



STANISLAUS COUNTY SUPERIOR COURT
www.stanct.org
(209)530-3100

Revised 7/12

TEMPORARY GUARDIANSHIP PACKET

This packet contains forms required for Temporary Guardianship proceedings in Stanislaus County Superior Court.

IN STANISLAUS COUNTY, A PERMANENT GUARDIANSHIP CASE MUST BE OPENED WITH SUPERIOR COURT IN ORDER TO REQUEST TEMPORARY GUARDIANSHIP.

Additional Judicial Council forms, local forms and information are available in the Clerk's Office, the Stanislaus County Law Library located at 1101 13th Street, Modesto, and on the following Websites:

- ☛ Stanislaus County Superior Court: www.stanct.org
- ☛ Stanislaus County – Local Forms: www.stanct.org/Forms.aspx?id=3
- ☛ Judicial Council's Self Help: www.courts.ca.gov/selfhelp.htm
- ☛ Judicial Council Forms: www.courts.ca.gov/formsrules.htm
- ☛ Stanislaus County Law Library: www.stanislauslawlibrary.org
- ☛ Free Interactive Electronic Forms Program: www.icandocs.org/ca/california.html
- ☛ California's Free Website for Legal Help: www.lawhelpcalifornia.org
- ☛ Law Libraries, Websites, or Self-Help Legal Books: www.courts.ca.gov/1091.htm

Superior Court Self-Help Center/Family Law Facilitator's Office

800 11th Street, Room 220, Modesto

PROVIDING ASSISTANCE TO PARTIES REPRESENTING THEMSELVES

*****Both offices provide services on a first come, first serve basis*****

The Superior Court Clerk's Office is prohibited from giving referrals to specific attorneys or legal counsel. Lawyer Referral Service may be able to assist you in finding an attorney. Their telephone number is (209) 571-5727. There are books available on how to do a guardianship at the public library, the Law library and in bookstores. More information is available in the Stanislaus County Local Rules of Court. You may also refer to Probate Code 2250.

FREQUENTLY ASKED QUESTIONS

Persons handling their own cases (self-represented) are required to prepare and present their pleadings (court documents) in complete and proper form without help from the Court staff. **This office is prohibited from giving legal advice in any manner.** Doing so would constitute acting as an attorney or legal counsel. Questions on legal matters regarding the appropriate form or its proper completion and presentation should be referred to an attorney.

PREPARATION

You are required to bring in one (1) original plus two (2) copies of all documents. The clerk will conform two copies **ONLY**. You may need to make additional copies later depending on how many people need to be served.

Whether typed or hand printed, your papers must be completed in blue or black ink, be legible and dark enough to photocopy. The petitioner's name, address and telephone number must be placed in the space in the upper left hand corner of each form. Pleadings are to be dated and signed before being presented for filing, except for Letters of Guardianship. Each form must have the court name and location in the heading as indicated below:

SUPERIOR COURT OF CALIFORNIA, COUNTY OF STANISLAUS
1100 I Street, PO Box 1098
Modesto, CA 95353-1098

ADDITIONAL INFORMATION

At the time of filing your Petition for Temporary Guardianship, the clerk will set a hearing date for appointment of a temporary guardian. The Court will **NOT** officially appoint a temporary guardian **UNTIL THAT HEARING**.

If a minor has been living with the proposed temporary guardian for a period of time **AND** there is reason to believe that the parent(s) will take the child(ren) from the petitioner's custody when they are served with the guardianship documents, the Court will consider granting a Temporary Custody Order (TCO). The necessary forms are included in this packet. Refer to additional information provided in this packet.

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 STANISLAUS STREET ADDRESS: 1100 I Street MAILING ADDRESS: PO Box 1098 CITY AND ZIP CODE: Modesto, CA 95353-1098 BRANCH NAME: _____	
TEMPORARY GUARDIANSHIP OF _____ (Name): _____	CASE NUMBER: _____
PETITION FOR APPOINTMENT OF TEMPORARY GUARDIAN <input type="checkbox"/> Person* <input type="checkbox"/> Estate* <input type="checkbox"/> Person and Estate*	HEARING DATE: _____ 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.**

TEMPORARY GUARDIANSHIP OF (Name):	CASE NUMBER:
MINOR	

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: _____ _____
 (TYPE OR PRINT NAME) (SIGNATURE OF PETITIONER)

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

Guardianship of:	Case No:
-------------------------	-----------------

**SUPPORTING DECLARATION ATTACHMENT
TO TEMPORARY GUARDIANSHIP/GUARDIANSHIP PETITION**

Please mark the appropriate box for either Attachment 3 (for Temporary Guardianship)
OR Attachment 8 (for Guardianship):

<input type="checkbox"/> ATTACHMENT 3 (ATTACH TO PETITION FOR APPOINTMENT OF <u>TEMPORARY</u> GUARDIAN)	SUPPORTING DECLARATION FOR TEMPORARY GUARDIANSHIP
<input type="checkbox"/> ATTACHMENT 8 (ATTACH TO PETITION FOR APPOINTMENT OF GUARDIANSHIP)	SUPPORTING DECLARATION FOR GUARDIANSHIP

Use this form to set forth the facts showing the need for a temporary guardian or guardian to care for the child(ren) and why the proposed guardian(s) is/are the appropriate person(s) to care for the child(ren). Also, state who you are and your relationship, if any, to the child(ren):

SEE ATTACHED PAGE FOR ADDITIONAL INFORMATION

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

DATE: _____

PRINT NAME

SIGNATURE

THE FOLLOWING FORMS ARE REQUIRED IF YOU NEED IMMEDIATE CUSTODY ORDERS

- 1) **ExParte Application for Temporary Guardianship/Custody and Order** (local form GR008)
- 2) **Confidential Declaration in Support of Temporary Guardianship/Custody Order** (local form GR003)

This is used only for cases of emergency. The Court will not address guardianship based on this form alone. A Petition for Appointment of Guardian must be filed to open a guardianship case first.

ExParte Application for Temporary Guardianship/Custody and Order:

- The application must include facts stating good reasons for temporary custody orders should be given.
- This Temporary Custody Order is simply an order preventing the parents from removing the minors from the custody of the guardian until the hearing. If the Court determines that a Temporary Custody Order is necessary, that order will be effective from the date it is signed by a judge until the hearing.
- The Exparte Application for Temporary Custody will be submitted to the Judge for his/her signature.
- The Clerk's Office will contact you after the Judge has reviewed your application. This usually takes about four days. Please make sure all your documents have a daytime phone number to enable the Clerk's Office to contact you.

Confidential Declaration in Support of Temporary Guardianship/Custody Order:

- You **MUST** use this form to explain to the Court why you feel the situation is an emergency.
- You may include an explanation of why the child/children needs an emergency arrangement **AND** why you feel you are the best person to care for the child(ren).
- If you need more space, you may attach a blank sheet of paper and label it **ATTACHMENT TO CONFIDENTIAL DECLARATION.**

ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME, ADDRESS, PHONE) Attorney for:	<i>FOR COURT USE ONLY</i>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STANISLAUS Street Address: 800 11th Street, Modesto, CA 95354 Civil Clerk' Office: 1100 I Street, P.O. Box 1098, Modesto, CA 95353	
IN THE GUARDIANSHIP OF:	
EX PARTE APPLICATION FOR TEMPORARY GUARDIANSHIP/CUSTODY AND ORDER	CASE NUMBER

Petitioner(s), _____, hereby make(s) ex parte application for an award of temporary guardianship of _____ pending the hearing on the petition for temporary guardianship. The minor(s) has/have been in the physical custody of petitioner(s) since, _____ (date).

The petitioner(s) acquired custody of the minor(s) as follows: _____

This ex parte order is needed because: _____

SEE ATTACHMENT FOR ADDITIONAL REASONS

WHEREFORE, petitioner(s) pray(s) for an order granting them temporary guardianship of _____ (name of minor(s)) _____ (and DOB) and further that the parent(s) of the minor(s) be restrained from removing the minor(s) from the physical custody of the petitioner(s) pending the hearing on the petition for temporary guardianship.

Dated: _____

 Petitioner

ORDER

GOOD CAUSE APPEARING IT IS ORDERED:

- The petitioner(s) _____, are awarded temporary guardianship of _____ (name of minor(s) and date of birth)
- The parent(s) of the minor(s) _____ are restrained from removing the the minors from the physical custody of the petitioner(s).
- This order shall expire at the time of the hearing on the petition for temporary guardianship.

Dated: _____

 JUDGE OF THE SUPERIOR COURT

CONFIDENTIAL DECLARATION

ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME, ADDRESS, PHONE) Attorney for:	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STANISLAUS Street Address: 800 11th Street, Modesto, CA 95354 Civil Clerk' Office: 1100 I Street, P.O. Box 1098, Modesto, CA 95353	
IN THE GUARDIANSHIP OF: <p align="right">MINOR(S)</p>	
<p align="center">CONFIDENTIAL DECLARATION IN SUPPORT OF TEMPORARY GUARDIANSHIP/CUSTODY ORDER</p>	Case No.

Use this form to tell the Court why a temporary guardianship/custody order is needed to care for the child(ren). Include information about yourself, why you are the appropriate person(s) to care of the child(ren) and how you are related to the child(ren).

SEE ATTACHED PAGE FOR ADDITIONAL INFORMATION

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

DATE: _____

PRINT NAME

SIGNATURE

THE NEXT FORMS NEEDED ARE:

Order Appointing Temporary Guardian (GC-140)

Letters of Temporary Guardianship (GC-150)

Proof of Personal Service (FL-330)

Declaration of Due Diligence (local form FL009) **Required only if you were not able to serve any of the interested persons as defined below under Proof of Personal Service.**

Order Appointing Temporary Guardian:

This form **MUST** be submitted to the Court Clerk when you open your case. However, you will not receive it back until after the hearings. The Orders should be filled in as completely as possible and the Judge will review it after your hearing. If he/she disagrees with the way you filled them in, he/she will make a handwritten change to the order before he/she signs it. If you cannot fill out a specific line because you don't have the information, you may leave it blank. An example of this would be the hearing information and name of Judge. Do your best to complete as many lines as possible and submit these forms when you open your case.

Letters of Temporary Guardianship:

This form should be submitted when you open your case. You will not receive it back until after you are appointed Guardian. This form must NOT be dated or signed before the date your Petition has been signed. You may sign and date this form in the clerk's presence when you are filing your other documents.

Proof of Personal Service:

When filing a Petition for Temporary Guardianship, you **MUST** have the parents of the minor, the minor (if he/she is 12 years of age or older) and any person having a valid visitation order with the minor personally served with the Petition to Appoint Temporary Guardian and the Notice Hearing no less than 5 days prior to the hearing date.

Declaration of Due Diligence:

You **MUST** serve all interested parties as noted above. If you are unable to serve any of those parties, you **MUST** complete form FL009 Declaration of Due Diligence for **EACH** person you were unable to serve. This form tells the Court of all of the efforts you have made to attempt to locate and serve the person.

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 STANISLAUS STREET ADDRESS: 1100 I Street MAILING ADDRESS: PO Box 1098 CITY AND ZIP CODE: Modesto, CA 95353-1098 BRANCH NAME: _____	
TEMPORARY GUARDIANSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF <i>(Name):</i> _____	
MINOR	
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 **Stanislaus**

STREET ADDRESS: **1100 I Street**

MAILING ADDRESS: **P. O. Box 1098**

CITY AND ZIP CODE: **Modesto, CA 95353**

BRANCH NAME: _____

TEMPORARY GUARDIANSHIP CONSERVATORSHIP

OF (name): _____

MINOR CONSERVATEE

FOR RECORDER'S USE ONLY

CASE NUMBER: _____

LETTERS OF TEMPORARY GUARDIANSHIP CONSERVATORSHIP

Person Estate

FOR COURT USE ONLY

LETTERS

- (Name): _____ is appointed temporary guardian conservator of the person estate of (name): _____
- Other powers that have been granted or restrictions imposed on the temporary guardian conservator are specified in Attachment 2. specified below:

- These Letters shall expire
 - on (date): _____ or upon earlier issuance of Letters to a general guardian or conservator.
 - on other date (specify): _____
- The temporary guardian conservator is not authorized to take possession of money or any other property without a specific court order.
- 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 <input type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP OF (name): <div style="text-align: center;"> <input type="checkbox"/> MINOR <input type="checkbox"/> CONSERVATEE </div>	CASE NUMBER:
---	--------------

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

What is "service"?

- When you are involved in a court case, you are responsible for delivery ("service") of copies of important papers you file with the court to other people involved in the case. Depending on the circumstances, these papers must be served by personal delivery (called "**personal service**"), or may be served by mail (called "**service by mail**").
- If you file a petition for appointment of a guardian for a child, you are a **petitioner**. At the beginning of the case the petitioner must arrange for personal service of copies of the petition and other papers on certain people, must see that these papers are served on certain other people either by mail or by personal service (at the petitioner's choice), and then must show the court that this has been done (called "**proving service**," or "**proof of service**").
- This form explains what papers must be served at the beginning of a guardianship, who must be served with these papers, how and when service must be made, and how and when you, as a guardianship petitioner, must prove to the court that service has been made. You can find out more about the papers that you must file in another form available from the court, **Form GC-505, Forms You Need to Ask the Court to Appoint a Guardian of the Person**.

What papers must be served at the beginning of a guardianship case?

- **A filled-in copy of the petition for appointment of a guardian (the "Petition").**
In a guardianship of the person, this may be either **Form GC-210(P), Petition for Appointment of a Guardian of the Person** or **Form GC-210, Petition for Appointment of Guardian of Minor**. Copies of all papers attached to the *Petition* must also be served with it.
- **A filled-in copy of Form GC-020, Notice of Hearing—Guardianship or Conservatorship**, (the "*Notice of Hearing*") showing the date, time, and place of the hearing on the *Petition*, including (unsigned) copies of all attachments showing proof of service.

Who must be personally served?

(You may use this form as a checklist. Check all that apply to your case.)



- The child who needs a guardian, but only if he or she is at least 12 years old.
- The child's parents.
- Any person who has legal custody of the child or is serving as court-appointed guardian of the child's property (the child's "**estate**").
- Any person nominated as guardian of the child by one or both of the child's parents (if your petition does not ask the court to appoint that person as guardian).
- Any person nominated as guardian of the estate of the child for property received by the child from the person making the nomination.

Don't serve these by mail!

How do I arrange for personal service?

Someone—not you or anyone else who signed the *Petition*—must personally serve (hand-deliver) copies of the *Notice of Hearing* and the *Petition* to the persons named above. Service lets these persons know:

- That you are asking the court to appoint a guardian for the child named in the *Petition*.
- The person you want the court to appoint as guardian (either yourself or someone else).
- The date and time when, and the place where, the court will hear your request.

Who can serve?

Ask someone you know, a registered process server, or a representative of the county sheriff's civil division, to personally serve copies of the forms to the persons named above. The forms **cannot** be sent to those persons by mail.

- The server must be at least 18 years of age.
- A registered process server is a business you pay to deliver court forms. Look in a telephone directory under "Process Serving."
- The sheriff's civil division often has an office at the courthouse. You will also have to pay for its services.

How does the server personally serve the *Notice of Hearing* and the *Petition*?

Ask the server to:

- Walk up to each person to be served and make sure he or she is the right person.
- Hand each person copies of the filled-out *Notice of Hearing* and the *Petition*.
- Fill out and sign **Form GC-020(P)**, *Proof of Personal Service of Notice of Hearing*. If the server delivers papers to more people than can be listed on this form, ask the server to add the names of the additional people served on one or more copies of **Form DE-120(PA)/GC-20(PA)**, *Attachment to Notice of Hearing Proof of Personal Service*.
- Give the filled-out and signed **Form GC-020(P)** and any attachment pages back to you.

What if the person served won't take the papers or tears them up?

The server must attempt to make personal delivery (**but peacefully!**) even if the person served won't take the papers. It doesn't matter if the person tears them up or throws them down after they are handed to him or her. **(A registered process server or sheriff's deputy will know how to complete a good service. If you think someone who must be personally served will try to avoid service, it is a good idea to use one of these professionals to serve that person.)**

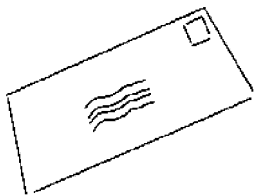
Who signs the Proof of Personal Service?

- Only the person who serves the *Notice of Hearing* and the *Petition* can sign **Form GC-020(P)**. **Neither you, any other petitioner, nor the person served may sign this form.**
- If more than one person personally serves papers, each server must fill out and sign his or her own separate **Form GC-020(P)** showing the names of the persons he or she serves.

Who may be served by mail?

(You may use this form as a checklist. Check all that apply to your case.)

- The child's relatives listed in the child's **Form GC-210(CA)**, *Guardianship Petition—Child Information Attachment*, attached to the *Petition*:



- Grandfather (father's father)
- Grandmother (father's mother)
- Grandfather (mother's father)
- Grandmother (mother's mother)
- Brother(s) (including half-brothers) (if 12 years of age or older)
- Sister(s) (including half-sisters) (if 12 years of age or older)

These may be served by mail!

- If the child has a brother or sister under the age of 12, copies of the *Notice of Hearing* and the *Petition* must be mailed to one of the following persons for him or her instead of mailing directly to the young brother or sister:**
- The brother's or sister's parent;
 - A court-appointed guardian of the brother or sister; or
 - A person having legal custody of the brother or sister who lives with that brother or sister.
(*If a parent, guardian, or legal custodian of a brother or sister of the child involved in the case is a petitioner, service of notice to that person on behalf of the brother or sister is not necessary.*)
- Any person having the physical care of the child who does not have legal custody of the child.
- If your petition requests appointment of a guardian of the person who is not related to the child**, the Director of the Department of Social Services, Children's Services Operations and Evaluation Branch, 744 P Street MS 3-34, Sacramento, CA 95814.
- Your court may require you to serve other persons or organizations by mail.** Check your court's local rules and practices to find out if this applies to you.

Who may be served by mail ? (Continued)

- If the child is a patient in, or on leave from,** a state hospital run by the State Departments of Mental Health or Developmental Disabilities, to the Director of that department. The address for the Director of Mental Health is 1600 Ninth Street, Room 151, Sacramento, CA 95814. The address for the Director of Developmental Disabilities is 1600 Ninth Street, Room 240, Sacramento, CA 95814, Attn.: Office of Legal Affairs.
- If the child has developmental disabilities** and the person you want the court to appoint as guardian is: (1) not the child's natural parent; (2) a provider of services to persons with developmental disabilities or the spouse or an employee of a provider; and (3) not a public agency, to the Director of the Regional Center for the Developmentally Disabled in the child's county. (But see **When must the *Notice of Hearing* and the *Petition* be served?** on page 4 of this form for a special requirement for mailing papers to a Regional Center Director.)
- If the child is or may be a Native American, or has Native American ancestors,** there are additional mailing and other requirements that may apply to your case. These requirements are not discussed in this form. If you can get on the Internet, you can go to the California Courts Self-Help Center Web site to get more information about the special requirements for a guardianship involving a Native American child. The Web site's address is www.courtinfo.ca.gov/selfhelp/family/guardianship (English) or www.courtinfo.ca.gov/selfhelp/espanol/familia/tutela (Spanish).

Who need not be served (unless the court orders otherwise)?

Unless the courts orders that they be served, you do not need to arrange for service on the parents or other relatives of a child who has been relinquished to a licensed adoption agency, or the parents of a child a court has declared to be free from the parents' custody and control.

How do I arrange for service by mail?

Someone—not you or anyone else who signed the *Petition*—must do the mailing to the persons and organizations named above that are involved in your case. “Doing the mailing” means actually placing the papers in the envelopes and delivering the sealed envelopes into the possession of the U.S. Postal Service . Someone else can address the envelopes and add the postage, but the person who signs the proof of service (see below) must be able to say that he or she enclosed the papers in the envelopes and delivered the sealed envelopes to the U.S. Postal Service on a certain date at a specific place (city and state), and that the addresses on the envelopes were as they are shown in the proof of service.

Who can serve by mail?

- The person doing the mailing must be at least 18 years of age.
- He or she must not be a petitioner or a proposed guardian in your case.
- He or she must live or be employed in the county where the mailing (deposit with the U.S. Postal Service) takes place.

How does the server serve the *Notice of Hearing* and the *Petition* by mail?

Ask the server to:

- Deposit with the US. Postal Service, with first-class postage prepaid, sealed envelopes (9" x 12" or 10" x 13" Manila envelopes are recommended) addressed to the persons or organizations listed above that apply to your case. The envelopes should contain filled-in copies of **Form GC-020, *Notice of Hearing—Guardianship or Conservatorship***, and the *Petition*, including all attached pages mentioned in it.
- Make sure the addresses shown on the envelopes for the relatives of each child match the addresses shown for these relatives in each child's **Form GC-210(CA), *Guardianship Petition—Child Information Attachment***.

How does the server serve the *Notice of Hearing* and the *Petition* by mail? (Continued)

Ask the server to (*continued*):

- Fill out, date, and sign the *Proof of Service* on the second page of the original **Form GC-020**.
Don't sign that form yourself.
- If there are more than four persons being served by mail, continue the list of persons served by mail on one or more copies of **Form DE-120(MA)/GC-020(MA)**, *Attachment to Notice of Hearing Proof of Service by Mail*.
- Give the filled-out and signed original *Proof of Service* and all filled-out attached pages back to you.

When must the *Notice of Hearing* and the *Petition* be served?

- When you file your *Petition*, the court clerk will give you a date and time when, and a courtroom or department where, the judge will hear your request for appointment of a guardian.
- Once you have the date, time, and place of the hearing, that information must be filled in on **Form GC-020**, *Notice of Hearing—Guardianship or Conservatorship*, and that form and the *Petition*, with all pages attached to it, must then be personally served or served by mail on the persons and organizations mentioned above that apply to your case.
- With the exception noted below, **personal service and service by mail must be completed at least 15 days before the date of the hearing.**
- If service must be made on the Director of the Regional Center for the Developmentally Disabled for the child's county, **service must be completed at least 30 days before the hearing.** If the child in your case is developmentally disabled and you think you may have to serve a Regional Center director, when you file your *Petition* you can ask the clerk for a later hearing date because you will need more time than usual to serve the *Notice of Hearing* and the *Petition*.

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

If the *Notice of Hearing* and *Petition* aren't served in time, the court will have to continue (postpone) the hearing date on your petition. This will delay appointment of a guardian for the child or children involved in your case.

What do I do with the completed *Notice of Hearing* and the attached proofs of personal service and service by mail?

- File with the court at least 5 days before your hearing date the original **Form GC-020**, *Notice of Hearing—Guardianship or Conservatorship*, with the filled-out and signed *Proof of Service* on the second page, the filled-out, signed, and attached **Form GC-020(P)**, *Proof of Personal Service of Notice of Hearing—Guardianship or Conservatorship*, and all attached pages showing additional persons served. File these papers with the court as soon as you can. The 5-day period mentioned above is a minimum time period.
- When you file **Form GC-020**, take an extra copy with you for the court to stamp, showing that the original form was filed on that day.
- Bring that copy with you to the hearing.

ATTORNEY OR PARTY WITHOUT ATTORNEY OR GOVERNMENTAL AGENCY (under Family Code, §§ 17400, 17406 <i>(Name, State Bar number, and address):</i> TELEPHONE NO.: _____ FAX NO.: _____ ATTORNEY FOR <i>(Name)</i> : _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STANISLAUS STREET ADDRESS: 1100 I Street MAILING ADDRESS: PO Box 1098 CITY AND ZIP CODE: Modesto, CA 95353 BRANCH NAME: _____	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT/PARTY:	CASE NUMBER: (If applicable, provide): HEARING DATE: HEARING TIME: DEPT.:
PROOF OF PERSONAL SERVICE	

1. I am at least 18 years old, not a party to this action, and not a protected person listed in any of the orders.
2. Person served *(name)*:
3. I served copies of the following documents *(specify)*:

4. By personally delivering copies to the person served, as follows:

a. Date:	b. Time:
c. Address:	

5. I am

a. <input type="checkbox"/> not a registered California process server.	d. <input type="checkbox"/> exempt from registration under Business & Profession Code section 22350(b).
b. <input type="checkbox"/> a registered California process server.	
c. <input type="checkbox"/> an employee or independent contractor of a registered California process server.	e. <input type="checkbox"/> a California sheriff or marshal.

6. My name, address, and telephone number, and, if applicable, county of registration and number *(specify)*:

7. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
8. I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date:

 (TYPE OR PRINT NAME OF PERSON WHO SERVED THE PAPERS)

▶

 (SIGNATURE OF PERSON WHO SERVED THE PAPERS)

INFORMATION SHEET FOR PROOF OF PERSONAL SERVICE

Use these instructions to complete the *Proof of Personal Service* (form FL-330).

A person at least 18 years of age or older must serve the documents. There are two ways to serve documents: (1) personal delivery and (2) by mail. See the *Proof of Service by Mail* (form FL-335) if the documents are being served by mail. The person who serves the documents must complete a proof of service form for the documents being served. **You cannot serve documents if you are a party to the action.**

INSTRUCTIONS FOR THE PERSON WHO SERVES THE DOCUMENTS (TYPE OR PRINT IN BLACK INK)

You must complete a proof of service for each package of documents you serve. For example, if you serve the respondent and the other parent, you must complete two proofs of service; one for the respondent and one for the other parent.

Complete the top section of the proof of service forms as follows:

First box, left side: In this box print the name, address, and phone number of the person for whom you are serving the documents.

Second box, left side: Print the name of the county in which the legal action is filed and the court's address in this box. Use the same address for the court that is on the documents you are serving.

Third box, left side: Print the names of the petitioner/plaintiff, respondent/defendant, and other parent in this box. Use the same names listed on the documents you are serving.

First box, top of form, right side: Leave this box blank for the court's use.

Second box, right side: Print the case number in this box. This number is also stated on the documents you are serving.

Third box, right side: Print the hearing date, time, and department. Use the same information that is on the documents you are serving.

1. You are stating that you are over the age of 18 and that you are neither a party of this action nor a protected person listed in any of the orders.
2. Print the name of the party to whom you handed the documents.
3. List the name of each document that you delivered to the party.
4.
 - a. Write in the date that you delivered the documents to the party.
 - b. Write in the time of day that you delivered the documents to the party.
 - c. Print the address where you delivered the documents.
5. Check the box that applies to you. If you are a private person serving the documents for a party, check box "a."
6. Print your name, address, and telephone number. If applicable, include the county in which you are registered as a process server and your registration number.
7. You must check this box if you are not a California sheriff or marshal. You are stating under penalty of perjury that the information you have provided is true and correct.
8. Do not check this box unless you are a California sheriff or marshal.

Print your name, fill in the date, and sign the form.

If you need additional assistance with this form, contact the family law facilitator in your county.

ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME, ADDRESS, PHONE) Attorney for:	<i>FOR COURT USE ONLY</i>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STANISLAUS Street Address: 800 11th Street, Modesto, CA 95354 Civil Clerk' Office: 1100 I Street, P.O. Box 1098, Modesto, CA 95353	
Guardianship of:	RELATED CASES:
DECLARATION OF DUE DILIGENCE	CASE NUMBER: Date: Time:

I am unable to serve the following person, _____, whose relationship to the minor is _____, because (check all reasons that apply):
 (Example: Father, Grandparents, etc.)

1. I do not know the name of the person I am to serve AND I am unable to find out that information because: _____

2. I have made reasonable efforts to locate and serve the person, including the following:
 - Contacted the last known address of the person to be served.
 - Contacted the last known employer of the person to be served.
 - Contacted Directory Assistance in the last known city of the person to be served.
 - Looked in the telephone directories of cities where the person has lived.
 - Contacted the U.S. Postal Service for the forwarding address of the person.
 - Contacted the Department of Motor Vehicles
 - Contacted the Registrar of Voters in the person's last county of residence.
 - Searched the Internet for the person's name.
 - Contacted relatives of the person known to me.
 - Other efforts I have made include _____

(ATTACH AN ADDITIONAL PAGE IF NECESSARY)

I therefore ask the Court to dispense with notice to the person to be served and I have submitted an Order Dispensing With Notice with this declaration.

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

Date: _____

 Print Name

 Signature