: _____
Dept.: _____ Room: _____

④ Temporary Restraining Order

a. There is no **Temporary Restraining Order (TRO)** in this case until the next court date because:

(1) A TRO was not previously granted by the court.

(2) The court terminates (cancels) the previously granted TRO because

b. A **Temporary Restraining Order (TRO)** is still in full force and effect because:

(1) The court extends the TRO previously granted on (date): _____.

It now expires on (date): _____

(If no date is listed, the TRO expires at the end of the court date listed in ③ b.)

(2) The court changes the TRO previously granted and signs a new TRO (form [CH-110](#)).

c. Other (specify): _____

Warning and Notice to the Restrained Party:
If ④ b is checked, a civil harassment restraining order has been issued against you. You must follow the orders until they expire.

This is a Court Order.



5 Reason Court Date Is Rescheduled

a. There is good cause to reschedule the court date (*check one*):

(1) The protected party has not served the restrained party.

(2) Other: _____

b. This is the first time that the restrained party has asked for more time to prepare.

c. The court reschedules the court date on its own motion.

6 Serving (Giving) Order to Other Party

The request to reschedule was made by the:

a. **Protected party**

b. **Restrained party**

c. **Court**

(1) You do not have to serve the restrained party because they or their lawyer were at the court date or agreed to reschedule the court date.

(2) You must have the restrained party personally served with a copy of this order and a copy of all documents listed on form [CH-109](#), item 6, by (date): _____

(3) You must have the restrained party served with a copy of this order. This can be done by mail. You must serve by (date): _____

(4) The court gives you permission to have the restrained party served as ordered on form CH-117/EA-117.

(5) Other: _____

(1) You do not have to serve the protected party because they or their lawyer were at the court date or agreed to reschedule the court date.

(2) You must have the protected party personally served with a copy of this order by (date): _____

(3) You must have the protected party served with a copy of this order. This can be done by mail. You must serve by (date): _____

(4) Other: _____

(1) Further notice is not required.

(2) The court will mail a copy of this order to all parties by (date): _____

(3) Other: _____

This is a Court Order.



7 No Fee to Serve (Notify) Restrained Person **Ordered** **Not Ordered**

The sheriff or marshal will serve this order for free because:

- a. The order is based on unlawful violence, a credible threat of violence, or stalking.
- b. The person in ① is entitled to a fee waiver.

8 Remote Appearances

You may attend your hearing listed in ③ remotely, such as by phone or videoconference. For more information, go to the court’s website for the county listed on page 1. To find the court’s website, go to courts.ca.gov/find-my-court.

9 Other Orders

10 Number of pages attached to this order, if any: _____

Date: _____

Judicial Officer



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 courts.ca.gov/forms for form [MC-410](#) (*Disability Accommodation Request*). (Civ. Code, § 54.8.)

Instructions to Clerk

If the hearing is rescheduled and the court extended, modified, or terminated a temporary restraining order, then the court must enter this order into CLETS or send this order to law enforcement to enter into CLETS. This must be done within one business day from the day the order is made.

—Clerk's Certificate—

Clerk’s Certificate

I certify that this *Order on Request to Continue Hearing (Temporary Restraining Order) (CLETS-TCH)* is a true and correct copy of the original on file in the court.

[seal]

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

How Can I Respond to a Request for Civil Harassment Restraining Orders?

What is a civil harassment restraining order?

It is a court order that prohibits you from doing certain things and going to certain places.

What does the order do?

The court can order you to:

- Not contact the person who asked for the order
- Stay away from that person and the person's home and workplace
- Not have any firearms (guns), firearm parts, ammunition, or body armor as long as the order is in effect. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).

For more information about the items you would not be allowed to have, please see selfhelp.courts.ca.gov/restraining-orders/prohibited-items.

Who can ask for a civil harassment restraining order?

A person who is worried about safety because they have been or are being:

- Stalked
- Harassed
- Assaulted, including sexually, *or*
- Threatened with violence

I've been served with a request for civil harassment restraining orders. What do I do now?

Read the papers served on you very carefully. The *Notice of Court Hearing* tells you when to appear in court. There may also be a *Temporary Restraining Order* forbidding you from doing certain things. You must obey the order until the hearing.

What if I don't agree with what the order says?

You still must obey the order until the hearing. If you disagree with the orders the person is asking for, fill out form [CH-120](#) (*Response to Request for Civil Harassment Restraining Orders*), before your hearing date and file it with the court. If you need to include attachments, you can use form [MC-025](#) (*Attachment to Judicial Council Form*). You can get the forms from legal publishers or from the California Courts website at courts.ca.gov/forms. Forms may also be at your local courthouse or county law library.

What if I don't obey the order?

The police can arrest you. You can go to jail and pay a fine.

Do I have to serve the other person with a copy of my response?

Yes. Have someone age 18 or older—**not you**—mail a copy of completed form CH-120 to the person who asked for the order (or that person's lawyer). (This is called "service by mail.")

The person who serves the form by mail must fill out form [CH-250](#) (*Proof of Service by Mail*). Have the person who did the mailing sign the original. Take the completed form back to the court clerk or bring it with you to the hearing.

Should I attend the court hearing?

Yes. You should **attend** court on the date listed on form CH-109 (*Notice of Court Hearing*). If you do not **attend** the hearing, the **judicial officer** can make orders against you without hearing from you.

You can attend the hearing remotely, such as by telephone or videoconference, at no additional charge to you by the court. You can also go to court in person. Check with your local court for instructions on how to appear remotely. Information is also available on the court's website, which you can find here: courts.ca.gov/find-my-court.

How long does the order last?

If the court issued a temporary restraining order before the hearing, it will last until your hearing date. At that time, the court will decide to continue or cancel the order. Any order issued at the hearing can last for up to five years.

Do I need a lawyer?

Having a lawyer is always a good idea, but it is not required, and you are not entitled to a free, court-appointed attorney. Ask the court clerk about free and low-cost legal services and self-help centers in your county.



Will I see the person who asked for the order at the court hearing?

Yes. Assume that the person who is asking for the order will attend the hearing. Do not talk to them unless the **judicial officer** or that person's attorney says that you can.

Can I bring a witness to the court hearing?

Yes. You can bring witnesses or documents that support your case to the hearing. **A witness may appear remotely at the hearing, such as by telephone or videoconference. A witness can also go to court in person.**

If possible, you should also bring the witnesses' written statements of what they saw or heard. Their statements must be made under penalty of perjury. You can use form [MC-030 \(Declaration\)](#) for this.

What if I don't speak English?

When you file your papers, ask the clerk if a court interpreter is available. You can also use form [INT-300 \(Request for Interpreter \(Civil\)\)](#), or a local court form or website to request an interpreter. For more information about court interpreters, go to [selfhelp.courts.ca.gov/request-interpreter](#).

Information about the process is also available online.

See [selfhelp.courts.ca.gov/CH-restraining-order](#).

For help in your area, contact:

[Local information may be inserted.]

What if I have a firearm (gun), firearm part, or ammunition?

If a restraining order is issued, you cannot own, possess, or have a firearm (gun), firearm parts, ammunition, or body armor while the order is in effect. If you have a firearm (gun), firearm parts, or ammunition, you must sell it to or store it with a licensed gun dealer, or turn it in to a law enforcement agency.

What if I need to have a firearm or ammunition for my job?

If the **judicial officer** grants a restraining order against you, you cannot have firearms or ammunition. The **judicial officer** may give you permission to have a firearm or ammunition for work. Before permission can be granted, you will be required to show the **judicial officer** that (1) carrying a firearm or ammunition is required for your work, and (2) your employer is unable to reassign you to another position where carrying a firearm or ammunition is not necessary. There are other things that you will have to prove. For more information, go to [selfhelp.courts.ca.gov/respond-to-CH-restraining-order/obey-firearms-orders/exception](#), or see Code of Civil Procedure section 527.9(f).

What if I need to have body armor?

If you need to have and use body armor for your work, livelihood, or safety, you may ask for an exception with the chief of police or sheriff in the county where you will have and use the body armor (see Penal Code section 31360(c)).

Can I agree with the protected person to cancel the order?

No. Once the order is issued, only the **judicial officer** can change or cancel it. You or the protected person would have to file a request with the court to cancel the order.

What if I have a disability?

If you have a disability and need an accommodation while you are at court, you can use form [MC-410 \(Disability Accommodation Request\)](#) to make your request. You can also ask the ADA Coordinator in your court for help. For more information, see form [MC-410-INFO \(How to Request a Disability Accommodation for Court\)](#).

Clerk stamps date here when form is filed.

DRAFT

2025-12-29

Not approved by the Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 Protected Person

a. Your Full Name: _____

Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

2 Restrained Person

Full Name: _____

Address (if known): _____

City: _____ State: _____ Zip: _____

To the Restrained Person

3 Court Hearing

The judge has set a court hearing date. Court will fill in box below.

The current restraining order stays in effect until the end of the hearing.

Hearing Date →

Date: _____ Time: _____

Dept.: _____ Room: _____

Name and address of court if different from above:

You may attend your hearing remotely, such as by phone or videoconference. For more information, go to the court's website for the county listed above. To find the court's website, go to courts.ca.gov/find-my-court.

At the hearing, the judge can renew the current restraining order for up to another five years. You *must* continue to obey the current restraining order until the hearing. At the hearing, you can tell the judge if you do not want the order against you renewed. If the restraining order is renewed, you *must* obey the order even if you do not attend the hearing.

If you wish to make a written response to the request to renew the restraining order, you may fill out form CH-720 (*Response to Request to Renew Restraining Order*). File the original with the court before the hearing and have someone age 18 or older—**not you**—mail a copy of it to the protected person at the address in ① at least _____ days before the hearing. Also file form CH-250 (*Proof of Service of Response by Mail*) with the court before the hearing.

This is a Court Order.



To the Protected Person:**4 Service and Response**

Someone age 18 or older—**not you or anyone else protected by the restraining order**—must personally serve (give) a copy of the following forms on the restrained person at least _____ days before the hearing.

- CH-700 (*Request to Renew Restraining Order*);
- CH-710 (*Notice of Hearing to Renew Restraining Order*) (this form);
- CH-720 (*Response to Request to Renew Restraining Order*) (blank copy);
- CH-130 (*Civil Harassment Restraining Order After Hearing*), **the current order** for which renewal is requested.

After the restrained person has been served, file form CH-200 (*Proof of Personal Service*), with the court clerk. For help with service, read form CH-200-INFO (*What Is “Proof of Personal Service”?*).

Date: _____

Judicial Officer**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 courts.ca.gov/forms for form MC-410 (*Disability Accommodation Request*). (Civ. Code, § 54.8.)

This is a Court Order.

Clerk stamps date here when form is filed.

DRAFT

2025-12-22

Not approved by the Judicial Council

1 Protected Person

a. Your Full Name: _____

Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

2 Restrained Person

Full Name: _____

Address (if known): _____

City: _____ State: _____ Zip: _____

3 Hearing

There was a hearing on (date): _____ at (time): _____ a.m. p.m. Dept.: _____ Room: _____

(Name of judicial officer): _____ made the orders at the hearing.

These people attended the hearing:

a. The protected person c. The lawyer for the protected person (name): _____

b. The restrained person d. The lawyer for the restrained person (name): _____

Additional persons present are listed on Attachment 3.

4 Renewal and Expiration

The request to renew the attached *Civil Harassment Restraining Order After Hearing*, originally issued on (date) _____, is:

a. **GRANTED.** The attached order is renewed and will now expire on:

Time: _____ a.m. p.m. or midnight on (date): _____

If no expiration date is written here, the order expires three years from the date of the hearing in item **3**.

b. **DENIED.** The attached order expires as stated in item **4** of the order.

Date: _____

Judicial Officer

This is a Court Order.

Can a Restraining Order to Prevent Elder or Dependent Adult Abuse Help Me?

These instructions cannot cover all of the questions that may arise in a particular case. If you do not know what to do to protect your rights, you should see a lawyer.

What is a restraining order?

It is a court order that helps protect people from being abused.

- A person appointed as a guardian ad litem for the elder or dependent adult, *and*
- Any other person legally authorized to seek such relief.

Can I get a restraining order?

If you are a person 65 years or older or a dependent adult, you can ask for a restraining order if you have been or are being:

- Physically abused,
- Financially abused,
- Mentally or emotionally abused,
- Neglected,
- Abandoned or abducted,
- Isolated, *or*
- Deprived by a caregiver of goods or services you needed to avoid harm or suffering.

How will the order help me?

The court can order a person to:

- Not physically abuse, harass, hit, or threaten you
- Not contact or go near you, *and*
- Not have any firearms (guns), firearm parts, ammunition, or body armor. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).

For more information about the items a restrained person cannot have, please see selfhelp.courts.ca.gov/restraining-orders/prohibited-items.

You can also ask for protection for people who live with you and family members.

Who can apply for an elder or dependent adult abuse restraining order?

In addition to the elder or dependent adult, the following persons may apply for a restraining order on behalf of the elder or dependent adult:

- A conservator or trustee of the elder or dependent adult,
- An attorney-in-fact of an elder or dependent adult who acts within the authority of the power of attorney,

How much does it cost?

There is no fee for filing a request for a restraining order.

You do not need to pay a fee for service of the order. A sheriff or marshal will serve the order for free. Or you may arrange for service by a registered process server or a private party and pay any fee that is charged.

The court can make the person who loses the case pay all the court fees and the lawyer's fees for the other party.

What forms do I need to get the order?

You must fill out all of form [EA-100](#) (*Request for Elder or Dependent Adult Abuse Restraining Orders*) and form [CLETS-001](#) (*Confidential Information for Law Enforcement*). If you need attachments, you may use form [MC-025](#) (*Attachment*). You must also fill out items 1 and 2 on form [EA-109](#) (*Notice of Court Hearing*) and items 1, 2, and 3 on form [EA-110](#) (*Temporary Restraining Order*).

Where can I get these forms?

You can get the forms from legal publishers or from the California Courts website at courts.ca.gov/forms. You also may be able to find them at your local courthouse or county law library.

What do I need to do to get the order?

You must **file your papers with** the superior court in the county where the abuse took place or the person to be restrained lives. **Check online or ask the court how to file your request for an elder or dependent adult abuse restraining order.** (A self-help center or legal aid association may be able to assist you in filing your request.)



File your forms electronically or give your forms to the clerk of the court. You can submit your forms electronically at no charge to you by the court. The clerk will give you a hearing date on the *Notice of Hearing* form, and if your request for immediate orders is granted, a copy of the *Temporary Restraining Order* signed by a judicial officer.

How soon can I get the order?

If you ask for a temporary restraining order, the court will decide within 24 hours whether or not to make the order. Sometimes the court decides sooner. If you file in person, ask the clerk whether you should wait or come back later to get the signed *Notice of Court Hearing* and *Temporary Restraining Order*.

How long does the order last?

If the court makes a temporary order, it will last until your hearing date. At that time, the court will decide to continue or cancel the order. The order could last for up to five years.

How will the person to be restrained know about the order?

Someone age 18 or older—**not you** or anyone else to be protected by the order—must “serve” (give) the person to be restrained a copy of the order. The server must then fill out form [EA-200](#) (*Proof of Personal Service*) and give it to you to file with the court. For help with service, ask the court clerk for form [EA-200-INFO](#) (*What Is “Proof of Personal Service”?*).

What if the restrained person does not obey the order?

Call the police. The restrained person can be arrested and charged with a crime.

Do I have to attend a court hearing?

Yes. Attend court on the date listed on form [EA-109](#) (*Notice of Court Hearing*).

You can attend the hearing remotely, such as by telephone or videoconference, at no charge to you by the court. You can also go to court in person. Check with your local court for instructions on how to appear remotely. Information is also available on the court’s website, which you can find here: courts.ca.gov/find-my-court.

Do I need to bring a witness to the court hearing?

Witnesses are not required, but it helps to have more proof of the abuse than just your word. You can bring:

- Witnesses,
- Written statements from witnesses made under oath,
- Photos,
- Medical or police reports,
- Damaged property, *and*
- Threatening letters, emails, or telephone messages.

A representative of the county adult protective services agency or witness may appear remotely at the hearing, such as by telephone or video conference, at no charge by the court. These people can also go to court in person.

The court may or may not let witnesses speak at the hearing. So, if possible, you should bring their written statements under oath to the hearing. (You can use form [MC-030](#) (*Declaration*) for this.)

Do I need a lawyer?

Having a lawyer is always a good idea, but it is not required and you are not entitled to a free, court-appointed attorney. Ask the court clerk about free and low-cost legal services and self-help centers in your county.

Will I see the restrained person at the court hearing?

If the person comes to the hearing, yes. But that person does not have the right to speak to you. If you are afraid, tell the court officer.

Can I bring someone with me to court?

Yes. You can bring someone to sit with you during the hearing. But that person cannot speak for you in court. Only you or your lawyer (if you have one) can speak for you.

What if I don't speak English?

When you file your papers, ask the clerk if a court interpreter is available. You can also use form [INT-300](#) (*Request for Interpreter (Civil)*), or a local court form or website to request an interpreter. For more information about court interpreters, go to selfhelp.courts.ca.gov/request-interpreter.



What if the restrained person's abuse caused me to owe money or debts?

If the restrained person's financial abuse caused you to have certain debts or bills (such as using your name to open a credit card and make purchases that you didn't agree to), you can ask the **judicial officer** to make a special decision or finding that the restrained person caused you to have the debts or bills. This special finding may be helpful if you are sued for the debts or bills.

Information about the process is also available online.

See selfhelp.courts.ca.gov/EA-restraining-order.

For help in your area, contact:

[Local information may be inserted.]

Can I agree with the restrained person to cancel the order?

No. Once the order is issued, only the **judicial officer** can change or cancel it. You or the restrained person would have to file a request with the court to cancel the order.

What if I have a disability?

If you have a disability and need an accommodation while you are at court, you can use form [MC-410](#) (*Disability Accommodation Request*) to make your request. You can also ask the ADA Coordinator in your court for help. For more information, see form [MC-410-INFO](#) (*How to Request a Disability Accommodation for Court*).

Clerk stamps date here when form is filed.

DRAFT

2026-02-13

**Not approved by
the Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 Elder or Dependent Adult in Need of Protection

a. Full Name: _____

Person requesting protection for the elder or dependent adult, if different (*person named in item 3 of form EA-100*):

Full Name: _____

Lawyer for person named above (*if any for this case*):

Name: _____ State Bar No.: _____

Firm Name: _____

b. Address for person named above (*If you have a lawyer, give your lawyer's information. If you do not have a lawyer, give information for the person requesting the order. If you want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.*):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

2 Person You Want Protection From

Full Name: _____

The court will complete the rest of this form.

3 Notice of Hearing

A court hearing is scheduled on the request for restraining orders against the person in 2:

Hearing Date →	Date: _____	Time: _____	Name and address of court if different from above: _____ _____ _____
	Dept.: _____	Room: _____	

<p>You may attend your hearing remotely, such as by phone or videoconference. For more information, go to the court's website for the county listed above. To find the court's website, go to courts.ca.gov/find-my-court.</p>			

To the person in 2:

- If you attend the hearing (in person, by phone, or by videoconference) and the judge grants a restraining order against you, the order will be effective immediately, and you could be arrested if you violate the order.
- If you do not attend the hearing, the judge may still grant the restraining order that could last up to five years. After you receive a copy of the order, you could be arrested if you violate the order.



4 Temporary Restraining Orders (Any orders granted are on form EA-110, served with this notice.)

a. Temporary restraining orders for personal conduct and stay-away orders as requested in form EA-100 (Request for Elder or Dependent Adult Abuse Restraining Orders) are (check only one box below):

- (1) All **GRANTED** until the court hearing.
- (2) All **DENIED** until the court hearing. (Specify reasons for denial in b, below.)
- (3) Partly **GRANTED** and partly **DENIED** until the court hearing. (Specify reasons for denial in **4** b, below.)

b. Reasons for denial of some or all of those personal conduct and stay-away orders as requested in form EA-100 (Request for Elder or Dependent Adult Abuse Restraining Orders) are:

- (1) The facts as stated in form EA-100 do not sufficiently show reasonable proof of a past act or acts of abuse of the elder or dependent adult by the person in **2**.
- (2) Other (specify): As stated on Attachment 4b.

5 Service of Documents by the Person in 1

a. Someone age 18 or older—not you or anyone to be protected—must personally give (serve) a court’s file-stamped copy of this form EA-109 to the person in **2** along with a copy of all the forms indicated below:

- (1) EA-100 (Request for Elder or Dependent Adult Abuse Restraining Orders) (file-stamped)
- (2) EA-110 (Temporary Restraining Order) (file-stamped) **IF GRANTED**
- (3) [EA-120](#) (Response to Request for Elder or Dependent Adult Abuse Restraining Orders) (blank form)
- (4) [EA-120-INFO](#) (How Can I Respond to a Request for Elder or Dependent Adult Abuse Restraining Orders?)
- (5) Other (specify): _____

b. The service described in **5**a must be completed at least:

- (1) five days before the hearing.
- (2) _____ days before the hearing.

Date: _____

Judicial Officer



To the Person in ① :

- The court cannot make the restraining orders after the court hearing unless the person in ② has been personally given (served) a copy of your request and any temporary orders. To show that the person in ② has been served, the person who served the forms must fill out a proof of service form. Form [EA-200](#) (*Proof of Personal Service*) may be used.
- For information about service, read form [EA-200-INFO](#) (*What Is “Proof of Personal Service”?*).
- You may ask to reschedule the hearing if you are unable to find the person in ② and need more time to serve the documents, or for other good reasons. Read form [EA-115-INFO](#) (*How to Ask for a New Hearing Date*).
- You must attend the hearing if you want the judge to make any of the orders you requested on form EA-100 (*Request for Elder or Dependent Adult Abuse Restraining Orders*). Bring any evidence or witnesses you have. For more information, read form [EA-100-INFO](#) (*Can a Restraining Order to Prevent Elder or Dependent Adult Abuse Help Me?*).

To the Person in ② :

- If you want to respond to the request for orders in writing, file form EA-120 (*Response to Request for Elder or Dependent Adult Abuse Restraining Orders*), and have someone age 18 or older—**not you or anyone to be protected**—mail it to the person in ① .
- The person who mailed the form must fill out a proof of service form. Form [EA-250](#) (*Proof of Service by Mail*) may be used. File the completed form with the court before the hearing and bring a copy with you to the court hearing.
- Whether or not you respond in writing, attend the hearing if you want the judge to hear from you before making an order. You may tell the judge why you agree or disagree with the orders requested.
- You may bring witnesses and other evidence.
- **At the hearing, the judge may make restraining orders against you that could last up to five years and may order you to sell or turn in any firearms (guns), firearm parts, and ammunition that you own or possess. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531). If an order is granted, you will also be prohibited from owning, possessing, or buying body armor and will have to relinquish any body armor you have.**
- If you are unable to attend your court hearing or need more time to prepare your case, you may ask to reschedule your court date. Read form EA-115-INFO (*How to Ask for a New Hearing Date*).

**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 courts.ca.gov/forms for form [MC-410](#) (*Disability Accommodation Request*). (Civ. Code, § 54.8.)

Clerk's Certificate
[seal]

(Clerk will fill out this part.)

—Clerk's Certificate—

I certify that this *Notice of Court Hearing* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

Clerk stamps date here when form is filed.

Person in ① must complete ①, ②, and ③ only.

DRAFT
Not approved by
the Judicial Council
2025-11-12

① Protected Elder or Dependent Adult

- a. Full Name: _____
 Person requesting protection for the elder or dependent adult, if different (*person named in item 3 of form EA-100*):
 Full Name: _____
 Lawyer for person named above (*if any, for this case*):
 Name: _____ State Bar No.: _____
 Firm Name: _____
- b. Your Address (*If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.*):
 Address: _____
 City: _____ State: _____ Zip: _____
 Telephone: _____ Fax: _____
 Email Address: _____

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

② Restrained Person

(Give all the information you know. Information with a star (*) is required to add this order to the California police database. If age is unknown, give an estimate.)

*Full Name: _____ *Age: _____ Date of Birth: _____
 *Race: _____ Height: _____ Weight: _____ Hair Color: _____ Eye Color: _____
 *Gender: M F Nonbinary Home Address: _____
 City: _____ State: _____ Zip: _____
 Relationship to Protected Person: _____

③ Additional Protected Persons

In addition to the elder or dependent adult named in ①, the following family or household members or conservator of that person are protected by the temporary orders indicated below:

Full Name	Gender	Age	Household Member?	Relation to Protected Person
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

Check here if there are additional protected persons. List them on an attached sheet of paper and write "Attachment 3—Additional Protected Persons" as a title. You may use form [MC-025](#) (Attachment).

④ Expiration Date

This order expires at the end of the hearing scheduled for the date and time below:

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

This is a Court Order.



To the Person in ② :

The court has issued the temporary orders checked as granted below. If you do not obey these orders, you can be arrested and charged with a crime. You may have to go to jail for up to one year, pay a fine of up to \$1,000, or both.

⑤ Personal Conduct Orders

Not Requested Denied Until the Hearing Granted as Follows:

a. You must **not** do the following things to the elder or dependent adult named in ①

and to the other protected persons listed in ③ :

- (1) Physically abuse, financially abuse, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, harass, destroy personal property of, or disturb the peace of the person.
- (2) Contact the person, either directly or indirectly, in **any** way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by email, by text messages, by fax, or by other electronic means.
- (3) Take any action to obtain the person’s address or location. If this **subitem** (3) is not checked, the court has found good cause not to make this order.
- (4) Other (*specify*):
 Other personal conduct orders are attached at the end of this order on Attachment 5a(4).

b. Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order. However, you may have your papers served by mail on the person in ①.

⑥ Stay-Away Orders

Not Requested Denied Until the Hearing Granted as Follows:

a. You **must** stay at least _____ yards away from (*check all that apply*):

- (1) The elder or dependent adult in ① (5) The vehicle of the person in ①
- (2) Each person in ③ (6) Other (*specify*):
- (3) The home of the elder or dependent adult
- (4) The job or workplace of the elder or dependent adult

b. This stay-away order does not prevent you from going to or from your home or place of employment.

⑦ Move-Out Order

Not Requested Denied Until the Hearing Granted as Follows:

You must immediately move out from and not return to (*address*):

This is a Court Order.



8 No Firearms (Guns), Firearm Parts, or Ammunition

Not Issued (financial abuse only) **Granted as Follows:**

This order must be granted unless only financial abuse is alleged.

- a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get any prohibited items listed in b below.
- b. **Prohibited items are:**
 - (1) Firearms (guns);
 - (2) Firearm parts, meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531); and
 - (3) Ammunition.
- c. You must:
 - (1) Sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns), firearm parts, and ammunition in your immediate possession or control. This must be done within 24 hours of being served with this order.
 - (2) File a receipt with the court within 48 hours of receiving this order that proves that your firearms (guns), firearm parts, and ammunition have been turned in, sold, or stored. (You may use form [EA-800 \(Receipt for Firearms, Firearm Parts, and Ammunition\)](#) for the receipt.)
- d. The court has received information that you own or possess a firearm (gun), firearm parts, or ammunition.

9 Restrained Person Has Prohibited Items

The court finds that you have the following prohibited items:

a. Firearms and/or firearm parts

Description <i>(include serial number, if known)</i>	Location, if known	Proof of compliance received by the court
(1) _____	_____	<input type="checkbox"/> (date): _____
(2) _____	_____	<input type="checkbox"/> (date): _____
(3) _____	_____	<input type="checkbox"/> (date): _____
(4) _____	_____	<input type="checkbox"/> (date): _____

b. Ammunition

Description	Amount, if known	Location, if known	Proof of compliance received by the court
(1) _____	_____	_____	<input type="checkbox"/> (date): _____
(2) _____	_____	_____	<input type="checkbox"/> (date): _____
(3) _____	_____	_____	<input type="checkbox"/> (date): _____
(4) _____	_____	_____	<input type="checkbox"/> (date): _____

Check here to list additional items. List them on a separate piece of paper, write “EA-110, Restrained Person Has Prohibited Items” at the top, and attach it to this form.

10 No Body Armor

If the order in **8** is granted, you cannot own, possess, or buy body armor (defined in Penal Code section 16288). You must relinquish any body armor you have in your possession.

This is a Court Order.



11) Court Hearing to Review Firearms (Guns), Firearm Parts, and Ammunition Compliance

In addition to the hearing listed on form EA-109, you must attend the court hearing listed below to prove that you have properly turned in, sold, or stored all prohibited items (described in 8b) you still have or own, including any items listed in 9. If you do not attend the court hearing listed below, a judge may find that you have violated the restraining order and notify law enforcement and a prosecuting attorney of the violation.



Date: _____ Dept.: _____
Time: _____ Room: _____

Name and address of court, if different than court address listed on page 1:

12) Financial Abuse

This case does **not** does involve **solely financial abuse** unaccompanied by force, threat, harassment, intimidation, or any other form of abuse.

13) Possession and Protection of Animals

Not Requested **Denied Until the Hearing** **Granted as Follows** *(specify):*

a. The person in 1 is given the sole possession, care, and control of the animals listed below, which are owned, possessed, leased, kept, or held by them, or reside in their household.
(Identify animals by, e.g., type, breed, name, color, sex.)

b. The person in 2 must stay at least _____ yards away from, and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of, the animals listed above.

14) Other Orders

Not Requested **Denied Until the Hearing** **Granted as Follows** *(specify):*

Additional orders are attached at the end of this order on Attachment 14.

This is a Court Order.



To the Person in ① :

⑮ Mandatory Entry of Order Into CARPOS Through CLETS

This order must be entered into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). *(Check one):*

- a. The clerk will enter this order and its proof of service form into CARPOS.
- b. The clerk will transmit this order and its proof of service form to a law enforcement agency to be entered into CARPOS.
- c. By the close of business on the date that this order is made, the petitioner or the petitioner’s lawyer should deliver a copy of the order and its proof of service form to the law enforcement agencies listed below to enter into CARPOS:

Name of Law Enforcement Agency

Address (City, State, Zip)

Additional law enforcement agencies are listed at the end of this order on Attachment 15.

⑯ No Fee to Serve (Notify) Restrained Person

If the sheriff or marshal serves this order, the sheriff or marshal will do so for free.

⑰ Number of pages attached to this order, if any: _____

Date: _____

Judicial Officer

Warnings and Notices to the Restrained Person in ②

You Cannot Have Firearms (Guns), Firearm Parts, or Ammunition

If the court grants the orders in ⑧, you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get any prohibited items listed in ⑧b on page 3 while this order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns), firearm parts, and ammunition that you have or control as stated in ⑧. The court will require you to prove that you did so.

Notice Regarding Nonappearance at Hearing and Service of Order

If you have been personally served with this Temporary Restraining Order and form EA-109 (*Notice of Court Hearing*), but you do not appear at the hearing either in person or by a lawyer, and a restraining order that does not differ from this order except for the expiration date is issued at the hearing, a copy of the order will be served on you by mail at the address in ②.

If this address is not correct or you wish to verify that the temporary restraining order was converted into a restraining order at the hearing without substantive change, or to find out the duration of the order, contact the clerk of the court.

This is a Court Order.



After You Have Been Served With a Restraining Order

- Obey all the orders.
- Read form [EA-120-INFO](#) (*How Can I Respond to a Request for Elder or Dependent Adult Abuse Restraining Orders?*) to learn how to respond to this order.
- If you want to respond, fill out form [EA-120](#) (*Response to Request for Elder or Dependent Adult Abuse Restraining Orders*) and file it with the court clerk. You do not have to pay any fee to file your response.
- You must have form EA-120 served on the person in ① (the person asking the court for protection of the elder or dependent adult or the elder or dependent adult if no other person is named in that item), or that person's attorney, by mail. You cannot do this yourself. The person who does the mailing should complete and sign form [EA-250](#) (*Proof of Service by Mail*). File the completed proof of service with the court clerk before the hearing date or bring it with you to the hearing.
- In addition to the response, you may file and have declarations served signed by you and other persons who have personal knowledge of the facts. You may use form [MC-030](#) (*Declaration*) for this purpose. It is available from the clerk's office at the court shown on page 1 of this form or at courts.ca.gov/forms. If you do not know how to prepare a declaration, you should see a lawyer.
- Whether or not you file a response, you should attend the hearing. If you have any witnesses, they must also **attend** the hearing.
- At the hearing, the judge can make restraining orders against you that last for up to five years. Tell the judge why you disagree with the orders requested.

Instructions for Law Enforcement

Enforcing the Restraining Order

This order is enforceable by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Restraining and Protective Order System (CARPOS). If the law enforcement agency has not received proof of service on the restrained person, the agency must advise the restrained person of the terms of the order and then must enforce it. Violations of this order are subject to criminal penalties.

Start Date and End Date of Orders

This order *starts* on the date next to the judge's signature on page 4. The order *ends* on the expiration date in ④ on page 1.

Arrest Required if Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6. Agencies are encouraged to enter violation messages into CARPOS.

Notice/Proof of Service

The law enforcement agency must first determine if the restrained person had notice of the order. Consider the restrained person "served" (given notice) if (Pen. Code, § 836(c)(2)):

- The officer sees a copy of the proof of service or confirms that the proof of service is on file; or
- The restrained person was informed of the order by an officer.

An officer can obtain information about the contents of the order and proof of service in CARPOS. If proof of service on the restrained person cannot be verified, the agency must advise the restrained person of the terms of the order and then enforce it.

This is a Court Order.



If the Protected Person Contacts the Restrained Person

Even if the protected person invites or consents to contact with the restrained person, this order remains in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The order can be changed only by another court order. (Pen. Code, § 13710(b).)

Conflicting Orders—Priorities for Enforcement

If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced in the following priority (see Pen. Code, § 136.2; Fam. Code, §§ 6383(h)(2), 6405(b); Code Civ. Proc., § 527.12(d)(2)):

1. *Emergency Protective Order (EPO)*: If one of the orders is an *Emergency Protective Order* (form EPO-001), provisions (e.g., stay-away order) that are more restrictive than in the other restraining/protective orders must be enforced. Provisions of another order that do not conflict with the EPO must also be enforced.
2. *No-Contact Order*: If a restraining/protective order includes a no-contact order, the no-contact order must be enforced. **5**a(2) is an example of a no-contact order.
3. *Criminal Protective Order (CPO)*: If none of the orders includes an EPO or a no-contact order, the most recent CPO must be enforced. (Fam. Code, §§ 6383(h)(2), 6405(b); Code Civ. Proc., § 527.12(d)(2).) Additionally, a CPO issued in a criminal case involving charges of domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil court order. (Pen. Code, § 136.2(e)(2).) All provisions in the civil court order that do not conflict with the CPO must also be enforced.
4. *Civil Restraining Orders*: If there is more than one civil restraining order (e.g., domestic violence, juvenile, elder abuse, civil harassment), then the order that was issued last must be enforced. Provisions that do not conflict with the most recent civil restraining order must also be enforced.

(Clerk will fill out this part.)

Clerk's Certificate

—Clerk's Certificate—

[seal]

I certify that this *Temporary Restraining Order* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

Clerk stamps date here when form is filed.

DRAFT

2026-03-11

Not approved by the Judicial Council

Complete ① and ② only.

① **Protected Party:** _____

② **Restrained Party:** _____

The court will complete the rest of this form

③ Next Court Date

a. The request to reschedule the court date is **denied**.

Your court date is: _____

(1) Any form [EA-110](#) (*Temporary Restraining Order*) already granted stays in full force and effect until the next court date.

(2) Your court date is not rescheduled because:

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

b. The request to reschedule the court date is **granted**. Your court date is rescheduled for the day and time listed below. See ④–⑧ for more information.

Name and address of court, if different from above:

New Court Date →	Date: _____	Time: _____	_____
	Dept.: _____	Room: _____	_____

④ Temporary Restraining Order

a. **There is no *Temporary Restraining Order* (TRO) in this case until the next court date** because:

(1) A TRO was not previously granted by the court.

(2) The court terminates (cancels) the previously granted TRO because: _____

b. **A *Temporary Restraining Order* (TRO) is still in full force and effect** because:

(1) The court extends the TRO previously granted on (*date*): _____.

It now expires on (*date*): _____

(*If no date is listed, the TRO expires at the end of the court date listed in ③b.*)

(2) The court changes the TRO previously granted and signs a new TRO (form EA-110).

c. **Other (*specify*):** _____

Warning and Notice to the Restrained Party:
If ④b is checked, an elder or dependent abuse restraining order has been issued against you. You must follow the orders until they expire.

This is a Court Order.



5 Reason Court Date Is Rescheduled

- a. There is good cause to reschedule the court date (*check one*):
 - (1) The protected party has not served the restrained party.
 - (2) Other: _____

- b. This is the first time that the restrained party has asked for more time to prepare.
- c. The court reschedules the court date on its own motion.

6 Serving (Giving) Order to Other Party

The request to reschedule was made by the:

- | | | |
|---|---|---|
| <p>a. <input type="checkbox"/> Protected party</p> <p>(1) <input type="checkbox"/> You do not have to serve the restrained party because they or their lawyer were at the court date or agreed to reschedule the court date.</p> <p>(2) <input type="checkbox"/> You must have the restrained party personally served with a copy of this order and a copy of all documents listed on form EA-109, item 5, by (date): _____</p> <p>(3) <input type="checkbox"/> You must have the restrained party served with a copy of this order. This can be done by mail. You must serve by (date): _____</p> <p>(4) <input type="checkbox"/> The court gives you permission to have the restrained party served as ordered on form CH-117/EA-117.</p> <p>(5) <input type="checkbox"/> Other: _____

_____</p> | <p>b. <input type="checkbox"/> Restrained party</p> <p>(1) <input type="checkbox"/> You do not have to serve the protected party because they or their lawyer were at the court date or agreed to reschedule the court date.</p> <p>(2) <input type="checkbox"/> You must have the protected party personally served with a copy of this order by (date): _____</p> <p>(3) <input type="checkbox"/> You must have the protected party served with a copy of this order. This can be done by mail. You must serve by (date): _____</p> <p>(4) <input type="checkbox"/> Other: _____

_____</p> | <p>c. <input type="checkbox"/> Court</p> <p>(1) <input type="checkbox"/> Further notice is not required.</p> <p>(2) <input type="checkbox"/> The court will mail a copy of this order to all parties by (date): _____</p> <p>(3) <input type="checkbox"/> Other: _____

_____</p> |
|---|---|---|

This is a Court Order.



7 No Fee to Serve

The sheriff or marshal will serve this order for **free**.
Bring a copy of all the papers that need to be served to the sheriff or marshal.

8 Remote Appearances

You may attend your hearing listed in **3** remotely, such as by phone or videoconference. For more information, go to the court’s website for the county listed on page 1. To find the court’s website, go to courts.ca.gov/find-my-court.

9 **Other Orders**

10 Number of pages attached to this order, if any: _____

Date: _____

Judicial Officer



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 courts.ca.gov/forms for form [MC-410](#) (*Disability Accommodation Request*). (Civ. Code, § 54.8.)

Instructions to Clerk

If the hearing is rescheduled and the court extended, modified, or terminated a temporary restraining order, then the court must enter this order into CLETS or send this order to law enforcement to enter into CLETS. This must be done within one business day from the day the order is made.

—Clerk's Certificate—

Clerk’s Certificate
[seal]

I certify that this form EA-116 (*Order on Request to Continue Hearing (Temporary Restraining Order) (CLETS-TEA or TEF)*) is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by: _____, Deputy

This is a Court Order.

Response to Request for Elder or Dependent Adult Abuse Restraining Orders

Clerk stamps date here when form is filed.

DRAFT
Not approved by
the Judicial Council
2025-11-14

Use this form to respond to the Request (form EA-100)

- Read form [EA-120-INFO](#) (*How Can I Respond to a Request for Elder or Dependent Adult Abuse Restraining Orders?*) to protect your rights.
- Fill out this form and take it to the court clerk.
- Have someone age 18 or older—**not you**—serve the person requesting protection in **1** by mail with a copy of this form and any attached pages. (Use form [EA-250](#) (Proof of Service by Mail).)

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 Elder or Dependent Adult Seeking Protection

Name: _____

Name of person asking for the protection, if different (*This is the person named in item 3 of the request (form EA-100).*)

2 Person From Whom Protection Is Sought

a. Your Name: _____

Your Lawyer (*if you have one for this case*)

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (*If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.*)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

Present your response and any opposition at the hearing. Write your hearing date, time, and place from form EA-109, item 3, here:

Hearing Date → Date: _____ Time: _____
Dept.: _____ Room: _____

If you were served with a temporary restraining order, you must obey it until the hearing. At the hearing, the court may make orders against you that last for up to five years.

3 Personal Conduct Orders

- a. I agree to the orders requested.
- b. I do not agree to the orders requested. (*Specify why you disagree in 15 on page 5.*)
- c. I agree to the following orders (*specify below or in 15 on page 5*):

4 Stay-Away Orders

- a. I agree to the orders requested.
- b. I do not agree to the orders requested. (*Specify why you disagree in 15 on page 5.*)
- c. I agree to the following orders (*specify below or in 15 on page 5*):



5 **Move-Out Orders**

- a. I agree to the orders requested.
- b. I do not agree to the orders requested. (*Specify why you disagree in 15 on page 5.*)
- c. I agree to the following orders (*specify below or in 15 on page 5*):
-
-

6 **Additional Protected Persons**

- a. I agree that the persons listed in item 6 of form EA-100 may be protected by the order requested.
- b. I do not agree that the persons listed in item 6 of form EA-100 may be protected by the order requested.

7 **Order for Counseling or Anger Management Courses**

i This item is only available in instances of alleged physical abuse or deprivation of care, not in cases with only alleged financial abuse.

- a. I agree to the orders requested.
- b. I do not agree to the orders requested. (*Specify why you disagree in 15 on page 5.*)
- c. I agree to the following orders (*specify below or in 15 on page 5*):
-
-

8 **Firearms (Guns), Firearm Parts, and Ammunition**

If you were served with form EA-110, *Temporary Restraining Order*, you cannot own or possess any firearms (guns), firearm parts, or ammunition. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531). (See item 8 of form EA-110.) You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns), firearm parts, and ammunition in your immediate possession or control within 24 hours of being served with form EA-110. You must file a receipt with the court. You may use form EA-800 (*Receipt for Firearms, Firearm Parts, and Ammunition*) for the receipt.

- a. I do not own or control any firearms (guns), firearm parts, or ammunition.
- b. I have turned in my firearms (guns), firearm parts, and ammunition to law enforcement or sold them to or stored them with a licensed gun dealer. A copy of the receipt
- (1) is attached.
- (2) has already been filed with the court.
- c. I ask for an exception to carry a firearm or ammunition for work. (*Complete items (1)–(3) below*):
- (1) Are you a sworn peace officer?
- No
- Yes



8 c. (2) Are there any orders or state or federal laws that prohibit you from having firearms or ammunition?

No

I don't know (*explain*):

Yes (*explain*):

(3) (*Explain what your job is and why you need a firearm or ammunition*):

(Note: You **must** follow any orders to turn in, sell, or store prohibited items until the judge decides whether to grant you an exception. Before an exception can be granted, you will be required to show the judge that (1) carrying a firearm or ammunition is required for your work, and (2) your employer is unable to reassign you to another position where carrying a firearm or ammunition is not necessary. There are other things you will need to prove. For more information on what you need to show the judge to qualify for this exception, go to selfhelp.courts.ca.gov/respond-to-EA-restraining-order/obey-firearms-orders/exception or see Code of Civil Procedure section 527.9(f).)

9 **No Body Armor**

If you were served with form EA-110 (*Temporary Restraining Order*), you are prohibited from owning, possessing, or buying body armor. You must also relinquish any body armor you have in your possession.

(*Check all that apply*):

a. I do not own or have any body armor.

b. I have relinquished all body armor that I have in my possession.

c. I was granted an exception, or will ask for an exception, to have body armor. Note: This exception is granted by a chief of police or sheriff. See Penal Code section 31360(c). (*Attach a copy of the letter granting permission, if you have one.*)

10 **Debts Caused by Financial Abuse**

a. I agree to the findings requested.

b. I do not agree to the findings requested. (*Specify why you disagree in 15 on page 5.*)

c. I agree to the following findings (*specify below or in 15 on page 5*):



11 **Possession and Protection of Animals**

- a. I agree to the orders requested.
- b. I do not agree to the orders requested. *(Specify why you disagree in 15 on page 5.)*
- c. I agree to the following orders *(specify below or in 15 on page 5):*

12 **Other Orders**

- a. I agree to the orders requested.
- b. I do not agree to the orders requested. *(Specify why you disagree in 15 on page 5.)*
- c. I agree to the following orders *(specify below or in 15 on page 5):*

13 **Denial**

I did not do anything described in item 8 of form EA-100. *(Skip to 15.)*

14 **Justification or Excuse**

If I did some or all of the things that the person in 1 has accused me of, my actions were justified or excused for the following reasons *(explain)*:

Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 14–Justification or Excuse" as a title. You may use form MC-025 (Attachment).



15 **Reasons I Do Not Agree to the Requests**

Explain your answers to each order or finding requested that you do not agree with.

Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 15—Reasons I Disagree" as a title. You may use form MC-025 (Attachment).

16 **Lawyer's Fees and Costs**

a. I ask the court to order payment of my lawyer's fees court costs. The amounts requested are:

<u>Item</u>	<u>Amount</u>	<u>Item</u>	<u>Amount</u>
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

Check here if there are more items. Put the items and amounts on an attached sheet of paper and write "Attachment 16—Lawyer's Fees and Costs" for a title. You may use form MC-025 (Attachment).

b. I ask the court to deny the request of the person asking for protection named in **1** that I pay their lawyer's fees and costs.

17 Number of pages attached to this form, if any: _____

Date: _____

Lawyer's name (if any)

Lawyer's signature

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

Date: _____

Type or print your name

Sign your name

What is an elder or dependent adult abuse restraining order?

It is a court order that prohibits you from doing certain things and going certain places.

What does the order do?

The court can order you to:

- Not contact the person who is protected by the order
- Stay away from that person and the person’s home and workplace
- Move out of the place where you and that person are living together
- Not have any firearms (guns), firearm parts, ammunition, or body armor as long as the order is in effect. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).

For more information about the items you would not be allowed to have, please see selfhelp.courts.ca.gov/restraining-orders/prohibited-items.

Who can ask for a restraining order?

A person who is being:

- Financially abused
- Abandoned or abducted
- Harmed
- Neglected
- Isolated
- Deprived by a caregiver of goods or services necessary to live on

A conservator may seek an order on behalf of an elder or dependent adult.

I've been served with a request for elder or dependent adult abuse restraining orders. What do I do now?

Read the papers served on you very carefully. The *Notice of Court Hearing* tells you when to appear in court. There may also be a *Temporary Restraining Order* forbidding you from doing certain things. You must obey the order until the hearing.

What if I don't obey the order?

The police can arrest you. You can go to jail and pay a fine.

What if I don't agree with what the order says?

You still must obey the order until the hearing. If you disagree with the orders the person is asking for, fill out form [EA-120](#) (*Response to Request for Elder and Dependent Adult Abuse Restraining Orders*), before your hearing date and file it with the court. If you need to include attachments, you can use form [MC-025](#) (*Attachment to Judicial Council Form*). You can get the forms from legal publishers or from the California Courts website at courts.ca.gov/forms. You also may be able to find them at your local courthouse or county law library.

Do I have to serve the other person with a copy of my response?

Yes. Have someone age 18 or older—**not you**—mail a copy of completed form EA-120 to the person who asked for the order (or that person’s lawyer). (This is called “service by mail.”)

The person who serves the form by mail must fill out form [EA-250](#) (*Proof of Service by Mail*). Have the person who did the mailing sign the original. Take the completed form back to the court clerk or bring it with you to the hearing.

Do I need a lawyer?

Having a lawyer is always a good idea, but it is not required, and you are not entitled to a free, court-appointed attorney. Ask the court clerk about free and low-cost legal services and self-help centers in your county.

What if I don't speak English?

When you file your papers, ask the clerk if a court interpreter is available. You can also use form [INT-300](#) (*Request for Interpreter (Civil)*) or a local court form or website to request an interpreter. For more information about court interpreters, go to selfhelp.courts.ca.gov/request-interpreter.



What if I have a disability?

If you have a disability and need an accommodation while you are at court, you can use form [MC-410](#) (*Disability Accommodation Request*), to make your request. You can also ask the ADA Coordinator in your court for help. For more information, read form [MC-410-INFO](#) (*How to Request a Disability Accommodation for Court*).

Should I attend the court hearing?

Yes. You should **attend** court on the date listed on form EA-109, *Notice of Court Hearing*. If you do not **attend** the hearing, the **judicial officer** can make orders against you without hearing from you.

You can attend the hearing remotely, such as by telephone or videoconference, at no charge to you by the court. You can also go to court in person. Check with your local court for instructions on how to appear remotely. Information is also available on the court's website, which you can find here: courts.ca.gov/find-my-court.

Will I see the person who asked for the order at the court hearing?

Yes. Assume that the person who is asking for the order will attend the hearing. Do not talk to the person unless the **judicial officer** or that person's attorney says that you can.

Can I bring a witness to the court hearing?

Yes. You can bring witnesses or documents that support your case to the hearing. A **representative of the county adult protective services agency or witness may appear remotely at the hearing, such as by telephone or video conference, at no charge by the court. These people can also go to court in person.**

But if possible, you should also bring the witnesses' written statements of what they saw or heard. Their statements must be made under penalty of perjury. You can use form [MC-030](#) for this.

How long does the order last?

If the court issued a temporary restraining order before the hearing, it will last until your hearing date.

At that time, the court will decide to continue or cancel the order. Any order issued at the hearing can last for up to five years.

What if I have a firearm (gun), firearm part, or ammunition?

If a restraining order is issued, unless the order is to prevent financial abuse only, you cannot own, possess, or have a firearm (gun), firearm parts, ammunition, or body armor while the order is in effect. If you have a firearm (gun), firearm parts, or ammunition, you must sell it to or store it with a licensed gun dealer or turn it in to a law enforcement agency.

What if I need to have a firearm or ammunition for my job?

If the **judicial officer** grants a restraining order against you, you cannot have firearms or ammunition. The **judicial officer** may give you permission to have a firearm or ammunition for work. Before permission can be granted, you will be required to show the **judicial officer** that (1) carrying a firearm or ammunition is required for your work, and (2) your employer is unable to reassign you to another position where carrying a firearm or ammunition is not necessary. There are other things that you will have to prove. For more information, go to selfhelp.courts.ca.gov/respond-to-EA-restraining-order/obey-firearms-orders/exception, or see Code of Civil Procedure section 527.9(f).

What if I need to have body armor?

If you need to have and use body armor for your work, livelihood, or safety, you may ask for an exception with the chief of police or sheriff in the county where you will have and use the body armor (see Penal Code section 31360(c)).

Can I agree with the protected person to cancel the order?

No. Once the order is issued, only the **judicial officer** can change or cancel it. You or the protected person would have to file a request with the court to cancel the order.

Information about the process is also available online.

See selfhelp.courts.ca.gov/EA-restraining-order.

For help in your area, contact:

[Local information may be inserted.]

Clerk stamps date here when form is filed.

DRAFT
Not approved by
the Judicial Council
2025-11-14

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 Elder or Dependent Adult

Name: _____

2 Person From Whom Protection Is Sought or Person Alleged to Be Preventing Contact

Name: _____

3 Notice to Server

The server must:

- Be 18 years of age or older.
- Not be listed in items 1, 3, or 6 of form EA-100 or be listed in items 1, 2, 3, or 4 of form EA-300.
- Give a copy of all documents checked in 4 to the person in 2. (You cannot send them by mail.) Then complete and sign this form and give or mail it to the person in 1.



PROOF OF PERSONAL SERVICE

4 I gave the person in 2 a copy of the forms checked below:

- a. EA-109 (Notice of Court Hearing)
- b. EA-110 (Temporary Restraining Order)
- c. EA-100 (Request for Elder or Dependent Adult Abuse Restraining Orders)
- d. EA-120 (Response to Request for Elder or Dependent Adult Abuse Restraining Orders) (blank form)
- e. EA-120-INFO (How Can I Respond to a Request for Elder or Dependent Adult Abuse Restraining Orders?)
- f. EA-130 (Elder or Dependent Adult Abuse Restraining Order After Hearing)
- g. EA-250 (Proof of Service by Mail) (blank form)
- h. EA-800 (Receipt for Firearms, Firearm Parts, and Ammunition) (blank form)
- i. EA-300 (Request for Elder or Dependent Adult Restraining Order Allowing Contact)
- j. EA-309 (Notice of Court Hearing to Allow Contact)
- k. EA-320 (Response to Request for Elder or Dependent Adult Restraining Order Allowing Contact) (blank form)
- l. EA-320-INFO (How Can I Respond to a Request for an Elder or Dependent Adult Restraining Order Allowing Contact?)
- m. EA-330 (Elder or Dependent Adult Restraining Order Allowing Contact After Hearing)
- n. Other (specify): _____

5 I personally gave copies of the documents checked above to the person in 2:

- a. On (date): _____
 - b. At (time): _____ a.m. p.m.
 - c. At this address: _____
- City: _____ State: _____ Zip: _____

6 Server's Information

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

(If you are a registered process server):

County of registration: _____ Registration number: _____

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

Date: _____

Type or print server's name



Server to sign here

What is "service"?

Service is the act of giving your legal papers to the other party in your case. There are different ways to serve the other party: in person, by mail, and others.

Why do my court papers need to be served?

Before a judicial officer can grant a civil harassment restraining order (that can last up to five years), the person you want a restraining order against must know about your request and have a chance to go to court to explain their side.

Also, if a restraining order is in place, the police cannot arrest the restrained person for violating the restraining order until the restrained person is served with the order.

What is "personal service"?

Personal service is when someone, known as a server, personally delivers your court papers to the other party.

In most cases, these forms must be served on the other party by personal service if you want a restraining order:

- Form [EA-100](#);
- Form [EA-109](#); and
- Form [EA-110](#).

If you want an order allowing contact, you must personally serve the following forms instead: forms [EA-300](#) and [EA-309](#).

Who can serve my court papers?

Any adult who is not protected by the restraining order can serve your court papers. **You cannot serve your own court papers.**



Some situations may be dangerous. Think about people’s safety when deciding who you want to serve your papers.

The sheriff or marshal may be authorized to serve the court’s orders **for free**.

Another peace officer may also serve the orders for free. See selfhelp.courts.ca.gov/EA-restraining-order/sheriff-serves-request for additional information regarding free service by a sheriff, marshal, or other peace officer.

A “registered process server” is a business you pay to deliver papers. To hire a process server, look for “process server” on the internet or in the yellow pages.

How do I have my court papers served?

○ **Step 1: Choose a server**

The person who gives your court papers to the other party is called a server. Your server must be at least 18 years old. They must not be protected by the restraining order or involved in your case. This means that you cannot serve your own court papers.

○ **Step 2: Have your server give your court papers to the other party**

Give your server these instructions:

- 1 Before you serve the forms, note which forms you have, including the name of the form and the form number. See form [EA-200](#) for a list of forms.
- 2 Find the person you need to serve. Make sure you are serving the right person by asking the person’s name.
- 3 Give the person the papers. If the person refuses to take the papers, put them on the ground or somewhere next to the person. The person doesn’t have to touch or sign for the papers. It is okay if they tear them up.
- 4 Fill out form [EA-200](#) completely and sign.
- 5 File form [EA-200](#) with the court or give form [EA-200](#) to the person who is asking for the restraining order so they can file it.

○ **Step 3: File proof with the court**

The court needs proof that service happened and that it was done correctly. If your server was successful, have your server fully complete and sign form [EA-200](#). **The person you want restrained does not sign anything.**

File form [EA-200](#) with the court in your case as soon as possible. This information will automatically go into a restraining order database that police have access to.

If the sheriff or marshal served your court papers, they may use another form for proof besides form [EA-200](#). Make sure a copy is filed with the court and that you get a copy.



When is the deadline to serve my court papers?

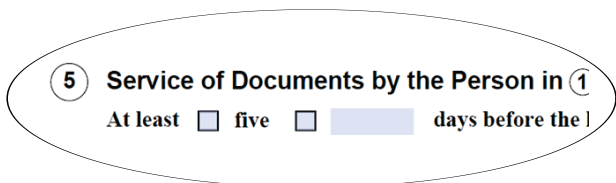
It depends. To know the exact date, you have to look at two items on form [EA-109](#) (*Notice of Court Hearing*) or form [EA-309](#) (*Notice of Court Hearing to Allow Contact*).

Follow these steps:

- **Step 1: Look at the court date listed on page 1.**



- **Step 2: Look at the court date listed on page 2.**



- **Step 3: Look at a calendar**

Look at a calendar. Subtract the number of days in item 5 on form [EA-109](#) (or the number of days in item 6 on form [EA-309](#)) from the hearing date. That is the deadline to have your court papers served. It's okay to serve your court papers before the deadline.

If nothing is checked or written in item 5 on form [EA-109](#) or item 6 on form [EA-309](#), you must serve the orders at least five days before your court date.

What happens if I can't get my court papers served before the court date?

You will need to ask the court to reschedule (continue) your court date. If you want a restraining order, fill out and file form [EA-115](#) and form [EA-116](#). If you want an order allowing contact, fill out and file form [EA-315](#) and form [EA-316](#). These forms ask the judicial officer for a new court date and to make any temporary restraining orders last until the end of the new court date.

If you requested a restraining order and the judicial officer gives you a new court date, the person you want restrained will have to be served with form [EA-115](#), form [EA-116](#), **and** the original papers you filed. If you requested an order allowing contact, you will have to serve the other side with form [EA-315](#), form [EA-316](#), **and** the original papers you filed. You should keep a copy of these forms and a copy of your original paperwork. That way, the police will know your orders are still in effect.

For more information on asking for a new court date, read form [EA-115-INFO](#) or form [EA-315-INFO](#).

What if the other party is avoiding (evading) service or cannot be located?

If you've tried many times to serve the restrained person, and you can show the judicial officer that the restrained person is avoiding (evading) service or cannot be located, you may ask the court to allow you to serve another way. If you want to make this request, at your first court date tell the judicial officer details about your attempts to have the restrained person served. The judicial officer may require a written statement for this.

Read form [CH-205-INFO/EA-205-INFO](#) (*What If I Am Unable to Have the Person I Want Protection From Personally Served?*) for more information.

Clerk stamps date here when form is filed.

Notice! The person in ① is asking for an Elder or Dependent Adult Abuse Restraining Order against you.

(;Aviso! La persona en ① está pidiendo una orden de restricción de maltrato de anciano o adulto dependiente contra usted. Lea este formulario en español: selfhelp.courts.ca.gov/jcc-form/EA-210.)

If ordered by a judge to use this form, complete items ① and ② only.

DRAFT
Not approved by
the Judicial Council
2026-02-04

① Person asking for protection:

② Notice to *(name of person to be restrained):*

— The court will complete the rest of this form —

③ You have a court date

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

Date: _____ Name and address of court, if different from above: _____
Time: _____
Dept.: _____
Room: _____

What if I don't go to my court date?

If you do not go to your court date, the court can grant a restraining order that limits your contact with the person in ①. Having a restraining order against you may impact your life in other ways, including preventing you from having guns and ammunition. If you do not go to your court date, the court could grant everything that the person in ① asked the judicial officer to order.

How do I find out what the person in ① is asking for?

To find out what the person in ① is asking the court to order, go to the courthouse listed at the top of page 1. Ask the court clerk to let you see your case file. You will need to give the court clerk your case number, which is listed above and on page 1. The request for restraining order will be on form EA-100 (*Request for Elder or Dependent Adult Abuse Restraining Order*).

Where can I get help?

Free legal information is available at your local court's self-help center. Go to courts.ca.gov/selfhelp to find your local center.

Do I need a lawyer?

You are not required to have a lawyer, but you may want legal advice before your court hearing. For help finding a lawyer, you can visit www.lawhelpca.org or contact your local bar association.

[seal] Date: _____ Clerk, by: _____, Deputy

Clerk stamps date here when form is filed.

DRAFT
Not approved by
the Judicial Council
2025-11-18

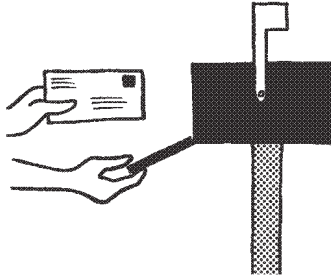
1 Name of Person Asking for Protection:

2 Name of Person to Be Restrained:

3 Notice to Server

The server must:

- Be 18 years of age or older.
- Live or be employed in the county where the mailing took place.
- Not be listed in items ①, ③, or ⑥, of form EA-100 or in items ①, ②, ③ or ④ of form EA-300.
- Mail a copy of all documents checked in ④ to the person in ⑤.
- Complete and sign this form and give it to the person in ②.



Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

4 PROOF OF SERVICE BY MAIL

I am 18 years of age or older and not a party to this proceeding. I live or am employed in the county where the mailing took place. I mailed the person in ① a copy of all documents checked below:

- a. Form EA-120, *Response to Request for Elder or Dependent Adult Abuse Restraining Orders* (completed)
- b. **Form EA-130, *Elder or Dependent Adult Abuse Restraining Order After Hearing***
- c. Form EA-320, *Response to Request for Elder or Dependent Adult Restraining Order Allowing Contact*
- d. Other (*specify*): _____

5 I placed copies of the documents above in a sealed envelope and mailed them as described below:

- a. **Name of person served:** _____
- b. To this address: _____
City: _____ State: _____ Zip: _____
- c. On (*date*): _____ Mailed from (*city*): _____ State: _____

6 Server's Information

Name: _____ Telephone: _____
 Address: _____
 City: _____ State: _____ Zip: _____

(If you are a registered process server):

County of registration: _____ Registration number: _____

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

Date: _____

Type or print server's name

Server to sign here

Can an Elder or Dependent Adult Restraining Order Allowing Contact Help Me?

These instructions cannot cover all of the questions that may arise in a particular case. If you do not know what to do to protect your rights, you should see a lawyer.

What is a restraining order allowing contact?

If a person repeatedly prevents contact between a person 65 years or older (an elder) or a dependent adult and someone the elder or dependent adult wishes to have to contact with, the court may issue an order allowing contact.

When will the court grant a restraining order allowing contact?

The court will grant a restraining order allowing contact if:

- An elder or dependent adult has a preexisting relationship and wants to have contact with a specific person;
- Someone is repeatedly preventing the elder or dependent adult from having contact with that specific person; and
- The person preventing contact is not doing so in response to actual or threatened abuse by the person the elder or dependent adult wishes to have contact with.

If you want a restraining order for other abuse, such as physical or financial abuse, read form [EA-100-INFO](#) (*Can a Restraining Order to Prevent Elder or Dependent Adult Abuse Help Me?*).

How will the order help me?

The court can order the person preventing contact to stop preventing the contact.

Who can apply for an elder or dependent adult restraining order allowing contact?

In addition to the elder or dependent adult, the following persons may apply for a restraining order allowing contact on behalf of the elder or dependent adult:

- A conservator or trustee of the elder or dependent adult;
- An attorney-in-fact of an elder or dependent adult who acts within the authority of the power of attorney;
- A person appointed as a guardian ad litem for the elder or dependent adult;

- An individual with a preexisting relationship who the elder or dependent adult wishes to have contact with, but is being prevented from doing so; and
- Any other person legally authorized to seek such relief.

How much does it cost?

There is no fee for filing a request for a restraining order. You do not need to pay a fee for service of the order. A sheriff or marshal will serve the order for free. Or you may arrange for service by a registered process server or a private party and pay any fee that is charged. The court can make the person who loses the case pay all the court fees and the lawyer's fee for the other party.

What forms do I need to get the order?

You must fill out all of form [EA-300](#) (*Request for Elder or Dependent Adult Restraining Order Allowing Contact*). If you need attachments, you may use form [MC-025](#) (*Attachment*). You must also fill out items 1 and 2 on form [EA-309](#) (*Notice of Court Hearing to Allow Contact*).

Where can I get these forms?

You can get the forms from legal publishers or on the internet at courts.ca.gov/forms. You also may be able to find them at your local courthouse or county law library.

What do I need to do to get the order?

You must **file your papers with** the superior court in the county where the prevention of contact took place or where the person preventing contact lives. **Check online or ask the court how to file your request for an elder or dependent adult abuse restraining order.** (A self-help center or legal aid association may be able to assist you in filing your request.) **File your forms electronically** or give your forms to the clerk of the court. **You can submit your forms electronically at no charge to you by the court.** The clerk will give you a hearing date on the *Notice of Hearing* form.

How soon can I get the order?

Orders to stop preventing a person from seeing an elder or dependent adult can only be issued after a hearing. Accordingly, the date of the hearing is the earliest the order can be granted.



How long does the order last?

The length of the order is determined by the court and could last for up to five years.

How will the person preventing contact know about my request for an order?

Someone age 18 or older—not you or anybody else involved in the case—must “serve” (give) the person to be restrained a copy of the notice of hearing and other forms listed on that notice. The server must then fill out form [EA-200](#) (*Proof of Personal Service*), and give it to you to file with the court. For help with service, ask the court clerk for form [EA-200-INFO](#) (*What Is “Proof of Personal Service”?*).

Do I have to attend court?

Yes. **Attend** court on the date the clerk gives you, which is found on form [EA-309](#) (*Notice of Court Hearing to Allow Contact*).

You can attend the hearing remotely, such as by telephone or videoconference, at no charge to you by the court. You can also go to court in person. Check with your local court for instructions on how to appear remotely. Information is also available on the court's website, which you can find here: courts.ca.gov/find-my-court.

Do I need to bring a witness to the court hearing?

Witnesses are not required, but it helps to have more proof of the isolation than just your word. You can bring:

- Witnesses
- Written statements from witnesses made under oath
- Letters, emails

A representative of the county adult protective services agency or witness may appear remotely at the hearing, such as by telephone or videoconference, at no charge by the court. These people can also go to court in person.

The court may or may not let witnesses speak at the hearing. So, if possible, you should bring their written statements under oath to the hearing. (You can use form [MC-030](#) (*Declaration*) for this.)

Do I need a lawyer?

Having a lawyer is always a good idea, but it is not required and you are not entitled to a free, court-appointed attorney. Ask the court clerk about free and low-cost legal services and self-help centers in your county.

Can I bring someone with me to court?

Yes. You can bring someone to sit with you during the hearing. But that person cannot speak for you in court. Only you or your lawyer (if you have one) can speak for you.

Can the elder or dependent adult and the person preventing contact agree to cancel the order?

No. Once the order is issued, only the judge can change or cancel it. The person who requested the order or the person preventing contact would have to file a request with the court to cancel the order.

What if I don't speak English?

When you file your papers, ask the clerk if a court interpreter is available. You can also use form [INT-300](#) (*Request for Interpreter (Civil)*) or a local court form or website to request an interpreter. For more information about court interpreters, go to selfhelp.courts.ca.gov/request-interpreter.

What if I have a disability?

If you have a disability and need an accommodation while you are at court, you can use form [MC-410](#) (*Disability Accommodation Request*) to make your request. You can also ask the ADA Coordinator in your court for help. For more information, see form [MC-410-INFO](#) (*How to Request a Disability Accommodation for Court*).

For help in your area, contact:

[Local information may be inserted.]

Clerk stamps date here when form is filed.

DRAFT

2026-02-13

**Not approved by
the Judicial Council**

1 Elders or Dependent Adults

Full Name: _____

Full Name: _____

Full Name: _____

2 Person Alleged to Be Preventing Contact

Full Name: _____

3 Person Who Wants Contact With the Elders or Dependent Adults

Full Name: _____

4 Person Requesting Order

a. Full Name: _____

Lawyer for person requesting order:

Name: _____

Firm Name: _____

b. Address for the person requesting order *(If you have a lawyer, give your lawyer's information. If you want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.)*

Address: _____

City: _____ State: ____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

The court will complete the rest of this form.

5 Notice of Hearing

A court hearing is scheduled on the request for restraining order allowing contact against the person in (2):

Hearing Date	→ Date: _____	Time: _____	Name and address of court if different from above: _____ _____ _____
	Dept.: _____	Room: _____	

<p>You may attend your hearing remotely, such as by phone or videoconference. For more information, go to the court's website for the county listed above. To find the court's website, go to courts.ca.gov/find-my-court.</p>			

To the person in (2):

- If you attend the hearing (in person, by phone, or by videoconference) and the judge grants a restraining order against you, the order will be effective immediately, and you could be arrested if you violate the order.
- If you do not attend the hearing, the judge may still grant the restraining order that could last up to five years. After you receive a copy of the order, you could be arrested if you violate the order.



6 Service of Documents by the Person in 4

- a. Someone age 18 or older—**not you or anyone to be protected**—must personally give (serve) a court’s file-stamped copy of this form EA-309 to the person in 2 along with a copy of all the forms indicated below:
- (1) EA-300 (*Request for Elder or Dependent Adult Restraining Order Allowing Contact*) (file-stamped)
 - (2) EA-320 (*Response to Request for Elder or Dependent Adult Restraining Order Allowing Contact*) (blank form)
 - (3) EA-320-INFO (*How Can I Respond to a Request for an Elder or Dependent Adult Restraining Order Allowing Contact?*)
- b. The service described in 5 a must be completed at least:
- (1) five days before the hearing.
 - (2) _____ days before the hearing.

Date: _____

Judicial Officer**To the Person in 4 :**

- The court cannot make the restraining order requested unless the person in 2 has been personally given (served) a copy of your request. To show that the person in 2 has been served, the person who served the forms must fill out a proof of service form. Form EA-200 (*Proof of Personal Service*) may be used.
- For information about service, read form EA-200-INFO (*What Is “Proof of Personal Service”?*).
- You may ask to reschedule the hearing if you are unable to find the person in 2 and need more time to serve the documents, or for other good reasons. Read form EA-315-INFO (*How to Ask for a New Date for a Hearing to Allow Contact*).
- You must attend the hearing if you want the judge to make any of the orders you requested on form EA-300 (*Request for Elder or Dependent Adult Restraining Order Allowing Contact*). Bring any evidence or witnesses you have. For more information, read form EA-300-INFO (*Can an Elder or Dependent Adult Restraining Order Allowing Contact Help Me?*).



To the Person in ② :

- If you want to respond to the request for an order in writing, file form EA-320 (*Response to Request for Elder or Dependent Adult Restraining Order Allowing Contact*) and have someone age 18 or older—**not you or anybody else involved in the case**—mail it to the person in ④ .
- The person who mailed the form must fill out a proof of service form. Form EA-250 (*Proof of Service of Response by Mail*) may be used. File the completed form with the court before the hearing and bring a copy with you to the court hearing.
- Whether or not you respond in writing, go to the hearing if you want the judge to hear from you before making an order. You may tell the judge why you agree or disagree with the order requested.
- You may bring witnesses and other evidence.
- At the hearing, the judge may make a restraining order against you that could last up to five years.
- If you are unable to attend your court hearing or need more time to prepare your case, you may ask to reschedule your court date. Read form EA-315-INFO (*How to Ask for a New Date for a Hearing to Allow Contact*).



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 courts.ca.gov/forms for form [MC-410](#) (*Disability Accommodation Request*). (Civ. Code, § 54.8.)

(Clerk will fill out this part.)

—Clerk's Certificate—

I certify that this *Notice of Court Hearing to Allow Contact* is a true and correct copy of the original on file in the court.

Clerk's Certificate
[seal]

Date: _____

Clerk, by _____, Deputy

Clerk stamps date here when form is filed.

DRAFT

2026-03-11

**Not approved by
the Judicial Council**

Complete items ①, ②, ③, and ④ only.

① **Elders or Dependent Adults:**

② **Party Alleged to Be Preventing Contact:**

③ **Person Who Wants Contact With the Elders or
Dependent Adults**

④ **Person Requesting Order**

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

_____ **The court will complete the rest of this form.** _____

⑤ **Next Court Date**

a. The request to reschedule the court date is **denied**.

Your court date is: _____

Your court date is not rescheduled because:

b. The request to reschedule the court date is **granted**. Your court date is rescheduled for the day and time listed below. See ⑥—⑨ for more information.

Name and address of court, if different from above:

**New
Court
Date**

→ Date: _____ Time: _____
Dept.: _____ Room: _____

⑥ **Reason Court Date Is Rescheduled**

a. There is good cause to reschedule the court date (*check one*):

(1) The party requesting the order has not served the party preventing contact.

(2) Other: _____

b. This is the first time that the party alleged to be preventing contact has asked for more time to prepare.

c. The court reschedules the court date on its own motion.

This is a Court Order.



7 Serving (Giving) Order to Other Party

The request to reschedule was made by the:

a. **Party Requesting Order**

(1) You do not have to serve the party alleged to be preventing contact because they or their lawyer were at the court date or agreed to reschedule the court date.

(2) You must have the party alleged to be preventing contact personally served with a copy of this order and a copy of all documents listed on form EA-309, item ⑥, by (date): _____

(3) You must have the party alleged to be preventing contact served with a copy of this order. This can be done by mail. You must serve by (date): _____

(4) The court gives you permission to have the restrained party served as ordered on form CH-117/EA-117.

(5) Other: _____

b. **Party Alleged to be Preventing Contact**

(1) You do not have to serve the party requesting contact because they or their lawyer were at the court date or agreed to reschedule the court date.

(2) You must have the party requesting contact personally served with a copy of this order by (date): _____

(3) You must have the party requesting contact served with a copy of this order. This can be done by mail. You must serve by (date): _____

(4) Other: _____

c. **Court**

(1) Further notice is not required.

(2) The court will mail a copy of this order to all parties by (date): _____

(3) Other: _____

This is a Court Order.



8 No Fee to Serve

The sheriff or marshal will serve this order for **free**.
Bring a copy of all the papers that need to be served to the sheriff or marshal.

9 Remote Appearances

You may attend your hearing listed in **5** remotely, such as by phone or videoconference. For more information, go to the court's website for the county listed on page 1. To find the court's website, go to courts.ca.gov/find-my-court.

10 Other Orders

Date: _____

Judicial Officer



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 courts.ca.gov/forms for *Disability Accommodation Request* (form [MC-410](#)). (Civ. Code, § 54.8.)

—Clerk's Certificate—

Clerk's Certificate
[seal]

I certify that this *Order on Request to Continue Hearing on Request to Allow Contact* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by: _____, Deputy

This is a Court Order.

Response to Request for Elder or Dependent Adult Restraining Order Allowing Contact

Clerk stamps date here when form is filed.

DRAFT

2026-02-03

**Not approved by
the Judicial Council**

Use this form to respond to the Request (form EA-300)

- Read form EA-320-INFO (*How Can I Respond to a Request for an Elder or Dependent Adult Restraining Order Allowing Contact?*) to protect your rights.
- Fill out this form and take it to the court clerk.
- Have someone age 18 or older—**not you or anybody else involved in the case**—serve the person or persons listed in ① by mail with a copy of this form and any attached pages. (*Use form EA-250 (Proof of Service by Mail)*).

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

① Elders or Dependent Adults

Names: _____

② Person Alleged to Be Preventing Contact

a. Your Name: _____
 Your Lawyer (*if you have one for this case*)
 Name: _____ State Bar No.: _____
 Firm Name: _____

b. Your Address (*If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.*)

Address: _____
 City: _____ State: _____ Zip: _____
 Telephone: _____ Fax: _____
 Email Address: _____

Present your response and any opposition at the hearing. Write your hearing date, time, and place from form EA-309, item ⑤, here:

Hearing Date →

Date: _____ Time: _____
Dept.: _____ Room: _____

At the hearing, the court may make an order against you that lasts for up to five years.

③ Person Who Wants Contact With the Elders or Dependent Adults

Name: _____

④ Person Requesting Order

Name: _____

⑤ Order Allowing Contact

- a. I agree to the order requested.
- b. I do not agree to the order requested. (*Specify why you disagree in items ⑦ and ⑧ on page 2.*)

⑥ Denial

I did not do anything I was accused of in item ⑧ of form EA-300. (*Skip to ⑧*)



How Can I Respond to a Request for an Elder or Dependent Adult Restraining Order Allowing Contact?

What is a restraining order allowing contact?

It is a court order that prohibits you from preventing an elder or dependent adult from having contact with someone the elder or dependent wishes to have contact with.

Who can ask for a restraining order allowing contact?

If you are preventing an elder or dependent adult from having contact with a person that the elder or dependent adult wishes to have contact with, the following people can ask for a restraining order:

- The elder or dependent adult;
- The person that the elder or dependent adult is being prevented from seeing; *or*
- A conservator, attorney-in-fact, or person appointed as guardian ad litem for the elder or dependent adult.

I've been served with a request for elder or dependent adult restraining order allowing contact. What do I do now?

Read the papers served on you very carefully. Form EA-309 (*Notice of Court Hearing*) tells you when to appear in court.

What if I don't agree with what the request says?

If you disagree with the order the person is asking for, fill out form [EA-320](#) (*Response to Request for Elder and Dependent Adult Restraining Order Allowing Contact*), before your hearing date and file it with the court. If you need to include attachments, you can use form [MC-025](#) (*Attachment*). You can get forms from legal publishers or on the internet at courts.ca.gov/forms. You also may be able to find them at your local courthouse or county law library.

Do I have to serve the other parties with a copy of my response?

Yes. Have someone age 18 or older—**not you or anybody else involved in the case**—mail a copy of completed form EA-320 to the other parties in the case (or their lawyers). (This is called “service by mail.”)

The person who serves the form by mail must fill out form [EA-250](#) (*Proof of Service by Mail*). Have the person who did the mailing sign the original. Take a completed form back to the court clerk or bring it with you to the hearing.

Should I attend the court hearing?

Yes. You should **attend** court on the date listed on form [EA-309](#) (*Notice of Court Hearing to Allow Contact*). If you do not **attend** the hearing, the **judicial officer** can make an order against you without hearing from you.

You can attend the hearing remotely, such as by phone or videoconference, at no additional charge to you by the court. You can also go to court in person. Check with your local court for instructions on how to appear remotely. Information can also be found on the court's website, which you can find here: courts.ca.gov/find-my-court.

How long does the order last?

The length of the order is determined by the court and could last for up to five years.

Do I need a lawyer?

Having a lawyer is always a good idea, but it is not required and you are not entitled to a free, court-appointed attorney. Ask the court clerk about free and low-cost legal services and self-help centers in your county.

Will I see the person who asked for the order at the court hearing?

Yes. Assume that the person who is asking for the order will attend the hearing. Do not talk to that person unless the judge or that person's attorney says that you can.

Can I bring a witness to the court hearing?

Yes. You can bring witnesses or documents that support your case to the hearing. A representative of the county adult protective services agency or witness may appear remotely at the hearing, such as by phone or videoconference, at no charge by the court. These people can also go to court in person.

But if possible, you should also bring the witnesses' written statements of what they saw or heard. Their statements must be made under penalty of perjury. You can use form [MC-030](#) (*Declaration*) for this.



Can I agree with the elder or dependent adult to cancel the order?

No. Once the order is issued, only the judge can change or cancel it. You or the person who requested the order would have to file a request with the court to cancel the order.

For help in your area, contact:

[Local information may be inserted.]

What if I don't speak English?

When you file your papers, ask the clerk if a court interpreter is available. You can also use form [INT-300 \(Request for Interpreter \(Civil\)\)](#), or a local court form or website to request an interpreter. For more information about court interpreters, go to selfhelp.courts.ca.gov/request-interpreter.

What if I have a disability?

If you have a disability and need an accommodation while you are at court, you can use form [MC-410 \(Disability Accommodation Request\)](#), to make your request. You can also ask the ADA Coordinator in your court for help. For more information, see form [MC-410-INFO \(How to Request a Disability Accommodation for Court\)](#).

Clerk stamps below when form is filed.

DRAFT

2025-12-29

Not approved by the Judicial Council

Court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Protected Elder or Dependent Adult

a. Full Name: _____

Person requesting protection for the elder or dependent adult, if different (*person named in item 3 of form EA-100*):

Full Name: _____

Lawyer for person named above (*if any for this case*):

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (*If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.*):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

2 Restrained Person

Full Name: _____

Address (*if known*): _____

City: _____ State: _____ Zip: _____

To the Restrained Person:

3 Court Hearing

The judge has set a court hearing date. *Court will fill in box below.*

The current restraining order stays in effect until the end of the hearing.

Hearing Date	Date: _____	Time: _____	Name and address of court if different from above: _____ _____ _____
	Dept.: _____	Room: _____	

You may attend your hearing remotely, such as by phone or videoconference. For more information, go to the court's website for the county listed above. To find the court's website, go to courts.ca.gov/find-my-court.

At the hearing, the judge can renew the current restraining order for up to another five years or make it permanent. You *must* continue to obey the current restraining order until the hearing. At the hearing, you can tell the judge if you do not want the order against you renewed. If the restraining order is renewed, you *must* obey the order even if you do not attend the hearing.

This is a Court Order.



If you wish to make a written response to the request to renew the restraining order, you may fill out form EA-720 (*Response to Request to Renew Restraining Order*). File the original with the court before the hearing and have someone age 18 or older—**not you**—mail a copy of it to the person in ① at the address in ① at least _____ days before the hearing. Also file form EA-250 (*Proof of Service of Response by Mail*) with the court before the hearing.

To the Protected Person:

④ Service and Response

Someone age 18 or older—**not you or anyone else protected by the restraining order**—must personally serve (give) a copy of the following forms on the restrained person at least _____ days before the hearing.

- EA-700 (*Request to Renew Restraining Order*);
- EA-710 (*Notice of Hearing to Renew Restraining Order*) (this form);
- EA-720 (*Response to Request to Renew Restraining Order*) (blank copy);
- EA-130 (*Elder or Dependent Adult Abuse Restraining Order After Hearing*), **the current order** for which renewal is requested.

After the restrained person has been served, file form EA-200 (*Proof of Personal Service*) with the court clerk. For help with service, read form EA-200-INFO (*What Is “Proof of Personal Service”?*).

Date: _____

Judicial Officer



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 courts.ca.gov/forms for form MC-410 (*Disability Accommodation Request*). (Civ. Code, § 54.8.)

This is a Court Order.

DRAFT

2025-12-22

**Not approved by
the Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Protected Elder or Dependent Adult

a. Full Name: _____

Person requesting protection for the elder or dependent adult, if different (*person named in item 3 of form EA-100*):

Full Name: _____

Lawyer for person named above (*if any for this case*):

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (*If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.*):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

2 Restrained Person

Full Name: _____

Address (*if known*): _____

City: _____ State: _____ Zip: _____

3 Hearing

There was a hearing on (*date*): _____ at time: _____ a.m. p.m. Dept.: _____ Room: _____

(*Name of judicial officer*): _____ made the orders at the hearing.

These people **attended** the hearing:

a. The protected person c. The lawyer for the protected person (*name*): _____

b. The restrained person d. The lawyer for the restrained person (*name*): _____

Additional persons present are listed on Attachment 3.

4 Renewal and Expiration

The request to renew the attached *Elder or Dependent Adult Restraining Order After Hearing*, originally issued on (*date*): _____, is:

a. **GRANTED**. The attached order is renewed and will now be in effect for:

5 years permanently (*The renewed restraining order must be attached to this form.*)

The attached order will expire on:
(*date*): _____ (*time*): _____ a.m. p.m. or midnight

If no expiration date is written here, the order expires three years from the date of the hearing in item 3.

b. **DENIED**. The attached order expires as stated in item 4 of the order.

Date: _____

Judicial Officer

This is a Court Order.

Rules Committee Action Request Form

Rules Committee Meeting Date: April 10, 2026

Action requested: Circulate for comment (January 1 effective date)

Title of proposal: Protective Orders: Changes to Forms DV-310 and DV-300-INFO

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.):
Revise forms DV-310 and DV-300-INFO

Committee or other entity submitting the proposal:
Family and Juvenile Law Advisory Committee

Staff contact (name, phone, and email):
Kristen Schmit, 415-865-7712, kristen.schmit@jud.ca.gov

Annual agenda approved by Rules Committee on *(date)*: 10/16/2025; Amended 01/07/2026

Project description from annual agenda: Item 12 - Project Summary: If time and resources permit, the committee will consider recommending revisions to the rules and forms regarding requests to change or end orders issued in Domestic Violence Prevention Act cases to address court operational concerns and to refine the forms for greater clarity. This will include consideration of forms related to making the request, serving the request, and orders issued as a result of the request. The committee will also consider whether to amend existing rules of court or adopt new rules of court to clarify this process. This project is in response to the request of local courts and will improve court efficiency and avoid confusion.

Circulation or Implementation Notes: (If requesting a special invitation-to-comment cycle or an effective date other than January 1, please explain.)

Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any relevant information not contained in the attached summary.)

Information for JC staff

EGG reviewed on *(date)*: 02/20/2026

Office director (or designee) reviewed on *(date)*: 02/25/2026 by *(name)*: Anna Maves

Complete the following for all JC reports recommending forms:

- **Form Translations** (check all that apply)

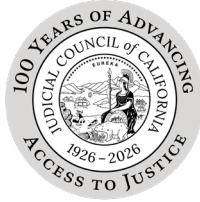
Proposal includes forms that: staff requests be translated, are required by statute to be translated.

Provide citations to code that mandates translation:

- **Website Content** (check all that apply)

New or revised form descriptions are needed for the California courts website. (If checked, form descriptions should be approved by a supervisor before submitting this RAR.)

Changes or additions to self-help website are needed.



Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688

courts.ca.gov/policy-administration/invitations-comment

INVITATION TO COMMENT

SPR26-38

Title

Protective Orders: Changes to Forms DV-310 and DV-300-INFO

Action Requested

Review and submit comments by May 18, 2026, to invitations@jud.ca.gov

Proposed Rules, Forms, Standards, or Statutes

Revise forms DV-310 and DV-300-INFO

Proposed Effective Date

January 1, 2027

Proposed by

Family and Juvenile Law Advisory
Committee
Hon. Tari L. Cody, Cochair
Hon. Stephanie E. Hulse, Cochair

Contact

Kristen Schmit, 415-865-7712
kristen.schmit@jud.ca.gov

Executive Summary and Origin

The Family and Juvenile Law Advisory Committee proposes revising *Notice of Court Hearing and Temporary Order to Change or End Restraining Order* (DV-310) and *How Do I Ask to Change or End a Domestic Violence Restraining Order?* (DV-300-INFO) to address court operational concerns and improve form usability for litigants.

Background

On September 20, 2024, to implement Senate Bill 459 (Stats. 2023, ch. 874), the Judicial Council adopted a new series of domestic violence restraining order forms to allow either party to request a change to or termination of a domestic violence restraining order.¹ The newly adopted forms became effective on January 1, 2025, and included DV-300-INFO and DV-310. Prior to the adoption of this new form series, litigants seeking to change or end a domestic violence restraining order or respond to such a request had to use family law forms FL-300 and FL-320.

¹ Judicial Council of Cal., Adv. Com. Rep., *Protective Orders: Implementation of Senate Bill 459* (Sept. 19, 2024), jcc.legistar.com/View.ashx?M=F&ID=13320039&GUID=42A07BFF-BEDF-4192-803C-55AF0D3DCE3A.

This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules Committee, or its Legislation Committee. It is circulated for comment purposes only.

The Proposal

This proposal originated from a recommendation from a court that encountered unforeseen implementation challenges with the DV-300 form series. This proposal also includes additional revisions to further incorporate trauma-informed practices into the domestic violence restraining order forms and increase access to justice. These proposed revisions do not alter statutory service requirements but clarify for litigants the methods of service authorized by the court in form DV-310.

Form DV-310

The committee proposes the following revisions to form DV-310 intended to address concerns identified by the court:

- Remove the phrase “the current restraining order remains in full force and effect” from item 3 and revise item 4, indicating the court’s decision, to more clearly explain the court’s order and the status of the current restraining order. The new options in item 4 are:
 - No temporary orders were requested. The current restraining order (form DV-130) issued on (*date of order*): remains in full force and effect;
 - The request for temporary orders is denied. The current restraining order (form DV-130) issued on (*date of order*): remains in full force and effect; and
 - The request for temporary orders is granted. . . . The court changes the orders previously granted and signs an amended form DV-130 that remains in effect until the hearing scheduled in 3.

This proposed change addresses two challenges identified by the court. The revised options in item 4 provide further clarity to parties and law enforcement regarding what orders to follow and enforce until the scheduled hearing date. Further, if temporary orders are not requested, a judicial officer would be able to indicate that on the form to clarify for the court clerk that the form does not need to be processed as an ex parte request. These proposed changes would also make form DV-310 consistent with *Order on Request to Continue Court Hearing* (form DV-116), which contains similar language and options.

- Reconstruct item 5a to clarify the different methods of service that protected persons may use, along with the corresponding service deadlines for each, as ordered by the court. This proposed change seeks to increase access to justice by clarifying that a party may have multiple service options and can choose the one that is most convenient or cost-effective. For example, if the court allows service by mail and a low-income party has a person willing to personally serve their papers for free instead, item 5(a)(2) now clarifies that either service method can be used, if permitted by the court’s order.

Currently, the service methods appear to be mutually exclusive and may be read to allow only the specific method listed (mail or personal service), rather than any authorized method. If parties believe the only option is to serve their papers by mail but are unable to afford the costs, this can cause additional delays from rescheduled hearings due to service not being effectuated.

Furthermore, one of the committee's goals when revising forms used in domestic violence cases is to use best practices that are trauma-informed, given the litigant population served in these cases.² Restoring autonomy and choice in domestic violence survivors' lives is a key component of trauma-informed practices, which can be incorporated into court forms by providing options for litigants to choose from when possible.

- Add “all attachments (if any)” to item 5b to clarify to parties that applicable attachments must also be served with the forms listed. This is intended to address incomplete service attempts, which is another challenge that the individual court identified.
- Remove item 7b, “Attachments include forms (*check all that apply*),” which lists forms DV-140, DV-145, and “other” as attachment options. These attachment forms are needed if a request for temporary orders is granted and the court issues an amended DV-130 in proposed item 4. Therefore, it is no longer necessary to include these attachment options in form DV-310 because the forms will be attached to an amended DV-130, if issued, instead.
- Change the title of the instruction at the top of page 3 from “Person in 2” (meaning the restrained person) to “Person Responding to Request to Change or End Restraining Order.” A protected person also needs the information in these instructions about responding to form DV-300 if the form is filed by the restrained person.

Form DV-300-INFO

Based on the proposed revisions to item 5a in form DV-310, the committee proposes revisions to form DV-300-INFO to describe the choices parties may have for methods of service:

- Add language to item 4 on page 3 to clarify that protected persons may be able to choose to have their papers served by personal service or by mail, depending on what the court ordered in form DV-310.
- Add an item number (item 5) and heading above the paragraph currently in item 4 that describes what to do if a party is unable to serve the court papers in time before the

² National Council of Juvenile and Family Court Judges, Trauma-Informed Courtroom Practices: A Bench Card for Judges (Aug. 5, 2025), ncjfcj.org/publications/trauma-informed-courtroom-practices-a-bench-card-for-judges/.

hearing. This formatting is consistent with other DV information sheets. Accordingly, current item 5 is renumbered as item 6.

Alternatives Considered

The committee considered not changing the forms, but the court-identified challenges stemming from the forms in their current construction would remain unaddressed. This would impact not only court processes and operations but parties using the forms. The revisions proposed advance the Judicial Council’s goals, specifically access, fairness, diversity, and inclusion, and quality of justice and service to the public.

Fiscal and Operational Impacts

Although requiring judicial officers to complete item 4 for every DV-310 form filed may initially take more time to process, overall, the changes will contribute to increased judicial economy for the courts by clarifying how to process DV-300 forms. Judicial officers will save time by not having to review every DV-300 form as an ex parte temporary order request. Moreover, making the changes to item 5 in form DV-310 will reduce the number of hearings rescheduled because of confusion about how best to properly serve all papers on the other party. Additional education and training may be needed for judicial officers and court staff processing DV-300 requests regarding the changes to the forms as well as updates to case management systems.

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?

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 two 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 DV-310 and DV-300-INFO, at pages 5–11

Notice of Court Hearing and Temporary Order to Change or End Restraining Order

Clerk stamps date here when form is filed.

Draft Not approved by Judicial Council

Instructions: The person making the request must complete items 1 and 2. The court will complete the rest of this form.

1 Protected Person

Name: _____

Fill in court name and street address:

Superior Court of California, County of _____

2 Restrained Person

Name: _____

Fill in case number:

Case Number: _____

3 Notice of Hearing

A court hearing is scheduled on the request to change or end a domestic violence restraining order:



Date: _____ Time: _____ Dept.: _____ Room: _____

Name and address of court if different from above: _____

You may attend your court date remotely, such as by phone or videoconference. For more information, go to the court's website for the county listed above. To find the court's website, go to courts.ca.gov/find-my-court.htm.

4 Orders in Effect Until the Court Hearing listed in 3

a. [] No temporary orders were requested. The current restraining order (form DV-130) issued on (date of order): _____ remains in full force and effect.

b. [] The request for temporary orders is denied. The current restraining order (form DV-130) issued on (date of order): _____ remains in full force and effect.

Reason for denial: _____

[] Additional reasons for the denial are given on Attachment 4.

c. [] The request for temporary orders is granted.

(1) The orders (check all that apply):

[] Have been requested by the protected party and are needed to prevent domestic violence.

[] Are needed to help prevent (1) irreparable harm to a child in this case or (2) a child from being removed from California.

(2) The court changes the orders previously granted and signs an amended form DV-130 in effect until the hearing scheduled in 3.

This is a Court Order.



5 Service

a. Protected person Restrained person

1. Must have the forms in **5b** served by personal service because the request was made by the restrained person or the court has granted temporary orders.

This order must be personally served by (date): _____

2. Must have the forms in **5b** served by mail or personal service because the request was made by the protected person and the court did not grant temporary orders.

This order must be personally served by (date): _____ or mailed by (date): _____

b. Forms to serve:

- DV-300, *Request to Change or End Restraining Order* and all attachments (if any);
- DV-310, *Notice of Court Hearing and Temporary Order to Change or End Restraining Order* (this form); and
- A blank DV-320, *Response to Request to Change or End Restraining Order*.

6 No Fee to Serve Order

The sheriff or marshal will serve this order (give this order to the other party) for free. If you want the sheriff to serve your papers, (1) complete form [SER-001](#), *Request for Sheriff to Serve Court Papers*, and (2) give the completed form and a copy of this order to the sheriff.

7 Attached Pages

All of the attached pages are part of this order.

Number of pages attached to this three-page form: _____

Judge's Signature

Date: _____

Judge or Judicial Officer

This is a Court Order.



How to Respond to This Request to Change or End Restraining Order

- **Respond in writing (optional):** You can respond in writing by completing form [DV-320, Response to Request to Change or End Restraining Order](#). File the original with the court, and have someone 18 or over—**not you**—mail a copy of it to the other party before the hearing. Also file form [DV-250, Proof of Service by Mail](#), with the court before the hearing, and bring a copy to the court hearing.
- **At the hearing:** Whether or not you respond in writing, attend the hearing if you want the judge to hear from you before making a decision. At the hearing, tell the judge why you agree or disagree with the request. Bring any evidence or witnesses you have.



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 courts.ca.gov/forms.htm for *Disability Accommodation Request* (form [MC-410](#)). (Civ. Code § 54.8.)

(Clerk will fill out this part.)

Instructions to Clerk: If the court made temporary orders in **(4)**, the court must enter this order into CLETS or send this order to law enforcement to enter into CLETS. This must be done within one business day from the day the order is made. You must give up to three free (certified, stamped, and endorsed) copies of this order to the protected party.

Clerk’s Certificate
[seal]

—Clerk’s Certificate—

I certify that this *Notice of Court Hearing and Temporary Order to Change or End Restraining Order* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

How Do I Ask to Change or End a Domestic Violence Restraining Order?

Who can make a request?

The protected person or the restrained person can ask the judge to change or end the restraining order. Other people protected by the restraining order (listed on form DV-130, item 3, or JV-255, item 3) cannot ask to change or end the order.

How do I ask to change or end a domestic violence restraining order?

You will need to complete court papers and file them with the court. After you file your court papers, you will get a court date and **you must** have the other party served. You must attend your court date for the judge to decide whether to grant your request. See page 3 **of this information sheet** for step-by-step instructions.

What if I want to renew my restraining order?

If you are the protected person, you can ask the court to renew your restraining order. You must make your request before your restraining order expires. For information on how to renew your restraining order, read form [DV-700-INFO](#), *How Do I Ask the Court to Renew My Restraining Order?*

What if my restraining order has expired?

If *Restraining Order After Hearing* (form DV-130, DV-730, or JV-255) has expired, do not follow the steps on page 3.

- If you need another restraining order, you will need to make a new request. Read form [DV-505-INFO](#), *How to Ask for a Domestic Violence Restraining Order*.
- If the restraining order included child custody, visitation (parenting time), child support, spousal support, support for a domestic partner, or property orders, these orders remain in effect and can be changed only by a judge. For information on how to ask to change these orders, read form [FL-300-INFO](#), *Information Sheet for Request for Order*.

Do I have to pay to file form DV-300 with the court?

No. There is no court fee.

How do I end or change a temporary restraining order?

If you have a temporary restraining order (form DV-110 or DV-116) and you want to change or end the order, a lawyer or the court's self-help center may be able to help you. Do not use **the process described in this information sheet** to change or end a temporary restraining order.

What if I want to change or end a juvenile restraining order?

If you have a restraining order based on domestic violence that was granted by a juvenile dependency court (form JV-255), and the juvenile case has been closed (dismissed), follow the steps on page 3 **of this information sheet** to ask to change or end the juvenile restraining order.

- If your juvenile case is still open, talk to your lawyer about how to change or end the restraining order.
- If you have a juvenile restraining order that was granted in a juvenile justice (delinquency) case (form JV-265), ask your lawyer or the prosecutor about how to change or end the restraining order.

What if I want the judge to grant an order that was not included in the *Restraining Order After Hearing*?

The judge may be able to grant the order if it is needed for more protection. Follow the steps on page 3 **of this information sheet** to make the request. You will need to describe the orders you want and explain why they are needed.

When will my restraining order change or end?

Only the court has the power to change or end the restraining order. The restraining order remains in effect and must be followed until a judge changes or ends the order.



What orders can I ask to change or end?

You can ask to change or end any order granted in a *Restraining Order After Hearing*, except for orders related to firearms, ammunition, or body armor. The judge cannot remove the restriction on having firearms, ammunition, or body armor. If you need to carry a firearm for your job, the judge may grant you a limited exception, but there are strict requirements. Ask a lawyer or your court self-help center for more information.

What if I want to change child custody orders?

- If child custody orders were made through your restraining order, you can ask to change these orders by following the steps on page 3 of this information sheet.
- If custody or visitation orders were made in a separate family law case, do not follow the steps on page 3 of this form; read form [FL-300-INFO](#), *Information Sheet for Request for Order*.

Note that a special law applies to child custody orders when there has been domestic violence. For more information, go to selfhelp.courts.ca.gov/domestic-violence-child-custody.

If I ask to end the restraining order, what will happen to the child custody, visitation, support, or property orders?

If a judge ends the restraining order, any child custody, visitation (parenting time), child support, spousal support, support for a domestic partner, or property orders will remain in effect, unless the court also changes or ends those orders.

Where can I find a self-help center?

Free legal help is available at your court's self-help center. Find your local court's self-help center at selfhelp.courts.ca.gov/find. Self-help center staff will not act as your lawyer but may be able to give you information to help you decide what to do in your case and help you with the forms. Staff may also refer you to other agencies who may be able to help you.

What if I need an interpreter?

You may use form [INT-300](#) to request an interpreter or ask the clerk how you can request one.

I have a disability. How can I get help?

You may use form [MC-410](#) to request assistance. Contact the disability/ADA coordinator at your local court for more information.

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 courts.ca.gov/forms for *Disability Accommodation Request* (form [MC-410](#)). (Civ. Code, § 54.8.)

Where can I find other help?

The National Domestic Violence Hotline provides free and private safety tips. Help is available every day, 24 hours a day, and in over 100 languages. Go to thehotline.org or call 1-800-799-7233.

Confidential Address Program

If you are a victim of domestic violence or live with a victim of domestic violence, there is a special program called Safe at Home that you can apply for. It is a free program that can help you keep your address private. To learn more about the program, go to sos.ca.gov/registries/safe-home. Note that it may take several weeks to be approved.



Steps to make a request

1 Complete court forms:

- Form [DV-300](#), *Request to Change or End Restraining Order*; and
- Form [DV-310](#), *Notice of Court Hearing and Temporary Order to Change or End Restraining Order* (items 1 and 2 only).
- If you are asking to change child custody and visitation orders, you must complete form [DV-305](#), *Request to Change Child Custody and Visitation Orders*.

2 File forms with court

File all forms with the court clerk. Make sure you include a copy of your current form DV-130, *Restraining Order After Hearing* with form DV-300. You can file in person or electronically. For more information on how or where to file, go to the court's website. To find the court's website, go to selfhelp.courts.ca.gov/find.

3 Get your papers back from the court

Once you get your papers back from the court, you will have a court date (see form DV-310). If you asked for any temporary orders, look at form DV-310 to see if the judge granted or denied that request. Make sure you get at least two copies back: one for you and one to have served on the other party. If you filed your papers electronically, the court will give the papers back to you electronically, unless you asked to pick them up or receive them by mail.

4 Have the other party served with papers

- **If you are the restrained person**, you must have the protected person personally served. This means you must have an adult, **not you or anyone listed on the restraining order**, personally give a copy of all the court papers (listed on form DV-310, item 5b) to the protected person. Your server must then complete form [FL-330](#), *Proof of Personal Service*. Make a copy of the completed form FL-330 and file it with the court. If you cannot have the protected person personally served, contact a lawyer or self-help center for other options.
- **If you are the protected person**, you may be able to choose to have your papers either personally served or mailed to the restrained person. Look at form DV-310 to see how to have your papers served and the date you must have your papers served by.

For both types of service listed below, your server must be an adult and cannot be you or anyone listed on the restraining order.

For Personal Service:

Your server must personally serve all the court papers (listed on form DV-310, item 5b) to the restrained party. Your server must then complete form [DV-200](#), *Proof of Personal Service (CLETS)*. Make a copy of the completed form DV-200 and file it with the court.

For Service by Mail:

Your server must mail a copy of all the court papers (listed on form DV-310, item 5b) to the restrained party. Your server must then complete form [DV-250](#), *Proof of Service of Mail (CLETS)*. Make a copy of the completed form DV-250 and file it with the court.



5 What happens if I can't get my court papers served before the court date?

If you can't serve the other side before your court hearing, you will need to ask the judge to reschedule your court hearing. Fill out and file forms [DV-315](#) and [DV-316](#). The judge will review your request and decide whether to reschedule your court hearing. If you do not receive a signed copy of form DV-316 from the judge before your court date or the judge denies your request to reschedule your hearing, you *must* attend your court date (listed on form DV-310 or DV-316) if you still want to move forward with your request.

6 Get ready for and attend your court hearing

At your court hearing, the judge will decide whether to grant your request to change or end the restraining order. At the hearing, you and the other side will have the opportunity to tell your side of the story. Bring any evidence or witnesses you have. If you don't want to attend your court hearing in person, go to the court's website to find out more information about attending by phone or videoconference.

Rules Committee Action Request Form

Rules Committee Meeting Date: April 10, 2026

Action requested: Circulate for comment (January 1 effective date)

Title of proposal: Traffic: Trial by Written Declaration Forms

Proposed rules, forms, standards, or jury instructions (include amend/revise/adopt/approve/etc.):

Revise Rules of Court, rule 4.210; revise forms TR-205, TR-215, TR-220, TR-225, and TR-235; revoke forms TR-200 and TR-210

Committee or other entity submitting the proposal:

Traffic Advisory Committee

Staff contact (name, phone, and email):

Jamie Schechter, 415-865-5327, Jamie.Schechter@jud.ca.gov

Annual agenda approved by Rules Committee on (*date*): October 16, 2025

Project description from annual agenda: The committee proposes to revise the Trial by Written Declaration forms (forms TR-200, et seq.), and consider adopting new alternate forms for courts that use the MyCitations trial by declaration feature. Litigants charged with Vehicle Code infractions have an option for a trial by written declaration pursuant to Vehicle Code section 40902. Procedurally, the litigant is given instructions (form TR-200), pays bail up front (the cost for the infraction if convicted), and provides a written statement and evidence (form TR-205.) The officer is given instructions (form TR-210) and provides a written statement (form TR235.) The judicial officer then makes a decision (form TR-215) and returns the bail if the litigant is found not guilty. If the litigant is unhappy with the decision, they may request a trial de novo (form TR-220.) And the judicial officer grants or denies the request for a trial de novo (form TR-225.) These forms have not been substantively revised since 1999 and are inconsistent with plain language standards.

Circulation or Implementation Notes: (If requesting a special invitation-to-comment cycle or an effective date other than January 1, please explain.)

Additional Information for Rules Committee: (To facilitate Rules Committee's review of your proposal, please include any relevant information not contained in the attached summary.)

Information for JC staff

EGG reviewed on (*date*): 3/11/26

Office director (or designee) reviewed on (*date*): 3/11/26 by (*name*): Francine Byrne

Complete the following for all JC reports recommending forms:

- **Form Translations** (check all that apply)

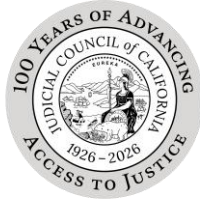
Proposal includes forms that: staff requests be translated, are required by statute to be translated.

Provide citations to code that mandates translation:

- **Website Content** (check all that apply)

New or revised form descriptions are needed for the California courts website. (If checked, form descriptions should be approved by a supervisor before submitting this RAR.)

Changes or additions to self-help website are needed.



Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688

courts.ca.gov/policy-administration/invitations-comment

INVITATION TO COMMENT

SPR26-39

Title

Traffic: Trial by Written Declaration Forms

Proposed Rules, Forms, Standards, or Statutes

Amend Cal. Rules of Court, rule 4.210;
revise forms TR-205, TR-215, TR-220,
TR-225, and TR-235; revoke forms TR-200
and TR-210

Proposed by

Traffic Advisory Committee
Hon. Maria Lucy Armendariz, Chair

Action Requested

Review and submit comments by May 18,
2026, to invitations@jud.ca.gov

Proposed Effective Date

January 1, 2027

Contact

Jamie Schechter, 415-865-5327
Jamie.Schechter@jud.ca.gov

Executive Summary and Origin

The Traffic Advisory Committee proposes revocations and revisions to the trial by written declaration forms and corresponding amendments to the relevant rule of court to better assist court users. These proposed revisions include substantive changes, clearer language, and reorganized, more intuitive content. The committee specifically recommends amending rule 4.210 of the California Rules of Court; revising forms TR-205, TR-215, TR-220, TR-225, and TR-235; and revoking forms TR-200 and TR-210.

Background

Vehicle Code section 40902 (see Link A) allows a defendant to contest a citation in writing and present evidence without having to go to court—a procedure called “trial by written declaration.” For a trial by written declaration, the defendant is required by statute to post bail, essentially the full cost of the traffic ticket.¹ Trials by written declaration are available in cases involving

¹ Note that the process for a trial by declaration in MyCitations is different than the process set forth in Vehicle Code section 40902. MyCitations is a Judicial Council online tool that allows a defendant to look up an eligible citation, answer several financial questions, and submit a request to the court for a reduction in the amount owed. Through MyCitations, courts are allowed, but not required, to offer online trials by declaration. If the court chooses to offer the trial by declaration feature through MyCitations, a defendant is not generally required to pay bail up front and the defendant does not have the right to a trial de novo. (Gov. Code, § 68645.2(a)(2), (4).) If a court uses

This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules Committee, or its Legislation Committee. It is circulated for comment purposes only.

infraction violations of the Vehicle Code or violations of local ordinances adopted under the Vehicle Code. California Rules of Court, rule 4.210 provides procedures for trials by written declaration.

Under the current rule and set of forms related to trial by written declaration, the defendant is given instructions (form TR-200), pays bail up front, and provides a written statement and evidence as applicable (form TR-205). The law enforcement officer is given instructions (form TR-210) and provides a written statement (form TR-235). The judicial officer makes a decision (form TR-215) and returns the bail if the defendant is found not guilty. If the defendant is unhappy with the decision, they may request a trial de novo (form TR-220), and the judicial officer grants or denies the request for a trial de novo (form TR-225). These forms have not been substantively revised since 1999, and since most traffic defendants are self-represented, the forms can be improved by being easier to follow, using commonly understood language, and providing more intuitive formatting.

The Proposal

The committee proposes revising the forms to improve readability and organization and revoking two instructional forms that the proposed revisions would make redundant. As part of the proposal, the committee recommends corresponding changes to California Rules of Court, rule 4.210. In addition to plain language updates to the forms as well as minor, nonsubstantive updates to rule 4.210, the proposal includes three recommended substantive changes to these forms as described below.

First, the committee recommends adding potential defenses to form TR-205 that the user can raise by checking a box (and elaborating on if desired). The committee was concerned that current form TR-235 (the law enforcement officer's declaration) gives the officer an advantage in the process by providing checkboxes for foundational evidentiary statements without providing something similar to defendants. The committee considered removing the officers' checkboxes on form TR-235 but ultimately determined that adding potential defenses for the defendant on form TR-205 would be a better solution.

Second, the committee recommends adding information to form TR-205 that the prosecution has the burden to prove the case, and the defendant does not have an obligation to prove anything. The committee was concerned that the current forms seem to require a defendant to make statements that may not be in their best interests and are inconsistent with the burden of proof. Therefore, the committee recommends adding advisements that the defendant has no obligation to write anything or provide evidence.

MyCitations for the trial by declaration, the Government Code requires the court to follow the same procedure for the paper process (see Link B). (Gov. Code, § 68645.2(b).) Six courts are currently using the trial by declaration feature in MyCitations, two are expected to start using it by late 2026, and up to twelve more are expected to start using it after 2026.

The third recommended substantive change relates to the Engineering and Traffic Survey (ETS), which is often needed as evidence in traffic cases. An ETS is a report prepared by civil engineers for municipalities and is “a survey of highway and traffic conditions in accordance with methods determined by the Department of Transportation for use by state and local authorities.” (Veh. Code, § 627(a).) An ETS can sometimes be necessary to prove a foundational element in an infraction case involving speeding.²

Court staff have repeatedly identified a concern regarding the checkbox on form TR-235 that states the ETS is on file with the court.³ For courts that do not have the survey on file for a given case, allowing a law enforcement officer to check a box stating that the ETS is on file is problematic for the trial-by-written-declaration process. Additionally, some judicial officers believe that any evidence needed to prove the traffic case should be presented with the trial by written declaration, regardless of whether the ETS is on file, and allowing a law enforcement officer to check a box stating the ETS is on file with the court may lead to cases being dismissed. The committee considered removing the “ETS on file with the court” option entirely from form TR-235, but law enforcement stakeholders indicated some courts do have the ETS on file and removing the box entirely could unnecessarily complicate the ETS process. Additionally, law enforcement stakeholders noted that law enforcement officers are only witnesses in cases, not the prosecution, and requiring law enforcement officers to always provide an ETS may be inconsistent with their obligations.

Based on all of these considerations, the committee recommends revising form TR-235 to state that local practices for having the ETS on file with the court may vary and to verify whether it is on file with the court. The committee also recommends—based on a previous stakeholder comment—adding space on the form for the law enforcement officer to include the URL for an ETS if it is available online.

Also, in relation to the ETS, the committee recommends revising the language on current form TR-235 about the five-, seven-, and fourteen-year periods in items 4, 5, and 6. While the current form adequately describes Vehicle Code section 40802 (see Link D), the statute is redundant, and the committee received feedback that form TR-235 is confusing on its face. As a practical matter, stakeholders stated that law enforcement officers generally need to provide evidence (item 5, boxes c, d, and e on the current form) to adequately prove the case, even if they do not need to provide this evidence strictly pursuant to Vehicle Code section 40802. Therefore, the committee is recommending streamlining the form by only including one box for evidence

² For speeding infractions, the Vehicle Code prohibits the use of speed traps as evidence (see Link C). (Veh. Code, §§ 40801–40804.) One of the definitions of a speed trap is a section of highway not justified by an engineering and traffic survey within specified time limits (see Link D).

³ Although some courts maintain these documents on file, other courts do not. Moreover, because municipalities commission various ETS reports on different timelines, a court may not have a current copy of the relevant ETS on file.

within seven years. There is also an “other” section on the recommended revised form for the officer to articulate any relevant information about the ETS.

Other than the substantive changes described above, the remainder of the recommended changes to the forms are to improve clarity and readability. Proposed revisions are detailed below:

Form TR-200

This is an instruction form that the court user is required to review and acknowledge that they have reviewed. It provides information on the process for asking for a trial by written declaration as well as guidelines to complete form TR-205. The committee recommends revoking this form and instead incorporating all necessary instructions directly into form TR-205.

Form TR-205⁴

This is a form that the defendant must complete to ask for a trial by written declaration. The committee proposes these revisions:

- Reformats the form for clearer organization and improved readability.
- Retitles the form to “Challenge Traffic Ticket Without Going to Court” to be more descriptive.
- Adds a clear instructional section at the beginning of the form addressing:
 - When to use this form;
 - The deadline to file;
 - Whether a filing fee (bail) applies; and
 - Added disclaimers and advisements in an “Important” section to highlight information to defendants.
- Item 1: Adds a section requesting the defendant’s name and preferred method of receiving communications. Court staff recommended requesting the defendant’s preferred method of receiving communication.
- Item 2: Adds checkbox options for potential defenses. It additionally highlights that a defendant has the right to remain silent and has no obligation to prove their case. This item also now contains information from items 2, 5, and 6 of the current form, and includes instructions for attaching evidence.
- Item 3: Adds request regarding traffic school. Court staff recommended this addition.
- Item 4: Adds instructions explaining how to attach supporting evidence.
- Items 5 and 6: Adds numbers next to signatures for the defendant and lawyer (if any) to make the signature lines more visible.
- Adds a “Next Steps” section outlining what happens after submission.

⁴ Because the proposed revisions are so extensive, they are listed here rather than shown in the attached version of the form.

Form TR-210

This is an instruction form that informs the law enforcement officer about form TR-235. The committee recommends revoking this form and instead adding the necessary instructions to form TR-235.

Form TR-215

This form provides the court's decision (order) for a trial by written declaration. The committee proposes these revisions:

- Reformats the form for clearer organization and improved readability.
- Retitles the form to "Court's Decision on Request to Challenge Ticket."
- Instructions for Use: Adds instructions for the form.
- Item 1: Adds a section asking for defendant information.
- Item 4: Adds Traffic School as a potential court order option.
- Updates the Clerk's Certificate of Mailing with clearer language and revised mailing procedures.

Form TR-220

This is a form that the defendant must complete to ask for a trial de novo if a defendant disagrees with the court's decision on the trial by written declaration. The committee proposes these revisions:

- Reformats the form for clearer organization and improved readability.
- Instructions for Use: Adds language explaining when to use the form, clarifying that it should be used if the defendant disagrees with the court's decision on form TR-215, and defines trial de novo as a new trial where the case is reviewed again from the beginning by a judicial officer.
- Filing Deadline: Replaces prior language referencing the mailing date of form TR-215 and the 20-day submission period with a clear statement specifying the exact date by which the court must receive the form to eliminate confusion and simplify the deadline calculation.
- Items 2 and 3: Adds new items requesting defendant contact information (name, telephone number, and email address) to improve consistency across forms and to facilitate communication.
- Which Violations: Adds an option allowing the defendant to specify violations to avoid confusion about whether the defendant is dissatisfied with all or only part of the court's decision.

Form TR-225

This form provides the court's decision (order) on the defendant's request for a trial de novo. The committee proposes these revisions:

- Reformats the form for clearer organization and improved readability.

- Court Instructions: Adds directions that the court will complete the form to provide clarity for defendants reviewing the order.
- Item 1: Adds section asking for the defendant’s name.
- Order Structure: Reorganizes the form to list granted requests before denied requests to improve logical flow and readability.
- Denial Language: Simplifies “otherwise not in compliance with law or rules (explain)” to “Other (explain)” to make the language clearer and easier to understand.
- Instructional Box: Revises the instructional box directing defendants to appear ready for trial with witnesses and evidence to be more understandable.
- Clerk’s Certificate of Mailing: Updates the language in accordance with revised mailing procedures.

Form TR-235

This is a form that the law enforcement officer completes after the court notifies the law enforcement officer that the defendant has requested a trial by written declaration. The committee proposes these revisions:

- Reformats the document for improved readability.
- Changed title of form.
- Instructions: Updates the language for clarity and consistency.
- Item 1: Adds sections for the clerk to complete and renumbers sections accordingly.
- Items 4a and 4b: Converts these items to yes/no checkbox options to make completion easier for the law enforcement officer and reduce confusion.
- Items 4c and 4i: Reformats these items to clarify available options for the law enforcement officer completing the form.
- Items 6–8: Revises information about the ETS for clarity. Adds that local practices for having the ETS on file with the court may vary.

California Rules of Court, rule 4.210

This rule of court describes the procedures for trial by written declaration. The committee proposes these amendments to comport with the form changes:

- Removes references to forms being revoked by this proposal.
- Updates references to form names.
- Updates grammar and stylistic conventions in the rule, including verb redundancies and references to “mail.”

Alternatives Considered

The committee considered making no changes to the forms, but determined the forms are out of date and potentially cause barriers to access to justice, especially because most defendants are self-represented in these types of cases. Additionally, the committee has received comments from stakeholders about these forms, particularly regarding the ETS. The committee considered creating MyCitations trial by declaration forms in this proposal but ultimately concluded it

would be helpful to have the Judicial Council revise these forms to guide potential future MyCitations trial by declaration forms.

The committee considered whether recommended form TR-205 encourages defendants not to testify or provide evidence which may ultimately hurt the defendant's case. However, the committee determined that it is important to adequately advise defendants of their right to not testify. The committee considered removing the law enforcement officer's evidentiary checkboxes on form TR-235 but ultimately determined adding potential defenses for the defendant would be a better solution. The committee considered removing the "ETS on file with the court" option entirely from form TR-235, but law enforcement stakeholders indicated some courts do have the ETS on file and removing the box entirely could complicate the ETS process.

Fiscal and Operational Impacts

Courts will need to reprogram court case management systems, update any printed court material, and provide training for court staff and judicial officers regarding new forms.

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?
- Do the potential defenses on form TR-205 better assist defendants in the trial by declaration process than the current form?

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 two 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?
- Is the clerk's certificate of mailing helpful or necessary, particularly as courts may be using electronic service?
- Does the information about the ETS on file with the court on form TR-235 adequately describe variations in local practices?

Attachments and Links

1. Cal. Rules of Court, rule 4.210, at pages 9–12
2. Forms TR-200, TR-205, TR-210, TR-215, TR-220, TR-225, and TR-235, at pages 13–26
3. Link A: Veh. Code, § 40902,
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=40902.&lawCode=VEH
4. Link B: Gov. Code, § 68645.4,
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=68645.4.&lawCode=GOV
5. Link C: Veh. Code, § 40803,
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=40803.&lawCode=VEH
6. Link D: Veh. Code, § 40802,
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=40802.&lawCode=VEH

Rule 4.210 of the California Rules of Court would be amended, effective January 1, 2027, to read:

1 **Rule 4.210. Traffic court—trial by written declaration**

2
3 **(a) Applicability**

4
5 This rule establishes the minimum procedural requirements for trials by written
6 declaration under Vehicle Code section 40902. The procedures established by this
7 rule must be followed in all trials by written declaration under that section.
8

9 **(b) Procedure**

10
11 (1) *Definition of due date*

12
13 As used in this subdivision, “due date” means the last date on which the
14 defendant’s appearance is timely.
15

16 (2) *Extending due date*

17
18 If the clerk receives the defendant’s written request for a trial by written
19 declaration by the appearance date indicated on the *Notice to Appear*, the
20 clerk must, within 15 calendar days after receiving the defendant’s written
21 request, extend the appearance date 25 calendar days and must give ~~or mail~~
22 notice to the defendant of the extended due date on the *Request for Trial by*
23 *Written Declaration Challenge Traffic Ticket Without Going to Court* (form
24 TR-205) ~~a copy of the Instructions to Defendant~~ (form TR-200) and with any
25 other required forms.
26

27 (3) *Election*

28
29 The defendant must file a *Request for Trial by Written Declaration* (form
30 TR-205) with the clerk by the appearance date ~~indicated~~ on the *Notice to*
31 *Appear* or the extended due date as provided in (2). The *Request for Trial by*
32 *Written Declaration* (form TR-205) must be filed in addition to the
33 defendant’s written request for a trial by written declaration, unless the
34 defendant’s request was made on the election form.
35

36 (4) *Bail*

37
38 The defendant must deposit bail with the clerk by the appearance date
39 indicated on the *Notice to Appear* or the extended due date as provided in (2).
40

41 (5) *Instructions to arresting officer*

42

1 If the clerk receives the defendant's *Request for Trial by Written Declaration*
2 *Challenge Traffic Ticket Without Going to Court* (form TR-205) and bail by
3 the due date, the clerk must deliver ~~or mail~~ to the arresting officer's agency
4 ~~*Notice and Instructions to Arresting Officer* (form TR-210) and *Officer's*~~
5 *Declaration* (form TR-235) with a copy of the *Notice to Appear* and a
6 specified return date for receiving the officer's declaration. After receipt of
7 the officer's declaration, or at the close of the officer's return date if no
8 officer's declaration is filed, the clerk must submit the case file with all
9 declarations and other evidence received to the court for decision.

10
11 (6) *Court decision*

12
13 After the court decides the case and returns the file and decision, the clerk
14 must immediately deliver ~~or mail~~ the *Decision and Notice of Decision* (form
15 TR-215) to the defendant and the arresting agency.

16
17 (7) *Trial de novo*

18
19 If the defendant files a *Request for New Trial (Trial de Novo)* (form TR-220)
20 ~~by within 20 calendar days after the date of delivery or mailing of the date~~
21 indicated on the Decision and Notice of Decision (form TR-215), the clerk
22 must set a trial date within 45 calendar days of receipt of the defendant's
23 written request for a new trial. The clerk must deliver ~~or mail~~ to the defendant
24 and to the arresting officer's agency the *Order and Notice to Defendant of*
25 *New Trial (Trial de Novo)* (form TR-225). If the defendant's request is not
26 timely received, no new trial may be held and the case must be closed.

27
28 (8) *Case and time standard*

29
30 The clerk must deliver or mail the *Decision and Notice of Decision* (form
31 TR-215) within 90 calendar days after the due date. Acts for which no
32 specific time is stated in this rule must be performed promptly so that the
33 *Decision and Notice of Decision* can be timely delivered ~~or mailed~~ by the
34 clerk. Failure of the clerk or the court to comply with any time limit does not
35 void or invalidate the decision of the court, unless prejudice to the defendant
36 is shown.

37
38 (c) **Due dates and time limits**

39
40 Due dates and time limits must be as stated in this rule, unless changed ~~or extended~~
41 by the court. The court may extend any date, but the court need not state the
42 reasons for granting or denying an extension on the record or in the minutes.
43

1 **(d) Ineligible defendants**

2
3 If the defendant requests a trial by written declaration and the clerk or the court
4 determines that the defendant is not eligible for a trial by written declaration, the
5 clerk must extend the due date 25 calendar days and notify the defendant by mail of
6 the determination and due date.

7
8 **(e) Noncompliance**

9
10 If the defendant does not comply with this rule (including submitting the required
11 bail amount, signing and filing all required forms, and complying with all time
12 limits and due dates), the court may deny a trial by written declaration and may
13 proceed as otherwise provided by statute and court rules.

14
15 **(f) Evidence**

16
17 Testimony and other relevant evidence may be introduced in the form of a *Notice to*
18 *Appear* issued under Vehicle Code section 40500; a business record or receipt; a
19 sworn declaration of the arresting officer; and, on behalf of the defendant, a sworn
20 declaration of the defendant.

21
22 **(g) Fines, assessments, or penalties**

23
24 The statute and the rules do not prevent or preclude the court from imposing on a
25 defendant who is found guilty any lawful fine, assessment, or other penalty, and the
26 court is not limited to imposing money penalties in the bail amount, unless the bail
27 amount is the maximum and the only lawful penalty.

28
29 **(h) Additional forms and procedures**

30
31 The clerk may approve and prescribe forms, time limits, and procedures that are not
32 in conflict with or not inconsistent with the statute or this rule.

33
34 **(i) Forms**

35
36 The following forms are to be used to implement the procedures under this rule:

37
38 ~~(1) — *Instructions to Defendant* (form TR-200)~~

39
40 ~~(2) (1) Request for Trial by Written Declaration Challenge Traffic Ticket Without~~
41 ~~Going to Court (form TR-205)~~

42
43 ~~(3) — *Notice and Instructions to Arresting Officer* (form TR-210)~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18

~~(4)~~ *Officer's Declaration* (form TR-235)

~~(5)~~ ~~(2)~~ *Decision and Notice of Decision* Court's Decision on Request to Challenge Ticket (form TR-215)

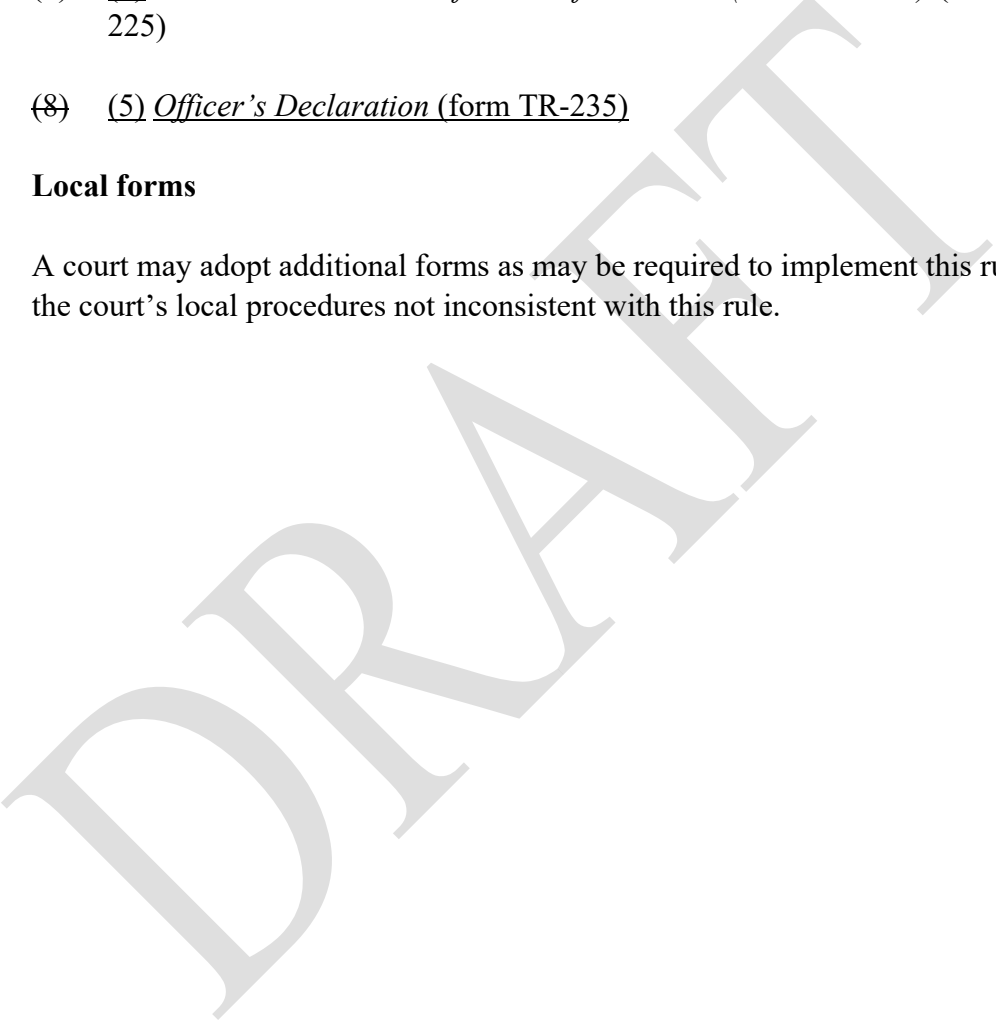
~~(6)~~ ~~(3)~~ *Request for New Trial (Trial de Novo)* (form TR-220)

~~(7)~~ ~~(4)~~ *Order and Notice to Defendant of New Trial (Trial de Novo)* (form TR-225)

~~(8)~~ ~~(5)~~ *Officer's Declaration* (form TR-235)

(j) Local forms

A court may adopt additional forms as may be required to implement this rule and the court's local procedures not inconsistent with this rule.



INSTRUCTIONS TO DEFENDANT
(Trial by Written Declaration)
(Vehicle Code, § 40902)

Vehicle Code section 40902 allows a defendant to contest citations in writing, without having to make a personal court appearance. This procedure is called a "trial by declaration." Trials by written declaration are available in cases involving infraction violations of the Vehicle Code or of local ordinances adopted under the Vehicle Code. The following instructions tell you how to obtain a trial by written declaration:

1. Completely fill out the *Request for Trial by Written Declaration* (form TR-205) and sign it (*type or print clearly*). You may include evidence such as photographs and diagrams. You should also attach your written statement of what happened (*type or print clearly*). In your statement, you must describe all the items of evidence (if any) that you are including with your request. Your written statement must include the following language: "I declare under penalty of perjury that this statement is true and correct." You must sign and date each written statement (these statements are called "declarations").
2. Return the completed and signed *Request for Trial by Written Declaration* and pay the required bail amount to the court. A completed *Request for Trial by Written Declaration* form and the required bail amount must be received by the clerk by the due date indicated. (See *item A on the request form for the due date*.) If the clerk receives the form after the due date, you will not be eligible for trial by written declaration. **Failure to deposit bail by the due date may subject you to other charges, penalties, assessments, and actions.**
3. After the clerk receives the *Request for Trial by Written Declaration*, the clerk will notify the officer who issued you the citation. The officer will be given an opportunity to submit a declaration regarding the citation by a specified due date. You will be notified by mail of the court's decision.
4. If you are dissatisfied with the court's decision, you may ask for a new trial ("trial de novo"). In order to obtain a new trial, you must file the *Request for New Trial (Trial de Novo)* (form TR-220) within 20 days after the date the court's decision was mailed to you.
5. Always include your citation number in any correspondence with the court.
6. **IMPORTANT:** You have the right to an in-person trial before a judge (rather than a trial by written declaration). You also have a right to a new trial if you are dissatisfied with the court's decision in your trial by written declaration. At a court trial you have the following rights:
 - To be represented by an attorney employed by you;
 - To have a speedy and public trial;
 - To testify, to present evidence, and to use court orders without cost to compel the attendance of witnesses and the production of evidence on your behalf;
 - To have the witnesses against you testify under oath in court, and to question such witnesses;
 - To remain silent and not testify and not incriminate yourself.

By filing a declaration in a trial by written declaration, you are waiving and giving up the rights to remain silent and not to incriminate yourself.

Clerk stamps date here when form is filed.

**03/24/2026
DRAFT
Not approved by
the Judicial Council**

When to use this form?

If you do not agree with your citation (ticket) and you want the court to dismiss your ticket, you may complete this form and file it with the court. This procedure is called a trial by written declaration. You will not get a court date. The court will decide your case based on what you write on this form, any evidence you include, and any statement filed by the officer in your case.

When is the deadline to file this form?

You must file this request by *(date provided by court clerk)*: _____ or as listed on the Courtesy or Reminder Notice sent to you from the court. If you did not receive the notice, contact the court in the county where you received the ticket.

Is there a fee to file this request?

You must pay bail of \$ _____ when you turn in this request. Traffic bail is how much you owe on your ticket. Your bail amount is listed on your Courtesy or Reminder Notice. If your ticket is dismissed, the money you paid for bail will be returned to you. If you are found guilty, you can ask for a new trial or accept that the court found you guilty and bail will not be returned to you.

Important Information

- Anything you write on this form can be used against you in court.
- Once you turn in this form, it is a public document. This means anyone can access your form and any evidence you include. Do not include sensitive information like your social security number.
- You have the right to a court trial in front of a judicial officer without paying bail first, but you may have to go to more than one court date. Do not use this form if you want to appear in front of a judicial officer for trial.
- If you are dissatisfied by the result of this trial by written declaration, you will be able to ask for a new trial (also called a trial de novo) after the court makes a decision. Do not use this form to ask for a new trial .

Fill in court name and street address:

Superior Court of California, County of

Fill in the case number and ticket number (if you have it):

Case Number:

Ticket Number:

1 Your information

Name: _____

Telephone: _____

Preferred method of receiving information from the court *(check one)*:

Email: _____

Mailing address: _____ (street) _____ (city) _____ (state) _____ (zip code)

Your lawyer's information (if you have one)

Name: _____ State Bar No.: _____

Firm Name: _____

This is not a court order



Case Number: _____

3 If you are found guilty, do you want the court to allow you to attend traffic school?

(If you are found guilty, the court can allow you to attend traffic school if you are eligible. For more information on the possible benefits of traffic school, go to selfhelp.courts.ca.gov/traffic/traffic-school.)

- No
- Yes

4 Additional Pages

Number of pages attached to this form, if any: _____
(This includes any evidence you are attaching to this form.)

5 Your signature

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

Date: _____

Type or print your name

▶ _____
Sign your name

6 Your Lawyer's Signature (if you have one)

Date: _____

Lawyer's name

▶ _____
Lawyer's signature

Your Next Steps

- Make at least one copy of your completed form and file the original with the court and keep the copy for your records. Make sure you attach any evidence you want the court to consider. Make sure to include your bail.
- After you file this form, the law enforcement officer in this case will have a chance to file a statement.
- The court will make a decision. A copy of the decision will be sent to you.
- For more information about this process, go to selfhelp.courts.ca.gov/traffic/trial-declaration.

This is not a court order

For your protection and privacy, please press the Clear button after you have printed the form.

16
Print

Save

Clear

NAME OF COURT: STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	FOR COURT USE ONLY
DEFENDANT: <p style="text-align: center;">PEOPLE OF THE STATE OF CALIFORNIA vs.</p>	
NOTICE AND INSTRUCTIONS TO ARRESTING OFFICER VEHICLE CODE INFRACTION (Trial by Written Declaration—Vehicle Code, § 40902)	

CITATION NUMBER:
CASE NUMBER:

The defendant has elected a trial by written declaration.

1. a. A copy of the citation is attached.
OR
 b. (1) Agency:
 (2) Officer name & I.D. number:
 (3) Citation number:
 (4) Citation date:

2. Return date:

3. INSTRUCTIONS TO ARRESTING OFFICER: Complete, date, and sign an officer's declaration, attach it to this notice, and file it with the court by the return date (see item 2 above).

4. File with or mail to the Clerk of the (specify): _____ Court at (mailing address): _____

REVOKED January 1, 2027

5. For information, call the court clerk's office at (telephone no.): _____

6. Number of pages attached: _____

Date: _____ Clerk, by _____, Deputy

CLERK'S CERTIFICATE OF MAILING

1. I am not a party to this action.
 2. I served the *Notice and Instructions to Arresting Officer* by enclosing a copy in an envelope addressed to (specify agency name and address): _____

and caused the envelope to be deposited with the United States Postal Service with first-class postage fully prepaid at (city): _____, California
 on (date): _____

3. I certify that the foregoing is true and correct.

Date: _____ Clerk, by _____, Deputy

For your protection and privacy, please press the Clear button after you have printed the form.

17

Print

Save

Clear

Clerk stamps date here when form is filed.

03/24/2026
DRAFT
Not approved by the Judicial Council

(This form is completed when the court has made a decision on a defendant's form TR-205 (Request to Challenge Ticket Without Going to Court). The court sends a copy of this form to the defendant. If any amount is owed by the defendant, the defendant must pay the amount that is on this order. If the defendant is owed a refund, the court will mail the amount owed within 60 days of the court's decision.)

1 Defendant's Name: _____

Fill in court name and street address:

Superior Court of California, County of _____

2 The bail amount in this case was \$ _____

3 Court Findings and Orders

Fill in the case number and ticket number (if you have it):

Case Number: _____
Ticket Number: _____

- a. The court has reviewed the:
(1) Request by defendant (form TR-205)
(2) [] Officer's statement (form TR-235)

b. Based on its review, the court:

(1) For alleged violation #1 (describe): _____

- [] Dismisses the violation.
[] Finds the defendant not guilty.
[] Finds the defendant guilty.

(List any fine or fee for this violation):

Fine: \$ _____ Fee: \$ _____

(2) For alleged violation #2 (describe): _____

- [] Dismisses the violation.
[] Finds the defendant not guilty.
[] Finds the defendant guilty.

(List any fine or fee for this violation):

Fine: \$ _____ Fee: \$ _____

(3) For alleged violation #3 (describe): _____

- [] Dismisses the violation.
[] Finds the defendant not guilty.
[] Finds the defendant guilty.

(List any fine or fee for this violation):

Fine: \$ _____ Fee: \$ _____



- 3 b. (4) For **alleged** violation #4 (*describe*): _____
- Dismisses the violation.
 - Finds the defendant not guilty.
 - Finds the defendant guilty.
- (*List any fine or fee for this violation*):
 Fine: \$ _____ Fee: \$ _____

- (5) For **alleged** violation #5 (*describe*): _____
- Dismisses the violation.
 - Finds the defendant not guilty.
 - Finds the defendant guilty.
- (*List any fine or fee for this violation*):
 Fine: \$ _____ Fee: \$ _____

Additional alleged violations: Additional pages attached.
 Number of pages attached to this form, if any: _____

4 **Payment or Reimbursement**

Based on the court's decision above (*check a or b*):

- a. **Defendant must pay the amount listed below in a(5):**
- (1) Total fines: \$ _____
 - (2) Total fees: \$ _____
 - (3) Total fines and fees ((1) plus (2)): \$ _____
 - (4) **Bail** amount paid by defendant: \$ _____
 - (5) Total amount owed ((3) minus (4)): \$ _____ must be paid by (*date*): _____
- (6) **Traffic school granted (See 5)**
- b. **The court clerk must refund the defendant the amount listed in b(5):**
- (1) Bail amount paid by defendant: \$ _____
 - (2) Total fines (if any): \$ _____
 - (3) Total fees (if any): \$ _____
 - (4) Total fines and fees ((2) plus (3)): \$ _____
 - (5) Total amount to be refunded ((1) minus (4)): \$ _____

(*Defendant should receive refund within 60 days of this order.*)

Certificate of mailing on reverse



Case Number: _____

5 Other Orders *(including any orders for traffic school)*

Judicial Officer's Signature

Date: _____



Judicial Officer

Clerk's Certificate of Mailing

For the Decision and Notice of Decision, the clerk certifies:

- a. I am not a party to this action.
- b. I placed a filed copy of the following forms in a sealed envelope.
 Form TR-215 *(Court's Decision on Request to Challenge Ticket)*
- c. This envelope was mailed by U.S. mail, with full postage,
 from *(place)*: _____ on *(date)*: _____
 to *(address for defendant)*:

d. Date: _____ Clerk, by _____, Deputy

This is not a court order

For your protection and privacy, please press the Clear button after you have printed the form.

20
Print

Save

Clear

Clerk stamps date here when form is filed.

When to use this form

Use this form if you do not agree with the court's decision on form TR-215. If you complete and turn this form in by the deadline, the court will give you a new trial (trial de novo). A **trial de novo** is a new trial. This means you will get a court date for a new trial. A judicial officer will look at your case again from the start.

**03/24/2026
DRAFT
Not approved by
the Judicial Council**

Instructions

The clerk will complete items ① and ②.

The Defendant must complete and sign the rest of the form and return it by the deadline listed in ①.

Court fills in the court name and street address:

Superior Court of California, County of

Court fills in the case number and ticket number:

Case Number:
Ticket Number:

① **The court must receive this form by (date):** _____

② **Defendant's Name:** _____

(Defendant to complete the rest of this form)

③ **Defendant's Contact Information**

Name: _____

Telephone: _____

Preferred method of receiving information from the court (check one):

Email: _____

Mailing address: _____ (street) _____ (city) _____ (state) _____ (zip code)

Your lawyer's information (if you have one)

Name: _____ State Bar No.: _____

Firm Name: _____

④ **Request for New Trial**

I am dissatisfied with the court's decision. I request a new trial (trial de novo) for all violations.

I am dissatisfied with the court's decision. I request a new trial (trial de novo) for some violations. I request a new trial for these violations (please list): _____

⑤ **Your signature**

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 your name

Sign your name

This is not a court order

Clerk stamps date here when form is filed.

04/03/2026

DRAFT

**Not approved by
the Judicial Council**

(This form will be completed by the court)

Defendant Instructions

Come to court at the time and date listed in item ②a. You can bring a lawyer with you if you want one. If you have any witnesses, make sure to bring them. If you have any other evidence, make sure to bring it with you.

Court fills in the court name and street address:

Superior Court of California, County of

Court fills in the case number and ticket number:

Case Number:

Ticket Number:

① **Defendant's Name:** _____

② **Court Order**

The court has received your request for a new trial and *(check one)*:

a. Grants your request. Your new trial is scheduled for:

Date: _____ Time: _____

Dept.: _____ Room: _____

Name and address of court if different from above:

b. Denies your request. The request was not received on time.

Additional information *(explain if needed)*:

Judicial Officer's signature

Date: _____

Judicial Officer

This is a court order



Clerk's Certificate of Mailing

Clerk's Certificate of Mailing

For the Order and Notice to Defendant of New Trial, the clerk certifies:

- a. I am not a party to this action.
- b. I placed a filed copy of the following forms in a sealed envelope.
 Form TR-225 (*Order and Notice to Defendant of New Trial*)
- c. This envelope was mailed by U.S. mail, with full postage,
from (*place*): _____ on (*date*): _____
to: _____

d. Date: _____ Clerk, by _____, Deputy

This is a court order



Clerk stamps date here when form is filed.

03/24/2026

DRAFT

**Not approved by
the Judicial Council**

Instructions

The defendant in this case has asked for a trial by written declaration under Vehicle Code section 40902.

The court clerk will complete items ① through ③.

The officer must complete and sign the rest of the form and return it by the deadline listed in ①.

① **The court must receive this form by (date):** _____

② **Defendant's Name:** _____

③ **Case Information**

a. Date Issued for Citation: _____

b. Arresting or Citing Officer (name): _____
(ID number): _____

Court fills in the court name and street address:

Superior Court of California, County of

Court fills in the case number and ticket number:

Case Number:

Ticket Number:

(Officer to complete the rest of this form)

④ **Officer's Declaration**

Except as expressly stated below, I have personal knowledge of the facts stated herein. The events occurred in the County of (specify): _____

at about the date, time, and location stated in the citation.

a. At the time of the citation I was a peace officer on duty for the exclusive or main purpose of traffic enforcement.

Yes No

At the time of the citation I was wearing a uniform as required by Vehicle Code section 40800.

Yes No

Any vehicle used by me complied with Vehicle Code section 40800.

Yes No

b. The offenses were committed in my presence.

Yes No

c. Any statements made by the defendant were voluntary,

recorded verbatim, and are reasonably complete and accurate in substance, or

not recorded verbatim, and are reasonably complete and accurate in substance.

d. Safety is an element of the violation alleged. In my opinion, the defendant's operation of the vehicle was unsafe.

e. Any equipment used by me to gather evidence in support of this violation was properly maintained, in good working order, and I have been trained in its use.

f. Any traffic sign, signal, or device mentioned was official and properly located, maintained, in good working order, and clearly visible to a driver of a vehicle controlled, governed, or affected by such sign, signal, or device.

This is not a court order



4. Any diagrams submitted are not exact or to scale, but are reasonably complete, accurate, and fairly depicts the location, situation, and events described.
- h. Speed supported by the patrol vehicle's speedometer was a significant factor. Pursuant to department policy, the patrol vehicle used in connection with this citation was officially calibrated on *(date)*:
The result was *(specify)*:
The calibration was considered by me in determining defendant's speed.
- i. Defendant was identified by
 Driver's License, or
 Other *(specify)*: _____

5. **The Methods Used to Determine the Speed of the Involved Vehicle Were:**

- Odometer Laser
- Visual estimation Aircraft
- Pacing Other *(specify)*: _____
- Radar (see items 3, 4, 5, below)

6. **Engineering and Traffic Survey**

- Engineering and traffic survey (ETS) not required per Vehicle Code section 40802(a)(2).
- Engineering and traffic survey (ETS) completed within seven (7) years prior to the date of alleged violation.
- ETS completed **more than seven (7) but less than** fourteen (14) years prior to date of alleged violation. A registered engineer has evaluated the section of the highway in question and has determined that no significant changes in roadway or traffic conditions have occurred.
- ETS attached.
- ETS on file with the court (**local court practices for retaining a current ETS may vary; verify that your court has one on file before checking this box**).
- ETS is available online (provide web address (URL)):
- Other information about the ETS:

7. **Other Requirements Under Vehicle Code Section 40802**

- Arresting/citing officer has successfully completed a radar operator course of not less than 24 hours approved and certified by the Commission on Peace Officer Standards and Training (POST).
- Laser or other electronic device was used to measure speed. Arresting/citing officer successfully completed an additional training course of not less than two (2) hours approved and certified by POST.
- The speed measuring device used to measure the speed of defendant (Serial No: _____) meets or exceeds the minimum operational standards of the National Highway Traffic Safety Administration (NHTSA) and was last calibrated on _____ *(date)*: _____ by an independent certified laser/radar repair and testing/calibration facility.

This is not a court order



Case Number: _____

7 Equipment accuracy check conducted on (date): _____ at (time): _____
and again on (date): _____ at (time): _____

8 **Facts and Circumstances**
(Type or print only. State what happened):

Continued on attachment.

9 **Other Evidence and Statements**
(Explain any other evidence and statements):

Continued on attachment.

10 **Diagrams**
(Specify):

Continued on attachment.

11 **Number of pages attached:**

12 **Your signature**

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 your name

▶ _____
Sign your name

ID Number: _____

Agency NCIC Number: _____

This is not a court order