

APPLYING FOR GUARDIANSHIP OF THE PERSON

There are generally two types of guardianships, Guardianship of the Person and Guardianship of the Estate. Included in this packet are the necessary forms for temporary and permanent guardianship of the person, only.

A guardian of the person is appointed by the court as physical custodian of a minor. One who acts as a guardian of a minor stands in the place of a parent and must be appointed by the Court. Generally, an investigation will be conducted, a hearing will be held, and if approved you will be appointed guardian.

All forms shall be typewritten or handwritten in such a manner that will produce clear and permanent copies. An extra copy of each form is provided for a rough draft. Present the original and two copies of each form to the clerk, for filing. The filing fee for the petition is \$225.00, an additional \$60.00 motion fee is required if temporary orders are requested. **Fees are payable at the time of filing.**

REQUESTING TEMPORARY ORDERS: If you are seeking temporary orders, upon filing, the clerk will schedule a hearing date. Minor's parents, as well as any party who may have a custodial relationship to minor, must be personally served five days prior to the hearing. You will be required to show personal proof of service (see form GC-510, included in this packet).

To request temporary orders, the following forms must be presented at the time of initial filing:

- 1) Petition for Temporary Guardianship; 2) Notice of Hearing (for initial hearing); 3) Declaration Under Uniform Child Custody Jurisdiction Act; 4) Consent of Guardian, Nomination, and Waiver of Notice; 5) Confidential Guardian Screening Form; 6) Duties of Guardian; 7) Order Appointing Temporary Guardianship; 8) Letters of Temporary Guardianship; 9) Order Appointing Court Investigator; 10) Petition for Guardianship; 11) Notice of Hearing (for hearing on permanent guardianship).

As each situation is different, there may be additional forms required. Additional forms are obtainable at www.courtinfo.ca.gov/form, or in the Superior Court Clerk's Office.

If you are not requesting temporary orders, you will not be required to submit the forms for temporary guardianship.

At the time of the ex parte hearing, the Court will review the Petition for Temporary Guardian and sign temporary orders if applicable. The clerk will then issue your temporary letters. The letters are your temporary authority to function as guardian of the minor. A hearing for permanent guardianship will be set in approximately thirty days.

Prior to the hearing on the Petition for permanent guardianship you may wish to prepare the Order Appointing Guardian of Minor and Letters of Guardianship and lodge them with the Court Clerk.