

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF INYO  
SELF-HELP CENTER  
301 WEST LINE STREET  
BISHOP, CALIFORNIA 93514**

**INSTRUCTIONS FOR FILING A  
PETITION FOR GUARDIANSHIP**

**There are video instructions at:  
<https://www.courts.ca.gov/1212.htm>**

**There is a free on-line program that will auto-fill  
all of the court forms for you at:  
<https://www.courts.ca.gov/partners/116.htm>**

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**PRINT CLEARLY AND USE BLACK OR BLUE INK ONLY  
ON COURT DOCUMENTS**

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The Self-Help Center is a free service designed for self-represented litigants who need information about specific legal issues; legal forms, preparing for a court hearing, or court procedures. The center does **NOT** provide legal representation or give legal advice about cases.

If you want legal advice, contact a lawyer. You can obtain information about finding lawyers at the California Courts Online Self-Help Center [www.courts.ca.gov](http://www.courts.ca.gov), or at the California Legal Services Web site [www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org), or you can look in your local phone book directory.

The attorney at the Self-Help Center IS NOT YOUR LAWYER, but is a neutral person who does not represent any parent or party. **THERE IS NO ATTORNEY-CLIENT RELATIONSHIP BETWEEN YOU AND ANY PERSON AT THE CENTER. AS A RESULT, THERE IS NO ATTORNEY-CLIENT CONFIDENTIALITY.** This means that communications between you and the Self-Help Center attorney/staff are not confidential and this office may provide information and services to the other party in your case.

**IF YOU ARE ASKING TO BE THE GUARDIAN OF A NATIVE AMERICAN CHILD, YOU MUST COMPLY WITH THE INDIAN CHILD WELFARE ACT (“ICWA”) REQUIREMENTS REGARDING OBTAINING A “QUALIFIED EXPERT WITNESS” AND PROVING TO THE COURT YOUR “ACTIVE EFFORTS” (review pages 10 through 12).**

**Step 1: \_\_\_ Complete The Following Court Forms:**

\_\_\_ **Petition for Appointment of Guardian of the Person (GC-210(P)):**

\*\*\*When you get to Item 9, write “SEE ATTACHED DECLARATION” in the space provided. You will use the form Attached Declaration (MC-031) to write all the facts that support your request for guardianship; why the children require a guardian.

\*\*\*When you get to Item 10.b., and after diligent efforts on your part (e.g., Google search, 411.com search, contact friends, family members, co-workers, employers, etc.), you cannot locate a parent, grandparent, or the other parent to the child’s half-sibling, you must request the Court to excuse you from giving notice of the hearing to each person you cannot locate and provide the requested information as stated in item b.

\_\_\_ **Attached Declaration (MC-031).** Use up to ten (10) pages of this form to write the reasons why the child(ren) require a guardian.

\_\_\_ **Guardianship Petition – Child Information Attachment (GC-210(CA)).** This form must be filled out for **each** child that needs a guardian. The completed form must be attached to GC-210(P).

\_\_\_ **Parental Notification of Indian Status (ICWA-020).** This form must be completed by you, and a blank copy must be provided to each parent of the child(ren) (whether the child(ren) are Native American or not).

\_\_\_ **Notice of Child Custody Proceeding for Indian Child (ICWA-030).** Complete this form if the child(ren) are of Native American Ancestry.

\_\_\_ **Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) (GC-120).**

\_\_\_ Page 1, Item 3.d. (GC-120). **If you there are more than two children that you are seeking to be guardian of, check the box.**

\_\_\_ **UCCJEA Attachment A (GC-120(A)).** Use this form if there are more than two children that you are seeking to be guardian of.

\_\_\_ **Confidential Guardian Screening Form (GC-212).**

\_\_\_ **GC-212 Attachment (MC-031).** If you answered affirmatively to any of the questions in GC-212, you must identify the Item Number from GC-212 that you answered in the affirmative and explain what happened.

\_\_\_ **Consent of Proposed Guardian (GC-211).** Item 1, check the box in front of “person”. Directly below you need to date, print your name and sign your name at the black arrow.

\_\_\_ **Consent to Appointment of Guardian and Waiver of Notice (GC-211).** If either or both of the child(ren)’s parents will agree with your request to be appointed as guardian, have them date and sign item 4 at the bottom.

\_\_\_ **Notice of Hearing – Guardianship or Conservatorship (GC-020).**

\_\_\_ **Proof of Personal Service (GC-020(P)):** You will complete this form as follows:

\_\_\_ (GC-020(P)). At the top of the form check the boxes in front of “Guardianship”, “Person”, and “Minor”. In the space provided after “OF (name):” fill in the children’s names.

\_\_\_ Item 4 (GC-020(P)). Check the box. Write out the names of all the documents you will have served; specifically, “Petition for Appointment of Guardian; Parental Notification of Indian Status; UCCJEA Declaration; Petition for Appointment of Temporary Guardian; Consent of Guardian.; and blank Parental Notification of Indian Status.”

\_\_\_ Item 5.a. (GC-020(P)). Check the box.

\_\_\_ (GC-020(P)). In the section below “Name of each person personally served, address where served, and date and time service was made”:

\_\_\_ Item 1. Write the Mother’s name.

\_\_\_ Item 2. Write the Father’s name.

**If you want to have the children’s grandparents personally served:**

\_\_\_ Item 3 (GC-020(P)). Write the Paternal Grandfather’s name.

\_\_\_ Item 4 (GC-020(P)). Write the Paternal Grandmother’s name.

\_\_\_ **Attachment to Notice of Hearing Proof of Personal Service (GC-020(PA)):**  
If you need more room to identify other grandparents/people for personal service.

\_\_\_ (GC-020(PA)). At the top of the form, check the box for “Guardianship”.

\_\_\_ (GC-020(PA)). Write the Maternal Grandfather’s name.

\_\_\_ (GC-020(PA)). Write the Maternal Grandmother’s name.

\_\_\_ (GC-020(P)). DO NOT DATE OR SIGN THIS FORM. Your Server will do that after they hand-deliver a copy of the documents to each person after the emergency hearing and prior to the second hearing.

\_\_\_ **Proof of Service by Mail (Page 2 of the Notice of Hearing) (GC-020):** IF you will have any of the children’s grandparents served by mail. You will complete page 2 of the Notice of Hearing as follows:

\_\_\_ (Page 2 of GC-020). At the top of the form check the boxes in front of “Guardianship”, “Person”, and “Minor”. In the space provided after “OF (name):” fill in the children’s names.

\_\_\_ Item 3.a. (Page 2 of GC-020). Check the box.

\_\_\_ Item 5 (Page 2 of GC-020). Check the box.

\_\_\_ (Page 2 of GC-020). In the section below “Name and address of each person to whom notice was mailed”, complete as follows:

\_\_\_ Item 1. Write the Maternal Grandmother’s name and her mailing address.

\_\_\_ Item 2. Write the Maternal Grandfather’s name and his mailing address.

\_\_\_ Item 3. Write the Paternal Grandmother’s name and her mailing address.

\_\_\_ Item 4. Write the Paternal Grandfather’s name and his mailing address.

\_\_\_ (GC-020). DO NOT DATE OR SIGN THIS FORM. Your Server will do that after they mail a copy of the documents to the children’s grandparents after the emergency hearing and prior to the second hearing.

\_\_\_ **Order Appointing Guardian of Minor (GC-240):**

\*\*\*(GC-240). When you get to Item 2.a. and b., if after diligent efforts on your part, you are still unable to locate a parent, grandparent, or the other parent to the child’s half-sibling, check box a., check box b., “should be” and type in the names of the people you have not been able to locate.

\*\*\*(GC-240). When you get to Item 8, check the box.

\_\_\_ **Duties of Guardian and Acknowledgement of Receipt (GC-248).**

\_\_\_ **Letters of Guardianship (GC-250).**

\_\_\_ **Petition for Appointment of Temporary Guardian of the Person (GC-110(P)):**

\*\*\*When you get to Item 7, write “See Petition for Appointment of Guardian of the Person, Item 9, filed herewith.”

\*\*\*When you get to Item 9.b., and after diligent efforts on your part (e.g., Google search, 411.com search, contact friends, family members, co-workers, employers, etc.), you cannot locate a parent, you must request the Court to excuse you from giving notice of the hearing to each person you cannot locate and provide the requested information as stated in item b.

\_\_\_ **Order Appointing Temporary Guardian or Conservator (GC-140):**

\*\*\*When you get to Item 2.a. and b., check box a. and if you are unable to locate a parent after diligent efforts on your part, check box b., “should be” and type in the parent(s) names.

\*\*\*When you get to Item 8, check the box.

\_\_\_ **Letters of Temporary Guardianship or Conservatorship (GC-150).**

\_\_\_ **Proof of Personal Service of Notice of Hearing – Guardianship or Conservatorship (GC-020(P)).**

\_\_\_ **Fee Waiver Application (FW-001).**

\_\_\_ **Order on Application for Fee Waiver (FW-003).**

\_\_\_ **Sheriff’s Instruction** (if you intend to use the Sheriff’s Dept. to serve the parents).

**Step 2: \_\_\_ Make Copies:**

Make one (1) copy (so you end up with the original plus 1 copy) of: Confidential Guardian Screening Form (GC-212); GC-212 Attachment (MC-031, if used); Notice of Child Custody Proceeding

for Indian Child (ICWA-030, if child(ren) have Native American Ancestry); Duties of Guardian and Acknowledgement of Receipt (GC-248); Fee Waiver Application (FW-001); Fee Waiver Order (FW-003).

Make enough copies (so you end up with the original plus copies for yourself, all of the child(ren)'s grandparents, the child(ren)'s mother and father, the child(ren) who need a guardian [only if he/she is 12 yrs. or older], if the child(ren) have half-sibling(s), then to the other parent of the half sibling(s), and to any person who has legal custody of the child(ren) or is serving as a court-appointed guardian of the child(ren)'s property) of:

Petition for Appointment of Guardian of the Person (GC-210(P)); Attached Declaration (MC-031); Guardianship Petition – Child Information Attachment (GC-210(CA), for each child that needs a guardian); Parental Notification of Indian Status (ICWA-020); UCCJEA Declaration (GC-120); Attachment GC-120(A) (if used); Consent of Proposed Guardian (GC-211); Notice of Hearing (GC-020); and Petition for Appointment of Temporary Guardian of the Person (GC-110(P)).

**Step 3: \_\_\_ Staple The Forms. You must staple the forms as follows:**

Petition for Appointment of Guardian(GC-210) – **for the original and all copies** staple to GC-210: Attachment 9 – Need for Guardian (MC-031); and Child Information Attachment (GC-210(CA), for each child that will needs a guardian).

Petition for Appointment of Temporary Guardian (GC-110(P)): **for the original and all copies** staple the four pages together.

Notice of Hearing (GC-020) – **for the original and all copies** staple the two pages together.

UCCJEA Declaration (GC-120) – **for the original and all copies** staple the two pages together. If there are more than two children that need a guardian, then staple to GC-120 the Attachment GC-120(A).

Confidential Guardian Screening Form (GC-212) – **for the original and the copy** staple the two pages together. If you answered in the affirmative to any question in GC-212, then you will staple to GC-212: GC-212 Attachment (MC-031).

Notice of Child Custody Proceeding for Indian Child (ICWA-030, if child(ren) have Native American Ancestry) – **for the original and the copy** staple the ten pages together.

Duties of Guardian and Acknowledgement of Receipt (GC-248) – **for the original and the copy** staple the five pages together.

Order Appointing Guardian (GC-240) – Staple the three pages together.

Letters of Guardianship (GC-250) – Staple the two pages together.

Order Appointing Temporary Guardian (GC-140) – Staple the two pages together.

Letters of Temporary Guardianship (GC-150) – Staple the two pages together.

**Step 4: \_\_\_ File The Documents At The Bishop Court:**

Take the original and all copies of the following documents to the Bishop Court for filing:

Confidential Guardian Screening Form (GC-212); GC-212 Attachment (MC-031, if used); Notice of Child Custody Proceeding for Indian Child (ICWA-030, if child(ren) have Native American Ancestry); Duties of Guardian and Acknowledgement of Receipt (GC-248); Fee Waiver Application (FW-001); Fee Waiver Order (FW-003); Petition for Appointment of Guardian of the Person (GC-210(P), and all attachments); Parental Notification of Indian Status (ICWA-020); UCCJEA Declaration (GC-120, and Attachment A [if used]); Consent of Proposed Guardian (GC-211); Notice of Hearing (GC-020); and Petition for Appointment of Temporary Guardian of the Person (GC-110(P)).

If you do not qualify for a Fee Waiver Order, then you must pay \$435.00. If you will be paying by check, make it payable to Inyo County Superior Court.

If you will be mailing your documents to the Court the mailing address is: Inyo County Superior 301 West Line Street, Bishop, CA 93514. If you are mailing your documents to the Court, you must provide the Court with a pre-addressed, pre-stamped envelope large enough to contain the originals and all copies, with sufficient postage to cover the return mailing costs. You must also either qualify for a Waiver of Court Fees and provide the court with the completed Fee Waiver Application and Order on Court Fee Waiver, or you must provide the court with a check or money order in the sum of \$435.00. If you will be paying by check, make it payable to Inyo County Superior Court.

The Court Clerk will process all of the originals and all copies by providing a case number, putting a File Stamp on the documents, providing a date, time, and location for your hearing on the Notice of Hearing, and will return to you all of the “conformed” copies.

**Step 5: \_\_\_ Have The Documents Served:**

After you get your “conformed” copies back from the Court Clerk, you will need to arrange to have a person who is at least 18 yrs. or older (YOU CANNOT SERVE THE DOCUMENTS) serve the following documents: Petition for Appointment of Guardian of the Person (GC-210(P), and all attachments); Parental Notification of Indian Status (ICWA-020); UCCJEA Declaration (GC-120, and Attachment A [if used]); Consent of Proposed Guardian (GC-211); Notice of Hearing (GC-020); Petition for Appointment of Temporary Guardian of the Person (GC-110(P)); and the blank ICWA-020.

**Personal Service Is Required For:**

- Parents of the child(ren) in need of a guardianship;
- The child(ren) who needs a guardian (only if 12 yrs. or older);
- Any person who has legal custody of the child(ren), or is serving as court-appointed guardian of the child's property;
- Any person nominated as guardian of the child(ren) by one or both of the child(ren)'s parents;
- Any person nominated as guardian of the estate of the child(ren) for property received by the child(ren) from the person making the nomination.

If you want the Sheriff's Department to perform the service, then take to the Sheriffs Department in the county where the other party lives: a copy of the Fee Waiver Order (if you qualified); the Sheriff Instruction; all the documents identified in Step 5; and the Proof of Personal Service. The Sheriffs will serve that person, complete the Proof of Personal Service form, and return the completed form to you in the mail. If you did not qualify for a Fee Waiver Order, then the Sheriffs will charge you for the service. Contact the Sheriffs Department for information on their service fees.

**Service By Mail Is Allowed For:**

- Grandparents – both sets;
- Brother(s) and sisters (including half-brothers/sisters – to sibling directly if 12 yrs. or older – to parents if he/she is under 12.)

**Time for Service – The documents Must Be Served On Required Parties No Later Than:**

Personal service and service by mail must be completed at least 15 days before the date of the hearing.

**Step 6: \_\_\_ Have The Server Complete The Proof Of Service Form:**

\_\_\_ **Proof of Personal Service (GC-020(P)):** After the documents have been hand-delivered, the person who performed the service must complete, date, and sign the Proof of Personal Service form (GC-020(P)) as follows:

\_\_\_ Item 5.a. (GC-020(P)). Check the box.

\_\_\_ Item 6 (GC-020(P)). Your Server will fill his/her name, address and telephone number.

\_\_\_ (GC-020(P)). In the section below “Name of each person personally served, address where served, and date and time service was made”:



\_\_\_ Item 1. Your Server will fill in the address where the Mother was served, and the date and time that he/she hand-delivered the documents to the Mother.

\_\_\_ Item 2. Your Server will fill in the address where the Father was served, and the date and time that he/she hand-delivered the documents to the Father.

**If you had the children's grandparents personally served:**

\_\_\_ Item 3 (GC-020(P)). Your Server will fill in the address where the Paternal Grandfather was served, and the date and time that he/she hand-delivered the documents to the Paternal Grandfather.

\_\_\_ Item 4 (GC-020(P)). Your Server will fill in the address where the Paternal Grandmother was served, and the date and time that he/she hand-delivered the documents to the Paternal Grandmother.

\_\_\_ **Attachment to Notice of Hearing Proof of Personal Service (GC-020(PA)):  
If you need more room to identify other grandparents/people that were personally served.**

\_\_\_ (GC-020(PA)). Your Server will fill in the address where the Maternal Grandfather was served, and the date and time that he/she hand-delivered the documents to the Maternal Grandfather.

\_\_\_ (GC-020(PA)). Your Server will fill in the address where the Maternal Grandmother was served, and the date and time that he/she hand-delivered the documents to the Maternal Grandmother.

\_\_\_ Your Server dates, signs his/her name, and gives the completed form back to you.

**If you had the children's grandparents served by mail:**

\_\_\_ **Proof of Service by Mail (Page 2 of the Notice of Hearing) (GC-020):**

\_\_\_ Item 2 (Page 2 of GC-020). Your Server will fill in his/her residence or business address.

\_\_\_ Item 3.a. (Page 2 of GC-020). Check the box.

\_\_\_ Item 4.a. (Page 2 of GC-020). Your Server will fill in the place where he/she will mail the documents from.

\_\_\_ Item 5 (Page 2 of GC-020). Check the box.

\_\_\_ (Page 2 of GC-020). Your Server dates, prints his/her name, signs his/her name.

\_\_\_ Your server must give the completed form back to you.

**Step 7: \_\_\_ Make A Copy Of The Completed Proof Of Service Form:**

When you get the completed proof of service form back, make a copy for your records.

**Step 8: \_\_\_ File The Proof Of Service Form With The Court:**

IMMEDIATELY file the original completed proof of service form(s) with the Bishop Court (via mail is acceptable).

**Step 9: \_\_\_ YOU MUST APPEAR FOR ALL COURT HEARINGS:**

If you do not appear for all the court hearings, your case will be dismissed, you will be without custody orders for the children you are seeking guardianship of, and you will have to start all over again.

**IF YOU ARE ASKING TO BE THE GUARDIAN OF A NATIVE AMERICAN CHILD, YOU MUST COMPLY WITH THE INDIAN CHILD WELFARE ACT (“ICWA”) REQUIREMENTS:**

1. \_\_\_ **Arrange for Qualified Expert Witness Testimony (“QEW”).** YOU are responsible for finding a qualified member of the child’s tribe to testify at ALL hearings where the court must make a determination about who will have custody of the child(ren), such as: an emergency hearing for temporary guardianship; and the hearing to appoint a temporary guardian; and the hearing on permanent (“general”) guardianship.

**At each of these hearings** (emergency, temporary, and permanent guardianship), YOU as the person applying for guardianship, must arrange to have a Qualified Expert Witness (“QEW”) appear in court to testify.

**What does the Qualified Expert Witness testify about?** The QEW must review the entire court file and come up with an independent determination whether continued custody of the child by the parents is likely to cause the child serious emotional or physical damage within the context of the prevailing cultural and social standards of the child’s tribe as they pertain to family organization and childrearing practices.

The court cannot order guardianship of the child unless clear and convincing evidence is presented, including the testimony of one or more qualified expert witnesses, demonstrating that continued custody of the child by the child's parents is likely to result in serious emotional or physical damage to the child.

**What is clear and convincing evidence?** The evidence must show a causal relationship between the particular conditions in the home and the likelihood that continued custody of the child by the parents will result in serious emotional or physical damage. Without showing a causal relationship, evidence that shows only the existence of community or family poverty, isolation, single parenthood, custodian age, crowded or inadequate housing, substance abuse, or nonconforming social behavior does not by itself constitute clear and convincing evidence that continued custody is likely to result in serious emotional or physical damage to the child. The law recognizes that children can thrive when they are kept with their parents, even in homes that may not be ideal in terms of cleanliness, access to nutritious food, or personal space, or when a parent is single, impoverished, or a substance abuser. Rather, there must be a demonstrated correlation between the conditions of the home and a threat to the specific child's emotional or physical well-being.

**Who may act as a QEW?** A qualified expert witness may be a person who is: recognized by the tribal community as knowledgeable in the prevailing social and cultural standards of the child's tribe as they pertain to family organization and childrearing practices; a person designated by the child's tribe as being qualified to testify; or a person with substantial experience in the delivery of child and family services to Indians and extensive knowledge of prevailing social and cultural standards and childrearing practices within the child's tribe.

However, the rule does not strictly limit who may serve as a qualified expert witness to only those individuals who have particular tribal social and cultural knowledge. The rule recognizes that there may be certain circumstances where a qualified expert witness need not have specific knowledge of the prevailing social and cultural standards of the child's tribe in order to meet the statutory standard. For example, a leading expert on issues regarding sexual abuse of children may not need to know about specific tribal social and cultural standards in order to testify as a qualified expert witness regarding whether return of a child to a parent who has a history of sexually abusing the child is likely to result in serious emotional or physical damage to the child. Thus, while a qualified expert witness should normally be required to have knowledge of tribal social and cultural standards, that may not be necessary if such knowledge is plainly irrelevant to the particular circumstances at issue in the proceeding.

**Does the Qualified Expert Witness need to be an enrolled member of the child's tribe?** There is no requirement that the QEW be a citizen of the child's tribe. The witness should be able to demonstrate knowledge of the prevailing social and cultural standards of the child's tribe or be designated by a tribe as having such knowledge. In some instances, it may be appropriate to accept an expert with knowledge of the customs and standards of closely related tribes. Parties may also contact the BIA for assistance.

**Where do I find a QEW?** You may request the assistance of the child's tribe or the BIA office serving the child's tribe in locating persons qualified to serve as expert witnesses. However, the social worker regularly assigned to the child may not serve as a qualified expert witness in child custody proceedings concerning the child.

**2. \_\_\_ You Must Show To The Court Your On-Going Active Efforts To Get The Parents Remedial/Rehabilitative Help.** Before the Court can order a guardianship of the child(ren), the Court must receive evidence from you (through your written declaration) that YOU are making “active efforts” to get the parents into remedial and/or rehabilitative services or programs designed to help the parents with their issues, and that those efforts have so far been unsuccessful. *Active efforts* means affirmative, active, thorough, and timely efforts intended primarily to maintain or reunite the child with his or her family. Active efforts should be provided in a manner consistent with the prevailing social and cultural conditions of the child’s tribe, and in partnership with the child, parents, extended family, and tribe. **You must provide evidence of your on-going efforts at every court hearing where the court must make a determination about who will have custody of the child(ren)**, such as the emergency hearing for temporary guardianship; and the hearing to appoint a temporary guardian; and the hearing on permanent (“general”) guardianship.

**What are Active Efforts?** Active efforts is determined by the judge on a case-by-case basis. However, your active efforts must include: you attempting to get the parents help through community and tribal resources including housing, financial, transportation, mental health, substance abuse, and peer support services. Conducting or causing to be conducted a diligent search for the child’s extended family members, and contacting and consulting with extended family members to provide family structure and support for the child and the child’s parents. Considering alternative ways to address the needs of the child’s parents and, where appropriate, the family, if the optimum services do not exist or are not available. Supporting regular visits with parents in the most natural setting possible as well as trial home visits of the child during any period of removal, consistent with the need to ensure the health, safety, and welfare of the child. Taking steps to keep siblings together whenever possible. Offering and employing all available and culturally appropriate family preservation strategies and facilitating the use of remedial and rehabilitative services provided by the child’s tribe. Securing tribal membership for a child if the child is eligible for membership in a given tribe.