



**STANISLAUS COUNTY SUPERIOR COURT**  
[www.stanct.org](http://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 13<sup>th</sup> Street, Modesto, and on the following Websites:

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

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

800 11<sup>th</sup> 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 <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> _____	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF STANISLAUS</b> STREET ADDRESS: 1100 I STREET MAILING ADDRESS: P.O. BOX 1098 CITY AND ZIP CODE: MODESTO, CA 95354 BRANCH NAME: _____	
TEMPORARY GUARDIANSHIP OF <i>(Name):</i> _____  MINOR	CASE NUMBER: _____
<b>PETITION FOR APPOINTMENT OF TEMPORARY GUARDIAN</b> <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 all petitioners also required (Prob. Code, § 1020).)

(SIGNATURE OF ATTORNEY\*)

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)

## **THE NEXT FORMS NEEDED ARE:**

1. **Order Appointing Guardian of Minor** (GC-240)
2. **Letters of Guardianship** (GC-250)

These forms MUST be submitted to the Clerk's Office when you open your case. However, you will not receive them back until after the hearings.

### **Order Appointing Guardian of Minor:**

The order is the form the Judge signs specifying what the Court has ordered and appointing you as the guardian. The order should be filled in as much as possible and the Judge will review it after the hearing. If the Judge disagrees with the way you filled it in, he/she will make a handwritten change to the order before it is signed. If you cannot fill out a specific area because you don't have the specific information, you may leave it blank. An example of this would be the hearing information and the name of the Judge. Do your best to complete as many lines as possible. Please do not submit the entire form blank.

### **Letters of Guardianship:**

You may sign this form in the Court Clerk's presence when you are filing your other documents. The Affirmation at the lower portion of the form CANNOT be dated or signed before the date your Petition for Guardianship has been signed.

These *Letters* prove that you are the guardian of the child. You may get up to four (4) copies issued from the Clerk's Office. They will help you do your job as a guardian, like signing the child up for school, getting medical care...etc.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):       TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF STANISLAUS</b> STREET ADDRESS: 1100 I STREET MAILING ADDRESS: P.O. BOX 1098 CITY AND ZIP CODE: MODESTO, CA 95354 BRANCH NAME: _____	
TEMPORARY GUARDIANSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name): _____  <div style="text-align: right;">MINOR</div>	
<b>ORDER APPOINTING TEMPORARY GUARDIAN</b>	CASE NUMBER: _____
<b>WARNING: THIS APPOINTMENT IS NOT EFFECTIVE UNTIL LETTERS HAVE ISSUED.</b>	

1. The petition for appointment of 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): \_\_\_\_\_ (Telephone): \_\_\_\_\_  
 (Address): \_\_\_\_\_

is appointed temporary guardian of the PERSON of (name): \_\_\_\_\_  
 and Letters shall issue upon qualification.

- b.  (Name): \_\_\_\_\_ (Telephone): \_\_\_\_\_  
 (Address): \_\_\_\_\_

is appointed temporary guardian of the ESTATE of (name): \_\_\_\_\_  
 and Letters shall issue upon qualification.



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 95354

BRANCH NAME: \_\_\_\_\_

FOR RECORDER'S USE ONLY

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: _____
<p><b>LETTERS OF TEMPORARY <input type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP</b>  <input type="checkbox"/> Person                      <input type="checkbox"/> Estate</p> <p style="text-align: center;"><b>LETTERS</b></p> <p>1. (Name): _____                  is appointed temporary <input type="checkbox"/> guardian <input type="checkbox"/> conservator of the <input type="checkbox"/> person  <input type="checkbox"/> estate of (name): _____</p> <p>2. <input type="checkbox"/> Other powers that have been granted or restrictions imposed on the temporary  <input type="checkbox"/> guardian <input type="checkbox"/> conservator are <input type="checkbox"/> specified in Attachment 2.  <input type="checkbox"/> specified below:</p>	FOR COURT USE ONLY

3. These Letters shall expire
- a.  on (date): \_\_\_\_\_ or upon earlier issuance of Letters to a general guardian or conservator.
- b.  on other date (specify): \_\_\_\_\_
4.  The temporary  guardian  conservator is not authorized to take possession of money or any other property without a specific court order.
5. 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.

**LETTERS OF TEMPORARY GUARDIANSHIP OR  
 CONSERVATORSHIP**  
 (Probate-Guardianships and Conservatorships)



TEMPORARY <input type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP OF (name):	CASE NUMBER:
<input type="checkbox"/> MINOR <input type="checkbox"/> CONSERVATEE	

**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/](http://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
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# **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 minor(s) from the custody of the person(s) with whom they are currently residing with 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 five to seven business 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(ren) 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>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF STANISLAUS</b> Street Address: 800 11th Street, Modesto, CA 95354 Civil Clerk' Office: 1100 I Street, P.O. Box 1098, Modesto, CA 95353	
<b>IN THE GUARDIANSHIP OF:</b>	
<b>EX PARTE APPLICATION FOR TEMPORARY GUARDIANSHIP/CUSTODY AND ORDER</b>	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 further that the parent(s) of the minor(s) be restrained from removing the minor(s) (and DOB) \_\_\_\_\_ 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:**

1. The petitioner(s) \_\_\_\_\_, are awarded temporary guardianship of \_\_\_\_\_ (name of minor(s) and date of birth)
2. The parent(s) of the minor(s) \_\_\_\_\_ are restrained from removing the minors from the physical custody of the petitioner(s).
3. 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
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF STANISLAUS</b> Street Address: 800 11th Street, Modesto, CA 95354 Civil Clerk' Office: 1100 I Street, P.O. Box 1098, Modesto, CA 95353	
<b>IN THE GUARDIANSHIP OF:</b>  <p align="right">MINOR(S)</p>	
<p align="center"><b>CONFIDENTIAL DECLARATION IN SUPPORT OF TEMPORARY GUARDIANSHIP/CUSTODY ORDER</b></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).

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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