

LA FAMILY LAW

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INFORMATION & DOCUMENTS NEEDED TO FILE A PETITION FOR GUARDIANSHIP

Note: This guide is supposed to give you enough information so that you can represent yourself. It is **NOT** designed to give you legal advice and **DOES NOT** take the place of speaking with a lawyer.

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WHAT YOU NEED

If you decide that a child needs a probate guardianship, the first step in the process of establishing guardianship is to fill out and file the petition and other required documents with the clerk of the court.

Note: Some counties have additional “local forms” that need to be filed along with the standard forms.

Names and addresses of the following relatives:

1. Parents
2. Grandparents
3. Siblings
4. Spouse of minor
5. Children of minor
6. Legal guardian of minor (or nominee)
7. Adult with whom minor is living

Documents

1. Copies of death certificate of parent(s)
2. Will
3. Property which minor owns
4. Court records involving minor
5. Birth certificate of minor

Jurisdiction (where to file)

The petition must be filed in the county where the minor lives.

Court Fees

There is a court fee for filing a Guardianship Petition. In addition, you may be charged a fee for a guardianship investigation. If you cannot afford to pay the fees, you may request that the court waive the fee requirement.

Notice, consent and waiver

All of the **known** relatives from the above list must be sent a waiver of notice and consent form which asks them to consent to the proposed guardianship and waive any further notice. If they sign and return this form, the petitioner will not need to send any further notice to those relatives.

If some of the relatives on the list are missing, or their whereabouts are otherwise unknown, petitioner will be required to engage in due diligence search, and if still unsuccessful in locating them, must provide the court with a declaration of due diligence search (attachment 14 to the petition). The court will then sign an order dispensing notice for the missing relatives.

HOW TO FILE

STEP 1: Fill out, sign, and file with 2 extra copies the following forms

1. To file for guardianship of the person only, use Petition for Appointment of Guardian of Person, Form GC-210(P).
2. To file for guardianship of the minor child's estate only OR of the minor child's person and estate, use Petition for Appointment of Guardian of Minor, Form GC-210.
3. To file for TEMPORARY guardianship of the minor child's person use Petition for Appointment of Temporary Guardian of the Person, Form GC-110(P).
4. To file for TEMPORARY guardianship of the minor child's estate or of the minor child's person and estate, use Petition for Appointment of Temporary Guardian, Form GC-110.

AND the following forms/attachments:

1. Probate Case Cover Sheet (PRO-010)
2. Notification to Court of Address on Guardianship (PRO-003)
3. Attachment to Guardianship Petition – Child Information (GC-210(A))
4. UCCJEA (GC-120)
5. Confidential Guardianship Screening (GC-212)
6. Consent of Guardian, Nomination and Waiver of Notice (GC-211)
7. If necessary, Request to Waive Court Fees and Order on Court Fee Waiver (FW-001-GC & FW-003-GC)

NOTE:

1. A petition may only include multiple minors if they are brothers/sisters (includes half-siblings). Otherwise must file multiple petitions.
2. Be specific about relationship i.e., paternal uncle. If petitioner is a nominee of a will, specify.
3. Must list pending or past legal matters, including court and case numbers. These most likely include:
 - a. AFDC
 - b. Adoption
 - c. Juvenile Court proceedings

- d. Dissolution/Custody
- e. Paternity/Domestic Relations
4. Specify if relative is deceased or their location is unknown.

STEP 2: Notify the right people

Must arrange for someone other than the actual party to notify certain people about the petition and the court hearing at least 15 days before the hearing.

1. Give personal notice to the parents, the person with legal custody of the child now, and the child (if the child is 12 or older)
 - a. For personal service, the server must fill out Form GC-020(P)
2. Give notice by mail to the child's grandparents (on both mother's and father's side), brothers and sisters, and half siblings. You do not need to give notice to step siblings.
3. Give notice by mail to your county's Department of Human Services or the Department of Social Services (go to <https://www.cdss.ca.gov/county-offices> to obtain address)
4. Give notice by mail to the California Department of Social Services if you are not related to the child by blood, marriage or adoption. Someone at least 18 years old—NOT you—must mail a copy of the forms you filed to:

State Department of Social Services
Director of Social Services
744 P Street
Sacramento, CA 95814

STEP 3: Fill out, sign, and file the following forms

Fill out, sign and file (with **2 extra copies**) the following forms **at least 5 days** before the hearing:

- Notice of Hearing Forms GC-020 and GC-020(P)

For those relatives you could not find:

- Write down everything you did to try to find them, with details of who you talked to, the dates, and what the results were.
- Then, file a Request to Dispense with Notice that includes all the details of your efforts to find the missing relative.

Fill out and DELIVER at or before hearing:

- Order Appointing Guardian of a Child (GC-240) (If Temporary use form GC-140)
- Duties of Guardian and Acknowledgment of Receipt (GC-248)
- Letters of Guardianship (GC-250) (If temporary use form GC-150)

Note: Hearing date is usually set for approximately 6 weeks after petition is filed. Also, if the minor is over 12 years old and the court did not order waiver of service, then minor must be served with order and proof of service filed with the court.

TEMPORARY GUARDIANSHIP

Under certain circumstances petitioner can request and receive appointment as a temporary (30 days) guardian pending the hearing.

Reasons for temporary guardianship

1. Non-emergency medical treatment
2. Qualify for public assistance
3. School enrollment
4. Mother entering military
5. Desertion by parents
6. Court congestion – hearing date set beyond needed to make important decisions

Additional forms:

1. Temporary Guardianship Order
2. Temporary Letters of Guardianship (GC-150)
3. Ex Parte Extension of Temporary Guardianship

COURT FORMS

Below is a list of all the court forms you may need throughout your case:

COURT FORMS	FORM NUMBER
1. Probate Case Cover Sheet	PRO-010
2. Petition for Temporary Guardian	GC-110
3. Or Petition for Temporary Guardian of the Person	GC-110(P)
4. Order Appointing Temporary Guardian	GC-140
5. Petition for Appointment of Guardian of Minor	GC-210
6. Or Petition for Appointment of Guardian of the Person	GC-210(P)
7. Guardianship Petition – Child Information Attachment	GC-210(CA)
8. Consent of Guardian, Nomination and Waiver	GC-211
9. Order Prescribing Notice	DE-200
10. Declaration Under Uniform Child Jurisdiction and Enforcement Act (UCCJEA)	GC-120
11. Notification to Court of Address on Conservatorship/Guardianship	PRO-003 (2 copies)
12. Proof of Personal Service	GC-020(P)
13. Order Dispensing with Notice	GC-021
14. Notice of Hearing (Guardianship)	GC-020
15. Order Appointing Guardian of Minor	GC-240
16. Letters of Temporary Guardianship	GC-150
17. Letters of Guardianship	GC-250
18. Confidential Screening Form	GC-212
19. Duties of a Guardian	GC-248
20. Declaration of Due Diligence	None

21. Notice of other Cases Involving Minors	UCCF-001 (2 copies)
22. Waivers of Court Fees a) Information Sheet on Waiver of Superior Court Fees and Cost b) Request to Waive Court Fees (Ward or Conservatee) c) Order on Court Fee Waiver (Ward or Conservatee)	FW-001-INFO FW-001-GC FW-003-GC
23. Probate Guardianship Pamphlet	GC-205
24. Request to Waive Court Fees	FW-001
25. Order on Court Fee Waiver	FW-003

NOTE: All these forms are available in Spanish.

ADDITIONAL RESOURCES

There are several Self-Help Legal Access Centers and non-profit organizations in Los Angeles county that can also help you. Information about these Centers is also at the Family Law Information Center.

If you have more questions, contact Los Angeles Family Law Center today.