

Temporary Guardianship of the Estate or Person and Estate Packet

The forms in this packet may be used to request or petition the Court for a temporary guardianship of an estate or a temporary guardian of a person and estate. These forms must be filed in conjunction with the corresponding petition.

To Petition for Temporary Guardianship of the Estate or Person and Estate:

- Complete all of the Mandatory Forms included in this packet in addition to all of the Mandatory Forms in the Guardianship of the Person 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 from both packets (Temporary Guardianship of the Person and Guardianship of the Estate) and two (2) photocopies to the Probate Clerk's Office at the B.F. Sisk Courthouse, 3rd Floor
- The Probate Clerk will file your originals, 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 5 days before your hearing date, if a hearing is set by the Court.
- 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 Minor and required attachments (obtained from the Guardianship of the Person Packet)
- ☐ Petition for Appointment of Temporary Guardian of the Person (GC-110)
- ☐ Notice of Hearing – Guardianship or Conservatorship (GC-020)
- ☐ Proof of Personal Service of Notice of Hearing – Guardianship or Conservatorship (GC-020(P))
- ☐ Order Appointing Temporary Guardian of Minor (GC-140)
- ☐ Letters of Temporary Guardianship (GC-150)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Fresno STREET ADDRESS: 1130 O Street MAILING ADDRESS: CITY AND ZIP CODE: Fresno, CA. 93724 BRANCH NAME: Probate Division			
TEMPORARY GUARDIANSHIP OF (Name): _____ MINOR	CASE NUMBER: _____		
PETITION FOR APPOINTMENT OF TEMPORARY GUARDIAN <input type="checkbox"/> Person* <input type="checkbox"/> Estate* <input type="checkbox"/> Person and Estate*	HEARING DATE: _____ <table style="width: 100%;"> <tr> <td style="width: 60%;">DEPT.: _____</td> <td style="width: 40%;">TIME: _____</td> </tr> </table>	DEPT.: _____	TIME: _____
DEPT.: _____	TIME: _____		

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

requests that

a. (Name): _____

(Address and
telephone number): _____

be appointed temporary guardian of the PERSON of the minor and Letters issue upon qualification.

b. (Name): _____

(Address and
telephone number): _____

be appointed temporary guardian of the ESTATE of the minor and Letters issue upon qualification.

c. (1) ☐ bond not be required because petition is for a temporary guardianship of the person only.

(2) ☐ bond not be required for the reasons stated in attachment 1c.

(3) ☐ \$ _____ bond be fixed. It will be furnished by an admitted surety insurer or as otherwise provided by law.
 (Specify reasons in Attachment 1c if the amount is different from maximum required by Probate Code section 2320 and Cal. Rules of Court, rule 7.207(c).)

(4) ☐ \$ _____ in deposits in a blocked account be allowed. Receipts will be filed.
 (Specify institution and location): _____

d. ☐ a request for an exception to notice of the hearing on this petition for good cause is filed with this petition.

e. ☐ the powers specified in attachment 1e be granted in addition to the powers provided by law.

f. ☐ other orders be granted (specify in attachment 1f).

2. **The minor is (name):**

Current address: _____

Current telephone no.: _____

3. **The minor requires a temporary guardian to** ☐ **provide for temporary care, maintenance, and support**

☐ **protect property from loss or injury because (facts are** ☐ **specified in attachment 3** ☐ **as follows):**

***You MAY use this form or form GC-110(P) for a temporary guardianship of the person. You MUST use this form for a temporary guardianship of the estate or the person and estate.**

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TEMPORARY GUARDIANSHIP OF (Name): MINOR	CASE NUMBER:
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3. ☐ (Facts supporting appointment of a temporary guardian (continued)):

4. **Temporary guardianship is required**

- a. ☐ pending the hearing on the petition for appointment of a general guardian.
 b. ☐ pending the appeal under Probate Code section 1301.
 c. ☐ during the suspension of powers of the guardian.

5. ☐ **Character and estimated value of the property of the estate** (complete if a temporary guardianship of the estate or person and estate is requested):

- a. Personal property: \$ _____
 b. Annual gross income from all sources, including real and personal property, wages, pensions, and public benefits: \$ _____
 c. Additional amount for cost of recovery on the bond, calculated as required under Cal. Rules of Court, rule 7.207(c): \$ _____
 d. **Total:** \$ _____

6. Petitioner believes the minor ☐ will ☐ will not attend the hearing.

7. All attachments to this form are incorporated by this reference as though placed here in this form. There are _____ pages attached to this form.

Date:



(SIGNATURE OF ATTORNEY*)

* (Signature of all petitioners also required (Prob. Code, § 1020).)

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

Date:



(SIGNATURE OF PETITIONER)



(SIGNATURE OF PETITIONER)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Fresno STREET ADDRESS: 1130 O Street MAILING ADDRESS: CITY AND ZIP CODE: Fresno, CA. 93724 BRANCH NAME: Probate Division	
<input type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name): _____ <input type="checkbox"/> MINOR <input type="checkbox"/> (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. <input checked="" type="checkbox"/> Dept.: 97A <input type="checkbox"/> Room: _____
b. Address of court <input type="checkbox"/> same as noted above <input checked="" type="checkbox"/> 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.)



<input type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name): <div style="text-align: center; margin-top: 10px;"> <input type="checkbox"/> MINOR <input type="checkbox"/> (PROPOSED) CONSERVATEE </div>	CASE NUMBER:
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PROOF OF PERSONAL SERVICE OF NOTICE OF HEARING—GUARDIANSHIP OR CONSERVATORSHIP

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

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

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

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

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

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

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

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

Date:

Date:



(SIGNATURE)

(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____ E-MAIL ADDRESS (<i>Optional</i>): _____ ATTORNEY FOR (<i>Name</i>): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Fresno STREET ADDRESS: 1130 O Street MAILING ADDRESS: CITY AND ZIP CODE: Fresno, CA. 93724 BRANCH NAME: Probate Division	
TEMPORARY GUARDIANSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (<i>Name</i>): _____ <div style="text-align: right;">MINOR</div>	
ORDER APPOINTING TEMPORARY GUARDIAN	CASE NUMBER: _____
WARNING: THIS APPOINTMENT IS NOT EFFECTIVE UNTIL LETTERS HAVE ISSUED.	

1. The petition for appointment of a temporary guardian came on for hearing as follows (*check boxes c–l to indicate personal presence*):

- a. Judicial officer (*name*): _____
- b. Hearing date: _____ Time: _____ ☐ Dept.: _____ ☐ Room: _____
- c. ☐ Petitioner (*name*): _____
- d. ☐ Attorney for petitioner (*name*): _____
- e. ☐ Minor (*name*): _____
- f. ☐ Attorney for minor (*name*): _____
- g. ☐ Minor's parents (*names*): _____
- h. ☐ Attorney for minor's parents (*names*): _____
- i. ☐ Person with valid visitation order (*name*): _____
- j. ☐ Attorney for person with valid visitation order (*name*): _____
- k. ☐ Public Guardian (*name*): _____
- l. ☐ Attorney for Public Guardian (*name*): _____

THE COURT FINDS

- 2. a. ☐ Notice of the time and place of hearing has been given as required by law.
- b. ☐ Notice of the time and place of hearing ☐ has been ☐ should be dispensed with for (*names*): _____
- 3. It is necessary that a temporary guardian be appointed to ☐ provide for temporary care, maintenance, and support
☐ protect property from loss or injury ☐ pending the hearing on the petition for appointment of a general guardian.
☐ pending an appeal under Probate Code section 1301. ☐ during the suspension of powers of the guardian.

THE COURT ORDERS

- 4. a. ☐ (*Name*): _____
 (*Address*): _____ (*Telephone*): _____
 is appointed temporary guardian of the PERSON of (*name*): _____
 and Letters shall issue upon qualification.
- b. ☐ (*Name*): _____
 (*Address*): _____ (*Telephone*): _____
 is appointed temporary guardian of the ESTATE of (*name*): _____
 and Letters shall issue upon qualification.

TEMPORARY GUARDIANSHIP OF
(Name):

CASE NUMBER:

MINOR

5. ☐ Notice of hearing to the persons named in item 2b is dispensed with.
6. 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 6c.
- d. ☐ The temporary guardian is not authorized to take possession of money or any other property without a specific court order.
7. ☐ In addition to the powers granted by law, the temporary guardian is granted other powers. These powers are specified ☐ in attachment 7. ☐ below (specify): _____

8. ☐ Other orders as specified in attachment 8 are granted.
9. ☐ Unless modified by further order of the court, this order expires on (date): _____
10. Number of boxes checked in items 4–9: _____
11. Number of pages attached: _____

Date: _____

JUDICIAL OFFICER

☐ SIGNATURE FOLLOWS LAST ATTACHMENT

ATTORNEY OR PARTY WITHOUT ATTORNEY (name, address, and State Bar number):
After recording, return to:

TEL 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

FOR RECORDER'S USE ONLY

TEMPORARY ☐ GUARDIANSHIP ☐ CONSERVATORSHIP

OF (name):

☐ MINOR ☐ CONSERVATEE

CASE NUMBER:

LETTERS OF TEMPORARY ☐ GUARDIANSHIP ☐ CONSERVATORSHIP

☐ Person ☐ Estate

FOR COURT USE ONLY

LETTERS

1. (Name):

is appointed temporary ☐ guardian ☐ conservator of the ☐ person

☐ estate of (name):

2. ☐ Other powers that have been granted or restrictions imposed on the temporary

☐ guardian ☐ conservator are ☐ specified in Attachment 2.

☐ specified below:

3. These Letters shall expire

a. ☐ on (date): or upon earlier issuance of Letters to a general guardian or conservator.

b. ☐ on other date (specify):

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

5. Number of pages attached:

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

(SEAL)

Date:

Clerk, by _____, Deputy

This form may be recorded as notice of the establishment of a temporary conservatorship of the estate as provided in Probate Code section 1875.

TEMPORARY ☐ GUARDIANSHIP ☐ CONSERVATORSHIP
 OF (name):

CASE NUMBER:

☐ MINOR ☐ CONSERVATEE

NOTICE TO INSTITUTIONS AND FINANCIAL INSTITUTIONS
(Probate Code sections 2890–2893)

When these *Letters of Temporary Guardianship* or *Letters of Temporary Conservatorship* (Letters) are delivered to you as an employee or other representative of an *institution* or *financial institution* (described below) in order for the temporary guardian or temporary conservator of the estate (1) to take possession or control of an asset of the minor or conservatee named above held by your institution (including changing title, withdrawing all or any portion of the asset, or transferring all or any portion of the asset) or (2) to open or change the name of an account or a safe-deposit box in your financial institution to reflect the guardianship or conservatorship, 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 temporary guardian or temporary conservator should deliver a blank copy of the appropriate form to you with these Letters, but it is your institution's or financial institution's responsibility to complete the correct form, have an authorized officer sign it, and file the completed form with the court. If the correct form is not delivered with these Letters or is unavailable for any other reason, blank copies of the forms may be obtained from the court. The forms may also be accessed from the judicial branch's public Web site free of charge. The Internet address (URL) is www.courts.ca.gov/forms/. 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, or may be filled out online and printed out ready for signature and filing.

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 TEMPORARY ☐ GUARDIANSHIP ☐ CONSERVATORSHIP
AFFIRMATION

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

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