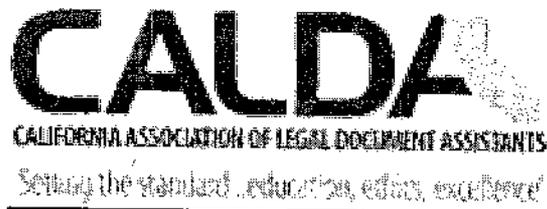


GUARDIANSHIP



GUARDIANSHIPS



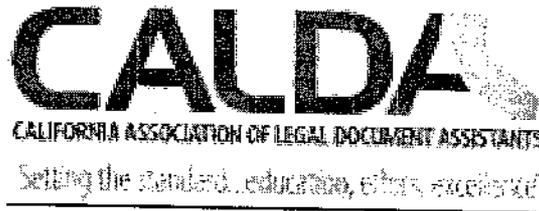
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A guardianship is when a court orders someone other than the child's parent to have custody of the child or manage the child's property (called "estate") or both. We have tried to answer the most frequently asked questions about the guardianship process.

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The information in this section is about probate guardianships. These cases are brought by the person seeking to be appointed guardian or by someone else in the family asking the court to appoint a guardian. If custody of the minor was awarded to a non-parent through the juvenile dependency court this section does NOT apply.

If Child Protective Services (CPS) is involved in your case you probably have to go to the juvenile court to find out what you can do.

A probate guardianship of the person is set up because a child is living with an adult who is not the child's parent and the adult needs a court order to make decisions on behalf of the child. A guardianship is not the same as an adoption. Here are some differences:

In a Guardianship:	In an Adoption:
<ul style="list-style-type: none"> • Parents still have parental rights. They can ask for reasonable contact with the child. • The court can end a guardianship if the parents become able to take care of the child. • Guardians can be supervised by the court. 	<ul style="list-style-type: none"> • The parents' rights are permanently ended. • The legal relationship with the adoptive parents is permanent and is exactly the same as a birth family. • An adopted child inherits from his or her adoptive parents, just as a birth child would. • Adoptive families are not supervised by the court.

Types of probate guardianship

There are two types of probate guardianship:

Guardianship of the person

In a guardianship of the person the guardian has the same responsibilities to care for the child as a parent would. That means the guardian has full legal and physical custody of the child and can make all the decisions about the physical care of the child that a parent would make. A guardian can be anyone; relatives, friends of the family or other people suitable to raise the child and can ask to be legal guardians.

The guardian is responsible for the child's care, including the child's:

- Food, clothing and shelter
- Safety and protection
- Physical and emotional growth
- Medical and dental care
- Education and any special needs

The guardian is also be responsible for supervision of the child and may be liable for any intentional damage the child may cause.

A guardianship of the person is sometimes needed when, no matter how much parents love their child, they are not able to parent. Maybe one or both parents:

- Have a serious physical or mental illness
- Are in the military and have to go overseas
- Have to go to a rehab program for a while
- Are going to jail for a while
- Have a drug or alcohol abuse problem
- Have a history of being abusive
- Cannot take care of their child for some other reason

The court will look at what is in the best interest of the child to make sure the child is raised in a safe, stable and loving environment. A legal guardian can care for a child when the parents are unable to.

Guardianship of the estate

A guardianship of the estate is set up to manage a child's income, money or other property until the child turns 18. A child may need a guardian of the estate if he or she inherits money or assets. In most cases the court appoints the surviving parent to be the guardian of the child's estate.

In some cases the same person can be the guardian of the person and of the estate. In other cases the court will appoint two different people. The guardian of the estate must:

- Manage the child's money
- Make smart investments
- Manage the child's property carefully

A guardianship of the estate is created to manage a child's property. It is needed when the child owns or receives valuable property, such as if a child inherited a house or a large amount of money.

A guardianship of the estate is not needed when a child only owns inexpensive toys and clothing or the child receives social security benefits or TANF/CalWorks (welfare).

FORMS YOU WILL NEED

Forms needed in all guardianship proceedings:

- Petition for Appointment of Guardian of Minor with Child Information Attachment, GC-210
- Declaration under the Uniform Child Custody and Enforcement Act, GC-120
- Notice of Hearing, GC-020
- Consent of Proposed Guardian, Nomination of Guardian, Consent to Appointment and Waiver of Notice, GC-211
- Confidential Guardian Screening Form, GC-212
- Duties of Guardian, GC-248
- Order Dispensing with Notice, GC-021 (if you do not know where a person entitled to notice of the proceeds is located)
- Order Appointing Guardian of Minor, GC-240
- Letters of Guardianship, GC-250

If applying for temporary appointment:

Petition for Appointment of Temporary Guardian of the Person, GC-110

Order Appointment Temporary Guardian, GC-140

Letters of Temporary Guardianship, GC-140

To be filed annually after appointment as guardian of a minor's person:

Confidential Guardianship Status Report, GC-251

If you are petitioning to be appointed as guardian of the minor's estate, the following forms are needed:

- Inventory and Appraisal, GC-040
- Attachment to Inventory and Appraisal, GC-041

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