Guardianship of the Person Packet

The forms in this packet may be used to request or petition the Court for guardianship of a child when the parents are unable to care for the child.

To Petition for Guardianship of the Person:

· Complete all of the Mandatory Forms included in this packet.

· Once you have completed and reviewed the packet, make two (2) photocopies of all documents (every page), staple each document separately. Place the copies of each document in order behind the corresponding original.

· Bring the completed originals and two (2) photocopies to the Probate Clerk's Office at the B.F. Sisk Courthouse, 3rd Floor

· The Probate Clerk will file your original packet, once filed, your copy will have the case number and hearing date filled in.

· Someone over 18 years of age and not party to the case (not you) must personally serve or hand-deliver a copy of the Petition, all of the attachments, a Notice of Hearing and the Comparison of Guardians with Other Nonparent Caregivers (GC-207) to the parents and to the child if they are age 12 or older.

· You will also need to have all grandparents and any siblings of the child that are age 12 or older served with copies. They can be served by mail.

· Service must be completed at least 15 days before your hearing date.

· The person who serves the documents for you must fill out and sign the proof of service on the Notice of Hearing. Then bring the Notice of Hearing back to the Probate Clerk's Office with the proof(s) filled out. This must be filed before your hearing date.

Mandatory Forms Checklist:

□ Petition for Appointment of Guardian of the Person (GC-210P)

□ Guardianship Petition–Child Information Attachment (GC-210(CA)) - complete one for each child

□ Indian Child Inquiry Attachment (ICWA-010)

□ Court Guardianship Questionnaire - complete one for each proposed Guardian

□ Consent of Proposed Guardian, Nomination of Guardian, and Consent to Appointment of Guardian and Waiver of Notice (GC-211)

□ Confidential Guardian Screening Form (GC-212) - complete one for each proposed Guardian

□ Declaration Under Uniform Child Custody and Jurisdiction Enforcement Act and Attachment (FL-105/GC-120 and FL-105A/GC-120A)

□ Duties of Guardian (GC-248)

□ Notice of Hearing – Guardianship or Conservatorship (GC-020)

□ Order Appointing Guardian of Minor (GC-240)

□ Letters of Guardianship (GC-250)

□ Comparison of Guardians with other Nonparent Caregivers (GC-207 INFO) - required to be served with the petition

Additional *Mandatory* Forms *if the child has Indian (Native American) Ancestry:*

□ Information Sheet on Indian Child Inquiry Attachments and Notice of Child Custody Proceeding for Indian Child (ICWA-005-INFO)

□ Notice of Child Custody Proceeding for Indian Child (ICWA-030)

□ Attachment to Notice of Child Custody Proceeding for Indian Child (ICWA-030(A))

Optional Forms:

□ What is "Proof of Service" in a Guardianship (GC-510)

□ Attachment to Judicial Council Form (MC-025)

□ Blank Declaration Form (MC-030)

GC-205-INFO Information on Probate Guardianship of the Person

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

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

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

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

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

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

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

(1) What Is a Guardianship?

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

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

Appointment of a guardian of the person completely suspends the parents' rights to have the child live with them and to make decisions for the child for as long as the guardianship lasts. The appointment of a guardian does not, however, terminate parental rights without additional action by the guardian and the court. For more information, see (10) and (15), below.

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

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

(2)

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

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

a. Caregiver's Authorization Affidavit

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

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

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

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

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

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

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

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

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

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

c. Voluntary Placement Agreement

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

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

d. Indian custodianship

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

(3) Who Can Be Appointed as Guardian?

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

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

A parent can nominate a guardian if:

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

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

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

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

(5) Who Can Request Appointment of a Guardian?

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

6 Filing the Petition and Giving Notice of the Hearing

a. Petition

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

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

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

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

b. Notice

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

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

7 Investigation

a. Guardianship investigation

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

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

b. Child welfare referral and investigation

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

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

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

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

(8) Hearing and Standard for Appointment

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

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

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

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

(9) Affirmation and Letters

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

(10) Custody and Visitation Rights—Guardians and Parents

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

If a guardian is appointed, a parent or other person can ask the court to order the guardian to let them visit or spend time with the child. If the court does not make an order, the guardian can decide who visits the child, how often, and for how long.

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

(11) Guardian's Rights and Duties

a. Basic rights and duties

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

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

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

A guardian is responsible for providing for food, clothing, shelter, education, and all the medical and dental needs of the child. A guardian must also provide for the safety, protection, and physical and emotional growth of the child. Like a parent, a guardian should maintain close contact with the child's school and physician.

b. Residence

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

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

c. Education

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

d. Health care

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

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

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

e. Financial support

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

f. Consent to changes to child's legal status

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

(1) United States passport application

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

(2) Driver's license application

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

(3) Enlistment in the armed services

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

(4) Marriage

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

g. Liability for child's misconduct

A guardian, like a parent, is liable for the harm and damage caused by the willful misconduct of a child. There are special rules concerning harm caused by the use of a firearm. If you are concerned about your possible liability, you should consult an attorney.

h. Additional duties

The court may place other conditions on the guardianship or additional duties on the guardian. For example, the court may require the guardian to complete counseling or parenting classes, to obtain specific services for the child, or to follow a scheduled visitation plan between the child and the child's parents or relatives. The guardian must follow all court orders.

(12) Financial Support and Services for Children in Probate Guardianship

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

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

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

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

(1) CalWORKs childcare vouchers:

CalWORKs childcare has three stages:

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

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

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

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

(2) AP voucher and contract-based childcare (including CalWORKs Stages 2 and 3):
Families qualify for childcare based on income, or if they receive CalWORKs cash assistance, or if they are experiencing homelessness and the parent or guardian has a "need" for child care (for example, if they are working or going to school). Families have continuous eligibility for at least 12 months until recertification, until the child is 13 years old or until the child is 21 years old if the child has a disability. Families can choose a childcare center, family childcare home, or family, friend, or neighbor setting that best meets their needs.*

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

(3) California State Preschool Program (CSPP):
AP voucher and contract-based child care eligibility requirements apply, but there are some exceptions. CSPP is for children ages 4–5, and there are no "need-based" requirements for part-day CSPP. CSPPs are located on school campuses and in neighborhoods.

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

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

c. Other community resources

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

(13) Court Oversight of Guardian

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

(13)

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

(14) Removal and Replacement of Guardian

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

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

(15) Termination of Guardianship

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

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

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

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

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

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

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

(16) Legal Advice and Resources

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

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

GC-210(P) Petition for Appointment of Guardian of the Person

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

_____

_____

Clerk stamps date here when form is filed.

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

Fill in court name and street address:

Superior Court of California, County of
Fresno
1130 O Street
Fresno, CA. 93724

Clerk fills in information below when form is filed.

Case Number:	
Hearing Date and Time:	**Dept.:** 97A

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

a. _____
b. _____
c. _____

(2) Your address and telephone number:

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

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

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

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

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

Name(s):

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

☐ **I am the child or one of the children named in (8) and a person named in (1). I am at least 12 years old. I want the person or persons named here to be my guardian. My date of birth is** *(month/day/year):* _____ *Tell the court about the proposed guardian(s) below.*

Name(s):

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

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

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

(5) The proposed guardian named in (1) or (4) is *(check all that apply)*:

a. ☐ Related to the child or children named in (8), as shown in item 3 of the child's or children's attached *Guardianship Petition—Child Information Attachment* (form(s) GC-210(CA)).

b. ☐ Not related to the child or children named in (8).

c. ☐ A nominee of a parent of one or more of the children named in (8), as shown in item 5 of the child's or children's attached *Guardianship Petition—Child Information Attachment* (form(s) GC-210(CA)).

(6) ☐ Check this box if you checked the box in item 5b (guardian unrelated to child or children). *Answer the question in item a and check the box in item b or c. If you check the box in c, provide the signed statement of the proposed guardian on a separate sheet of paper. Write "Form GC-210(P)—Attachment 6: Statement of Unrelated Guardian" at the top of the paper and attach it to this form.*

a. Does the proposed guardian run a licensed foster family home? ☐ Yes ☐ No

b. ☐ I am the proposed guardian. I will promptly furnish any information requested by an agency investigating an adoption or a local agency designated by the county to provide public social services.

c. ☐ I am **not** the proposed guardian. The signed statement of the proposed guardian agreeing to promptly furnish any information requested by an agency investigating an adoption or a local agency designated by the county to provide public social services is attached to this form as Attachment 6.

(7) ☐ A person other than the proposed guardian(s) named in (1) or (4) has been nominated in a will or other writing as guardian of the child or children named in (8). A copy of the written nomination is attached. *Write "Form GC-210(P)—Attachment 7: Nomination of Another Person as Guardian" at the top of the writing and attach it to this form. Fill in the nominated person's name and address in item 2 of the* Guardianship Petition—Child Information Attachment *(form GC-210(CA)) for each child for whom the person was nominated as guardian.*

(8) Tell the court about the child or children who need a guardian.
Fill out and attach to this form a separate copy of Guardianship Petition—Child Information Attachment *(form GC-210(CA)) for* each *child named below. Show all children's names at the top of all pages of this form. Fill out and attach to this form a* Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) *(form FL-105/GC-120) concerning all children under 18 years of age listed below.*

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

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

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

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

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

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

☐ *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 listed in (8) needs a guardian.)

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

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

a. Appoint the person named in (1) or (4) guardian of the person of the child or children named in (8) and issue *Letters of Guardianship.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

For your protection and privacy, please press the Clear This Form button after you have printed the form. Print this form Save this form Clear this form

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,** or ☐ **form GC-210(P), item 8.**

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

(1) Tell the court about this child

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

b. Child's current address: _____

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

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

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

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

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

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

Type of Aid	Monthly Benefit	Type of Aid	Monthly Benefit
☐ TANF (Temporary Asst. for Needy Families)	$	☐ Other *(explain)*:	$
☐ Social Security	$	☐ Other *(explain)*:	$
☐ Dept. Veterans Affairs Benefits	$		

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

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

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

This child's name: _____

(1) Tell the court about this child (continued)

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

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

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

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

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

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

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

_____

This child's name: _____

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

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

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

(3) Information about the proposed guardian:

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

_____

_____

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

☐ Relative *(specify relationship(s) to the child of each proposed relative guardian)*:

_____

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

_____

_____

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

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

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

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

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

_____

_____

_____

_____

_____

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

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

This child's name: _____

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

_____

_____

_____

_____

_____

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Your relationship to this child:

☐ Relative *(specify relationship):* _____

_____

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

_____

_____

_____

_____

_____

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

For your protection and privacy, please press the Clear This Form button after you have printed the form.

Print this form | Save this form | Clear this form

CHILD'S NAME:	CASE NUMBER:

1. Name of child:
2. (Check one)

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

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

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

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

☐ Additional persons questioned and their information is attached.

3. This inquiry *(check one):*

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

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

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

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

a. ☐ The child is or may be a member of or eligible for membership in a tribe.
Name of tribe(s):
Location of tribe(s):

b. ☐ The child's parents, grandparents, or great-grandparents are or were members of a tribe.
Name of tribe(s):
Location of tribe(s):

c. ☐ The residence or domicile of the child, child's parents, or Indian custodian is on a reservation, rancheria, Alaska Native village or other tribal trust land.

d. ☐ The child or the child's family has received services or benefits from a tribe or services that are available to Indians from tribes or the federal government, such as the Indian Health Service or Tribal Temporary Assistance to Needy Families (TANF).

e. ☐ The child is or has been a ward of a tribal court.
Name of tribe(s):
Location of tribe(s):

f. ☐ Either parent or the child possesses an Indian Identification card indicating membership or citizenship in an Indian tribe.
Name of tribe(s):
Location of tribe(s):

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

☐ The child is in foster care.

☐ It is probable the child will be entering foster care.

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

Date:

(TYPE OR PRINT NAME) (SIGNATURE)

Form Adopted for Mandatory Use
Judicial Council of California
ICWA-010(A) [Rev. January 1, 2020]

INDIAN CHILD INQUIRY ATTACHMENT

www.courts.ca.gov

For your protection and privacy, please press the Clear This Form button after you have printed the form.

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SUPERIOR COURT OF CALIFORNIA • COUNTY OF FRESNO
Central Division, Probate Department, Room 300
1130 'O' Street, Fresno, California 93724-0002
(559) 457-1888

Dear Proposed Guardian of the Person of a Minor,

You are beginning a very serious legal proceeding in which the Court must determine what is in the best interest of a child who is without proper parental care. The Court must have information about the child, you, and your family before making its determination.

YOU MUST COMPLETE AND SUBMIT THE ATTACHED QUESTIONNAIRE WITH TWO COPIES WHEN YOU FILE YOUR PETITION TO BE APPOINTED. A SEPARATE QUESTIONNAIRE IS REQUIRED FOR EACH PROPOSED GUARDIAN.

The following documents must also be submitted with the petition:

- Copy of the legal (not hospital) birth certificate for the child, and
- Current school records for the child

Before you can act as guardian, you must have an ORDER APPOINTING GUARDIAN signed by a Judge and LETTERS OF GUARDIANSHIP issued by the Probate Clerk's office, located on the 3rd floor of the B.F. Sisk Courthouse. You must fill in necessary information on the Order and Letters and SIGN AND DATE THE LETTERS. After the Judge signs the order, you may go to the Probate Clerk's Office to get your copies of the Order and Letters, or you may provide a self-addressed, stamped envelope so the copies can be mailed to you. Extra copies may be ordered from the Probate Clerk's office. There may be a fee.

An investigation by a Court Investigator is required prior to the establishment of the guardianship. A Court Investigator will be contacting you before the hearing.

PROBATE COURT GUARDIANSHIP QUESTIONNAIRE

SEPARATE QUESTIONNAIRE NEEDED FOR **EACH** PROPOSED GUARDIAN (If further explanation is needed on any item, please attach additional page(s)).

Case Number: _____

Name of child: _____ Date of Birth: _____
Child's address: _____ School: _____

Name of child: _____ Date of Birth: _____
Child's address: _____ School: _____

Name of child: _____ Date of Birth: _____
Child's address: _____ School: _____

Name of child: _____ Date of Birth: _____
Child's address: _____ School: _____

Name of proposed guardian: _____
Relationship to child: _____
Other names used including maiden **(birth)** name: _____
Age: _____ Date of birth: _____ Place of birth: _____
Address: _____ City: _____ State: _____ Zip: _____
Home Phone: _____ Business Phone: _____
Sex: _____ Height: _____ Weight: _____ Eyes: _____ Hair: _____
Driver's License/I.D. number: _____ SSN: _____

NATURAL MOTHER OF CHILD

Name: _____
Address: _____
(if unknown, list last know address)
City: _____ State: _____ Zip: _____ Phone: _____
Height: _____ Weight: _____ Eyes: _____ Hair: _____
Driver's License/I.D. number: _____ SSN: _____
Date of birth: _____ Birth place: _____

NATURAL FATHER OF CHILD

Name: _____
Address: _____
(if unknown, list last known address)
City: _____ State: _____ Zip: _____ Phone: _____
Height: _____ Weight: _____ Eyes: _____ Hair: _____
Driver's License/I.D. number: _____ SSN: _____
Date of birth: _____ Place of birth: _____

PROBATE COURT GUARDIANSHIP QUESTIONNAIRE

Other children of mother or father of **proposed ward**:

Name:	Age:	Date of birth:	Address (with whom)?

Employment of Proposed Guardian

Occupation: _____

Monthly income (salary, commission, etc.): _____

If unemployed, what are your employment plans? _____

Present or last employer: _____ Address: _____

Work days and hours: _____ Employment began: _____ Ended: _____

Type of work: _____

Gross monthly income (all sources, excluding support): _____

Monthly expenses: _____

Marital History of Proposed Guardian

List all marriages

Name	Date and Place	How Terminated	Date Separated	Final

Proposed Guardian's children (including adult children, first and last names):

Names	Age	DOB	Children's address	School (if going)

Education

High school graduate: _____ If not, grade last attended: _____

Place and Name of High School: _____ Age left school: _____

Reason: _____

List Colleges or University Attended:	Degree or Units/Majors:

PROBATE COURT GUARDIANSHIP QUESTIONNAIRE

Health

Present health status: ☐ Good ☐ Fair ☐ Poor

If fair or poor, explain: _____

Are you taking any medications? ☐ Yes ☐ No

If yes, what kind and for what reasons: _____

Special health problems: _____

Have you ever had a history with any of the following:

Alcohol: ☐ Yes ☐ No Drugs: ☐ Yes ☐ No

If 'Yes', your date of sobriety: _____

Mental/Emotional Problems: ☐ Yes ☐ No

Criminal Record

Have charges ever been filed against you for any crime other than traffic citations?

☐ Yes ☐ No If yes, please specify:

List Arrest	Where	When	Charges

Are you on probation now ? _____ Officer's Name: _____

Are you on parole now? _____ Agent's Name: _____

Child Protective Services

Have you had history with CPS?

_____

_____

_____

_____

Housing

☐ Rent ☐ Own ☐ Buying Amount per month: $_____

How many bedrooms/baths? _____ ☐ House or ☐ Apartment

How long have you been in this residence? _____

List your residence for the past three years:

_____

_____

_____

_____

PROBATE COURT GUARDIANSHIP QUESTIONNAIRE

Plans for Child Care if Needed: (if more space is needed, attach additional page(s))

1. Child care provider ☐ licensed: ☐ unlicensed

Name: _____

Address: _____

Phone: _____

Relationship to child: _____

Household Composition

Please list all other adults and children in the home, including your adult children.
(if more space is needed, attach additional page(s).)

Name: _____

Other names used (incl. maiden/birth name): _____

Age: _____ Date of birth: _____ Place of birth: _____

Employer: _____ Address: _____

Monthly income: _____ Business phone: _____

Sex: _____ Height: _____ Weight: _____ Eyes: _____ Hair: _____

Driver's License/I.D. number: _____ SSN: _____

Relationship to Guardian: _____ Relationship to Child: _____

Name: _____

Other names used (incl. maiden/birth name): _____

Age: _____ Date of birth: _____ Place of birth: _____

Employer: _____ Address: _____

Monthly income: _____ Business Phone: _____

Sex: _____ Height: _____ Weight: _____ Eyes: _____ Hair: _____

Driver's License/I.D. number: _____ SSN: _____

Relationship to Guardian: _____ Relationship to Child: _____

Name: _____

Other names used (incl. maiden/birth name): _____

Age: _____ Date of birth: _____ Place of birth: _____

Employer: _____ Address: _____

Monthly income: _____ Business phone: _____

Sex _____ Height _____ Weight _____ Eyes _____ Hair _____

Driver's License/I.D. number: _____ SSN: _____

Relationship to Guardian: _____ Relationship to child: _____

PROBATE COURT GUARDIANSHIP QUESTIONNAIRE

SUMMARY OF VIEWS

Please summarize your views and concerns as clearly as possible on the following pages. If additional space is needed, attach additional page(s) and refer to the question number.

1. Why are you seeking guardianship of the child?

2. If the child lives with you, when did you get custody and how? Do the child's parents agree with the guardianship?

3. Is there anyone who opposes your guardianship? Explain.

4. How do you plan to care for the needs of the child with regard to housing, finances, schooling, childcare and supervision, discipline and guidance?

5. Does the child have any special problems? How are you qualified to help with these problems?

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

Dated:

_____ _____

(Type or print name) *(Signature)*

CONFIDENTIAL (DO NOT ATTACH TO PETITION)

GC-212

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address):*	*FOR COURT USE ONLY*
TELEPHONE NO.: FAX NO. *(Optional):* E-MAIL ADDRESS *(Optional):* ATTORNEY FOR *(Name):*	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Fresno STREET ADDRESS: 1130 O Street MAILING ADDRESS: CITY AND ZIP CODE: Fresno. CA. 93724 BRANCH NAME: Probate Division	
GUARDIANSHIP OF *(Name):* MINOR	CASE NUMBER:
CONFIDENTIAL GUARDIAN SCREENING FORM **Guardianship of ☐ Person ☐ Estate**	HEARING DATE AND TIME: / DEPT.: 97A

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

This form must remain confidential.

How This Form Will Be Used

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

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

Form Adopted for Mandatory Use
Judicial Council of California
GC-212 [Rev. July 1, 2009]

CONFIDENTIAL GUARDIAN SCREENING FORM
(Probate—Guardianships and Conservatorships)

Probate Code, § 1516;
Family Code, § 3011;
Cal. Rules of Court, rule 7.1001
www.courts.ca.gov

CONFIDENTIAL

GC-212

GUARDIANSHIP OF *(Name)*: MINOR	CASE NUMBER:

10. Have you, or has any other person living in your home, been charged with, arrested for, or convicted of a crime involving illegal substances or alcohol?
☐ Yes ☐ No *(If you checked "Yes," explain in Attachment 10.)*

11. Do you or does any other person living in your home suffer from mental illness?
☐ Yes ☐ No *(If you checked "Yes," explain in Attachment 11.)*

12. Do you suffer from any physical disability that would impair your ability to perform the duties of guardian?
☐ Yes ☐ No *(If you checked "Yes," explain in Attachment 12.)*

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

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

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

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

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

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

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

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

MINORS' CONTACT INFORMATION

20. Minor's name:	School *(name)*:	
Home telephone:	School telephone:	Other telephone:
21. Minor's name:	School *(name)*:	
Home telephone:	School telephone:	Other telephone:
22. Minor's name:	School *(name)*:	
Home telephone:	School telephone:	Other telephone:

☐ Information on additional minors is attached.

DECLARATION

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

Date:

(TYPE OR PRINT NAME OF PROPOSED GUARDIAN)

▶ (SIGNATURE OF PROPOSED GUARDIAN)*

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

For your protection and privacy, please press the Clear This Form button after you have printed the form.

Print this form | Save this form | Clear this form

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address):*	*FOR COURT USE ONLY*
TELEPHONE NO.: FAX NO. *(Optional):* E-MAIL ADDRESS *(Optional):* ATTORNEY FOR *(Name):*	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Fresno STREET ADDRESS: 1130 O Street MAILING ADDRESS: CITY AND ZIP CODE: Fresno, CA. 93724 BRANCH NAME: Probate Division	
PETITIONER: *(This section applies only to family law cases.)* RESPONDENT: OTHER PARTY:	
(This section apples only to guardianship cases.) GUARDIANSHIP OF *(Name):* Minor	CASE NUMBER:

DECLARATION UNDER UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT (UCCJEA)

1. **I am a party** to this proceeding to determine custody of a child.
2. ☐ My present address and the present address of each child residing with me is confidential under Family Code section 3429 as I have indicated in item 3.
3. There are *(specify number):* minor children who are subject to this proceeding, as follows:
   (Insert the information requested below. The residence information must be given for the last FIVE years.)

a. Child's name	Place of birth	Date of birth	Sex

Period of residence	Address	Person child lived with *(name and complete current address)*	Relationship
to present	☐ Confidential	☐ Confidential	
to	Child's residence *(City, State)*	Person child lived with *(name and complete current address)*	
to	Child's residence *(City, State)*	Person child lived with *(name and complete current address)*	
to	Child's residence *(City, State)*	Person child lived with *(name and complete current address)*	

b. Child's name	Place of birth	Date of birth	Sex
☐ Residence information is the same as given above for child a. *(If NOT the same, provide the information below.)*			

Period of residence	Address	Person child lived with *(name and complete current address)*	Relationship
to present	☐ Confidential	☐ Confidential	
to	Child's residence *(City, State)*	Person child lived with *(name and complete current address)*	
to	Child's residence *(City, State)*	Person child lived with *(name and complete current address)*	
to	Child's residence *(City, State)*	Person child lived with *(name and complete current address)*	

c. ☐ Additional residence information for a child listed in item a or b is continued on attachment 3c.

d. ☐ Additional children are listed on form *FL-105(A)/GC-120(A). (Provide all requested information for additional children.)*

Form Adopted for Mandatory Use
Judicial Council of California
FL-105/GC-120 [Rev. January 1, 2009]

Family Code, § 3400 et seq.;
Probate Code, §§ 1510(f), 1512
www.courtinfo.ca.gov

SHORT TITLE:	CASE NUMBER:

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

Proceeding	Case number	Court *(name, state, location)*	Court order or judgment *(date)*	Name of each child	Your connection to the case	Case status
a. ☐ Family						
b. ☐ Guardianship						
c. ☐ Other						

Proceeding	Case Number	Court *(name, state, location)*
d. ☐ Juvenile Delinquency/ Juvenile Dependency		
e. ☐ Adoption		

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

Court	County	State	Case number *(if known)*	Orders expire *(date)*
a. ☐ Criminal				
b. ☐ Family				
c. ☐ Juvenile Delinquency/ Juvenile Dependency				
d. ☐ Other				

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

a. Name and address of person	b. Name and address of person	c. Name and address of person
☐ Has physical custody ☐ Claims custody rights ☐ Claims visitation rights	☐ Has physical custody ☐ Claims custody rights ☐ Claims visitation rights	☐ Has physical custody ☐ Claims custody rights ☐ Claims visitation rights
Name of each child	Name of each child	Name of each child

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

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

7. ☐ Number of pages attached: _____

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

CASE NAME:	CASE NUMBER:

ATTACHMENT TO
DECLARATION UNDER UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT (UCCJEA)

____ Child's name ☐ Residence information is the same as given on form FL-105/GC-120 for child a. *(If NOT the same, provide the information below.)*	Place of birth	Date of birth	Sex

Period of residence	Present address	Person child lived with *(name and complete current address)*	Relationship
to present	☐ Confidential	☐ Confidential	
to	Child's residence *(City, State)*	Person child lived with *(name and complete current address)*	
to	Child's residence *(City, State)*	Person child lived with *(name and complete current address)*	
to	Child's residence *(City, State)*	Person child lived with *(name and complete current address)*	

____ Child's name ☐ Residence information is the same as given on form FL-105/GC-120 for child a. *(If NOT the same, provide the information below.)*	Place of birth	Date of birth	Sex

Period of residence	Address	Person child lived with *(name and complete current address)*	Relationship
to present	☐ Confidential	☐ Confidential	
to	Child's residence *(City, State)*	Person child lived with *(name and complete current address)*	
to	Child's residence *(City, State)*	Person child lived with *(name and complete current address)*	
to	Child's residence *(City, State)*	Person child lived with *(name and complete current address)*	

____ Child's name ☐ Residence information is the same as given on form FL-105/GC-120 for child a. *(If NOT the same, provide the information below.)*	Place of birth	Date of birth	Sex

Period of residence	Address	Person child lived with *(name and complete current address)*	Relationship
to present	☐ Confidential	☐ Confidential	
to	Child's residence *(City, State)*	Person child lived with *(name and complete current address)*	
to	Child's residence *(City, State)*	Person child lived with *(name and complete current address)*	
to	Child's residence *(City, State)*	Person child lived with *(name and complete current address)*	

Form Adopted for Mandatory Use
Judicial Council of California
FL-105(A)/GC-120(A)
[New January 1, 2009]

ATTACHMENT TO
DECLARATION UNDER UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT (UCCJEA)

Family Code, § 3400 et seq.;
Probate Code, §§ 1510(f), 1512
www.courtinfo.ca.gov

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, state bar number, and address)*:	*FOR COURT USE ONLY*
TELEPHONE NO.: FAX NO. *(Optional)*: E-MAIL ADDRESS *(Optional)*: ATTORNEY FOR *(Name)*:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Fresno STREET ADDRESS: 1130 O Street MAILING ADDRESS: CITY AND ZIP CODE: Fresno, CA. 93724 BRANCH NAME: Probate Division	
GUARDIANSHIP OF THE ☐ PERSON ☐ ESTATE OF *(Name)*: MINOR	
DUTIES OF GUARDIAN and Acknowledgment of Receipt	CASE NUMBER:

DUTIES OF GUARDIAN

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

1. GUARDIANSHIP OF THE PERSON

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

a. Fundamental responsibilities - The guardian of the person of a child has the care, custody, and control of the child. As guardian, you are responsible for providing for food, clothing, shelter, education, and all the medical and dental needs of the child. You must provide for the safety, protection, and physical and emotional growth of the child.

b. Custody - As guardian of the person of the child, you have full legal and physical custody of the child and are responsible for **all** decisions relating to the child. The child's parents can no longer make decisions for the child while there is a guardianship. The parents' rights are suspended—not terminated—as long as a guardian is appointed for a minor.

c. Education - As guardian of the person of the child, you are responsible for the child's education. You determine where the child should attend school. As the child's advocate within the school system, you should attend conferences and play an active role in the child's education. For younger children, you may want to consider enrolling the child in Head Start or other similar programs. For older children, you should consider their future educational needs such as college or a specialized school. You must assist the child in obtaining services if the child has special educational needs. You should help the child in setting and attaining his or her educational goals.

d. Residence - As guardian, you have the right to determine where the child lives. The child will normally live with you, but when it is necessary, you are allowed to make other arrangements if it is in the best interest of the child. You should obtain court approval before placing the child back with his or her parents.

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

(Continued on reverse)

GUARDIAN OF (Name): MINOR	CASE NUMBER:

e. **Medical treatment** - As guardian, you are responsible for meeting the medical needs of the child. In most cases, you have the authority to consent to the child's medical treatment. However, if the child is 14 years or older, surgery may not be performed on the child unless either (1) both the child and the guardian consent or (2) a court order is obtained that specifically authorizes the surgery. This holds true except in emergencies. A guardian may not place a child involuntarily in a mental health treatment facility under a probate guardianship. A mental health conservatorship proceeding is required for such an involuntary commitment. However, the guardian may secure counseling and other necessary mental health services for the child. The law also allows older and more mature children to consent to their own treatment in certain situations such as outpatient mental health treatment, medical care related to pregnancy or sexually transmitted diseases, and drug and alcohol treatment.

f. **Community resources** - There are agencies in each county that may be helpful in meeting the specific needs of children who come from conflicted, troubled, or deprived environments. If the child has special needs, you must strive to meet those needs or secure appropriate services.

g. **Financial support** - Even when the child has a guardian, the parents are still obligated to financially support the child. The guardian may take action to obtain child support. The child may also be eligible for Temporary Aid for Needy Families, TANF (formerly known as AFDC), social security benefits, Veterans Administration benefits, Indian child welfare benefits, and other public or private funds.

h. **Visitation** - The court may require that you allow visitation or contact between the child and his or her parents. The child's needs often require that the parent-child relationship be maintained, within reason. However, the court may place restrictions on the visits, such as the requirement of supervision. The court may also impose other conditions in the child's best interest.

i. **Driver's license** - As guardian of the person, you have the authority to consent to the minor's application for a driver's license. If you consent, you will become liable for any civil damages that may result if the minor causes an accident. The law requires that anyone signing the DMV application obtain insurance to cover the minor.

j. **Enlistment in the armed services** - The guardian may consent to a minor's enlistment in the armed services. If the minor enters into active duty with the armed forces, the minor becomes emancipated under California law.

k. **Marriage** - For the minor to marry, the guardian **and the court** must give permission. If the minor enters a valid marriage, the minor becomes emancipated under California law.

l. **Change of address** - A guardian must notify the court in writing of any change in the address of either the child or the guardian. This includes any changes that result from the child's leaving the guardian's home or returning to the parent's home. You **must** always obtain **court permission** before you move the child to another state or country.

m. **Court visitors and status reports** - Some counties have a program in which "court visitors" track and review guardianships. If your county has such a program, you will be expected to cooperate with all requests of the court visitor. As guardian, you may also be required to fill out and file status reports. In all counties, you must cooperate with the court and court investigators.

n. **Misconduct of the child** - A guardian, like a parent, is liable for the harm and damages caused by the willful misconduct of a child. There are special rules concerning harm caused by the use of a firearm. If you are concerned about your possible liability, you should consult an attorney.

o. **Additional responsibilities** - The court may place other conditions on the guardianship or additional duties upon you, as guardian. For example, the court may require the guardian to complete counseling or parenting classes, to obtain specific services for the child, or to follow a scheduled visitation plan between the child and the child's parents or relatives. As guardian, you must follow all court orders.

(Continued on page three)

GUARDIAN OF (Name): MINOR	CASE NUMBER:

p. **Termination of guardianship of the person** - A guardianship of the person automatically ends when the child reaches the age of 18, is adopted, marries, is emancipated by court order, enters into active military duty, or dies. If none of these events has occurred, the child, a parent, or the guardian may petition the court for termination of guardianship. But it must be shown that the guardianship is no longer necessary or that termination of the guardianship is in the child's best interest.

2. GUARDIANSHIP OF THE ESTATE

If the court appoints you as *guardian of the child's estate,* you will have additional duties and obligations. The money and other assets of the child are called the child's "estate."' Appointment as guardian of a child's estate is taken very seriously by the court. The guardian of the estate is required to manage the child's funds, collect and make an inventory of the assets, keep accurate financial records, and regularly file financial accountings with the court.

MANAGING THE ESTATE

a. **Prudent investments** - As guardian of the estate, you must manage the child's assets with the care of a prudent person dealing with someone else's property. This means that you must be cautious and may not make speculative or risky investments.

b. **Keeping estate assets separate** - As guardian of the estate, you must keep the money and property of the child's estate separate from everyone else's, including your own. When you open a bank account for the estate, the account name must indicate that it is a *guardianship* account and not your personal account. You should use the child's social security number when opening estate accounts. You should never deposit estate funds in your personal account or otherwise mix them with your own funds or anyone else's funds, even for brief periods. Securities in the estate must be held in a name that shows that they are estate property and not your personal property.

c. **Interest-bearing accounts and other investments** - Except for checking accounts intended for ordinary expenses, you should place estate funds in interest-bearing accounts. You may deposit estate funds in insured accounts in federally insured financial institutions, but you should not put more than $100,000 in any single institution. You should consult with an attorney before making other kinds of investments.

d. **Blocked accounts** - A *blocked account is* an account with a financial institution in which money is placed. No person may withdraw funds from a blocked account without the court's permission. Depending on the amount and character of the child's property, the guardian may elect **or the court may require** that estate assets be placed in a blocked account. As guardian of the estate, you must follow the directions of the court and the procedures required to deposit funds in this type of account. The use of a blocked account is a safeguard and may save the estate the cost of a bond.

e. **Other restrictions** - As guardian of the estate, you will have many other restrictions on your authority to deal with estate assets. Without prior court order, you **may not** pay fees to yourself or your attorney. You may not make a gift of estate assets to anyone. You may not borrow money from the estate. As guardian, you may not use estate funds to purchase real property without a prior court order. If you do not obtain the court's permission to spend estate funds, you may be compelled to reimburse the estate from your own personal funds and may be removed as guardian. You should consult with an attorney concerning the legal requirements relating to sales, leases, mortgages, and investment of estate property. If the child of whose estate you are the guardian has a living parent or if that child receives assets or is entitled to support from another source, you must obtain court approval before using guardianship assets for the child's support, maintenance, or education. You must file a petition or include a request for approval in the original petition, and set forth which exceptional circumstances justify any use of guardianship assets for the child's support. The court will ordinarily grant such a petition for only a limited period of time, usually not to exceed one year, and only for specific and limited purposes.

INVENTORY OF ESTATE PROPERTY

f. **Locate the estate's property** - As guardian of the estate, you must locate, take possession of, and protect the child's income and assets that will be administered in the estate. You must change the ownership of all assets into the guardianship estate's name. For real estate, you should record a copy of your *Letters of Guardianship* with the county recorder in each county where the child owns real property.

(Continued on reverse)

GUARDIAN OF (Name): MINOR	CASE NUMBER:

g. **Determine the value of the property** - As guardian of the estate, you must arrange to have a court-appointed referee determine the value of the estate property unless the appointment is waived by the court. You—not the referee—must determine the value of certain "cash items." An attorney can advise you about how to do this.

h. **File an inventory and appraisal** - As guardian of the estate, you must file an inventory and appraisal within 90 days after your appointment. You may be required to return to court 90 days after your appointment as guardian of the estate to ensure that you have properly filed the inventory and appraisal.

INSURANCE

i. **Insurance coverage** - As guardian of the estate, you should make sure that there is appropriate and sufficient insurance covering the assets and risks of the estate. You should maintain the insurance in force throughout the entire period of the guardianship or until the insured asset is sold.

RECORD KEEPING AND ACCOUNTING

j. **Records** - As guardian of the estate, you must keep complete, accurate records of each financial transaction affecting the estate. The checkbook for the guardianship checking account is essential for keeping records of income and expenditures. You should also keep receipts for all purchases. Record keeping is critical because you will have to prepare an accounting of all money and property that you have received, what you have spent, the date of each transaction, and its purpose. You will also have to be able to describe in detail what is left after you have paid the estate's expenses.

k. **Accountings** - As guardian of the estate, you must file a petition requesting that the court review and approve your accounting one year after your appointment and at least every two years after that. The court may ask that you justify some or all expenditures. You should have receipts and other documents available for the court's review, if requested. If you do not file your accounting as required, the court will order you to do so. You may be removed as guardian for failure to file an accounting.

l. **Format** - As guardian of the estate, you must comply with all state and local rules when filing your accounting. A particular format is specified in the Probate Code, which you must follow when you present your account to the court. You should check local rules for any special local requirements.

m. **Legal advice** - An attorney can advise you and help you prepare your inventories, accountings, and petitions to the court. If you have questions, you should consult with an attorney.

3. OTHER GENERAL INFORMATION

a. **Removal of a guardian** - A guardian may be removed for specific reasons or when it is in the child's best interest. A guardian may be removed either on the court's own motion or by a petition filed by the child, a relative of the child, or any other interested person. If necessary, the court may appoint a successor guardian, or the court may return the child to a parent if that is found to be in the child's best interest.

b. **Legal documents** - For your appointment as guardian to be valid, the *Order Appointing Guardian of Minor* must be signed. Once the court signs the order, the guardian **must** go to the clerk's office, where *Letters of Guardianship* will be issued. *Letters of Guardianship* is a legal document that provides proof that you have been appointed and are serving as the guardian of a minor. You should obtain several certified copies of the *Letters* from the clerk. These legal documents will be of assistance to you in the performance of your duties, such as enrolling the child in school, obtaining medical care, and taking care of estate business.

c. **Attorneys and legal resources** - If you have an attorney, the attorney will advise you on your duties and responsibilities, the limits of your authority, the rights of the child, and your dealings with the court. **If you have legal questions, you should consult with your attorney.** Please remember that the court staff cannot give you legal advice.

(Continued on page five)

GUARDIAN OF (Name): MINOR	CASE NUMBER:

If you are not represented by an attorney, you may obtain answers to your questions by contacting community resources, private publications, or your local law library.

NOTICE: This statement of duties is a summary and is not a complete statement of the law. Your conduct as a probate guardian is governed by the law itself and not by this summary.

ACKNOWLEDGMENT OF RECEIPT

1. I have petitioned the court to be appointed as a guardian.
2. I acknowledge that I have received a copy of this statement of the duties of the position of guardian.

Date:

(TYPE OR PRINT NAME)

▶ (SIGNATURE OF PETITIONER)

Date:

(TYPE OR PRINT NAME)

▶ (SIGNATURE OF PETITIONER)

Date:

(TYPE OR PRINT NAME)

▶ (SIGNATURE OF PETITIONER)

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NO.:	FOR COURT USE ONLY
NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (*name*):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Fresno STREET ADDRESS: 1130 O Street MAILING ADDRESS: CITY AND ZIP CODE: Fresno, CA. 93724 BRANCH NAME: Probate Division	
GUARDIANSHIP OF THE ☐ PERSON ☐ ESTATE OF *(name):*	
ORDER APPOINTING GUARDIAN OR EXTENDING GUARDIANSHIP OF THE PERSON	CASE NUMBER:

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

1. The petition for appointment of a guardian or extension of a guardianship of the person came on for hearing as follows *(check boxes c, d, and e to indicate personal presence):*
   a. Judge *(name)*:
   b. Hearing date: Time: ☐ Dept.: ☐ Room:
   c. ☐ Petitioner *(name)*:
   d. ☐ Attorney for Petitioner *(name)*:
   e. ☐ Attorney for (proposed) ward *(name, address, e-mail, and telephone)*:

THE COURT FINDS

2. a. ☐ All notices required by law have been given.
   b. ☐ Notice of hearing to the following persons ☐ has been ☐ should be dispensed with *(names)*:

3. ☐ Appointment of a guardian of the ☐ person ☐ estate of the proposed ward is necessary 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 the guardian powers to be exercised independently under Probate Code section 2590 is to the advantage and benefit and is in the best interest of the guardianship estate.
6. ☐ Attorney *(name)*: has been appointed by the court as legal counsel to represent the (proposed) ward in these proceedings. The cost for representation is: $
7. ☐ The appointed court investigator, probation officer, or domestic relations investigator is *(name, title, address, and telephone)*:

Do NOT use this form for a temporary guardianship.

Form Adopted for Mandatory Use
Judicial Council of California
GC-240 [Rev. July 1, 2016]

ORDER APPOINTING GUARDIAN OR EXTENDING GUARDIANSHIP OF THE PERSON
(Probate—Guardianships and Conservatorships)

Probate Code, §§ 1510.1, 1514, 2310

GUARDIANSHIP OF THE ☐ PERSON ☐ ESTATE OF *(name):*	CASE NUMBER:

THE COURT ORDERS

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

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

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

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

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

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

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

10. a. ☐ Bond is not required.

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

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

and receipts shall be filed. No withdrawals shall be made without a court order.
☐ Additional orders in Attachment 10c.

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

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

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

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

GUARDIANSHIP OF THE ☐ PERSON ☐ ESTATE OF *(name):*	CASE NUMBER:

14. ☐ Orders are granted relating to the conditions imposed under Probate Code section 2402 upon the guardian of the estate as specified in Attachment 14.

15. ☐ Other orders as specified in Attachment 15 are granted.

16. ☐ The probate referee appointed is *(name and address):*

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

18. Number of pages attached: _____

Date:

JUDGE OF THE SUPERIOR COURT

☐ SIGNATURE FOLLOWS LAST ATTACHMENT

For your protection and privacy, please press the Clear This Form button after you have printed the form.

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ATTORNEY OR PARTY WITHOUT ATTORNEY	STATE BAR NO.:		FOR COURT USE ONLY
NAME:			
FIRM NAME:			
STREET ADDRESS:			
CITY:	STATE:	ZIP CODE:	
TELEPHONE NO.:	FAX NO.:		
E-MAIL ADDRESS:			
ATTORNEY FOR (*name*):			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Fresno STREET ADDRESS: 1130 O Street MAILING ADDRESS: CITY AND ZIP CODE: Fresno. CA. 93724 BRANCH NAME: Probate Division			
GUARDIANSHIP OF *(name):*			
LETTERS OF GUARDIANSHIP ☐ **Person** ☐ **Estate**			CASE NUMBER:

LETTERS

1. ☐ *(Name):* is appointed guardian of the ☐ person ☐ estate
   of *(name):*
2. ☐ The appointment of *(name):* as guardian of the person of
   (name):
   is extended past the ward's 18th birthday as of *(date):*
3. ☐ Other powers have been granted and conditions have been imposed as follows:
   a. ☐ Powers to be exercised independently under Probate Code section 2590 are specified in attachment 3a *(specify powers, restrictions, conditions, and limitations).*
   b. ☐ Conditions relating to the care and custody of the property under Probate Code section 2402 are specified in attachment 3b.
   c. ☐ Conditions relating to the care, treatment, education, and welfare of the ward under Probate Code section 2358 are specified in attachment 3c.
   d. ☐ Other powers granted or conditions imposed are ☐ specified on attachment 3d ☐ specified below.
4. ☐ The guardian is not authorized to take possession of money or any other property without a specific court order.
5. The guardianship of the person terminates by operation of law on *(date):*
6. Number of pages attached: _____

WITNESS, clerk of the court, with seal of the court affixed.

(SEAL)	Date: Clerk, by _____, Deputy

Form Adopted for Mandatory Use
Judicial Council of California
GC-250 [Rev. July 1, 2016]

LETTERS OF GUARDIANSHIP
(Probate—Guardianships and Conservatorships)

Probate Code, §§ 2310, 2311, 2890–2893
www.courts.ca.gov

GUARDIANSHIP OF *(name):*	CASE NUMBER:

NOTICE TO INSTITUTIONS AND FINANCIAL INSTITUTIONS

(Probate Code sections 2890–2893)

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

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

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

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

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

LETTERS OF GUARDIANSHIP

AFFIRMATION

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

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

(TYPE OR PRINT NAME)

(SIGNATURE OF APPOINTEE)

CERTIFICATION

I certify that this document, including any attachments, is a correct copy of the original on file in my office, and that the Letters issued to the person appointed above have not been revoked, annulled, or set aside, and are still in full force and effect.

(SEAL)

Date:

Clerk, by _____, Deputy

For your protection and privacy, please press the Clear This Form button after you have printed the form.

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ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address):*	*FOR COURT USE ONLY*
TELEPHONE NO.: FAX NO. *(Optional):* E-MAIL ADDRESS *(Optional):* ATTORNEY FOR *(Name):*	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Fresno STREET ADDRESS: 1130 O Street MAILING ADDRESS: CITY AND ZIP CODE: Fresno, CA. 93724 BRANCH NAME: Probate Division	
☐ GUARDIANSHIP ☐ CONSERVATORSHIP OF THE ☐ PERSON ☐ ESTATE OF *(Name):* ☐ MINOR ☐ (PROPOSED) CONSERVATEE	
NOTICE OF HEARING—GUARDIANSHIP OR CONSERVATORSHIP	CASE NUMBER:

This notice is required by law.
This notice does not require you to appear in court, but you may attend the hearing if you wish.

1. NOTICE is given that *(name):*
   (representative capacity, if any):
   has filed *(specify):*

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

3. ☐ The petition includes an application for the independent exercise of powers by a guardian or conservator under
   ☐ Probate Code section 2108 ☐ Probate Code section 2590.
   Powers requested are ☐ specified below ☐ specified in Attachment 3.

4. A HEARING on the matter will be held as follows:

   a. Date: Time: 9:00 a.m. ☑ Dept.: 97A ☐ Room:

   b. Address of court ☐ same as noted above ☑ is *(specify):*
   Traffic Courthouse
   2317 Tuolumne Street Fresno, CA. 93721

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

Form Adopted for Mandatory Use
Judicial Council of California
GC-020 [Rev. July 1, 2005]

NOTICE OF HEARING—GUARDIANSHIP OR CONSERVATORSHIP
(Probate—Guardianships and Conservatorships)

Probate Code, §§ 1264, 1460–1469, 1511, 1822
www.courtinfo.ca.gov

☐ GUARDIANSHIP ☐ CONSERVATORSHIP OF THE ☐ PERSON ☐ ESTATE OF *(Name)*: ☐ MINOR ☐ (PROPOSED) CONSERVATEE	CASE NUMBER:

NOTE: *

A copy of this *Notice of Hearing—Guardianship or Conservatorship* ("Notice") must be "served" on—delivered to—each person who has the right under the law to be notified of the date, time, place, and purpose of a court hearing in a guardianship or conservatorship. Copies of this Notice may be served by mail in most situations. In a guardianship, however, copies of this Notice must sometimes be personally served on certain persons; and copies of this Notice may be personally served instead of served by mail in both guardianships and conservatorships. The petitioner (the person who requested the court hearing) **may not personally perform either service by mail or personal service**, but must show the court that copies of this Notice have been served in a way the law allows. The petitioner does this by arranging for someone else to perform the service and complete and sign a proof of service, which the petitioner then files with the original Notice.

This page contains a proof of service that may be used only to show service by mail. To show personal service, each person who performs the service must complete and sign a proof of personal service, and each signed copy of that proof of service must be attached to this Notice when it is filed with the court.. You may use form GC-020(P) to show personal service of this Notice.

* *(This Note replaces the clerk's certificate of posting on prior versions of this form. If notice by posting is desired, attach a copy of form GC-020(C),* Clerk's Certificate of Posting Notice of Hearing—Guardianship or Conservatorship. *(See Prob. Code, § 2543(c).)*

PROOF OF SERVICE BY MAIL

1. I am over the age of 18 and not a party to this cause. I am a resident of or employed in the county where the mailing occurred.
2. My residence or business address is *(specify):*

3. I served the foregoing *Notice of Hearing—Guardianship or Conservatorship* on each person named below by enclosing a copy in an envelope addressed as shown below AND
   a. ☐ **depositing** the sealed envelope with the United States Postal Service on the date and at the place shown in item 4 with the postage fully prepaid.
   b. ☐ **placing** the envelope for collection and mailing on the date and at the place shown in item 4 following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

4. a. Date mailed: b. Place mailed *(city, state):*

5. ☐ I served with the *Notice of Hearing—Guardianship or Conservatorship* a copy of the petition or other document referred to in the Notice.

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 PERSON COMPLETING THIS FORM) (SIGNATURE OF PERSON COMPLETING THIS FORM)

NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED

	Name of person served	Address *(number, street, city, state, and zip code)*
1.		
2.		
3.		
4.		

☐ Continued on an attachment. *(You may use form DE-120(MA)/GC-020(MA) to show additional persons served.)*

GC-207-INFO/JV-352-INFO Comparison of Guardians With Other Nonparent Caregivers

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

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

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

Charts in this form

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

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

Starting a case in probate court or juvenile court

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

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

Foster parents/resource families

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

Guardians

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

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

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

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

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

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

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

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

Comparison of Guardians With Other Nonparent Caregivers

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

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

Foster Parent/Resource Family	Probate Guardian	Juvenile Court Guardian
Special Needs Supplemental Payments		
Special needs supplemental payments may be available. These payments are in addition to the basic rate, and can include: **Level of Care** based on the physical, behavioral, emotional, educational, health, and permanency care provided to a child. Payments range from $1,129 to $1,510 per month. **Intensive Services Foster Care** for children with intensive medical, behavioral, developmental, or emotional needs. The payment is $2,946 per month. **Specialized Care Increments** for children with special medical, behavioral, developmental, or emotional needs. The amounts of these payments are set by the county. For more information, see *www.cdss.ca.gov/inforesources/foster-care/specialized-care* or speak to a social worker. **Dual Agency Rate** for children in foster care who also qualify for regional center services. These rates are $1,323 per month for a child up to 3 years old and $2,955 per month for a child over 3. **Whole Family Foster Home** and **Infant Supplement** payments are available to support youth living in foster care with their nondependent children. This rate is $900 per month. An **Expectant Parent Payment** is available to support a youth in foster care for the last three months of pregnancy. This payment is $2,700. A **Clothing Allowance** is available for foster children in some counties. The payment amount varies by county. **Education Travel Reimbursement** is available to caregivers who transport a child to the child's school of origin (the school the child was attending before being placed in the resource family home). This rate is set by the state based on two round trips per day between the foster/resource family home and the school.	No special needs supplemental payments are available to a child with living with a *relative* probate guardian. A child living with a nonrelative probate guardian and receiving state AFDC-FC payments may also, if eligible, receive a **specialized care increment,** a **clothing allowance,** or the teen parent part of a **Whole Family Foster Home** payment. See the Foster Parent/Resource Family column for details about these payments.	Special needs supplemental payments may be available. These include: • **Level of Care** • **Intensive Services Foster Care** • **Specialized Care Increments** • **Dual Agency Rate** • **Whole Family Foster Home and Infant Supplement** • **Clothing Allowance** See the Foster Parent/Resource Family column for details about these payments.

3. How a Guardian Is Appointed and What Happens Afterward

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

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

Comparison of Guardians With Other Nonparent Caregivers

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