GUARDIANSHIP CASE PROCESS & INFORMATION

Important Disclaimer: We are not your attorneys, and therefore we cannot answer specific questions about your case. Please reference this page for general information regarding the process of obtaining guardianship. Not all steps will be applicable to each case.

If you have questions or would like assistance in-person, please visit the Public Counsel Pro Per Guardianship clinic at Stanley Mosk Courthouse, open Monday to Wednesday, from 9:00 am to 3:00 pm (excluding holidays). The clinic is located in room 227 on the second floor of the courthouse.

The Guardianship Clinic only assists litigants who are *in pro per*. In Pro Per is a legal term for litigants who are representing themselves in a case and do not have an attorney.

The following provides information about filing a guardianship and the steps that follow.

> This information is helpful for anyone filing a guardianship petition without an attorney.
>
> If you choose to prepare your own forms, you can use the following link to Guide and File to electronically prepare your forms.
>
> https://california-efm.tylertech.cloud/SRL/SRL/ExecuteInterviews

STEP 1: PREPARING YOUR PETITION FOR GUARDIANSHIP

- **Preparing The Forms**
  A Probate Guardianship petition must contain the following forms:
  - Request To Waive Court Fees (Ward or Conservatee) (FW-001-GC)
    - **You must prepare one per child included in your petition**
  - Order on Court Fee Waiver (FW-003-GC)
    - **You must prepare one for each minor included in your petition**
  - Order Prescribing Notice (Probate) (DE-200, GC-022)
  - Petition for Appointment of Guardian of Minor (GC-210)
  - Child Information Attachment to Probate Guardianship Petition (GC-210(CA))
    - **You must prepare one for each minor included in your petition**
  - Identification of Relative Status of Proposed Guardian (PROI-080)
    - **You must prepare one for each minor included in your petition**
  - Consent of Proposed Guardian (GC-211)
  - Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (FL-105/GC-120)
  - Confidential-Notification to Court of Address on Conservatorship/Guardianship (PRO-003)
  - Confidential Guardian Screening Form (GC-212)
  - Probate Case Coversheet and Certificate of Grounds for Assignment to District (PRO-010)

- *This form is only for new guardianship cases. If you are applying for guardianship in an existing probate guardianship case, you do not need this form. Use the existing case number already assigned to the case.*

The permanent (general) guardianship hearing will be scheduled 3-5 months from the date you file.

What if I have an emergency and want a sooner hearing?

If you have an emergency that cannot wait until after the permanent hearing, you may request a temporary guardianship hearing. Some of the reasons a petitioner would request a temporary hearing are: the minor has a medical emergency, a parent is unexpectedly incarcerated, or the death of a surviving parent.

If you choose to file a petition for temporary guardianship, you need to file the following form in addition to your general petition:

- Petition for Appointment of Temporary Guardian of the Person (GC-110(P))

You can file a petition for temporary guardianship at the same time you file for permanent guardianship. Your petition for temporary guardianship will be heard 7-10 days from the date you file.

STEP 2: FILING YOUR PETITION: A Note Regarding where to file: In Los Angeles County, you can file at Stanley Mosk Courthouse (Downtown Los Angeles) and Michael Antonovich Antelope Valley Courthouse (Lancaster). You can also file at the courthouses in Alhambra, Van Nuys, and Compton.

- If you file at Stanley Mosk, you can file your petition in person and receive your court date(s) in room 429 (located on the 4th floor).
- When filing your petition, be sure to file originals **AND** copies of your petition so that the clerk can stamp them and return copies back to you.

STEP 3: ATTENDING YOUR TEMPORARY HEARING (IF APPLICABLE)

If you chose to file a petition for temporary guardianship due to an emergency, there are a few details to keep in mind in preparation for your temporary hearing:

BEFORE the hearing:

Notify the parents of the minor: If you are petitioning for temporary guardianship, the child's mother and father both need to be notified of your petition. Both mother and father are entitled to be notified of your petition.

- ***What if the parents agree I should be the legal guardian?***
  - If one or both parents agree with your petition, they can sign a Consent of Proposed Guardian (GC-211) form. You will need to file this form, ideally before the temporary hearing. If you cannot file the signed forms before the hearing, bring them to the Temporary Hearing.
- ***What if the parents do not agree to the guardianship?***
  - If the mother and/or father of the child(ren) are not in agreement with your petition and will not sign consent forms showing they agree with your petition, you must have them personally served with a copy of your petition **5 days before** the date of your temporary hearing. Someone on your behalf can hand them a copy of your temporary petition along with a Notice of Hearing (Form GC-020). Then, that person will need to fill out a Proof of Service form (Form GC-020(P)), sign it,

and return it back to you to file. You can bring the proof of service form with you to the temporary hearing.

- *What if I can't notify the parent(s) before the temporary hearing?*

  If you do not think you'll be able to notify a parent before the temporary hearing, you can request to be excused from serving notice to one or both parents for the temporary hearing. If you need to be excused from serving notice of the temporary hearing, you can explain your reasoning on page 3 of the Petition for Appointment of Temporary Guardian of the Person (GC-110(P)) before you file it. Typically, litigants can request to be excused from serving notice in the following scenarios:

  - A parent poses a risk to the child's safety and serving them with notice could put the minor in danger.
  - A parent is incarcerated, hospitalized, or in a rehabilitation program, and the litigant cannot obtain their written consent or serve them with notice before the temporary hearing.
  - A parent's identity and/or current whereabouts are unknown, and it will be difficult to locate them and serve them with notice before the temporary hearing.

- WHO ATTENDS THE TEMPORARY HEARING?

  The following people need to be present at the temporary hearing:

  - All proposed guardians
    - When you go to your hearing, be sure to take with you the following forms, which will be stamped by the court if the temporary guardianship is granted.
      - Order Appointing Temporary Guardian (GC-140)
      - Letters of Temporary Guardianship (GC-150)
  - All minors included in the guardianship who are 4 years old or older.

AFTER THE TEMPORARY HEARING:

If the judge grants temporary guardianship, give the clerk your proposed orders and letters of temporary guardianship. The clerk will stamp them with the judge's signature. Afterward, the clerk will instruct you to file the orders and letters. After you file, the orders and letters will serve as your proof of temporary guardianship. The temporary orders and letters will remain valid until you are granted permanent guardianship, or your temporary orders and letters are extended or expired.

STEP 4: COMPLETING NOTICE REQUIREMENTS

At least 20 days before your permanent hearing, you are required to serve notice of your guardianship petition to certain members of the child's family. This is a requirement for every guardianship case. This includes:

- Mother & Father (If they have not already been notified):
  - Personal service ***OR*** signatures of consent
- Grandparents (Maternal & Paternal):
  - Mail service ***OR*** signatures of consent
- Siblings over the age of 12 (including half-siblings):
  - Mail service ***OR*** signatures of consent
- Department of Children and Family Services (DCFS):

- Mail service

  This is a requirement for all guardianship cases.

- Department of Social Services (DSS) (For Non-Relatives):
  - Mail service

What do I do if I cannot find a person I have to notify?

If you are unable to locate a party entitled to notice, you can prepare and file a Declaration of Due Diligence. It is a declaration in which you detail how you have tried to locate a party but were unsuccessful. Examples of ways to search for a party:

- Search social media for a profile associated with the person.
- Contact them with their last known phone number or email address.
- Visit the party's last known address.
- Conduct an inmate search online if the person is incarcerated.
- Talk to family members and friends who may know the party's whereabouts.

If you need to prepare a Declaration of Due Diligence, file it at least 15 days before the hearing to ensure the court reviews it in time before the permanent hearing.

STEP 5: ATTENDING YOUR PROBATE OR DCFS INVESTIGATION APPOINTMENT

Before your permanent hearing, you must participate in an interview with a court investigator to ensure the court can grant you permanent guardianship.

You will receive a letter in the mail from the Probate Investigators. It will include the **DATE** and **TIME** of your investigation and what you need to bring. Investigations are normally scheduled to be conducted remotely. However, you can request an interview in person.

For Non-Relatives: For non-relatives petitioning for guardianship, the Department of Children and Family Services (DCFS) will conduct the investigation.

Instead of receiving a notice by mail, you may receive a phone call from a DCFS social worker to schedule the investigation.

WHO ATTENDS THE INVESTIGATION?

- All proposed guardians
- All children in the guardianship
- Other interested parties, including parents, will be interviewed separately (optional)

STEP 6: ATTENDING YOUR PERMANENT HEARING

Before the permanent hearing, you must complete the following steps.

- All notice requirements: Notify Mother, Father, Grandparents, Siblings & DCFS.
- Your Probate Investigation or DCFS Investigation.

WHO ATTENDS

- All proposed guardians.
- Children, **unless** the judge excused their attendance.

AFTER THE PERMANENT HEARING:

If the judge grants the permanent guardianship, give the clerk your proposed orders and letters of permanent guardianship. The clerk will stamp the judge's signature on the Order. The clerk will then instruct you to file the orders

and letters. After you file, the orders and letters will remain valid until the minor's 18th birthday, the minor marries or enters the military, or until the guardianship is terminated by court order.

If the judge grants your petition, you need to hand the clerk the following forms:

- Order Appointing Guardian (GC-240)
- Letters of Guardianship (GC-250)
- Duties of Guardian (GC-248)
- Confidential Notification to Court of Address on Conservatorship/Guardianship (PRO-003)

STEP 7: GUARDIANSHIP REVIEW HEARING

In most cases, when the judge grants the permanent guardianship, the judge will schedule a Guardianship Review Hearing one year later to see how the child is doing in the legal guardian's care. The judge will inform the newly appointed legal guardian to file a Confidential Guardianship Status Report (GC-251) for each child in the guardianship at least 30 days before the review hearing. The Confidential Status Report is a status report for the legal guardian to inform the court about how the minor is doing at school, the doctors the minor sees for medical care, and details regarding visitation with the parents.

At the Guardianship Review Hearing, the judge may decide to schedule another Guardianship Review Hearing 1 year later to obtain another update regarding the child or decide that another Guardianship Review Hearing is not necessary.

PLEASE NOTE: It is important that you file the Confidential Guardianship Status Report and attend your Guardianship Review Hearing. Failure to do so may cause the court to issue a citation against you or remove you as legal guardian of the minor.