



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

Item No. 22-167

For business meeting on September 20, 2022

Title

Rules and Forms: Probate Guardianship and Juvenile Dependency Information and Referral

Rules, Forms, Standards, or Statutes Affected

Adopt form GC-207-INFO/JV-352-INFO; approve forms GC-206-INFO and JV-213; revise forms GC-205-INFO, JV-210, and JV-350-INFO

Recommended by

Family and Juvenile Law Advisory Committee
Hon. Stephanie E. Hulsey, Cochair
Hon. Amy M. Pellman, Cochair
Probate and Mental Health Advisory Committee
Hon. Jayne Chong-Soon Lee, Chair

Agenda Item Type

Action Required

Effective Date

January 1, 2023

Date of Report

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Executive Summary

The Family and Juvenile Law Advisory Committee and the Probate and Mental Health Advisory Committee recommend adopting one form, approving two forms, and revising three forms to implement statutory amendments affecting the relationship between probate guardianships and juvenile dependency proceedings. The new mandatory information form fulfills the statutory requirement to develop a form explaining the nature of a guardianship, the rights and duties of a guardian, and the services and supports available to a probate guardian compared with those available to a caregiver in the child welfare system and a guardian appointed by the juvenile court. One new optional form and two revised forms complete a thorough, up-to-date, and consistent set of information forms on probate guardianship and juvenile dependency cases. In

addition, revisions to one form implement the amended process for probate court referral of a child who is the subject of a guardianship petition to the local child welfare agency for investigation of abuse or neglect and commencement of juvenile court proceedings. Approval of a new form gives the probate court an option for exercising its statutory authority to request juvenile court review of an agency's decision not to commence juvenile court proceedings in response to the court's referral.

Recommendation

The Family and Juvenile Law Advisory Committee and the Probate and Mental Health Advisory Committee recommend that the Judicial Council, effective January 1, 2023:

1. Adopt *Comparison of Guardians With Other Nonparent Caregivers* (form GC-207-INFO/JV-352-INFO) to explain the nature of a guardianship, the rights and duties of a guardian, and the services and supports available to a probate guardian compared with those available to a caregiver in the child welfare system and a guardian appointed by the juvenile court;
2. Approve *Information on Probate Guardianship of the Estate* (form GC-206-INFO) to provide separate and up-to-date information on probate guardianships of the estate;
3. Approve *Probate Court Request for Juvenile Court Review of Decision Not to Commence Proceedings* (form JV-213) for probate court use to request juvenile court review of a child welfare agency's decision not to commence juvenile court proceedings in response to the court's referral;
4. Revise *Guardianship Pamphlet* (form GC-205), retitled and renumbered as *Information on Probate Guardianship of the Person* (form GC-205-INFO), to provide separate and up-to-date information on probate guardianships of the person;
5. Revise *Becoming a Child's Guardian in Juvenile Court* (form JV-350-INFO), retitled as *Information on Juvenile Court Guardianship*, to provide up-to-date information on juvenile court guardianships; and
6. Revise *Application to Commence Proceedings by Affidavit and Decision by Social Worker* (form JV-210), retitled as *Application to Commence Juvenile Court Proceedings and Decision of Social Worker*, to add provisions for probate court use to refer a child for child welfare agency investigation and commencement of juvenile court proceedings.

The text of the proposed forms is attached at pages 10–43.

Relevant Previous Council Action

The Judicial Council last revised form GC-205, the guardianship pamphlet, effective January 1, 2001. Form JV-210 was most recently revised effective July 1, 2010. Finally, form JV-350-INFO was substantially revised effective September 1, 2019.

Analysis/Rationale

Assembly Bill 260 was enacted to combat “hidden foster care,” a practice in which a child welfare agency, instead of filing a juvenile dependency petition, encourages the parents of a child subject to or at risk of abuse or neglect to consent to a voluntary “safety plan” of supervised out-of-home placement with a relative.¹ Once the child is placed with the relative, the agency then informs the relative that it will file a dependency petition and place the child in foster care if the relative caregiver does not petition the probate court for appointment as the child’s guardian.

Assembly Bill 260 addressed this problem on two fronts. First, it amended Government Code section 68511.1 to require the Judicial Council to develop a form explaining the nature of a guardianship, the rights and duties of a guardian, and the services and supports available to a probate guardian compared with those available to a caregiver in the child welfare system and a guardian appointed by the juvenile court. The advisory committees recommend that the council adopt *Comparison of Guardians With Other Nonparent Caregivers* (form GC-207-INFO/JV-352-INFO) to fulfill this legislative mandate.²

As private proceedings that do not require government intervention, probate guardianships can seem less intrusive and therefore preferable to juvenile dependency proceedings to families needing someone other than a parent to serve as the child’s caregiver. But probate guardianships differ from juvenile dependency proceedings in ways that are not always to the advantage of parents and children. The probate court process lacks many hallmarks of the juvenile court process, such as court-appointed counsel for parents and children, a presumption of family reunification, and authority for the court to order and oversee reunification services for the family. In addition, a probate guardianship may not afford the same level of financial support or services that is available to a child placed with a foster or resource family or a guardian appointed by the juvenile court.³ Moreover, a probate guardian may, after a time, file a petition to terminate parental rights and adopt the child.⁴ These differences are not always appreciated by a child’s parent or prospective guardian when deciding whether to request, accept, or oppose the appointment of a probate guardian.

¹ Assem. Bill 260 (Stats. 2021, ch. 578); see Assem. Com. on Judiciary, Analysis of Assem. Bill 260 (2021–2022 Reg. Sess.) as introduced, pp. 7–9. See generally Josh Gupta-Kagan, “America’s Hidden Foster Care System” (2020) 72 *Stan. L. Rev.* 841, 843–844.

² AB 260 also amended Probate Code section 1511(a) to require notice of the hearing on a petition for appointment of a probate guardian to include a copy of the form required by Government Code section 68511.1. The committee has added a note to the first page of form GC-207-INFO/JV-352-INFO advising that the form must be attached to notice of the hearing.

³ A *resource family* is a foster family approved through the resource family approval program. See Welf. & Inst. Code, §§ 16519.5–16519.7. This report discusses the use of the term below, at p. 8.

⁴ The length of time a guardian must wait before petitioning to terminate parental rights and adopt the child is not completely clear and can vary depending on the circumstances of each case. Compare Fam. Code, § 8802(a)(1)(D)(i), (ii), and (iii) with Prob. Code, § 1516.5(a)(2).

Information forms (GC-205-INFO, GC-206-INFO, GC-207-INFO/JV-352-INFO, JV-350-INFO)

Form GC-207-INFO/JV-352-INFO is intended to contribute to informed decisions, to the extent those decisions are left to a family, about the caregiving arrangement that best suits the needs of the child and family by providing families with the important information required by statute.

The committees designed the form to give introductory information, including general information about the nature of a guardianship, on the first page, and then present more detailed information in three separate charts. Chart 1 compares the rights and duties of foster parents/resource families with those of guardians. Chart 2 compares the services and financial supports available to foster parents/resource families, probate guardians, and juvenile court guardians. Chart 3 compares the court processes for appointing, overseeing, and terminating a probate court guardian and a juvenile court guardian. This chart also compares the processes in probate or family court for terminating parental rights after a probate guardian has been appointed with the same process after the juvenile court has appointed a guardian.

To promote consistency with the new form and update the existing information forms to reflect current law, the committees also recommend revising form JV-350-INFO on juvenile court guardianships. In addition, the committees recommend revising GC-205-INFO and approving form GC-206-INFO to separate the information about probate guardianships of the estate from information about probate guardianships of the person, because the information on guardianships of the estate is only relevant to a subset of potential guardians. The forms have also been revised to conform across forms in use of terms and advisements to parents and guardians.

Forms for probate court application to child welfare agency and juvenile court (JV-210, JV-213)

On a second front, AB 260 sought to promote the operation of the probate guardianship and juvenile court laws as a cohesive structure.⁵ Amendments to Probate Code section 1513(b) and Welfare and Institutions Code section 329 expanded and clarified the process for probate court referral of a potentially abused or neglected child to the local child welfare agency for investigation and commencement of juvenile court proceedings as well as the agency's response. The committees recommend revising form JV-210 to add a separate section for the probate court's referral and clarifying the instructions on the form consistent with the statutory requirements.

Amendments to Probate Code section 1513(b) and Welfare and Institutions Code section 331 clarified the probate court's authority, if the child welfare agency does not start a dependency case for the proposed ward, to apply to the juvenile court for review of the agency's decision and an order to commence juvenile court proceedings. The statutes also established timelines and processes for the probate court's application and the juvenile court's review and response to the probate court. The committees recommend the approval of form JV-213 for the probate court's optional use to apply for juvenile court review.

⁵ See Prob. Code, § 1513(i).

Policy implications

The new and revised forms in this proposal implement the requirements of AB 260 in probate guardianship and juvenile dependency proceedings. To the extent that this proposal has policy implications, they stem largely from the policies and purposes of the legislation as well as the broader statutory schemes for guardianship and juvenile dependency in the Probate Code and Welfare and Institutions Code, respectively. The proposal promotes the Judicial Council's policy objectives of improving the quality of justice and service to the public and promoting access to the courts by providing accurate and thorough legal information to assist parents and prospective guardians to gain access to the court through the door that will lead to the relief most appropriate for their families.

Comments

This proposal circulated for comment in the spring 2022 invitation-to-comment cycle. The committees received 16 external comments: four superior courts, four advocacy organizations, one county counsel's office, one county bar association, and six court investigators responded. Three commenters agreed with the proposal, ten agreed with the proposal if modified, one agreed in part if modified and disagreed in part, one disagreed with the proposal, and one did not state a position. A workgroup comprising members of both advisory committees met three times with staff to review the comments and develop preliminary responses for the committees' consideration.

General comments on forms

Several commenters suggested reducing the amount of information in forms GC-205-INFO, GC-206-INFO, GC-207-INFO/JV-352-INFO, and JV-350-INFO. Other commenters suggested adding information to the forms or developing additional forms. The committees are sensitive to both the need to present information that in a way that will not overwhelm parents and prospective caregivers and the need to provide information sufficient for them to understand the choices available to them. The committees have worked to balance these often competing needs in revising the proposed forms.⁶ In response to comment, the committees modified all the forms to streamline and reorganize the presentation of information to make it easier to understand. In particular, the committees modified chart 1 on proposed form GC-207-INFO/JV-352-INFO to remove former column 1, which discussed nonparental caregiver arrangements that do not require a court order. These arrangements are now mentioned on page one of the form, along with a reference to form GC-205-INFO, which discusses those arrangements in more detail.

The committees considered several suggestions to add information to the forms. In response to a suggestion from a coalition of commenters led by the Alliance for Children's Rights, the committees added a discussion of publicly funded childcare options available to caregivers, including guardians, based on income to forms GC-205-INFO and GC-207-INFO/JV-352-INFO. The committees decided that this information would be important to parents and potential

⁶ The committees also received an internal comment from a staff member in the Center for Judicial Education and Research suggesting several changes to the format and design of form GC-207-INFO/JV-352-INFO. The committees have forwarded this comment to the authors of the *Judicial Council Forms Manual* for consideration.

caregivers concerned about access to the resources needed to care for and support a child. The committees did not, however, add language to the forms that could be construed as legal advice. Instead, language was added in appropriate locations, including the first page of form GC-207-INFO/JV-352-INFO, to encourage form users to consult an attorney about their specific cases.

Matters not subject to family decision

Several commenters suggested clarifying that some decisions related to juvenile court proceedings were not subject to a family's private decision. The committees revised form GC-207-INFO/JV-352-INFO to clarify that only a county social worker may file a petition to start a juvenile dependency proceeding and that the juvenile court might not grant the petition.

Rules of court to implement Probate Code section 1513(b) and Welfare and Institutions Code section 331(b)

The committees requested specific comment on whether to recommend statewide rules of court to specify internal court procedures for a probate court to apply for juvenile court review under Probate Code section 1513(b)(4) and a juvenile court to respond under Welfare and Institutions Code section 331(b). All commenters who addressed the issue suggested that the committees recommend rules of court to establish uniform statewide procedures, though most appeared to want rules not to establish procedures for probate court application for juvenile court review, but to establish a statewide process for an individual to apply to the child welfare agency, which is outside of the scope of the Judicial Council's purview.

The unanimity of the comments in favor of developing rules notwithstanding, the committees do not recommend rules at this time for three principal reasons. First, the statutes outline the content, procedures, and deadlines for applications and responses in detail. The committees concluded that rules of court specifying additional processes or mechanisms would not usefully add to the statutory requirements and, as noted above, would interfere with the local discretion needed to implement the statutory policies in each court.

Second, the committees' discussions disclosed unavoidable differences among courts in the manner in which the courts are able to implement the new requirements. These differences—including differences in court size, number and assignment of judicial officers, case management systems, and general operational processes—prevent the implementation of the legislative intent through uniform statewide rules.

Third, the committees are sensitive to the requirement, in Government Code section 77001, that rules of court establish a decentralized system of trial court management. In most, though certainly not all, cases, the process enacted in Probate Code section 1513(b)(4) and Welfare and Institutions Code section 331(b) will be conducted internally, that is, between two different departments within a single superior court. The processes at issue in those cases seem, therefore, to fall within the scope of internal operational procedures best left to local discretion. If additional guidance is needed when the application and review are in two separate superior courts, Family Code section 3410 or Probate Code section 2204, both of which apply to guardianship proceedings, might inform the processes.

Service and delivery of form GC-207-INFO/JV-352-INFO with notice of hearing

Several commenters stated that the cost to petitioners of photocopying and mailing form GC-207-INFO/JV-352-INFO with each notice of hearing on a petition to appoint a probate guardian, as required by Probate Code section 1511(a), could be considerable. Although the committees are not free to limit the statutory notice requirement, they have attempted to reduce the costs to petitioners by limiting the information in the form to that which is statutorily mandated and, where appropriate, substituting references to other forms or sources that provide more detail. The committees also note that a petitioner may, with the recipient's consent, deliver notice electronically to a person listed in Probate Code section 1511(c).

Caregiving arrangements that do not require a court order

Several commenters objected to the global description of caregiving arrangements that do not require a court order as “informal.” The committees agree that this characterization of the caregiving arrangements described, for example, in item 2 of form GC-205-INFO, was misleading. Although none of them requires a court order, each requires a certain level of formality. The committees have revised the forms to refer to these caregiving arrangements that do not require a court order as *nonparental caregiving arrangements*, to move the substantive discussion of them to form GC-205-INFO, and to discuss them more precisely. In particular, the committees agree with the commenters that the reference to an “informal childcare agreement” was misleading. Some commenters correctly pointed out that a parent cannot transfer the rights and duties of legal custody over their child to another adult under California law. Only a court order can effect such a transfer.

A parent who wishes to authorize another adult to exercise their parental *rights* may, however, do so by executing a power of attorney consistent with the required statutory formalities. (See generally Prob. Code, §§ 4000–4310.) The power of attorney may grant express rights to the caregiver or may grant rights by reference to an applicable statute. (See, e.g., *id.*, § 4263(a)(2).) But a power of attorney does not impose a *duty* on the caregiver to exercise the granted powers unless the caregiver agrees in writing to exercise them. (*Id.*, § 4230.) Even if the caregiver agrees, the parent retains all their parental duties, too. Because of the formalities required to execute a valid power of attorney, the risk of error in specifying the rights granted the designated caregiver, and the need of a written agreement to impose a duty on the caregiver, the committees have cautioned users that advocates discourage the use of powers of attorney to make caregiving arrangements and encourage parents who want to explore their use to consult an attorney.

In addition, one commenter suggested adding information about Indian custodianship as a caregiving arrangement that does not require a court order. In response to this comment, the committees added information about Indian custodianship to item 2 on form GC-205-INFO and included an Indian custodian as a potential “other caregiver” in item 1 on form JV-210.⁷ The committees do not, however, recommend adding an option to indicate that the child lives on tribal land to item 2 on form JV-210. That item requests information needed to establish that the

⁷ An Indian custodian may be appointed by court order, but need not be. (See 25 U.S.C. § 1903(6).)

juvenile court where the application is filed is the proper venue or forum. The residence of the child on tribal land would not serve that purpose.

Foster parents and resource families

Multiple commenters suggested providing additional information on the difference between foster parents and resource families. In response to these comments, the committees revised forms GC-207-INFO/JV-352-INFO and JV-350-INFO to explain that resource families are foster parents who have been approved by the child welfare agency through the resource family approval (RFA) process, the details of which are beyond the scope of this proposal.⁸ Because the rights and duties and services and supports are the same regardless of whether the foster parent has received resource family approval, the forms treat them the same. In addition, these forms were revised to use “foster parent/resource family” together consistently to avoid confusion.

Authority to set hearing on request for juvenile court review under Welfare and Institutions Code section 331

Multiple commenters inquired about the source of the juvenile court’s authority to set a hearing on an application to review a social worker’s decision not to start juvenile court proceedings. The relevant statutes do not require, authorize, or prohibit a hearing. Setting a hearing, including an evidentiary hearing or argument, is nevertheless within the court’s inherent authority if necessary to resolve the matter. The Court of Appeal, in *In re M.C.* (2011) 199 Cal.App.4th 784, approves this exercise of judicial discretion in this situation:

[U]nder section 331, the juvenile court adjudicates a controversy. Whoever filed the affidavit pursuant to section 329 will initiate the section 331 proceeding before the juvenile court. The juvenile court must receive and consider not only the section 329 affidavit, but also the social worker’s endorsement stating the reasons why [they] declined to proceed. *The court may also consider additional evidence in the form of investigative reports by the social worker, declarations, and, if necessary, witness testimony.* Upon receipt of this evidence, the court makes an independent assessment of whether “there was or is within the county, or residing therein, a child within the provisions of Section 300.”⁹

A chart of all comments received and the committees’ responses is attached at pages 44–141.

Alternatives considered

The committees considered different methods and formats for presenting the information in forms GC-205-INFO, GC-206-INFO, GC-207-INFO/JV-352-INFO, and JV-350-INFO, as well as allocating the information differently among the forms. The recommended forms reflect the

⁸ Welfare and Institutions Code sections 16519.5–16519.7 prescribe the RFA process. Interested persons can learn more about the process at www.cdss.ca.gov/inforesources/resource-family-approval-program.

⁹ *In re M.C.* (2011) 199 Cal.App.4th 784, 813–814 & fn. 21, emphasis added, citations omitted.

committees' determination of the most effective presentation of information to self-represented persons to help them understand the differences among nonparental caregiving arrangements.

The committees did not consider taking no action. As noted above, AB 260's amendment of Government Code section 68511.1 required the Judicial Council to develop a form providing information about guardianships and comparing them to other caregiving arrangements. The committees intend form GC-207-INFO/JV-352-INFO to fulfill this statutory mandate. The revisions to the other information forms and the approval of form GC-206-INFO for guardianships of the estate were needed to ensure the forms provide accurate legal information.

The committees also did not consider not updating the forms used to apply for commencement of juvenile court proceedings or for juvenile court review on a child welfare agency's decision not to commence such proceedings. Assembly Bill 260's amendments to Probate Code section 1513(b) and Welfare and Institutions Code sections 329 and 331 required revisions. The committees did consider—as an alternative to recommending *Probate Court Request for Juvenile Court Review of Decision Not to Commence Proceedings* (form JV-213)—adding a section for the probate court's use to request juvenile court review of a decision not to start dependency proceedings to *Application to Review Decision by Social Worker Not to Commence Proceedings* (form JV-212). The committees determined, however, that these changes to form JV-212 would risk confusing private persons, most of whom are self-represented, and deterring them from using form JV-212.

Fiscal and Operational Impacts

The courts will not incur any costs from serving or delivering form GC-207-INFO/JV-352-INFO with notice of hearing. Probate Code section 1460 requires the petitioner, not the court, to serve or deliver notice of hearing on petitions filed under division 4 of the code, including guardianship petitions. However, trial court self-help centers will incur ongoing costs to print the information forms and provide them to petitioners, parents, and interested persons. These costs are expected to be minimal, as is the additional work for self-help center staff. Court costs may, to some extent, be offset by a reduction in continuances because self-represented litigants will be better informed. The use of form JV-213 may also streamline the process for the probate court to apply for juvenile court review.

Attachments and Links

1. Forms GC-205-INFO, GC-206-INFO, GC-207-INFO/JV-352-INFO, JV-210, JV-213, and JV-350-INFO, at pages 10–43
2. Chart of comments, at pages 44–141
3. Link A: Assembly Bill 260 (Stats. 2021, ch. 578),
https://leginfo.legislature.ca.gov/faces/billCompareClient.xhtml?bill_id=202120220AB260&showamends=true

GC-205-INFO**Information on Probate Guardianship of the Person**

This form gives general information about *guardianship of the person* under the Probate Code. It discusses:

- Alternatives to guardianship;
- Nomination of a guardian;
- Who can be appointed as a guardian;
- How to ask the probate court to appoint a guardian;
- How to formalize the appointment;
- The rights and duties of a guardian of the person;
- Court oversight, removal, and replacement of the guardian; and
- How and when a guardianship can end.

For an overview of guardianship and a comparison of probate and juvenile court guardianships with placement ordered by the juvenile court with a foster/resource family, read *Comparison of Guardians With Other Nonparent Caregivers* (form GC-207-INFO/JV-352-INFO). For information on juvenile court guardianship, read *Information on Juvenile Court Guardianship* (form JV-350-INFO). For information on probate guardianship of the estate, read *Information on Probate Guardianship of the Estate* (form GC-206-INFO).

CAUTION: This form is not a substitute for legal advice from a licensed attorney. Parents and potential nonparent caregivers considering guardianship should consult a lawyer for answers to questions or concerns about their situation. Click this link, www.courts.ca.gov/selfhelp-findlawyer.htm, for help finding a lawyer. More information is available from the [California Courts Online Self-Help Center](#) and private publications and resources. The superior court clerk's office or [self-help center](#) also has general information, as well as information about any local procedures or rules.

Before asking a court to appoint a guardian, a parent or potential guardian may find it useful to think about these questions:

- Does the child really need a guardianship?
- What alternatives, such as those discussed on pages 2 and 3, are available?
- Would any of those alternatives be better for the child?
- Do the parents know about the alternatives and agree to the guardianship?
- If the parents don't agree, is there enough evidence to show the court that the child needs a guardian?

A person who cannot answer these questions is strongly encouraged to seek legal advice or, at least, more information.

① What Is a Guardianship?

A *guardianship of the person* is a court-ordered relationship that gives an adult, called a *guardian*, legal and physical custody of a child, with the right to make parental decisions about the child's care and control, residence, education, and medical treatment. (For a detailed discussion of a guardian's rights and duties, see ⑪, below.)

With a couple of exceptions (see ③, below), parents may not be appointed guardians of their own child.

Appointment of a guardian of the person completely suspends the parents' rights to have the child live with them and to make decisions for the child for as long as the guardianship lasts. The appointment of a guardian does not,

however, terminate parental rights without additional action by the guardian and the court. For more information, see ⑩ and ⑮, below.

② Are There Nonparental Caregiver Arrangements That Do Not Require a Court Order?

Yes. Parents can make arrangements for their child to live with an adult who is not the child's parent without going to court. These arrangements can be useful if a parent knows or believes they will not be able to take care of the child for a limited time. For example, a custodial parent may be ill; need hospitalization or other residential treatment; be detained, deported, or incarcerated; or be deployed on active military duty.



GC-205-INFO**Information on Probate Guardianship of the Person****2**

Under California law, a parent cannot give *custody* of their child to another person without a court order. Only a court can order legal and physical custody taken from a parent and given to a nonparent. This can happen in a few different types of cases, including a family law child custody case, a probate guardianship of the person, an adoption case, and a juvenile court case.

If a parent allows an adult relative or friend to take temporary care of their child, some service providers will question the caregiver's authority to make decisions or give permission for the child's activities or treatment. For example, a school may require written proof of the caregiver's right to enroll a child in school, or a health care provider may require a formal, written document that shows parental authorization of the caregiver to consent to the child's medical or dental care. This section discusses several ways to arrange for another adult to exercise parental authority.

a. Caregiver's Authorization Affidavit

The Family Code allows an adult, other than a parent, with whom a child is living to complete and sign a *Caregiver's Authorization Affidavit (CAA)* and make certain decisions for the child. A completed CAA authorizes a *nonrelative* caregiver to enroll the child in school and consent to the child's school-related medical care. A *relative* caregiver who provides additional information on the CAA also has authority to consent to the child's medical and dental care and limited authority over a child's mental health care.

Family Code section 6550 authorizes use of the CAA. Section 6552 describes the required contents of the CAA form. You can find a sample of the form here: www.courts.ca.gov/documents/caregiver.pdf. A paper copy may be available from your superior court clerk's office or [self-help center](#), or the county public law library.

A CAA does not need to be filed in court, but it must be signed by the caregiver under penalty of perjury, which means that a caregiver who lies on the form can be charged with a crime. A CAA does not affect the decision-making rights of the child's parents and does not give the caregiver custody of the child.

a. The child's parent can veto any of the caregiver's decisions, can take the child to live with them at any time, even if the caregiver does not think that is best for the child, and can end the CAA at any time.

b. Written caregiver agreement (power of attorney)

A parent who has full custody of a child can use a *power of attorney (POA)* to authorize another adult to take care of their child. A POA is a written document signed by one person giving another person authority to act for the first person.

CAUTION: Many child custody experts discourage parents from using a POA to authorize another adult to take care of a child. Creating a valid POA is difficult. It requires precise language, several formal steps, and can easily lead parents to grant rights different from those they intend. Any parent thinking about using a POA is strongly encouraged to consult an attorney to discuss the pros and cons.

A POA may be useful if a parent knows or believes they will be unavailable for a specific time, such as an active-duty military deployment, or wants to give a caregiver more authority than is allowed by a CAA. With a POA, a parent can give a caregiver all or some of the same *powers* as a guardian of the person (see **1** and **11** for discussions of those powers).

If the caregiver agrees in writing, they owe the parent a strict *duty* to exercise the powers specified in the POA. *The agreement is important.* Without an agreement, a caregiver has no duty to use the powers the parent has given them in the POA to care for the child. A parent who creates a POA also keeps all powers and duties to care for their child. If a caregiver under a POA does not properly care for the child, the parent is still responsible for doing so.

In addition, the child's parent can veto any of the caregiver's decisions, can take the child to live with them at any time even if the caregiver does not think that is best for the child, and can end the arrangement at any time.



GC-205-INFO**Information on Probate Guardianship of the Person****c. Voluntary Placement Agreement**

In some circumstances, parents can also voluntarily give temporary care and custody of their child to a child welfare agency, probation department, or tribe without a court order. This *Voluntary Placement Agreement* (VPA) must satisfy certain legal conditions; specify the child's legal status and the rights and obligations of the parents, the child, and the agency taking custody of the child; and be documented on *Voluntary Placement Agreement—Placement Request* (California Department of Social Services form SOC 155, available at <https://cdss.ca.gov/cdssweb/entres/forms/English/soc155.pdf>).

Under a VPA, the child is placed in foster care, which includes placement in the home of a relative or nonrelative extended family member if possible. The child may be eligible for foster care benefits, but the parents may also be required to pay for a portion of the child's care. The agreement usually lasts for 6 months, but it may be extended for an additional 6 months for a total period not to exceed 12 months. Parents can terminate the agreement at any time but, as noted above, if they end it before the child welfare agency agrees, the agency can file a dependency petition for the child in juvenile court.

d. Indian custodianship

An Indian custodianship can provide another option that does not require court involvement if the child is an Indian child, as defined by the federal Indian Child Welfare Act (ICWA). An Indian custodian is any Indian person who has legal custody of an Indian child under tribal law or custom or under state law. Although under California law, a nonparent may gain legal custody of a child, including an Indian child, only by court order, the state recognizes legal custody of an Indian child that is valid under tribal law or custom. The child's parent may also create an Indian custodianship without a court order by transferring temporary physical care, custody, and control of the Indian child to an Indian person.

③ Who Can Be Appointed as Guardian?

The court may appoint any adult (a person 18 years of age or older)—including a relative, a friend of the family, or another interested person—as guardian of a child's person. The court may *not* appoint a parent unless (a) the parent is terminally ill and is appointed as co-guardian with a nonparent or (b) the child is 18–20 years old, has consented, and has requested Special Immigrant Juvenile findings.

④ Can a Parent or Other Person Pick the Person They Want to Be the Guardian?

A parent can nominate a guardian if:

- The other parent(s) also nominate, or consent in writing to the nomination of, the same guardian for that child.
- When the petition for appointment is filed, the other parent(s) are dead or lack legal capacity to consent to the nomination, or the consent of the other parent would not be required for the child's adoption.

The parent may make the nomination in the petition for appointment, at the hearing on the petition, or in a writing signed before or after the petition is filed. The nomination may state that the parent wants the nominee, if appointed, to have the same authority over the child as a parent with legal custody would have and to be able to exercise that authority without court oversight to the same extent as a parent with legal custody would be able to.

The nomination is effective when made, except that a written nomination may provide that the nomination takes effect only when a specified event or events, including the parent's later legal incapacity, detention, or death, has occurred.

Unless a written nomination provides otherwise, the nomination remains in effect even if the parent later dies or is determined to lack legal capacity.

⑤ Who Can Request Appointment of a Guardian?

A relative or other person, including the child if 12 years old or older, can file a petition asking the court to appoint a guardian. The person who files the petition does not need to be the same person as the one who wants to be appointed guardian, but usually is. This form assumes that the same person is filing the petition *and* asking to be guardian.



GC-205-INFO**Information on Probate Guardianship of the Person****6 Filing the Petition and Giving Notice of the Hearing****a. Petition**

Once a person has decided that a child needs a guardian appointed, the first step in the process of establishing guardianship is to complete *Petition for Appointment of Guardian of Minor* (form GC-210) or *Petition for Appointment of Guardian of the Person* (form GC-210(P)) and all other required documents. Then file the forms with the clerk of the court in the county where the child lives unless it would be better *for the child* to file the petition in a different county. A list of statewide forms that need to be filed with a petition for appointment of a guardian of the person is available on *Forms You Need to Ask the Court to Appoint a Guardian of the Person* (form GC-505). Some courts have additional local forms that need to be filed along with the statewide forms.

NOTE: After a petition is filed, the court may, but is not required to, appoint an attorney to represent the child. Any interested person can ask the court to appoint an attorney for the child. If the child is an Indian child, the child's parent or Indian custodian has a right to an appointed attorney if they cannot afford to hire an attorney. The court is not otherwise authorized to appoint an attorney for a parent or for the petitioner.

The petition needs to ask the court to appoint a guardian of the person or a guardian of both the person and the estate, give the proposed guardian's name and address and the child's name and date of birth, and state that the appointment is "necessary or convenient." The petition must also give the names and addresses of the child's parents and other persons who have specific relationships with the child. If the child is an Indian child, the petition must state that fact and give the name and address of any Indian custodian and the child's tribe. The petition must also tell the court whether there are any adoption, child custody, juvenile court, family law, or other guardianship proceedings affecting the child in progress in California or any other state or country.

The court charges a fee for filing a guardianship petition. If the child or the child's estate cannot afford to pay the fees, the petitioner can ask the court to waive the fee requirement. The court clerk can provide the required fee waiver forms.

b. Notice

Before the court can hold a hearing to decide the petition, the person who filed the petition must give **notice** of the hearing to specific persons unless the court finds that the petitioner tried diligently and could not give notice to a person or that notice would be against the interests of justice. The notice must include a copy of the petition and a copy of *Comparison of Guardians With Other Nonparent Caregivers* (form GC-207-INFO/JV-352-INFO).

Notice must be given to the child if 12 years old or older, the parents, anyone else with legal custody, and anyone nominated to be the guardian by *serving* them personally or, if that is not possible, by first-class mail with an acknowledgment of receipt requested. For more information about *service* of notice, see *What Is "Proof of Service" in a Guardianship?* (form GC-510). Other persons may be given notice personally, by mail, or, if they consent, electronically. If the child is an Indian child, notice must be mailed to any Indian custodian and the child's tribe as required by the Indian Child Welfare Act.

7 Investigation**a. Guardianship investigation**

Unless it finds a good reason not to, the court will order an investigation before the hearing on the petition to appoint a guardian. A court investigator will contact the proposed guardian, the parents, the child, and any other persons who might know about the child's family and their needs. The investigator will give a report to the court and make a recommendation on what decision the court should make. The report is confidential; the court will make it available only to persons served (see item 6b, above) in the proceeding and their attorneys.

The court or county charges a fee for conducting the guardianship investigation. The court can waive its fee if it would cause a hardship to the child or the child's estate. The county may also waive its fee because of hardship.

b. Child welfare referral and investigation

If the probate court thinks the child has been, or is at risk of being, abused or neglected by a parent, the court may refer the child to the county child welfare agency for an investigation and commencement of



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- b. juvenile court proceedings. If the probate court makes a referral, the guardianship proceedings are paused, but the probate court can make any order necessary to protect the child, including an order appointing a temporary guardian or issuing a temporary restraining order.

If, after three weeks, the agency has not notified the probate court that it has filed a petition to begin proceedings in juvenile court, the probate court or the child's attorney, if the probate court has appointed one, may file a request with the juvenile court to review the agency's decision not to begin juvenile court proceedings and to order the agency to file a petition to begin those proceedings.

If the juvenile court begins proceedings, the probate guardianship proceedings must remain paused. If the juvenile court does not begin proceedings, the probate court can hold a hearing and decide whether to appoint a guardian.

8 Hearing and Standard for Appointment

An interested person may appear and object or respond to the petition *in writing* at or before the hearing. In addition, an interested person may appear and object or respond *orally* at the hearing. If no one objects, the court may decide the matter on the verified petition and declarations. If a person objects, then the court will consider evidence, determine any issues, and make appropriate orders.

Based on its determination of the child's best interest, the court may grant the petition, may grant another person's petition, or may find that the child does not need a guardianship and deny all the petitions. The probate court may appoint a guardian for a child when the appointment is "necessary or convenient." This can happen if no parent is willing, available, or suitable to have care, custody, and control of the child. A parent may not be able to care for the child because of the parent's death, incapacity, military obligations, detention, or other reasons. The petitioner must prove to the court that a guardianship is needed.

Appointing a *guardian of the person* may be necessary or convenient if the court decides that the appointment is in the child's **best interest**. If a parent objects to the appointment of a guardian of the person, the court must, before appointing a guardian, find that remaining in or returning to parental custody would be **detrimental** (harmful) to the child.

The longer a child has been living safely with the proposed guardian, the more likely a court is to find that returning to the parents is detrimental to the child or not in the child's best interest.

9 Affirmation and Letters

For appointment of a guardian to be valid, the court must sign the *Order Appointing Guardian or Extending Guardianship of the Person* (form GC-240). Once the court signs the order, the guardian needs to complete *Letters of Guardianship* (form GC-250) and take both forms GC-240 and GC-250 to the clerk's office. After affirming that the guardian will perform their duties according to law, the clerk will issue *Letters of Guardianship*, a legal document that is proof of appointment as the child's guardian. The clerk will keep the original *Letters* in the case file. The guardian should buy a certified copy from the clerk, make photocopies of the certified copy, and keep the certified copy in a safe place. Showing officials and service providers a copy of the *Letters* will help the guardian perform their duties, such as enrolling the child in school and obtaining medical care, by verifying their legal authority to act on the child's behalf.

10 Custody and Visitation Rights—Guardians and Parents

A guardian of the person has full legal and physical custody of the child and is responsible for all decisions relating to care and control of the child. The child's parents can no longer make decisions for the child during a guardianship. The rights of the parents are completely suspended—not terminated—as long as the guardianship remains in effect.

If a guardian is appointed, a parent or other person can ask the court to order the guardian to let them visit or spend time with the child. If the court does not make an order, the guardian can decide who visits the child, how often, and for how long.

After the child has been in the guardian's custody for a minimum time—varying from six months to three years depending on the applicable statute—the guardian may petition to terminate parental rights and adopt the child.



11 Guardian's Rights and Duties**a. Basic rights and duties**

A guardian of the person generally has the same rights to legal and physical custody of the child as a parent. If a parent nominates a person as guardian and that person is appointed by the court, the court will grant the guardian, to the extent provided in the nomination, the same rights and duties regarding the child that a custodial parent has unless the court finds good cause to withhold any of them.

In other circumstances, however, the court can order the guardian to get court approval before taking specific actions for which a parent would not need court approval. The order of appointment and the *Letters* will state whether the court has placed limits on the guardian's authority.

If the child has special needs, a guardian must strive to meet those needs or secure appropriate services. Some children may have physical or learning disabilities. Other children come from abusive homes or have been victims of abuse. Counseling and other services may be necessary to assist a child who has special needs or has had difficult or traumatic life experiences.

A guardian is responsible for providing for food, clothing, shelter, education, and all the medical and dental needs of the child. A guardian must also provide for the safety, protection, and physical and emotional growth of the child. Like a parent, a guardian should maintain close contact with the child's school and physician.

b. Residence

A guardian of the person has the right to decide where the child lives. The child normally lives with the guardian, but the guardian can make other arrangements if they are in the best interest of the child. The guardian should check with the court before placing the child to live with the parents.

A guardian must give proper written notice to the court and other persons of any change of address of either the child or the guardian. A guardian must get permission from the court *before* changing the child's address to a place outside California.

c. Education

A guardian of the person holds the child's educational rights and is responsible for the child's education. The guardian determines where the child will attend school and helps the child set and attain educational goals. The guardian must assist the child in obtaining services if the child has special educational needs. As the child's advocate in the school system, the guardian should attend teacher conferences and play an active role in the child's education. The guardian of a younger child may want to consider enrolling the child in Head Start or another similar program. The guardian of an older child should consider the child's future educational needs, such as college or a specialized school.

d. Health care

A guardian of the person is responsible for meeting the child's medical, dental, and mental health needs. In most cases, the guardian has the authority to consent to the child's medical treatment. However, surgery may not be performed on a child 14 years old or older except in an emergency unless either (1) both the child and the guardian give consent or (2) a court order specifically authorizes the surgery.

A guardian of the person may not place a child in a mental health treatment facility against the child's wishes. A mental health conservatorship proceeding is required for such an involuntary placement. However, the guardian should arrange counseling and other mental health services for the child if appropriate.

In certain situations, the law allows older and more mature children to consent to their own treatment, including outpatient mental health treatment, medical care related to pregnancy or sexually transmitted diseases, and drug and alcohol treatment.

e. Financial support

Even when the child has a guardian, the parents are still obligated to support the child financially. The guardian may take action to obtain child support. You may contact the local child support agency in your county to collect support from a parent. The child may also be eligible for other public benefits, Social Security benefits, Veterans Administration benefits, Indian child welfare benefits, and other public or private funds. For information about some options, see (12), below.



GC-205-INFO**Information on Probate Guardianship of the Person****f. Consent to changes to child's legal status**

A guardian of the person has the authority to consent to (allow) many changes the child may want to make in the transition to independent adulthood. These include:

(1) United States passport application

A guardian has authority to apply for a United States passport for the child.

(2) Driver's license application

A guardian has authority to consent to a child's driver's license application. By giving consent, the guardian becomes liable for any civil damages that result if the minor causes an accident. The law requires that anyone signing the DMV application obtain insurance to cover the minor.

(3) Enlistment in the armed services

The guardian has authority to consent to a minor's enlistment in the armed services. If the minor enters into active duty with the armed services, the minor becomes emancipated under California law, and the guardianship ends.

(4) Marriage

For the child to get married, both the guardian **and the court** must give permission. If the minor enters a valid marriage, the minor becomes emancipated under California law, and the guardianship ends.

g. Liability for child's misconduct

A guardian, like a parent, is liable for the harm and damage caused by the willful misconduct of a child. There are special rules concerning harm caused by the use of a firearm. If you are concerned about your possible liability, you should consult an attorney.

h. Additional duties

The court may place other conditions on the guardianship or additional duties on the guardian. For example, the court may require the guardian to complete counseling or parenting classes, to obtain specific services for the child, or to follow a scheduled visitation plan between the child and the child's parents or relatives. The guardian must follow all court orders.

12**Financial Support and Services for Children in Probate Guardianship**

- a.** Subject to certain conditions, a child living in the home of a *nonrelative* probate guardian may receive state Aid to Families with Dependent Children—Foster Care (AFDC-FC) in the same monthly amount as a child placed in the home of a foster parent or resource family. A child living with a *relative* guardian may receive CalWORKs cash payments based on income.

A youth 18 years of age or older who continues living with a former guardian may continue to receive AFDC-FC or CalWORKs while attending high school or an equivalent full-time educational or vocational training program if expected to graduate before the reach age 19 or, if they have a disability and are attending high school full time, until age 21.

- b.** California offers a variety of publicly funded childcare programs that help low-income families, including families of children living with guardians, pay for childcare. These programs include CalWORKs childcare, Alternative Payment program (AP) voucher and contract-based childcare, California State Preschool Program (CSPP), Head Start and Early Head Start, and Transitional Kindergarten. Many of these childcare programs offer special consideration for families caring for children who have been formally or informally placed outside their home.

Each county in California has at least one childcare resource and referral agency that helps families find childcare and figure out whether they qualify for public funding to help pay for it. Guardians can use this website to find their local resource and referral agency: <https://rrnetwork.org/family-services/find-child-care>. This section discusses the main childcare programs in California.

(1) CalWORKs childcare vouchers:

CalWORKs childcare has three stages:

Stage 1: An entitlement for parents or guardians receiving CalWORKs cash assistance or who received cash assistance in the past 24 months and are engaged or want to engage in a Welfare-to-Work activity. Families stay in Stage 1 until they are transferred to Stage 2.



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- (1) *Stage 2*: An entitlement for parents or guardians who received CalWORKs cash assistance in the past 24 months or a lump-sum diversion payment or services. See (2), below, for eligibility requirements.

Stage 3: Subject to enough funding, families are transferred to Stage 3 after 24 months of receiving cash assistance or if they received a lump-sum diversion payment or services. See (2), below, for eligibility requirements.

Families get continuous CalWORKs childcare for children in their care, including children in formal and informal out-of-home care, for at least 12 months until recertification. Childcare is available until the child is 13 years old or until the child is 21 years old if they have a disability. Qualifying families should *not* be put on a subsidized childcare waiting list for CalWORKs Stages 1 and 2, as these are entitlement programs. Families can choose a childcare center, family childcare home, or family, friend, or neighbor setting that best meets their needs.*

(2) AP voucher and contract-based childcare (including CalWORKs Stages 2 and 3):

Families qualify for childcare based on income, or if they receive CalWORKs cash assistance, or if they are experiencing homelessness and the parent or guardian has a “need” for child care (for example, if they are working or going to school). Families have continuous eligibility for at least 12 months until recertification, until the child is 13 years old or until the child is 21 years old if the child has a disability. Families can choose a childcare center, family childcare home, or family, friend, or neighbor setting that best meets their needs.*

* Some counties may require guardians to use licensed “family, friend, or neighbor” child care.

(3) California State Preschool Program (CSPP):

AP voucher and contract-based child care eligibility requirements apply, but there are some exceptions. CSPP is for children ages 4–5, and there are no “need-based” requirements for part-day CSPP. CSPPs are located on school campuses and in neighborhoods.

(4) Head Start and Early Head Start:

Families experiencing homelessness or receiving CalWORKs cash assistance or supplemental security income (SSI) qualify regardless of income. Other families must qualify based on income. Head Start offers full services to families with children ages 3–5; Early Head Start is for pregnant women and children under age 3.

(5) Transitional Kindergarten:

No-cost early care and education for 4-year-olds offered on school campuses. Parents and guardians with childcare subsidies may keep their 4-year-old children in non-school settings if they prefer.

c. Other community resources

Each county has agencies and service providers that can help a guardian meet the specific needs of a child who comes from a conflict-filled, troubled, or deprived environment. If the child has special needs, the guardian must strive to meet those needs or secure appropriate services. Some children have physical or learning disabilities. Other children come from abusive homes or have been victims of abuse. A child who has special needs or has had traumatic life experiences may need counseling and other services. The probate court cannot help a guardian get services. To find resources and get referrals, the guardian can check with the court [self-help center](#), the local child welfare agency, or even a support group for guardians. A relative guardian can start by visiting the **California Kinship Navigator** at www.getvirtuallsupport.org/app/.

13 Court Oversight of Guardian

Guardians are subject to the regulation and control of the court in performing their duties. To the extent resources are available, the court will require the guardian to complete and submit annual status reports to the court. *Confidential Guardianship Status Report* (form GC-251) must be used for this report. The report must provide information about the child’s residence, education, physical and emotional health, other persons the child lives with, the child’s relationship with the parents, and whether the guardianship is still needed. If the guardian, the child, or another interested person wants the court to decide whether the guardian has the authority or duty to take or not take a specific action, they can file a petition. After notice and a hearing, the court will decide and make orders.



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In addition, some counties have “court visitors” who track and review guardianships. In these counties, a guardian is expected to cooperate with all requests of the court visitor. And no matter the county, the guardian must always cooperate with the court and court investigators.

14 Removal and Replacement of Guardian

After notice and a hearing on a petition filed by the child, a relative or friend of the child, or any other interested person, the probate court may remove a guardian for specific reasons or when it is in the child’s best interest. The court may also suspend the powers of the guardian until it can hold a hearing on the petition for removal. A guardian may also file a petition to resign, and, if the court determines after a hearing that the resignation appears proper, the court must allow it.

If there is a vacancy for any reason, the court may appoint a successor guardian after notice and a hearing as in the case of the original appointment.

15 Termination of Guardianship

A guardianship of the person automatically terminates (ends) when the child reaches age 18 *or* one of the following events occurs before the child reaches age 18:

- The child is adopted;
- The child is emancipated by getting married, enlisting in the military, or court order; or
- The child dies.

If none of these events has occurred, the child, a parent, or the guardian may petition the court for termination of guardianship before the child reaches age 18. To grant the petition, the court must find that termination is in the child’s best interest.

The longer a child has been living safely with the guardian, the more difficult it will be to show that ending the guardianship is in the child’s best interest. In fact, several statutes authorize a guardian to file a petition to terminate parental rights in conjunction with a request to adopt the child.

Under the Probate Code, for example, if a child, other than an Indian child, has lived with a probate guardian for at least two years and the court has found that adoption by the guardian would be in the child’s best interest, a proceeding to terminate parental rights may be brought in the guardianship proceeding, in an adoption proceeding, or in a separate action. The rights and procedures in Family Code sections 7800–7895, including a parent’s right to notice and counsel, apply to this proceeding. (Family Code section 8802 provides different waiting periods and procedures depending on the situation.)

If the guardianship is terminated while the child is still a minor, and no other custodial arrangement is ordered, the child returns to parental custody.

If the child, before reaching age 18, has requested or consented to the extension of the guardianship to allow time to complete a federal application for Special Immigrant Juvenile status, the court may extend the guardianship past the youth’s 18th birthday, but not past the youth’s 21st birthday.

16 Legal Advice and Resources

As noted on page 1, prospective guardians and parents are strongly encouraged to **talk with an attorney**. The attorney can advise them about the legal effect of a guardianship on parental rights, a guardian’s rights and responsibilities, the limits of a guardian’s authority, the rights of the child, and the court processes for appointing, overseeing, modifying, and terminating a guardianship.

Court staff cannot give legal *advice*. The court’s [self-help center](#) can, however, give legal *information* to a person who is not represented by an attorney and help the person fill out any forms they need to file. Information and answers can also be found by contacting local community resources, researching private publications, or visiting the county public law library.

GC-206-INFO Information on Probate Guardianship of the Estate

This form is about acting as a *guardian of the estate* to manage a child's money or other property and preserving it until the child reaches 18 years of age.

The form explains:

- What is a guardian of the estate and who can be appointed as one;
- Who can nominate a guardian of the estate, and how;
- The court process for appointment of a guardian of the estate;
- The powers, duties, and liabilities of a guardian of the estate;
- The court's authority to oversee the guardian of the estate in the performance of the guardian's duties; and
- The procedures for removing and replacing a guardian or terminating a guardianship of the estate.

For information about probate *guardianship of the person*, read Judicial Council form GC-205-INFO. For information about *juvenile court guardianship*, read form JV-350-INFO. For a comparison of guardianship with *juvenile court placement* with a relative caregiver or foster (resource) family, read form GC-207-INFO/JV-352-INFO.

Before asking a court to appoint a guardian, a parent, potential guardian, or other benefactor may find it useful to think about these questions:

- Does the child really need a guardianship?
- What alternatives are available?
- Would any of the alternatives be better for the child?
- Do the parents agree to the guardianship?
- If the parents don't agree, is there enough evidence to show that the child needs a guardian?
- Do you need legal advice or assistance?

CAUTION: This form is not a substitute for legal advice. Only a licensed attorney can give advice about how the law applies to a specific situation. Click this link, www.courts.ca.gov/selfhelp-findlawyer.htm, for help finding a lawyer. For more information, visit the [California Courts Online Self-Help Center](#) or talk to your court's [self-help center](#).

1 What is a guardian of the estate?

A guardian of the estate is a person appointed by the probate court to take control of a child's money or other property, manage that property, and preserve it for the child until the child reaches the age of 18 and can take control of the property for themselves. The court takes appointment of a guardian of the estate very seriously, and the law requires the guardian to collect and make an *inventory and appraisal* of the property, keep accurate financial records, and file regular financial accountings with the court.

Consulting an attorney for legal advice in managing the estate is highly recommended.

2 Are there alternatives to guardianship?

Yes. The law allows a parent or any other person from whom the child receives property to make financial arrangements for the child's property. For example, money received by a child may be deposited in an account accessible only in specified circumstances or by court order until the child reaches 18 years of age. This and other protective

measures can be used without the appointment of a guardian of the estate. These financial arrangements can be complicated; consulting with an attorney before choosing one over another is highly encouraged.

Note: Some financial institutions, insurance companies, and courts require the appointment of a guardian of the estate before they will release funds to a person acting on behalf of a minor child.

3 Who can be appointed as guardian?

To become the court-appointed guardian of a child's estate, you must:

- Be an adult (18 years old or older); and
- Show the court that your appointment would be in the best interest of the child, considering both:
 - Your ability to manage and preserve the child's estate (money and property); and
 - Your concern for and interest in the welfare of the child.



GC-206-INFO Information on Probate Guardianship of the Estate

4 Can a parent or other person name a person they want to be appointed as guardian?

Yes. A parent can ***nominate*** a guardian of the estate if:

- The other parent(s) nominate or consent *in writing* to the nomination of the same guardian for the same child; or
- At the time the petition for appointment is filed, either the other parent(s) are dead or lack legal capacity to consent, or the consent of the other parent(s) would not be required for adoption of the child.

In addition, any person from whom, or by designation of whom, a minor child receives property may nominate a guardian of that property.

The nomination must be made in the petition for appointment of the guardian, at the hearing on the petition, or in a writing signed either before or after the petition is filed.

A nomination is valid when made, except that a written nomination may specify that it is to take effect only if one or more events, such as the incapacity, detention, or death of the person making the nomination, occur.

Unless a written nomination provides expressly otherwise, a nomination remains effective even if the person making the nomination dies or becomes legally incapacitated.

5 Who can file a petition for appointment of a guardian of the estate?

A relative or other person, or the child if 12 years of age or older, may file a petition for appointment of a guardian in probate court using *Petition for Appointment of Guardian of Minor* (form GC-210) in probate court.

THE APPOINTMENT PROCESS

6 Filing the petition

Once a person has decided that a child needs a guardian, the first step in the process is to complete *Petition for Appointment of Guardian of Minor* (form GC-210) and all other required documents. Then, file the forms with the clerk of the court in the county where the child lives unless it would be better *for the child* to file in a different county.

Some courts have additional local forms that need to be filed along with the statewide forms.

The petition needs to ask the court to appoint a guardian of the estate or a guardian of both the person and the estate; give the proposed guardian's name and address and the child's name and date of birth; and state that the appointment is necessary or convenient. The petition must also give the names and addresses of the child's parents and other persons who have specific relationships with the child. If the child is an Indian child, the petition must state that fact and give the name and address of any Indian custodian and the child's tribe. The petition must also tell the court whether there are any adoption, child custody, juvenile court, family law, or other guardianship proceedings affecting the child in progress in California or any other state or country.

The court charges a fee for filing a guardianship petition. If the child or the child's estate cannot afford to pay the fees, the petitioner may request that the court waive the fee requirement. The court clerk can provide the required fee waiver forms.

7 Notice of the hearing

Before the court can hold a hearing to decide the petition, the person who filed the petition must give ***notice*** of the hearing to specific persons unless the court finds that the petitioner tried diligently and couldn't give notice to a person or that notice would be against the interests of justice. The notice must include a copy of the petition and a copy of *Comparison of Guardians With Other Nonparent Caregivers* (form GC-207-INFO/JV-352-INFO).

Notice must be given to the child if 12 years old or older, the parents, anyone else with legal custody, and anyone nominated to be the guardian by *serving* them personally or, if that's not possible, by first-class mail with an acknowledgment of receipt requested. For more information about *service* of notice, see *What Is "Proof of Service" in a Guardianship?* (form GC-510). Other persons may be given notice personally, by mail, or, if they consent, electronically. If the child is an Indian child, notice must be mailed to any Indian custodian and the child's tribe as required by the Indian Child Welfare Act.

GC-206-INFO Information on Probate Guardianship of the Estate**8 Investigation**

Unless it finds a good reason not to, the court will order an investigation before the hearing on the petition to appoint a guardian. The court investigator will contact the proposed guardian, the child, and any other persons who might know about the child's family and their needs. The investigator will give a report to the court and make a recommendation on what decision the court should make.

The court or county charges a fee for conducting the guardianship investigation. The court can waive its fee if it would cause a hardship to the child or the child's estate. The county can also waive its fee because of hardship.

If someone objects to the appointment of a guardian or to the petitioner's appointment as guardian at or before the hearing, the court may decide it needs to hold a trial. Based on its determination of the child's best interest, the court may grant the petition, may grant another person's petition, or may find that the child doesn't need a guardianship and deny all the petitions.

If the probate court thinks the child has been, or is at risk of being, abused or neglected by a parent, the court may refer the child to the county child welfare agency for an investigation and commencement of juvenile court proceedings. If the probate court makes a referral, the guardianship proceedings are paused, but the probate court can make any order necessary to protect the child, including an order appointing a temporary guardian or issuing a temporary restraining order.

If, after three weeks, the agency has not notified the probate court that it has filed a petition to begin proceedings in juvenile court, the probate court or the child's attorney, if the probate court has appointed one, may file a request with the juvenile court to review the agency's decision not to begin juvenile court proceedings and to order the agency to file a petition to begin those proceedings.

If the juvenile court begins proceedings, the guardianship proceedings must remain paused. If the juvenile court does not begin proceedings, the probate court can hold a hearing and decide whether to appoint a guardian.

9 Hearing and standard for appointment

An interested person may appear and object or respond to the petition *in writing* at or before the hearing. In addition, an interested person may appear and object or respond *orally* at the hearing. If no one objects, the court may decide the matter on the verified petition and declarations. If a person objects, then the court will consider evidence, determine any issues, and make appropriate orders.

Based on its determination of the child's best interest, the court may grant the petition, may grant another person's petition, or may find that the child doesn't need a guardianship and deny all the petitions. The probate court may appoint a guardian for a child when the appointment is *necessary or convenient*. The petitioner must prove to the court that a guardianship is needed.

The court must appoint the person nominated as guardian of the estate unless the court determines that the nominee is not suitable. Subject to the preference for a nominee, the court will consider the best interest of the child, taking into account the proposed guardian's ability to manage and preserve the estate property and their concern for and interest in the welfare of the child. If the child is old enough to form an intelligent preference about whom should be appointed, the court must also consider that preference.

10 Oath, letters, and bond

For an appointment as guardian to be valid, the court must sign the *Order Appointing Guardian or Extending Guardianship of the Person* (form GC-240). The guardian then needs to complete *Letters of Guardianship* (form GC-250) and take both forms to the clerk's office. After the guardian affirms that they will perform their duties according to law and posts the court-ordered bond, the clerk will issue *Letters of Guardianship* as proof of appointment as guardian of the child's estate. The clerk will keep the original *Letters* in the case file. The guardian should buy a certified copy from the clerk, make copies of it for use, and keep the certified copy in a safe place. Showing the *Letters* to banks and other financial institutions will help the guardian perform duties, such as opening accounts or making investments, by verifying the legal authority to act on the child's behalf.

GC-206-INFO Information on Probate Guardianship of the Estate

MANAGING THE ESTATE—POWERS AND DUTIES

11 Prudent investments

As guardian of the estate, you must manage the child's money and property with the care of a prudent person dealing with someone else's property. This means that you must be cautious and may not make speculative or risky investments.

12 Separation of estate money and property

As guardian of the estate, you must keep the money and property of the child's estate separate from everyone else's, including your own. When you open a bank account for the estate, the account name must indicate that it is a *guardianship* account and not your personal account.

You should use the child's Social Security number when opening estate accounts. You should never deposit estate funds in your personal account or otherwise mix them with your own funds or anyone else's funds, even for brief periods.

Securities in the estate must be held in a name that shows that they are estate property and not your personal property.

13 Interest-bearing accounts and other investments

Except for checking accounts intended for ordinary expenses, you should place estate funds in interest-bearing accounts. You may deposit estate funds in insured accounts in federally insured financial institutions, but you should not put more than \$250,000 in any single institution. You should consult with an attorney before making other kinds of investments.

14 Blocked accounts

A *blocked account* is a type of account with a financial institution in which money or securities are placed. No person may withdraw funds from a blocked account without the court's permission.

Depending on the amount and character of the child's property, the guardian may choose **or the court may require** that estate money or other assets be placed in a blocked account. As guardian of the estate, you must follow the directions of the court and the procedures required to deposit funds in this type of account. The use of a blocked account is a safeguard and may save the estate the cost of a bond.

15 Other restrictions

Other restrictions on your authority to deal with estate assets exist. Without a prior court order, you may not pay fees to yourself or your attorney. You may not make a gift of estate assets to anyone. You may not borrow money from the estate. You may not use estate funds to purchase real property without prior court order.

If you spend estate funds without court permission, the court may compel you to reimburse the estate from your own funds and remove you as guardian. You should consult with an attorney concerning the legal requirements relating to sales, leases, mortgages, and investment of estate property.

If the child whose estate you are managing has a living parent, or if that child receives assets or is entitled to support from another source, you must obtain court approval before using *guardianship* assets for the child's support, maintenance, or education. You must file a petition or request approval in the original petition and set forth exceptional circumstances that justify any use of guardianship assets for the child's support. The court ordinarily will grant such a petition for only a limited period of time, usually not more than one year, and only for specific and limited purposes.

16 Inventory and appraisal of estate property

You must locate, take possession of, and protect the child's income and property that will be part of the estate. You must change the ownership of all assets into the guardianship estate's name. For real estate, you should record a copy of your *Letters of Guardianship* with the county recorder in each county where the child owns real property.

Next, you must arrange to have a designated probate referee determine the value of the estate property unless this requirement is waived by the court. You, not the referee, must determine the value of certain "cash items." An attorney can advise you on this.

After you have gathered all the child's money and property and determined how much it is worth, you must complete and file an *Inventory and Appraisal* with the court within 90 days of appointment using forms GC-040 and GC-041. The court may order you to return 90 days after your appointment to ensure that you properly file the inventory and appraisal.

GC-206-INFO Information on Probate Guardianship of the Estate

17 Insurance

You should make sure that the property of the estate and any risks to it are protected by appropriate and sufficient insurance. You should maintain the insurance coverage throughout the entire period of the guardianship or until the insured property is sold.

18 Records and accounts

You must keep complete, accurate records of each financial transaction affecting the estate. The checkbook for the guardianship checking account is an indispensable tool for keeping records of income and expenditures. You should also keep receipts for all purchases.

Record keeping is critical because you will have to prepare periodic accountings of all money and property you have received, what you have spent, the date of each transaction, and its purpose. You will also have to describe in detail the money and property remaining after you have paid the estate's expenses.

Beginning one year after initial appointment as guardian of the estate and then at least every two years after that, you must file an accounting for the previous period with a petition asking the court to review and approve the accounting. The court may ask that you explain or justify some or all expenses charged to the estate. You should have receipts, account statements, and other related documents available for inspection in case the court requests them.

If you do not file your accounting as required, the court will order you to do so. You may be removed as guardian if you don't file an accounting. If you know you are going to need extra time to prepare and file an accounting, be sure to ask the court for an extension ahead of the deadline.

You must comply with all state and local rules when filing your accounting. The Probate Code requires that all accounts be submitted on Judicial Council forms. There is a set of forms for standard accounts; the numbers of all these forms start with GC-400. There is also a set of forms for simplified accounts; the numbers of these forms start with GC-405.

California Rules of Court, rule 7.575 explains the accounting process and the forms. You should also check local rules for any special local requirements.

An attorney can advise you and help you prepare the inventory, accountings, and petitions. If you have any questions, you should consult with an attorney.

FURTHER COURT PROCEEDINGS

19 Court oversight

The guardian is subject to the regulation and control of the court in performing their duties. In addition to reviewing periodic accountings, the court may order you to enter into specific transactions or prohibit transactions for the benefit of the child. The guardian, the child, or any interested person can ask the court for such an order. After notice and a hearing, the court will make orders in the best interest of the child.

20 Removal and replacement of guardian

After notice and a hearing on a petition filed by the child, a relative or friend of the child, or any other interested person, the probate court may remove a guardian for specific reasons or when it is in the child's best interest. The court may also suspend the powers of the guardian until it can hold a hearing on the petition for removal. A guardian may also file a petition to resign, and the court must allow the resignation if it appears proper.

If for any reason there is a vacancy, the court may appoint a *successor* guardian after notice and a hearing as in the case of the original appointment.

21 Termination of guardianship

A guardianship of the estate terminates when the child reaches age 18 or if the child dies before age 18, subject to the duty to keep and preserve the estate until it is delivered to the child's personal representative and to settle the estate's accounts. The court may also terminate the guardianship if it decides that is in the child's best interest. At termination, the guardian must distribute the estate property and file a final account and petition for discharge with the court.

GC-207-INFO/JV-352-INFO**Comparison of Guardians With Other Nonparent Caregivers**

Notice of the hearing on a petition for appointment of a probate guardian must include a copy of this form.

A California court can order care, custody, and control of a child transferred from a parent to another caregiver in a variety of cases. This form compares juvenile court and probate guardianship cases. In juvenile court, a foster parent, sometimes called a resource family, is a temporary caregiver. A guardian is a “permanent” caregiver. A probate court can also appoint a guardian, using different procedures and standards. The three charts in this form compare the rights and duties, available services and supports, and court processes in juvenile court and probate guardianship cases.

Charts in this form

- 1. The Rights and Duties of Different Types of Caregivers, at pages 2–4**
Compares foster parents/resource families with probate guardians and juvenile court guardians
- 2. The Services and Financial Support Available to Different Types of Caregivers, at pages 5–8**
Compares foster parents/resource families, probate guardians, and juvenile court guardians
- 3. How a Guardian Is Appointed and What Happens Afterward, at pages 9–11**
Compares probate guardians with juvenile court guardians

For more information on probate guardianship of the person, see *Information on Probate Guardianship of the Person* (form GC-205-INFO). For information on probate guardianship of the estate, see *Information on Probate Guardianship of the Estate* (form GC-206-INFO). For more information on juvenile court guardianship, see *Information on Juvenile Court Guardianship* (form JV-350-INFO).

CAUTION: This form does not replace legal advice from a lawyer. Parents, potential caregivers, and potential guardians should consult a lawyer for answers to questions or concerns about their specific situation. Click this link, www.courts.ca.gov/selfhelp-findlawyer.htm, for help finding a lawyer.

Starting a case in probate court or juvenile court

A probate guardianship case begins when a private person files a petition to appoint a guardian. A juvenile dependency case begins only if the child welfare agency files a petition. However, a private person can ask the agency to file a petition. If the agency does not, that person can ask the juvenile court to order the agency to file a petition. Even if the agency files a petition, the juvenile court can deny it if the child doesn’t meet the legal standard. If the probate court thinks a juvenile dependency case might be appropriate after a guardianship case begins but before a guardian is appointed, the court can ask the agency to file a dependency petition and, if the agency does not, can ask the juvenile court to order the agency to file a petition.

Families can also arrange for care and a place to live for a child without going to court. These arrangements are usually temporary and often involve documents such as a Caregiver’s Authorization Affidavit (see www.courts.ca.gov/documents/caregiver.pdf) or a Voluntary Placement Agreement with a child welfare agency (see www.cdss.ca.gov/cdssweb/entres/forms/english/soc155.pdf). *Information on the Probate Guardianship of the Person* (form GC-205-INFO) gives information about these arrangements.

Foster parents/resource families

If a juvenile court finds that a child cannot continue living safely at home, the court will order the child placed out of the home in the care and custody of the county child welfare agency (sometimes called *child protective services* or CPS). The agency can then place the child in the home of an approved foster parent. If a foster parent has been approved through the resource family approval (RFA) process, the foster parent is sometimes called a *resource family*, so this form uses the term “foster parent/resource family.” Approval as a foster parent/resource family is difficult and takes time. Some families will not be approved because they do not meet the strict standards.

Guardians

A guardian is an adult appointed by either the probate court or the juvenile court to take long-term care, custody, and control of a child when the child’s parents are unavailable or unable to care for the child. A relative or nonrelative can be appointed as guardian if the court finds the appointment is in the child’s best interest. In general, probate guardians have the same rights and duties as juvenile court guardians. However, probate guardians have access to different, and often fewer, financial supports, services, and resources.

1. The *Rights and Duties* of Different Types of Caregivers

Foster Parents/Resource Families	Guardians (Probate and Juvenile Court)
<i>Caregiver's Fundamental Responsibilities and General Duties</i>	
<p>A foster parent/resource family works with child welfare agency social workers to provide care, supervision, and housing for the child.</p> <p>A foster parent/resource family receives foster care funds for the child's needs, such as food and clothing, and works with the social worker to make sure the child receives available resources and services if the child has special needs.</p>	<p>A guardian, whether appointed by a probate court or juvenile court, has the same general rights and duties toward the child as a parent. In other words, a guardian has care, custody, and control of the child. However, the court that appoints the guardian can order the guardian to do or not to do certain things.</p> <p>The guardian is responsible for providing for food, clothing, shelter, education, and all the medical and dental needs of the child.</p> <p>The guardian must provide for the safety, protection, and physical and emotional growth of the child. Like a parent, a guardian should maintain close contact with the child's school and doctor.</p> <p>If the child has special needs, the guardian must strive to meet those needs and secure appropriate services. Some children may have physical or learning disabilities. Other children come from abusive homes or have been victims of abuse. Counseling and other services may be necessary to help these children.</p>
<i>Custody and Visitation</i>	
<p>Physical custody of the child—that is, the right to decide where the child lives—is with the child welfare agency unless the court orders a specific placement.</p> <p>Parents retain legal custody subject to limitations set by the court.</p> <p>A foster parent/resource family must make sure the child takes part in visits and phone calls with parents and others authorized by the social worker or ordered by the court.</p> <p>A foster parent/resource family cannot, on their own, ask the court to terminate parental rights and adopt the child. They can, however, tell the social worker they would like to adopt the child.</p>	<p>The guardian has legal and physical custody of the child.</p> <p>Parents can no longer make decisions for the child while there is a guardianship. The rights of the parents are completely suspended—but not terminated—as long as the guardianship remains in effect.</p> <p>If a guardian is appointed, a parent or other person can ask the court to order the guardian to let them visit or spend time with the child. (In juvenile court, the court must allow the parent to visit the child unless it would be <i>detrimental</i> to the child.) If the court does not make an order, the guardian can decide who visits the child.</p> <p>After the child has been in the guardian's custody for a minimum time, varying from six months to three years depending on the circumstances, the guardian may petition to terminate parental rights and adopt the child.</p>
<i>Residence</i>	
<p>The social worker and the court decide who the child will live with.</p>	<p>A guardian decides where the child lives. The child normally will live with the guardian, but the guardian can make other arrangements if they are in the best interest of the child.</p> <p>A guardian must give proper notice to the court and others of any address change of either the child or the guardian.</p> <p>A guardian must get court permission before changing the child's residence to a place outside California.</p>

GC-207-INFO/JV-352-INFO**Comparison of Guardians With Other Nonparent Caregivers**

Foster Parents/Resource Families	Guardians (Probate and Juvenile Court)
Health Care	
<p>The social worker arranges care and treatment for the child's medical, dental, and mental health needs, but the foster parent/resource family might be responsible for scheduling and transporting the child to these appointments.</p> <p>Parents keep their rights to make health-care decisions for the child except in an emergency or if the court orders otherwise.</p>	<p>The guardian must make sure that the child's health-care needs are met. In most cases, the guardian has the authority to consent to the child's medical treatment. However, if the child is 14 years of age or older, surgery may not be performed on the child unless (1) both the child and the guardian consent, (2) a court order specifically authorizes the surgery, or (3) an emergency exists.</p> <p>A guardian may not place a child in a mental health treatment facility against the child's wishes. A separate legal process is required for such a placement. However, the guardian must obtain any counseling or other necessary mental health services needed by the child.</p> <p>The law also allows children to consent to certain types of treatment—including outpatient mental health treatment, medical care related to pregnancy or sexually transmitted diseases, and drug or alcohol treatment—without the consent of a parent or guardian.</p>
Education	
<p>When a child is in foster care, parents retain the rights to make educational and developmental-services decisions for the child unless the court limits these rights and assigns them to another person.</p> <p>If the court limits parental rights to make educational and developmental-services decisions, it may assign those rights to a foster parent/resource family. Otherwise, a foster parent/resource family cannot make those decisions or attend Individualized Education Program (IEP) meetings for the child unless invited by the person holding educational rights.</p> <p>A foster parent/resource family is responsible for making sure that the child attends school. If the child is receiving special education services, the foster parent/resource family works with the school district and service providers to ensure that the child receives all the services and supports in the child's IEP. (See page 8 for information about financial support for children with special needs.)</p>	<p>A guardian is responsible for the child's education and holds the child's educational and developmental-services decisionmaking rights, unless the court appoints someone else to hold them. If a child needs special education and related services, the guardian must advocate for the child with the school district and make the appropriate arrangements. (See page 8 for information about financial support for children with special needs.)</p>

GC-207-INFO/JV-352-INFO**Comparison of Guardians With Other Nonparent Caregivers**

Foster Parents/Resource Families	Guardians (Probate and Juvenile Court)
<i>Consent to Changes to the Child's Status</i>	
A foster parent/resource family cannot consent to the child's marriage, military enlistment, or driver's license application, but the juvenile court can consent.	<p>A guardian and the court must give permission for a minor child to get married.</p> <p>A guardian may consent to a minor child's enlistment in the armed services or application for a driver's license.</p> <p>A guardian may apply for a passport for a minor child.</p>
<i>Financial Obligations</i>	
A foster parent/resource family receives foster care funds to pay for the child's needs.	<p>The guardian is responsible for the day-to-day financial support of the child, even though the parents are still obligated to support the child. The guardian may take legal action or contact the local child support agency to obtain child support from a parent.</p> <p>The child may also be eligible for Aid to Families with Dependent Children—Foster Care (AFDC-FC), Social Security benefits, Veterans Administration benefits, Indian child welfare benefits, and support from other public or private sources. (See Chart 2.)</p>
<i>Legal Liability</i>	
Except in limited circumstances, a foster parent/resource family is immune from liability in a civil action to recover damages for injury, death, or loss to person or property caused by an act or omission of a child or nonminor dependent while the child or nonminor dependent is placed in the home of the foster parent/resource family. (See Welfare and Institutions Code section 362.06(b)(2).)	A guardian, like a parent, is liable for the harm and damage caused by the willful misconduct of a child. (See Civil Code, § 1714.1(a).) There is usually a limit on how much a guardian may be required to pay. There are special rules concerning harm caused by the use of a firearm.
If you are concerned about your liability for a child's conduct, you should contact an attorney.	
<i>Other Rights or Duties</i>	
<p>Foster parents/resource families are entitled to notice of statutory review hearings and permanency hearings. They may attend the hearings and give information about the child to the court. Caregivers who wish to submit information in writing may use <i>Caregiver Information Form</i> (form JV-290).</p> <p>Foster parents/resource families must be included in a child's Child and Family Team (CFT) and must be notified of every CFT meeting. They may be invited to participate in or support a child's services, such as counseling or other types of treatment.</p>	<p>The court may require the guardian to perform other duties, such as completing a parenting class or attend counseling sessions with the child. The guardian must follow all court orders and cooperate with court investigators.</p> <p>Court visitors and status reports: Some counties have programs in which "court visitors" track and review guardianships. If your county has such a program, you will be expected to cooperate with all the court visitor's requests. In addition, a guardian may have to fill out and file status reports.</p>

2. The Services and Financial Support Available to Different Types of Caregivers

The payment amounts discussed below are updated annually based on the cost of living. Payments are made retroactively. For example, a child placed with a caregiver in January would receive funds for the month of January in February. The payment amounts given below are in effect from July 1, 2022, to June 30, 2023. For updated amounts, see www.cdss.ca.gov/inforesources/letters-regulations/letters-and-notice/all-county-letters.

Foster Parent/Resource Family	Probate Guardian	Juvenile Court Guardian
Cash Payments per Child—Relatives		
<p>Before a relative is approved as a foster parent/resource family, Emergency Caregiver (EC) funding is available at the foster care basic rate starting from the date the child is placed with the relative. EC funding is limited to the foster care basic rate, \$1,129 per month.</p> <p>After approval, the foster parent/resource family will receive foster care payments through federal Aid for Families with Dependent Children—Foster Care (AFDC-FC). These payments are set at the foster care basic rate, \$1,129 per month.</p> <p>There are different eligibility requirements for federal and state AFDC-FC. The child welfare agency will determine eligibility. For a child in relative foster care who is not eligible for federal AFDC-FC or EC, Approved Relative Caregiver (ARC) payments are available. These payments are set at the foster care basic rate, \$1,129 per month.</p> <p>California foster youth who are placed with a relative out of state are eligible for funds at the foster care rate in the state where they are placed.</p>	<p>Child-only California Work Opportunity and Responsibility to Kids Program (CalWORKs) payments are available for a child living with a relative guardian. The income of the family is considered in calculating the amount of cash aid the family receives.</p> <p>Payments are approximately one-half of the foster care basic rate paid to nonrelatives. A relative caregiver can receive this assistance before appointment as guardian if the child lives with the relative. Payments can drop below one-half of the foster care basic rate if there are multiple children in the home.</p> <p>CalWORKs Maximum Aid Payment (MAP) levels depend on variables such as geographic region and exempt/nonexempt status and are hard to calculate. From October 1, 2022, to September 30, 2024, MAP amounts for one child in California are expected to range from \$669 to \$779 per month. A social worker who specializes in benefits would be the best person to ask about MAP levels for cash aid.</p> <p>Payments end when the child turns 18 years old, but it is possible to extend payments to age 19 if the child is completing high school.</p>	<p>Kinship Guardianship Assistance Payment (Kin-GAP) payments are available to children who have lived with an approved relative guardian for at least six months. Kin-GAP families sign a written agreement with the county. The Kin-GAP payments begin once the agreement is signed and the juvenile court terminates the dependency case.</p> <p>Payments cannot exceed the amount the child was receiving in foster care, but they can include the foster care basic rate and any special needs supplements the child was receiving. The income of the child's parents, Kin-GAP guardian, or any other relative living in the household is not used to determine the child's Kin-GAP eligibility.</p> <p>Kin-GAP payments generally end when a child turns 18 but can continue until age 19 if the child is completing high school or until age 21 if the Kin-GAP payments started after the child turned 16 or if the child has an ongoing disability.</p> <p>If the court keeps the juvenile case open after appointing a relative guardian, the guardian can receive Approved Relative Caregiver (ARC) or foster care payments instead of Kin-GAP.</p> <p>In very rare situations, a relative guardian may not qualify for Kin-GAP, foster care, or ARC payments, but may still qualify for California Work Opportunity and Responsibility to Kids Program (CalWORKs) payments.</p>

GC-207-INFO/JV-352-INFO**Comparison of Guardians With Other Nonparent Caregivers**

Foster Parent/Resource Family	Probate Guardian	Juvenile Court Guardian
Cash Payments per Child—Nonrelatives		
<p>Before approval as a resource family, a nonrelative foster parent/resource family may receive Emergency Caregiver (EC) funding at the foster care basic rate, \$1,129 per month, starting from the date the child is placed with the nonrelative.</p> <p>After approval, the foster parent/resource family will receive foster care payments. Nonrelative resource families receive Aid to Families with Dependent Children—Foster Care (AFDC-FC) funds. There are federal and state AFDC-FC funding programs, and they have different eligibility requirements. The foster care basic rate is \$1,129 per month.</p>	<p>No cash payments are available until a guardian is appointed and the child begins living with the guardian.</p> <p>An eligible child living with a <i>nonrelative</i> probate guardian may receive state Aid to Families with Dependent Children—Foster Care (AFDC-FC) payments equivalent to the foster care basic rate, \$1,129 per month, after the court establishes a temporary guardianship.</p> <p>Payments usually end when the child turns 18 years old but may continue to age 19 if the child is completing high school or to age 21 if the child has a disability.</p>	<p>State Aid to Families with Dependent Children—Foster Care (AFDC-FC) is available to children who live with a nonrelative guardian. This rate may change depending on where you live, so before you move, ask if there will be a rate change. The foster care basic rate is \$1,129 per month.</p> <p>A youth who continues living with a former nonrelative guardian after reaching age 18 can continue to receive AFDC-FC payments until they turn 21 if they meet certain participation criteria related to work, school, or activities designed to remove barriers to employment.</p>
Medical Insurance		
Children who qualify for the cash payments described above are also eligible for full-scope Medi-Cal services. Youth are eligible for Former Foster Youth Medi-Cal up to age 26.	A child who qualifies for CalWORKs (relative guardian) or AFDC-FC (nonrelative guardian) payments is eligible for Medi-Cal . After turning 18, a youth is <i>not</i> eligible for Former Foster Youth Medi-Cal but may qualify for Medi-Cal based on income.	Children who qualify for Kin-GAP, ARC, or CalWORKs payments also receive full-scope Medi-Cal health care services.
Extended Foster Care and Other Transition Age Supports		
Extended Foster Care benefits are available for youth living in foster care when they turn 18. These <i>nonminor dependents</i> can receive ongoing case management and EFC payments until they turn 21; they may also qualify for transitional housing and independent living placements.	A youth who turns 18 in a probate guardianship is <i>not</i> eligible for Extended Foster Care , Independent Living Program services, or Chafee Education and Training Vouchers .	Extended Foster Care benefits are <i>not</i> available for a youth who is under juvenile court guardianship when the youth turns 18 years old. But if the former guardian dies or no longer provides ongoing support to the youth, the youth can ask the juvenile court to open the dependency case again. If the court does, the youth may qualify for EFC payments if they complete the requirements.

GC-207-INFO/JV-352-INFO**Comparison of Guardians With Other Nonparent Caregivers**

Foster Parent/Resource Family	Probate Guardian	Juvenile Court Guardian
Extended Foster Care and Other Transition Age Supports		
<p>Payment amounts vary by the type of living arrangement. They range from the foster care basic rate of \$1,129 per month to \$5,720 per month for a parenting youth living in transitional housing in a high-cost county.</p> <p>Independent Living Program funding is available for current and former foster youth up to age 21, if they were in foster care on or after they reached age 16. This funding can help youth learn household and money management and help them with education, housing, and employment.</p> <p>Chafee Education and Training Vouchers for postsecondary education are available for youth who were in foster care on or after age 16. Vouchers are worth up to \$5,000 per year.</p>	<p>However, a youth living with a former guardian and receiving CalWORKs (relative) or AFDC-FC (nonrelative) payments may continue receiving payments until age 19 if the youth is completing high school or another eligible education program or until age 21 if the youth has a disability.</p>	<p>Independent Living Program funding is available for current and former foster youth up to age 21, if they were in foster care on or after age 16, they entered into a Kin-GAP guardianship after age 16, or they entered into a nonrelated legal guardianship through juvenile court after age 8. This funding can help youth learn to manage their household and money and help them with education, housing, and employment.</p> <p>Chafee Education and Training Vouchers may be available. See the Foster Parent/Resource Family column for details.</p>
Childcare Assistance		
<p>The Emergency Child Care Bridge program provides childcare vouchers and navigation support to caregivers of children in foster care and to foster youth who have children of their own. Eligibility depends on available funding and county policy.</p>	<p>Income-based childcare assistance may be available to children in probate guardianships.</p>	<p>Emergency Child Care Bridge program benefits are not available after a guardianship is established, but income-based childcare assistance may be available.</p>
<p>California offers a variety of publicly funded childcare programs to eligible families. <i>Information on Probate Guardianship of the Person</i> (form GC-205-INFO) and <i>Information on Juvenile Court Guardianship</i> (form JV-350-INFO) give more information on these programs. Local childcare resource and referral agencies help families find childcare and determine whether they qualify for publicly funded childcare. Parents and guardians can find a local resource and referral agency here: https://rrnetwork.org/family-services/find-child-care.</p>		

GC-207-INFO/JV-352-INFO**Comparison of Guardians With Other Nonparent Caregivers**

Foster Parent/Resource Family	Probate Guardian	Juvenile Court Guardian
Special Needs Supplemental Payments		
<p>Special needs supplemental payments may be available. These payments are in addition to the basic rate, and can include:</p> <p>Level of Care based on the physical, behavioral, emotional, educational, health, and permanency care provided to a child. Payments range from \$1,129 to \$1,510 per month.</p> <p>Intensive Services Foster Care for children with intensive medical, behavioral, developmental, or emotional needs. The payment is \$2,946 per month.</p> <p>Specialized Care Increments for children with special medical, behavioral, developmental, or emotional needs. The amounts of these payments are set by the county. For more information, see www.cdss.ca.gov/inforesources/foster-care/specialized-care or speak to a social worker.</p> <p>Dual Agency Rate for children in foster care who also qualify for regional center services. These rates are \$1,323 per month for a child up to 3 years old and \$2,955 per month for a child over 3.</p> <p>Whole Family Foster Home and Infant Supplement payments are available to support youth living in foster care with their nondependent children. This rate is \$900 per month.</p> <p>An Expectant Parent Payment is available to support a youth in foster care for the last three months of pregnancy. This payment is \$2,700.</p> <p>A Clothing Allowance is available for foster children in some counties. The payment amount varies by county.</p> <p>Education Travel Reimbursement is available to caregivers who transport a child to the child's school of origin (the school the child was attending before being placed in the resource family home). This rate is set by the state based on two round trips per day between the foster/resource family home and the school.</p>	<p>No special needs supplemental payments are available to a child with living with a <i>relative</i> probate guardian.</p> <p>A child living with a nonrelative probate guardian and receiving state AFDC-FC payments may also, if eligible, receive a specialized care increment, a clothing allowance, or the teen parent part of a Whole Family Foster Home payment.</p> <p>See the Foster Parent/Resource Family column for details about these payments.</p>	<p>Special needs supplemental payments may be available. These include:</p> <ul style="list-style-type: none"> • Level of Care • Intensive Services Foster Care • Specialized Care Increments • Dual Agency Rate • Whole Family Foster Home and Infant Supplement • Clothing Allowance <p>See the Foster Parent/Resource Family column for details about these payments.</p>

GC-207-INFO/JV-352-INFO**Comparison of Guardians With Other Nonparent Caregivers****3. How a Guardian Is Appointed and What Happens Afterward**

STAGE	Probate Guardian	Juvenile Court Guardian
<i>Petition</i>	A person who wants to be appointed guardian of a child must file a petition with the probate court. The child's parent or the child, if at least 12 years old, can also file the petition. (See <i>Information on Probate Guardianship of the Person</i> (form GC-205-INFO).)	To start a juvenile court case, a county social worker or prosecuting attorney must file a petition in juvenile court.
<i>Investigation</i>	Before the court decides to appoint a guardian, an investigation is usually required. If the proposed guardian is a relative, a court investigator conducts the investigation. If the proposed guardian is not a relative, a county social worker conducts the investigation. The investigator prepares a report, makes a recommendation whether the petition should be granted, and files the report with the court, which makes it available to all persons served in the proceeding and their attorneys. The parent and the proposed guardian are responsible for the costs of the investigation unless payment would be a hardship.	The social worker or probation officer conducts an investigation to determine, among other things, whether to detain the child temporarily out of the parent's home and whether to recommend that the court remove the child from the parent's home. A person who wants to serve as guardian of a child in juvenile court should contact the child's social worker or probation officer early in the case to ask if the child can live with them.
<i>Appointment of Counsel</i>	The probate court has the authority to appoint an attorney to represent the child. The court may also appoint an attorney for the Indian custodian or biological parent of an Indian child but does not otherwise have the authority to appoint counsel for a parent.	In a dependency case, the juvenile court must appoint counsel for the child unless it finds that the child would not benefit from the appointment. And in almost every case, the court appoints counsel for a parent who cannot afford counsel. In a juvenile justice case, the court must appoint counsel for the child if the child appears without counsel. The court may also appoint separate counsel for a parent in specific circumstances.
<i>Hearing</i>	The court holds a hearing to decide whether to appoint a guardian. A parent or other interested person may go to the hearing and object, orally or in writing, to the appointment of a guardian for the child or to the appointment of the person proposed as guardian in the petition. The court will decide whether appointing a guardian is necessary and in the child's best interest.	The court holds a hearing to decide if the petition is true and whether to order the child placed out of the parent's home. If it decides the child cannot live safely at home, the court will not appoint a guardian right away unless the parents and child agree. Instead, it will order the child placed first with a foster parent/resource family and order the social worker or probation officer to provide reunification services (see below).
<i>Reunification Services</i>	The probate court cannot order family reunification services but can order supportive services for the guardian and child, if needed.	The juvenile court can order services to help the parents and child reunify (live together safely) <i>before</i> it chooses a permanent plan (e.g., guardianship) but not afterward.

GC-207-INFO/JV-352-INFO**Comparison of Guardians With Other Nonparent Caregivers**

STAGE	Probate Guardian	Juvenile Court Guardian
<i>Decision to Appoint a Guardian</i>	If the probate court finds that appointment of a guardian is necessary and in the child's best interest, the court may appoint a guardian.	The juvenile court may appoint a guardian at different times during the case, after making the required findings. In a dependency case, if the court finds that the petition is true, it can appoint a guardian for the child at the dispositional hearing, if the parents and the child agree and the court finds that appointing the guardian is in the child's best interest. In a juvenile justice case, the court can appoint a guardian for the child at any time after the dispositional hearing if the probation officer recommends it or the child's attorney requests it. In either a dependency or juvenile justice case, if the court has ordered out-of-home placement and denied or terminated reunification services, the court can appoint a guardian as the child's permanent plan at a separate hearing. The court decides whom to appoint as guardian. The person who has been caring for the child is almost always appointed. The procedures for appointing a guardian are generally the same in dependency and juvenile justice, but there are some differences. For more information, see <i>Information on Juvenile Court Guardianship</i> (form JV-350-INFO), and check with the social worker or probation officer.
<i>Court Oversight</i>	<p>After a guardian is appointed, there are no regular court hearings, although the probate court has the authority to regulate and control the guardian's actions. The court can order the guardian to allow visitation of the child with parents or other persons.</p> <p>The court may order the guardian to submit an annual status report to the court and, depending on the county, the court may hold a hearing. (See <i>Information on Probate Guardianship of the Person</i> (form GC-205-INFO).)</p> <p>On receipt of a request, the court may order the guardian to take action. The court may also order the guardian to appear and explain actions they have taken; the court may approve or rescind those actions.</p>	<p>The juvenile court keeps jurisdiction over the guardianship. When the court appoints a guardian, it must also issue parental visitation orders unless it finds that visitation would be detrimental to the child.</p> <p>In many cases after the guardianship is granted, especially if the guardian is related to the child, the court will terminate dependency or juvenile justice jurisdiction and will not hold any more regularly scheduled court hearings. In other cases, the court will grant the guardianship, keep dependency or juvenile justice jurisdiction, and continue to hold regular review hearings. After it terminates juvenile jurisdiction, the juvenile court keeps jurisdiction over the guardianship and can give orders to the guardian.</p> <p>Any request to change a court order, including a visitation order, or to end the guardianship must be filed in the juvenile court using <i>Request to Change Court Order</i> (form JV-180).</p>



GC-207-INFO/JV-352-INFO**Comparison of Guardians With Other Nonparent Caregivers**

STAGE	Probate Guardian	Juvenile Court Guardian
<i>Role of Social Worker or Probation Officer</i>	<p>A county social worker is responsible for screening any proposed guardian and for conducting the guardianship investigation if the proposed guardian is not related to the child.</p> <p>If the probate court thinks a child who is the subject of a guardianship petition may be abused or neglected, it can ask a social worker to investigate and file a dependency petition in the juvenile court before it decides whether to appoint a guardian. If the social worker files a dependency petition, then the juvenile court will have authority over the child's custody and placement. The probate court case will be put on hold until the juvenile court case is over.</p> <p>After a probate guardian is appointed, no social worker is involved unless the child or guardian receives public financial support or services.</p>	<p>If the dependency or juvenile justice case is kept open after guardianship is granted, the social worker or probation officer will provide support to the guardian and child and prepare reports for scheduled juvenile court hearings.</p> <p>If the juvenile dependency or juvenile justice case is closed after guardianship is granted, the juvenile court will continue to oversee the guardianship. Continued involvement by the social worker or probation officer will depend on any services and financial support the child continues to receive.</p>
<i>Terminating Guardianship</i>	<p>The guardianship automatically terminates (ends) when the child turns 18 or if, before turning 18, the child dies, is emancipated by court order, gets married, joins the armed services, or is adopted.</p> <p>If the guardian, a parent, the child, an Indian custodian, or the child's tribe shows that it is in the child's best interest, the court can end the guardianship before the child turns 18. The longer the child has lived with the guardian, the harder it is to show that termination is in the child's best interest.</p> <p>If the child consents, the court can extend a guardianship up to the child's 21st birthday to let the child complete a federal application for Special Immigrant Juvenile status.</p>	<p>The guardianship automatically terminates when the child turns 18 or if, before reaching age 18, the child dies, is emancipated by court order, gets married, joins the armed services, or is adopted.</p> <p>The court can terminate the guardianship if it finds that another permanent plan, such as adoption, is in the child's best interest. A social worker or probation officer, the guardian, a parent, the child, an Indian custodian, or the child's tribe can file a request with the juvenile court to terminate the guardianship.</p>
<i>Terminating Parental Rights</i>	<p>Appointment of a probate guardian suspends parental rights, but does not terminate them. However, under the Probate Code, if a child has been living with the guardian for at least two years, the guardian can file a petition to terminate parental rights so that the guardian can adopt the child. Parents are entitled to appointed counsel if this happens. In some situations, specified in the Family Code, the guardian can ask to adopt the child after as few as six months have passed or may need to wait up to three years.</p> <p>If the child is an Indian child, the Indian Child Welfare Act requires different procedures.</p>	<p>Appointment of a juvenile court guardian suspends parental rights, but does not terminate them. A social worker or probation officer, the guardian, or the child can file a request with the juvenile court to terminate parental rights and change the permanent plan to adoption. The court will hold a hearing to decide whether to grant the request. Each parent is entitled to notice of the hearing, to participate, and to have an attorney appointed for them.</p> <p>If the child is an Indian child, the Indian Child Welfare Act requires different procedures.</p>

PART I. CHILD'S INFORMATION

1. a. Child's name:
- b. Age:
- c. Date of birth:
- d. Sex:
- e. (1) Parent's name: Mother Father Other parent
- (2) Parent's address:
- f. (1) Parent's name: Mother Father Other parent
- (2) Parent's address:
- g. Other caregiver, including Indian custodian (name, address, and relationship to child):
2. The child described in item 1
- a. resides in this county.
- b. was in this county at the time of the events alleged below.

PART II. APPLICANT'S AFFIDAVIT

3. My name and address:
4. My relationship to the child **named in item 1** (*specify*):
5. The child **named in item 1** is being abused or neglected, or is at risk of abuse or neglect, **as described in Welfare and Institutions Code section 300. I am applying for an investigation and commencement of proceedings in juvenile court.**
6. Facts in support of **application** (*describe what happened concisely, and include all known and relevant dates, times, names, and addresses; use additional pages as needed, and label them as Attachment 6*):

☐ Continued on Attachment 6. Number of pages attached:

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)

CHILD'S NAME:	CASE NUMBER:
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PART III. PROBATE COURT REFERRAL

7. The Superior Court of _____ County, Department _____, sitting as a probate court and assigned to determine a petition for appointment of a guardian of the child named above in case number _____, has determined that the child named above is or may be described by Welfare and Institutions Code section 300. The court refers the child to the county child welfare agency for an investigation to determine whether proceedings in juvenile court should be commenced.
8. The child is or may be described by Welfare and Institutions Code section 300 for the following reasons:

☐ Continued on Attachment 8. Number of pages attached: _____

9. The following documents are attached to this form:
- a. ☐ A copy of the *Petition for Appointment of Guardian of Minor* (form GC-210) or *Petition for Appointment of Guardian of the Person* (form GC-210(P)) and all attachments filed in the probate guardianship proceeding identified above.
 - b. ☐ A copy of the investigator's report filed in the guardianship proceeding.
 - c. ☐ Other documents containing material information (*name or brief description of each document or material*):
 - (1) ☐ (*Name or description*):
 - (2) ☐ (*Name or description*):

Date: _____

JUDICIAL OFFICER

DECISION OF SOCIAL WORKER OR CHILD WELFARE AGENCY

10. Social worker information:
- a. Name:
 - b. Agency:
 - c. Address:
 - d. Telephone number:
 - e. Email address:
11. After conducting the investigation required in response to the affidavit on page 1 or the referral above, I have decided:
- a. ☐ to commence dependency proceedings by filing a petition in juvenile court.
 - b. ☐ not to commence dependency proceedings in juvenile court because (*specify reasons, as well as any recommendation made to the applicant*):

☐ Continued on Attachment 11b. Number of pages attached: _____

12. ☐ The report of the findings and conclusions of my investigation is appended as Attachment 12.

I declare under penalty of perjury under the laws of the State of California that I am a social worker of the county in which this application was submitted, I am authorized to determine whether to commence proceedings in the juvenile court, and the foregoing is true and correct.

Date: _____

(SIGNATURE OF SOCIAL WORKER)

(TYPE OR PRINT NAME)

1. On *(date)* _____, the Superior Court of _____ County, Department _____, sitting as a probate court and assigned to determine a petition for appointment of a guardian of the child named above in case number _____, referred the child named above to the county child welfare agency for an investigation to determine whether to commence juvenile court proceedings.
2. As of the date below, no less than 3 weeks and no more than 1 month after the date of referral, *(check all that apply)*:
 - a. ☐ The court has not received the agency's report or its decision whether to commence juvenile court proceedings.
 - b. ☐ The court has received the agency's report, but the agency has declined to commence juvenile court proceedings.
 - c. ☐ The agency has not submitted a report, but has notified the court that it will not commence juvenile court proceedings.
3. This court requests that the juvenile court review the child welfare agency's failure, as of the date below, to commence proceedings in juvenile court and order the agency to file a petition on behalf of the child.
4. The following documents or materials are attached to this request:
 - a. ☐ The probate court's referral to the child welfare agency.
 - b. ☐ The agency's report submitted in response to the probate court's referral *(if available)*.
 - c. ☐ Other *(names and descriptions of additional supporting documents or materials)*:

Total number of pages in documents attached under 4a, b, and c:

Date: _____

JUDICIAL OFFICER

The court has reviewed and considered the probate court's request and all materials submitted with it.

1.
 - a. ☐ The child is not, prima facie, described by Welfare and Institutions Code section 300, and the decision of the social worker not to commence proceedings is affirmed.
 - b. ☐ The child is, prima facie, described by Welfare and Institutions Code section 300, and the social worker is ordered to commence proceedings by filing a petition under Welfare and Institutions Code section 332 in this court on or before *(date)*: _____.
2. ☐ The matter is set for hearing on *(date)*: _____, at *(time)*: _____, in Department *(number)*: _____.
The findings and orders in item 1 are deferred to the conclusion of the hearing.
3. After item 1 is completed, the clerk is directed to return this form to the probate court for filing in the guardianship case file.

Date: _____

JUDICIAL OFFICER

Page 1 of 1

JV-350-INFO Information on Juvenile Court Guardianship

This form is about legal guardianship ordered by the juvenile court as the permanent plan for a child under the court's jurisdiction who cannot return home safely or be adopted.

The form explains:

- What is a guardianship and who can be appointed guardian;
- How and when to ask to be appointed guardian in juvenile court;
- Differences between a foster parent or resource family (a foster parent approved through a specific process), a court-appointed guardian, and an adoptive parent; and
- A guardian's legal rights, duties, and eligibility for financial help.

For more information, visit the California Courts website at www.courts.ca.gov/1206.htm or talk to a lawyer with experience in juvenile court. Learn how to find a lawyer on the website at www.courts.ca.gov/selfhelp-findlawyer.htm.

For information about probate guardianship of the person and the estate, read Judicial Council forms GC-205-INFO and GC-206-INFO. For a comparison of probate and juvenile court guardianship with juvenile court placement with a relative caregiver or foster parent/resource family, read form GC-207-INFO/JV-352-INFO.

1 What is a guardianship?

A guardianship—technically a *guardianship of the person*—is a court-ordered relationship in which a person, other than the child's parent, is given legal and physical custody of a child and can make the decisions that a parent can about the child's care and control, residence, education, and medical treatment. When a guardianship is established, the parents' rights to have the child live with them and to make decisions for the child are completely suspended and given to the guardian for as long as the guardianship lasts.

2 Who can be appointed guardian by the juvenile court?

A child's juvenile court guardian must:

- Be an adult (18 years old or older);
- Not be the child's parent; and
- Be approved by the county child welfare agency or juvenile probation department.

3 Can a relative be appointed guardian?

Yes. The court can appoint any approved adult, including any relative except the child's parent.

4 Is a foster parent/resource family the same as a guardian?

No. A foster parent/resource family is *not* a guardian, but the court will often appoint one, especially a relative, as guardian if the child cannot return home. Foster parents/resource families have some legal rights, including:

- The right to notice of the child's review or permanency hearings and go to the hearings; and
- The right to give the court information about the child's needs. *Caregiver Information Form* (form JV-290) may be used for this purpose.

5 How is a guardian different from a foster parent/resource family?

Foster parents/resource families and guardians are both responsible for taking care of other people's children. But there are important differences.

- **Permanence.** Placement with a foster parent/resource family, including a relative, is intended to be temporary; it can end at any time. A guardianship is a permanent plan, intended to give a child a stable, lasting home and a caring relationship.
- **Court supervision.** The court holds review hearings every six months for a child in foster care. A social worker or probation officer visits a foster/resource family placement regularly. In a guardianship, no regular hearings or visits are required unless the court keeps the juvenile case open, though a guardian who receives services and financial support may continue to have contact with a social worker.
- **Duties.** A foster parent/resource family provides food, clothing, housing, and emotional support to the child under the supervision of a social worker or probation officer. A guardian has more rights and duties toward the child but may receive fewer services and less financial and personal support.

6 Who else can be involved in the court case?

The child's relatives. A relative, even if not the child's foster parent/resource family, has a right to give the court information about the child in writing. *Relative Information* (form JV-285) may be used for this purpose. Relatives can also ask the court to allow them to go to the child's hearings.

JV-350-INFO Information on Juvenile Court Guardianship

7 Will the child be returned to the parent?

In most cases, the social worker or probation officer works with the family by giving them services so that the child can return to live **safely** at home.

Sometimes the court decides the child will not be able to return home safely. If that happens, the court will deny or stop services for the parent. The social worker or probation officer will recommend a permanent plan for the child in a written report to the court.

8 Is guardianship a permanent plan?

Yes. A guardianship is one of three authorized permanent plans. It is intended to last until the child turns 18 years of age. If the child cannot return home, adoption is the **legally** preferred permanent plan because it is more stable and secure. (Later, this form talks more about adoption.) But if adoption is not a legally available option, the court will try to appoint a guardian for the child.

Note: If you are not recommended as guardian, ask the social worker or probation officer if they will name you as a prospective successor guardian. Then you might be assessed and appointed if the first appointed guardian can no longer serve.

- d. There will be a court hearing to decide the child's permanent plan. You will get a notice that tells you when and where the hearing will happen.
- e. Go to the hearing and talk to the judge. The child's parents and other people interested in the case can also go to the hearing and tell the judge what they think about you being the child's guardian.

11 How will the court decide whether to appoint me as guardian?

The court will consider:

- Whether the child can be adopted;
- The recommendation in the agency's report;
- What you and other people say at the hearing; and
- Any other reasons for or against appointing you as guardian.

The court will appoint you as guardian if it decides that:

- A guardianship is best for the child; *and*
- You **are the best person to be the child's** guardian.

12 What if the court appoints me as guardian?

If the court appoints you as guardian, take the order to the clerk. **After you affirm that you will perform the duties of a guardian under the law, the clerk will issue Letters of Guardianship (form JV-330) as proof that you are the child's legal guardian. Buy a certified copy of the form from the clerk, make copies of it, and keep the certified copy in a safe place.**

Take a copy of the **Letters** with you whenever you:

- Take the child to a doctor, dentist, or therapist;
- Sign the child up for school or go to school meetings; or
- Travel with the child.

HOW CAN I BECOME THE CHILD'S GUARDIAN?

9 How do I ask to become the guardian?

If you want the court to appoint you the child's guardian, you should:

- Tell the social worker or probation officer right away; and
- Ask the judge at a hearing as soon as you can.

Think carefully! If the court appoints you, the guardianship will last until the child turns 18. The court will not "undo" or end a guardianship unless:

- The situation has changed since appointment; and
- It is in the child's best interest to end it.

10 What are the steps to becoming a guardian?

There are several steps to becoming a child's guardian in juvenile court:

- a. The social worker or probation officer will interview you and visit your home to make sure you, your home, and everyone living there are safe for the child.
- b. **Your home must be approved.**
- c. The social worker or probation officer will write a report to the court recommending a permanent plan for the child.

JV-350-INFO**Information on Juvenile Court Guardianship****13 Will the court oversee me as guardian?**

When it appoints you, the court can give you other orders, such as to notify the court if you move or to allow the parents or siblings to visit and spend time with the child. You must obey the court's orders.

After it appoints you, the juvenile court may oversee the guardianship to make sure you perform your duties. You won't usually have to go to court unless the court keeps the juvenile case open or someone asks the court to change its orders or make new orders.

Note: Even after the juvenile case is closed, anyone, including you, can use *Request to Change Court Order* (form JV-180) to ask the juvenile court to give you directions, review your plans or actions as guardian, change its previous orders, or end the guardianship.

The social worker or probation officer might also offer permanent placement services to the child. If you're not related to the child, a social worker will visit you every six months and update a voluntary case plan. If you don't follow the case plan, the worker might ask the court to order you to do so.

14 When will the guardianship end?

A guardianship lasts until the child turns 18 unless:

- The child dies before then;
- The child is adopted (by you or another adult); or
- The child is emancipated (or freed from your control) by getting married, entering active military duty, or getting a court order.

The court can order a guardianship to end before the child turns 18, but only if the proposed alternative is in the child's best interests; that is, it would be *better for the child* than continuing the guardianship.

Note: If the child keeps living with you after turning 18, you can get financial help if the child is eligible for Kin-GAP or state AFDC-FC and meets the program requirements. See page 5 for more information about financial support generally.

15 Can the court replace me as guardian?

Yes. The court will consider replacing you as guardian if asked by:

- You, the guardian;
- Any other interested adult; or

- The child, if 14 years old or older.

The judge will replace you only if the judge decides after a hearing that the situation has changed and a new guardian is in the child's best interests.

16 How is guardianship different from adoption?

Both a guardian and an adoptive parent have legal and physical custody of the child in place of the birth parents. But there are many differences.

Permanence. In a guardianship, the parent's rights are only *suspended*. The court can end a guardianship and give the parents back their rights if that would be in the child's best interests. In an adoption, parental rights are *permanently ended*. The adoptive parent is the child's legal parent. The birth parents cannot get their rights back.

Visitation. In a guardianship, the court can make an order allowing the parents or other relatives to visit a child. The guardian must obey the visitation order, as well as all other court orders. In an adoption, parents and other relatives lose their rights to visit the child unless the court and the adoptive parents agree that they can have contact after the adoption.

Duration. A guardianship lasts until the child turns 18 unless something happens to end the guardianship before then. (A court can order a guardianship to end if that is in the child's best interest.) An adoption is intended to last forever. A court can end an adoption only by terminating parental rights in a new juvenile or family law case.

Court oversight. The court keeps jurisdiction over a guardianship and can direct the guardian, replace the guardian, or end the guardianship if someone asks and the order is in the child's best interests. The court does not oversee an adoption once it is final.

Inheritance. A child in a guardianship can inherit property from a parent if the parent dies without a will. If the court knows the child might inherit property, it may appoint a "guardian of the estate" to manage the property. An adopted child usually has no right to inherit from a birth parent but may receive a gift from a birth parent's will or trust.

JV-350-INFO Information on Juvenile Court Guardianship

WHAT ARE A GUARDIAN'S RIGHTS AND DUTIES?

Subject to the court's orders, a court-appointed guardian has the same rights to legal and physical custody of the child as a parent does. In general, you must care for and control the child the same way a parent would.

Specifically, that means:

17 Arrange a place for the child to live

If you move the child to a new address in California, you must notify the court in writing. To move the child out of California, you must get court approval first. Use form JV-180 to ask the court to approve. Other states have different guardianship laws. If you plan to move to another state, find out about your legal rights and duties in that state.

18 Arrange for the child's health care

You can **consent to (allow)** most medical or dental treatment for the child. But if the child is at least 14 years old and does not want to have a non-emergency surgery, you must first get permission from the court.

The law also allows children, **usually older ones**, to get some **kinds of** medical treatment on their own without your approval, including:

- Outpatient mental health treatment;
- Reproductive health care; and
- Drug and alcohol treatment.

19 Provide for the child's education

You can choose the child's school and learning programs just as a parent can. In special situations, the court may also be involved in these decisions. Pay attention to how the child does in school, and meet with the child's teachers. If the child needs special education or other specialized services, you can also ask the school or other providers for these services.

20 Access social services

You can get help for the child from other programs, such as:

- Head Start;
- Regional centers for persons with developmental delays or disabilities;
- Health care services; and
- After-school care.

21 Give consent to the child's marriage

You can allow the child to marry, but you must get the court's permission first. Once the child gets married, the guardianship will end.

22 Give consent to the child's military service

You can allow the child to enlist in the U.S. military. Once the child enters active duty, the guardianship will end.

23 Give consent for the child's driver's license

The child cannot get a driver's license without your written permission. (See also the duties described below.) If you change your mind later, you can sign a form at the DMV to cancel the child's driver's license.

24 Pay for harm caused by the child's driving

You must get **insurance** to cover the child when driving. You will have to pay for damage the child causes when driving that's not covered by insurance, but the law limits how much money you can be forced to pay. If you're concerned about this duty, you should talk to a lawyer.

25 Pay for harm caused by the child's other acts

Willful misconduct. In most cases, a guardian can be made to pay only for harm to another person caused by the child's *willful* misconduct. There is usually a limit **to** how much you **can be required** to pay.

Negligent conduct. **In some cases**, you can be made to pay for harm caused by the child's *negligent* conduct. If you're concerned about this duty, you should talk to a lawyer.

26 Pay for the child's needs

The parents are still legally responsible for child support, but you can accept this responsibility. You can get money to help you support the child. See page 5 for more information.

27 Obey all court orders

The court may require you to accept other duties. For example, the judge may order you to take the child to visit a parent or other relative. You must do what the court orders.

JV-350-INFO**Information on Juvenile Court Guardianship****WHAT FINANCIAL SUPPORT CAN I RECEIVE?**

You may be able to get financial help from the county, state, or federal government. The type of help depends on the child's eligibility and their relationship to you.

Important! Before you become the child's guardian, ask the child's social worker or probation officer or a lawyer if you will qualify for financial help. For a detailed comparison of services and supports available to foster parents, relative caregivers, and guardians, read *Comparison of Guardians With Other Nonparent Caregivers* (form GC-207-INFO/JV-352-INFO).

If the child is related to you

If you become the guardian of a child who is a relative, you may qualify for financial help from these programs:

- **Kin-GAP payments:** If the child has lived with you for at least six months, you have been approved as a resource family, you sign a written agreement, and the court closes the dependency case, you can qualify for Kin-GAP payments. Kin-GAP gives you the same monthly payments as a foster parent caring for a foster child, including any rate the county might pay to care for the child's special needs.

You can receive Kin-GAP in any county or state, but the amount may change based on where you live. In California, the payments are the same amount as foster care payments.

- **Approved Relative Caregiver (ARC) or foster care program:** If the court keeps the juvenile case open after appointing you guardian, you can receive ARC or foster care payments instead of Kin-GAP.
- **CalWORKs (cash assistance):** In very rare situations, you may not qualify for Kin-GAP, foster care, or ARC payments. In those cases, you may still qualify for CalWORKs payments. If you have a low income, you may get a full CalWORKs grant. If your income is too high to qualify for a full grant, you may still receive a "child-only" CalWORKs grant.
- **Health care:** A child who qualifies for Kin-GAP, ARC, foster care, or CalWORKs payments gets health care through Medi-Cal.
- **Independent living program (ILP):** Beginning at age 16, most children can receive ILP funds and services to help them become successful adults. The services available depend on the child's age when Kin-GAP payments started.

- **Chafee Education and Training Vouchers** for postsecondary education are available for youth who were in foster care on or after age 16. Vouchers are worth up to \$5,000 per year.

If the child is NOT related to you

In California, guardians who are not related to the child are eligible for foster care payments from the state. You can receive these payments in any county or state, but the amount may change if you live in another state. Before you move, ask if the rate will change! If you receive payments, a case worker will visit you every six months.

- **Health care:** Children who qualify for foster care payments get health care through Medi-Cal.
- **Independent living program (ILP):** Beginning at age 16, most children can receive ILP funds and services to help them become successful adults.
- **Chafee Education and Training Vouchers** for postsecondary education are available for youth who were in foster care on or after age 16. Vouchers are worth up to \$5,000 per year.

If you keep supporting the child after age 18

Even though the guardianship ends when the child turns 18, payments can continue if the youth still lives with you, you continue to care for and support the youth, the youth meets all other eligibility requirements, and you both sign written agreements.

Generally, Kin-GAP payments end when a child turns 18, *unless* the payments started after the child turned 16 (they continue until age 21) *or* the child has a mental or physical disability (funding continues until 21) *or* the child is in high school (funding continues until 19 or graduation).

Important! Talk to the child's social worker or probation officer or a lawyer a few months *before* the child turns 18 to make sure the child doesn't miss any payments.

JV-350-INFO**Information on Juvenile Court Guardianship****CAN I RECEIVE CHILDCARE ASSISTANCE?**

California offers a variety of publicly funded childcare programs that help families with low income, including guardians, pay for emergency and long-term, continuous childcare. Programs include: CalWORKs childcare; Alternative Payment Program (AP) voucher and contract-based childcare; California State Preschool Program (CSPP); Head Start and Early Head Start; and Transitional Kindergarten. Many of these childcare programs offer special consideration for families caring for children who have been formally or informally placed outside their home.

Every county in California has at least one childcare resource & referral agency that helps families find childcare and determine whether they qualify for public funding to help them pay for it. Parents and guardians can use this website to find their local resource and referral agency for childcare assistance: <https://rrnetwork.org/family-services/find-child-care>.

The main childcare programs in California are:

- **CalWORKs Childcare:** CalWORKs childcare has three stages:
Stage 1: An entitlement for parents or guardians receiving CalWORKs cash assistance or who received cash assistance in the past 24 months and are engaged or want to engage in a Welfare-to-Work activity. Families stay in Stage 1 until they are transferred to Stage 2.
Stage 2: An entitlement for parents or guardians who received CalWORKs cash-assistance in the past 24 months or a lump-sum diversion payment or services. See AP voucher & contract-based childcare, below, for eligibility requirements.
Stage 3: Subject to enough funding, families are transferred to Stage 3 after 24 months of receiving cash assistance or if they received a lump-sum diversion payment or services. See AP voucher & contract-based childcare, below, for eligibility requirements
 Families get continuous CalWORKs childcare for children in their care, including children in formal and informal out-of-home care, for at least 12 months until recertification. Childcare is available until the child is 13 years old or, if the child has a disability, until the child is 21. Qualifying families should not be put on a waiting list for CalWORKs Stages 1 & 2, as these are entitlement programs. Families can usually choose the childcare setting that best meets their needs.*

- **AP voucher and contract-based childcare (including CalWORKs Stages 2 & 3):** Families with children in guardianship qualify for childcare based on income, or if they receive CalWORKs cash assistance, or if they are experiencing homelessness and the guardian has a “need” for childcare, such as working or attending school. Families have continuous eligibility for at least 12 months until recertification, until the child is 13 years old or until the child is 21 years old if the child has a disability. Families can usually choose the childcare setting that best meets their needs.*
- **California State Preschool Program (CSPP):** AP voucher and contract-based childcare eligibility requirements apply, with some exceptions. CSPP is for children ages 4–5; there are no “need” requirements for part-day CSPP. CSPPs are located on school campuses and in neighborhoods.
- **Head Start and Early Head Start:** Families experiencing homelessness or families receiving CalWORKs cash payments or Supplemental Security Income (SSI) qualify regardless of their income. Other families must qualify based on their income. Head Start offers comprehensive services to families with children ages 3–5 and Early Head Start is for pregnant women and children under age 3.
- **Transitional Kindergarten:** No-cost early care & education for 4-year-olds offered on school campuses. Parents and guardians with childcare subsidies may keep their 4-year-old children in non-school settings if they prefer.

Local assistance

You can get help and information about financial support and services from local agencies. For example, if the child does not qualify for Kin-GAP, AFDC-FC, or other foster care payments, you may still be able to get Social Security, Supplemental Security Income (SSI), Medi-Cal, or other financial help. Contact your local child welfare agency if you have questions.

* Some counties do not allow guardians to choose unlicensed family, friend, or neighbor childcare.

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List of All Commenters, Overall Positions on the Proposal, and General Comments				
	Commenter	Position	Comment	Committee Response
1.	Advokids by Lauren Montana, Supervising Attorney Corte Madera	AM	<p>Does the proposal appropriately address the stated purpose? Yes.</p> <p>Should the committees recommend statewide rules of court to specify internal superior court procedures for a probate court to request juvenile court review under Probate Code section 1513(b) and a juvenile court to respond under Welfare and Institutions Code section 331(b)? Yes.</p>	<p>No further response required.</p> <p>The committees considered the public comments suggesting rules to establish uniform statewide procedures for probate courts to request juvenile court review and juvenile courts to respond to these requests. The unanimity of the comments in favor of such rules notwithstanding, the committees do not recommend such rules at this time for three principal reasons. First, the statutory provisions outline the procedures and deadlines in detail. The committees concluded that rules of court specifying additional processes or mechanisms for carrying out processes would not usefully add to the statutory requirements and, as noted above, would interfere with the local discretion needed to implement the statutory policies in each court. Second, the committees' discussions disclosed unavoidable differences among courts—including differences in court size, number and assignment of judicial officers, case management systems, and general court operations—that would prevent them from implementing the legislative intent of AB 260 through uniform statewide procedures imposed by rule. Third, the committees are sensitive to the requirement, in Government Code section 77001, that rules of court establish a decentralized system of trial court management. In most,</p>

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			See comments on specific forms below.	though certainly not all, cases, the process enacted in Welfare and Institutions Code section 331(b) and Probate Code section 1513(b) will be conducted internally, that is, between two different departments within a single superior court. The processes at issue in those cases seem, therefore, to fall within the scope of internal operational procedures best left to local discretion. If additional procedural clarification is needed when the referral and response are between two separate superior courts, Family Code section 3410 or Probate Code section 2204, both of which apply to guardianship proceedings, might inform the processes. See responses to comments on specific forms below.
2.	Alliance for Children's Rights by Sabrina Forte, Director of Policy and Impact Litigation Los Angeles joined by: Bay Area Legal Aid Child Care Law Center Children's Law Center of California Children's Legal Services of San Diego Family Violence Appellate Project Public Counsel	AM	Clarify that forms do not take the place of counsel, and include information about getting legal advice to support decisionmaking. While the forms are very thorough, they should not take the place of legal counsel. A legal advocate with specialized knowledge is in the best position to help families understand the trade-offs of different caregiving arrangements. We recommend that each information form include a breakout box about the importance of obtaining legal advice whenever possible, as well as resources for finding a no-cost or low-cost attorney.	The committees agree and have incorporated an advisement on the first page of forms GC-205-INFO, GC-206-INFO, and GC-207-INFO/JV-352-INFO encouraging families to seek legal advice with a link to the lawyer referral page on the California courts self-help website. Form JV-350-INFO already contains a link to the website's lawyer referral page.

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			<p>Additionally, the information forms could include a box where family members can indicate that someone has reviewed the information with them, along with that person's name and contact information. Although not required, seeing such a box on a form could prompt a caregiver, parent, or youth to find someone to review the information with them, and it could also help the court discern whether the individual has read and understood the information on that form.</p> <p>Include considerations that are directly relevant to parents and youth, in addition to caregivers.</p> <p>The proposal states that the forms mandated by Government Code section 68511.1 have been designed to educate both caregivers and parents so they can make informed decisions about the most appropriate caregiving arrangement for their family. We recommend either creating separate forms for parents and caregivers or, alternatively, modifying the forms to add information of specific importance to parents, including the availability of reunification services and what those services look like under a VPA or juvenile court case; availability of court-appointed counsel; availability of respite care (Welf. & Inst. Code 16501(b)); and the applicable procedures and standards when the</p>	<p>The committees do not recommend adding this information to the form. The new advisement to seek legal advice or information is sufficient.</p> <p>The committees do not recommend separating the forms further. Government Code section 68511.1 required development of a form comparing various attributes of probate guardianships with juvenile court-ordered care and juvenile court guardianships. Form GC-207-INFO/JV-352-INFO fulfills this mandate. In response to this comment, however, the committees have revised the recommended forms to present their information from a standpoint more neutral among potential caregivers and parents.</p> <p>The committees have expanded the information about processes and standards to include, among other things, comparisons of the availability of</p>

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			<p>parent and caregiver disagree about establishing, modifying, or terminating a guardianship. In each of these areas, there are significant differences between juvenile court and probate court. For example, in juvenile court, both parents and children are appointed counsel; in probate, the court occasionally appoints minor's counsel, and the court rarely appoints parent's counsel.</p> <p>Although not a stated objective of this proposal, we also recommend that the forms include information of specific importance to youth, including whether and how they can ask the court to order, modify, or terminate a guardianship; whether information about their probate or juvenile court case will be kept private; and how the duties of minor's counsel differ in probate and juvenile court.</p> <p>Add opportunities for families to provide input and advocacy throughout the various processes.</p> <p>We recommend that the proposed forms take an approach that is empowering to families by highlighting decision points where family input, engagement, and advocacy are important, or even required. These opportunities include participating in child and family team meetings and submitting JV-285 forms to the court.</p>	<p>availability of appointed counsel, reunification services, and the different processes for asking the court to establish, modify, or terminate a guardianship in Chart 3 on form GC-207-INFO/JV-352-INFO.</p> <p>The committees do not recommend the suggested change, though they have clarified the suggested information where possible. Additional suggested information is beyond the scope of this proposal and the mandate of Government Code section 68511.1, but the committees may consider developing a separate form for youth in the future.</p> <p>The committees have revised form JV-350-INFO to indicate that relatives may provide information using form JV-285. The committees have determined that "highlighting decision points" would probably constitute an impermissible provision of legal advice.</p>

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			Although the form and accompanying sections of the Probate Code and Welfare and Institutions Code provide adequate direction for courts to carry out the process created by AB 260, a Rule of Court or Information Sheet may provide additional guidance on this new process. For example, if the matter is set for argument, is a representative of the probate court expected to appear in support of its request? If so, who is best suited to that representative? Will the probate court and the minor receive notice of argument on the matter? Clarifying these questions would help avoid confusion in implementation.	The committees considered the public comments suggesting rules to establish uniform statewide procedures for probate courts to request juvenile court review and juvenile courts to respond to these requests. The unanimity of the comments in favor of such rules notwithstanding, the committees do not recommend such rules at this time for three principal reasons. First, the statutory provisions outline the procedures and deadlines in detail. The committees concluded that rules of court specifying additional processes or mechanisms for carrying out processes would not usefully add to the statutory requirements and, as noted above, would interfere with the local discretion needed to implement the statutory policies in each court. Second, the committees' discussions disclosed unavoidable differences among courts—including differences in court size, number and assignment of judicial officers, case management systems, and general court operations—that would prevent them from implementing the legislative intent of AB 260 through uniform statewide procedures imposed by rule. Third, the committees are sensitive to the requirement, in Government Code section 77001, that rules of court establish a decentralized system of trial court management. In most, though certainly not all, cases, the process enacted in Welfare and Institutions Code section 331(b) and Probate Code section 1513(b) will be conducted internally, that is, between two

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			See comments on specific forms below.	different departments within a single superior court. The processes at issue in those cases seem, therefore, to fall within the scope of internal operational procedures best left to local discretion. If additional procedural clarification is needed when the referral and response are between two separate superior courts, Family Code section 3410 or Probate Code section 2204, both of which apply to guardianship proceedings, might inform the processes. See responses to comments on specific forms below.
3.	California Tribal Families Coalition by Mica Llerandi, Senior Attorney, Legal and Program Services, Sacramento	AM	The proposed forms and information sheets do not include Indian custodianships as an alternative to court-ordered placement. We recommend adding information surrounding Indian custodianships. We have provided screenshots of areas where discussion of Indian custodianships would prove helpful and informative. [Screenshots are not replicated in this comment chart. References to the forms and sections are included and bracketed.] See comments on specific forms below.	The committees agree generally with this comment and have added references to Indian custodianships to the forms, as appropriate. For more details, please see the discussion in the Report to the Judicial Council. See responses to comments on specific forms below.
4.	Frances Cervantes, Court Investigator Superior Court of Solano County	NI	A process entails more than information. Who will review the information GC-206-INFO and	The committees recognize that the forms in this proposal do not, and cannot, provide complete

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			<p>GC-207-INFO with the petitioners? I suspect, no one. As a result, there will be unanswered questions or worse, the information never gets read. This is the case with the Duties of Guardian (GC-248) form. Too many petitioners sign the form without having read it and certainly without understanding their responsibilities as guardians, despite the fact that the form has a signature provision to acknowledge receipt of the form. Receipt, but not review, not understanding. In my fourteen-plus years of experience, most petitioners sign the Duties of Guardian form, without knowing what information is contained in the five-page form. Only five pages, and yet, to enhance understanding in support of Assembly Bill 260, forms GC-206-INFO and GC-207-INFO contain twice as many pages and do not even have a signature pages to acknowledge receipt of the form. It is unfathomable to suggest that petitioners will read and/or comprehend either forms. I fear the effort will not result in better informed families or petitioners and will, therefore, not appropriately address the stated purpose, particularly for non-represented members of the public.</p> <p>In contrast, at least in juvenile court, the JV-350-INFO has a better chance of being reviewed by a court-appointed attorney for the parent(s) affected.</p>	<p>information tailored to each user's situation or interpret that information. No form can serve that function. The committees have therefore revised the forms to encourage users to seek legal advice and to increase references and links to the online directory of superior court self-help centers. The committees have also tried to streamline both the information in the forms and the way it is presented to make it as accessible as possible to self-represented parents and potential caregivers.</p> <p>No further response required.</p>

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			<p>As for how well the proposal would work, depends on court size and demographics. Size and demographics are sure to be factors regarding effectiveness. Smaller courts may not have adequate staffing to assist the public with understanding the information and smaller, rural populations may not have adequate educational background to read and comprehend the material or access to resources that can help them understand the material.</p> <p>As for requests for juvenile court review, statewide rules of court would be beneficial to achieve uniformity for probate requests and juvenile court responses.</p>	<p>The committees recognize that different courts will need to implement the proposal in different ways. See the next response, on statewide rules, for additional consideration of the differences among courts.</p> <p>The committees considered the public comments suggesting rules to establish uniform statewide procedures for probate courts to request juvenile court review and juvenile courts to respond to these requests. The unanimity of the comments in favor of such rules notwithstanding, the committees do not recommend such rules at this time for three principal reasons. First, the statutory provisions outline the procedures and deadlines in detail. The committees concluded that rules of court specifying additional processes or mechanisms for carrying out processes would not usefully add to the statutory requirements and, as noted above, would interfere with the local discretion needed to implement the statutory policies in each court. Second, the committees' discussions disclosed unavoidable differences among courts—including differences in court size, number and assignment of judicial</p>

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				officers, case management systems, and general court operations—that would prevent them from implementing the legislative intent of AB 260 through uniform statewide procedures imposed by rule. Third, the committees are sensitive to the requirement, in Government Code section 77001, that rules of court establish a decentralized system of trial court management. In most, though certainly not all, cases, the process enacted in Welfare and Institutions Code section 331(b) and Probate Code section 1513(b) will be conducted internally, that is, between two different departments within a single superior court. The processes at issue in those cases seem, therefore, to fall within the scope of internal operational procedures best left to local discretion. If additional procedural clarification is needed when the referral and response are between two separate superior courts, Family Code section 3410 or Probate Code section 2204, both of which apply to guardianship proceedings, might inform the processes.
			I like the proposed change to the JV-210 and the new proposed form JV-213.	No response required.
			I cannot speak to cost savings resulting from the proposed changes. In terms of training, I cannot foresee significant cost increase as most court employees must meet continuing education units anyway. The time frame for	No response required.

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			implementation may need to be adjusted depending on the court size and percentage of staff turnover.	
5.	Family Violence Appellate Project by Cory Hernandez, Staff Attorney Oakland	AM	<p>In our experience, survivors of abuse, including intimate partner violence, can be negatively impacted by the practice of “hidden foster care” where parent-survivors are pressured by county social workers to agree to a probate court guardianship to avoid a possible filing in dependency court. As such, we applaud the Committees’ work with SPR22-17, which will help fill the gap of legal information on the differences between guardianship and juvenile dependency proceedings.</p> <p>As the proposal suggests, the intention of SPR22-17 is to “educate caregivers and parents so they can make informed decisions about the caregiving arrangement that best suits the needs of the child and family.” Although this proposal addresses the purpose of providing more information to caregivers, we strongly urge the committees to take further action to achieve the purpose of educating parents.</p> <p>This is important because many survivors of domestic violence do not have the resources to</p>	<p>No response required.</p> <p>The committees have revised the forms to present the information more neutrally and to address the possible questions and concerns of both parents and potential caregivers. Specifically, the committees have expanded information about objecting to the appointment of a guardian and about the possibility that the guardian will petition to terminate parental rights and request to adopt the child. The committees have also clarified that the longer the child lives with a guardian, the more difficult it will be for the court to find that terminating the guardianship is in the child’s best interest.</p> <p>The committees have revised the forms, in particular chart 3 on form GC-207-INFO/JV-</p>

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			<p>consult with a legal attorney when faced with the ultimatum between a guardianship or dependency proceeding. Thus, what is framed as a “temporary” guardianship can appear very alluring to a survivor facing the specter of having their children detained from them in a losing their children in a dependency proceeding. But as the invitation notes, a guardianship proceeding is not without disadvantages, including the lack of court-appointed counsel and reunification services, and guardianships are designed to be long-term changes in custody of a child from a parent to a non-parent.</p> <p>Without the legal resources, including court-appointed counsel, survivors lack the knowledge to properly advocate on their behalf. Survivors do not know that they have the right to object to a guardianship and that, in either a guardianship or dependency matter, it is the other side’s burden to prove that a parent/child separation is truly needed. Survivors also do not know that there are solutions, like caregivers’ affidavits, that allow them to plan for temporary alternative care of their children if they are unavailable for short periods of time. Survivors also often do not know that it will be their burden to prove that a termination of the guardianship is in their child’s best interest, or that the length of time their child was out of</p>	<p>352-INFO, to provide more information on the different processes in juvenile and probate court, including the comparative availability of appointed counsel and reunification services.</p> <p>The committees have revised the information forms to emphasize the importance of counsel and to provide links to information about other sources of legal information, including court self-help centers, available to persons who cannot engage a lawyer. The forms in the proposal identify many of the issues raised in the comment. The forms cannot apply the law to specific situations to help parents or others resolve those situations. No form could do that. In recognition of the inadequacy of the forms as a substitute for counsel, the committees have revised the forms to encourage form users to seek legal advice or, if they cannot do so, to seek further information from identified sources.</p>

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			their care will be a factor counted against them when they ask for their child's return.	
			This can lead to what was intended to be a short, temporary guardianship to become a longer-term, permanent guardianship. This lapse of time outside of the parent's care is then used to justify keeping the child in the custody of the guardian, instead of the parent.	The committees have added information to form GC-205-INFO and GC-207-INFO/JV-352-INFO to indicate that the longer the child lives with the guardian, the more difficult it will be to show that terminating the guardianship is in the child's best interest.
			As drafted, the proposed forms and revisions primarily focus on the rights and support services for caregivers. Although there is some information geared toward parents, that information can be hard to find in these extensively detailed forms and is framed in a way to overly simplify the challenges parents will face if they ever wish to reunify with their children.	The committees do not recommend developing a form designed solely or primarily to address the effect of guardianship on parental rights and interests at this time. Such a form is beyond the scope of this proposal. In addition, the long-term consequences of a guardianship on parental rights are contingent on many events that may occur both before and after the appointment of a guardian. These events vary widely among cases and defy easy cataloguing on an information form. However, the committees have added further information on the relationship between guardianship and termination of parental rights in chart 3 of GC-207-INFO/JV-352-INFO and in GC-205-INFO.
			To make an informed decision on whether a guardianship or dependency proceeding would be better situated for a parent's circumstances, more information on their rights and support services must be provided.	The committees agree and have expanded the information on the forms, in particular form GC-207-INFO/JV-352-INFO, addressing parental rights and interests. As other commenters have pointed out, however, the

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	Commenter	Position	Comment	Committee Response
			See comments on specific forms below.	decision whether to proceed in probate or juvenile court never belongs to the parents alone, no matter how much information they have. See responses to comments on specific forms below.
6.	Christine Flynn, Probate Court Investigator Superior Court of Mendocino County	AM	<p>These informational forms are not user friendly. There is too much information and a lot of guardians who file petitions have limited education and some are illiterate. I do not see guardians reading all of the information.</p> <p>If they do read the forms, they may believe they have a choice about opting for a juvenile court case when they do not. I think it needs to be made clear that it is up to CPS whether to file a juvenile case or up to the juvenile court to order them to file via JV-212. Usually, CPS says the situation is stabilized and there is no reason to open a JV case. Risks or allegations of abuse and neglect are no longer an issue since the minor is no longer living with the parent and is being properly cared for by a relative or non-relative caregiver.</p> <p>Maybe consider simplifying or cutting some repetitive information from the informational forms.</p> <p>See comments on specific forms below.</p>	<p>The committees have revised the forms to clarify and simplify them while retaining critical information. The forms now caution users that they are not intended as a substitute for legal advice and also include links to the online directory of court self-help centers.</p> <p>The processes established by AB 260 are intended to ensure that the ultimate decision whether to file a dependency petition on behalf of a child in a guardianship proceeding rests with the juvenile court. The committees have added information to page 1 of form GC-207-INFO/JV-352-INFO to clarify that only a child welfare agency may start a juvenile dependency case. They also added brief descriptions of applying to the agency to file a dependency petition and applying for a juvenile court order directing the agency to file a petition.</p> <p>The committees have simplified some information and removed repetitive information from the information forms.</p> <p>See responses to comments on specific forms</p>

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				below.
7.	Oneatha Herne, Probate Court Investigator Superior Court of Sacramento County	AM	<p>While the legislation expanded the process for probate court to use W&I 329 and 331, information about the ability of any person to refer a child who is or may be at risk of abuse or neglect as described in W&I 300 by way of W&I 329 and 331 is not widely known. This information and the availability of applicable forms should be included. Information only on the probate court gives the impression that this process is only available after the filing of a probate guardianship petition and only can be used by the probate court.</p> <p>See comments on specific forms below.</p>	<p>The committees agree that this information is important and have added a brief discussion of the ability of any person to apply to the child welfare agency to commence dependency proceedings and to ask the juvenile court to review the agency's decision not to commence such proceedings to page 1 of form GC-207-INFO/JV-352-INFO. Additional information about these processes is beyond the scope of this proposal.</p> <p>See responses to comments on specific forms below.</p>
8.	Elizabeth Ichikawa, Supervising Court Investigator Superior Court of Solano County	N	<p>I appreciate the intent of AB260 and the work of the committee to implement it. I agree more needs to be done to keep families that will be better supported by the juvenile court out of probate court. I think anything that can be done to encourage the use of forms JV-210 and JV-213 should be implemented.</p> <p>Regarding forms GC-205-INFO, GC-206-INFO, GC-207-INFO/JV-352-INFO, and JV-350-INFO, I think the forms are too long, too dense, and are not written for the average adult I come into contact with. Many of the parents I come into contact with have not graduated from high school, have a learning disability, are</p>	<p>No response required.</p> <p>The committees recognize that the forms in this proposal are not a panacea. They do not, and cannot, provide complete information tailored to each user's situation or interpret that information for them. No form or other source of legal information can serve that function. The committees have therefore revised the forms to</p>

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			<p>mentally ill, and/or have a drug/alcohol abuse problem. While they may not be in agreement with the guardianship, their lives are not stable, and reading through lengthy forms is not a priority for them. They are often struggling with housing, transportation, and food. Some of them are in domestic violence relationships. The likelihood that they will read and/or fully understand the information being presented in these forms is low.</p> <p>Many of the potential guardians I come into contact with are also struggling. Some of them have not graduated from high school or have learning disabilities. Often we work with grandparents who are now raising their grandchildren. They are overwhelmed by the guardianship process, suddenly being in a custody battle with their adult children, figuring out school needs, medical needs, and welfare benefits. Many of them have to figure out how to rearrange their lives to include raising children they did not expect to be raising. They often do not carefully read any of the existing guardianship paperwork, including the paperwork they sign. Almost all of the guardians I come into contact with simply sign the Duties of Guardian and Acknowledgment of Receipt (GC-248) without reading it. I am not sure why these new lengthy forms will be any different.</p>	<p>encourage users to seek legal advice and to increase references and links to the online directory of superior court self-help centers. The committees have also tried to streamline both the information in the forms and the way it is presented to make it as accessible as possible to self-represented parents and potential caregivers.</p> <p>As discussed above, the committees agree that more than information forms are needed to help struggling families. The development and recommendation of rules and forms for and about judicial administration, practice, and procedure nevertheless circumscribes the committees' authority and, therefore, the permissible scope of this proposal.</p>

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			<p>I would ask the committee to think carefully about the information that MUST be communicated and how it can be done in a way that will be honest, effective, and meaningful to the communities that we are serving. I think the better way to handle this issue is by properly funding, staffing, and training Child Welfare Service Managers, Supervisors, and Social Workers so they are not turning away the families they are tasked with serving.</p> <p>See comments on specific forms below.</p>	<p>See the committee responses above. The funding, staffing, and training of child welfare agencies and professionals is also beyond the purview of the judicial branch.</p> <p>See responses to comments on specific forms below.</p>
9.	Elizabeth Torres Juaquez, Probate Investigator Superior Court of Los Angeles County	AM	Overwhelmed with the information.	The committees recognize that the forms in this proposal do not, and cannot, provide complete information tailored to each user's situation or interpret that information for them. No form can serve that function. The committees have therefore revised the forms to encourage users to seek legal advice and to increase references and links to the online directory of superior court self-help centers. The committees have also tried to streamline both the information in the forms and the way it is presented to make it as accessible as possible to self-represented parents and potential caregivers.
10.	Los Angeles County County Counsel, Social Services Division DCFS Policy Institute	A	The new and revised guardianship forms are great. The informational forms are really informative and detailed, and they are presented in plain simple language. People applying for	No response required.

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	DCFS Juvenile Court Services by O. Raquel Ramirez, Senior Deputy County Counsel		<p>guardianships will be better informed of the types of guardianships and alternatives available, duties and responsibilities of guardians, funding, other services and supports, the process, and whether a probate guardianship is proper as opposed to going through dependency court. As such, the forms appropriately address the stated purpose.</p> <p>It would be helpful if the forms are provided in Spanish (and other available languages).</p> <p>The Council also asked for a comment whether it should adopt specific rules for handling probate court referrals to dependency court. The Council should adopt specific rules because it would cut down on the risk of referrals getting lost or delayed.</p>	<p>The committees agree that translating the information forms would be helpful. Form GC-207-INFO/JV-352-INFO will be translated into Spanish as required by statute. Other forms may be translated as resources become available.</p> <p>The committees considered the public comments suggesting rules to establish uniform statewide procedures for probate courts to request juvenile court review and juvenile courts to respond to these requests. The unanimity of the comments in favor of such rules notwithstanding, the committees do not recommend such rules at this time for three principal reasons. First, the statutory provisions outline the procedures and deadlines in detail. The committees concluded that rules of court specifying additional processes or mechanisms for carrying out processes would not usefully add to the statutory requirements and, as noted above, would interfere with the local discretion needed to implement the statutory policies in each court. Second, the</p>

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				committees' discussions disclosed unavoidable differences among courts—including differences in court size, number and assignment of judicial officers, case management systems, and general court operations—that would prevent them from implementing the legislative intent of AB 260 through uniform statewide procedures imposed by rule. For example, the procedures needed in the Superior Court of Los Angeles County to prevent the loss or delay of referrals and responses among the probate departments and the juvenile departments would be unique to that court, the only court of its size in California. Other procedures, or no procedures at all, would be required to prevent loss or delay in other courts. Third, the committees are sensitive to the requirement, in Government Code section 77001, that rules of court establish a decentralized system of trial court management. In most, though certainly not all, cases, the process enacted in Welfare and Institutions Code section 331(b) and Probate Code section 1513(b) will be conducted internally, that is, between two different departments within a single superior court. The processes at issue in those cases seem, therefore, to fall within the scope of internal operational procedures best left to local discretion. If additional procedural clarification is needed when the referral and response are between two separate superior courts, Family Code section 3410 or Probate Code section 2204,

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				both of which apply to guardianship proceedings, might inform the processes.
11.	Orange County Bar Association by Daniel Robinson, President	AM	<p>The OCBA agrees that this proposal moderately addresses the stated purposes provided the following modifications are made:</p> <p>(1) This proposal and specifically Form GC-205-Info were intended to comply with the mandatory terms for such forms as set forth in AB260 (Stats. 2021); one of those requirements is for this form to explain how a probate guardianship differs from the services available to a child welfare caregiver in the child welfare system and a guardian appointed by the juvenile court. This form does not appear to explain those differences in legal rights and services but instead just obliquely references some comparisons found in Forms JV-350-Info, GC206-Info and GC-207-Info/JV-352-Info. The stated purpose of AB 260 was to remedy some of the problems identified in various recent law review and expert publications about the abuses found by a “Hidden Foster Care” system created by various informal child welfare agency referrals. We do not see any adequate explanations of the different legal rights and remedies available in the various court and child welfare systems.</p>	<p>No response required.</p> <p>Government Code section 68511.1, as amended by AB 260 (Stats. 2021, ch. 578, § 1), required the Judicial Council to “develop a form explaining the nature of a guardianship of a minor, the rights, duties, and obligations of a person serving as guardian of a minor, and information about the services and supports available to a probate guardian and how they differ from the services and supports available to a caregiver in the child welfare system or a guardian appointed by the juvenile court.” The committees intend form GC-207-INFO/JV-352-INFO to serve as the form mandated by section 68511.1. The other forms in the proposal are intended to complement form GC-207-INFO/JV-352-INFO and provide additional information about specific types of guardianships. Chart 1 of form GC-207-INFO describes the differences between the rights and duties of a juvenile court foster parent/resource family, a probate guardian, and a juvenile court guardian. Chart 2 compares the different services and financial supports available to a juvenile court foster parent/resource family, a probate guardian, and a juvenile court guardian. Chart 3</p>

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				describes the differences in procedures, rights, and standards between juvenile court and probate guardianship court.
			For instance, no explanation is given as to rights to counsel for the various parties under various proceedings (appointed or approval as selected),	The committees have revised chart 3 to add a discussion of differences in the right to appointed counsel.
			no explanation given for the differences in rights to appeal (for instance there is no right to appeal if a person files a Form JV-210 – Application to Commence Juvenile Court proceedings and that application is denied by the social worker or the trial court);	The committees do not recommend adding a discussion of the differences between the rights to appeal the agency’s determination not to commence juvenile court proceedings in response to submission of form JV-210 or another application under Welfare and Institutions Code section 329 because there is no difference in the right to appeal. Both the probate court (with the option of using form JV-213) and an individual applicant (with the option of using form JV-212) may apply to the juvenile court under section 331 for an order directing the agency to commence juvenile court proceedings. If the juvenile court denies the application, the nature of the applicant makes no difference to the appealability of the order. (See generally <i>In re M.C.</i> (2011) 199 Cal.App.4th 784, 801–802 & fn. 12.)
			no explanation given for the rights to hearings (for instance one local rule for a Welfare and Institutions Code §329, §331 juvenile court determination says that the juvenile court judge	The committees do not recommend adding a discussion of the right to a hearing on an application under section 331 for an order directing the agency to commence juvenile court

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			can render a decision “with or without a hearing in the court’s discretion”);	proceedings. No such right exists. The statutes do not require or prohibit a hearing. Setting a hearing, including an evidentiary hearing or argument, is within the court’s inherent authority if needed to resolve the matter. <i>In re M.C., supra</i> , confirms this authority: “[U]nder section 331, the juvenile court adjudicates a controversy. Whoever filed the affidavit pursuant to section 329 will initiate the section 331 proceeding before the juvenile court. The juvenile court must receive and consider not only the section 329 affidavit, but also the social worker’s endorsement stating the reasons why he or she declined to proceed. <i>The court may also consider additional evidence in the form of investigative reports by the social worker, declarations, and, if necessary, witness testimony.</i> Upon receipt of this evidence, the court makes an independent assessment of whether ‘there was or is within the county, or residing therein, a child within the provisions of Section 300.’” (<i>In re M.C., supra</i> , 199 Cal.App.4th at 813–814 & fn. 21, emphasis added, citations omitted.)
			and no explanations given for the differences in investigations, investigators, costs of investigations.	The committees have revised chart 3 on form GC-207-INFO/JV-352-INFO to add a discussion of the differences between investigations and a note on assessment and waiver of costs for probate guardianship investigations.
			Regarding the specific comment request	The committees considered the public comments

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			whether the Committee should recommend state-wide rules of court to specify internal superior court procedures for the probate court to request juvenile court review under Probate Code §1513(b) and the juvenile court to respond under Welf. & Inst. Code §331(b), the OCBA recommends “yes” since both provisions were adopted as part of AB260 (Stats 2021) and neither provision provides much guidance to the courts.	suggesting rules to establish uniform statewide procedures for probate courts to request juvenile court review and juvenile courts to respond to these requests. The unanimity of the comments in favor of such rules notwithstanding, the committees do not recommend such rules at this time for three principal reasons. First, the statutory provisions outline the procedures and deadlines in detail. The committees concluded that rules of court specifying additional processes or mechanisms for carrying out processes would not usefully add to the statutory requirements and, as noted above, would interfere with the local discretion needed to implement the statutory policies in each court. Second, the committees’ discussions disclosed unavoidable differences among courts—including differences in court size, number and assignment of judicial officers, case management systems, and general court operations—that would prevent them from implementing the legislative intent of AB 260 through uniform statewide procedures imposed by rule. Third, the committees are sensitive to the requirement, in Government Code section 77001, that rules of court establish a decentralized system of trial court management. In most, though certainly not all, cases, the process enacted in Welfare and Institutions Code section 331(b) and Probate Code section 1513(b) will be conducted internally, that is, between two different departments within a single superior

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			See comments on specific forms below.	<p>court. The processes at issue in those cases seem, therefore, to fall within the scope of internal operational procedures best left to local discretion. If additional procedural clarification is needed when the referral and response are between two separate superior courts, Family Code section 3410 or Probate Code section 2204, both of which apply to guardianship proceedings, might inform the processes.</p> <p>See responses to comments on specific forms below.</p>
12.	Superior Court of Los Angeles County by Brian Borys	AM	Agree that providing specific rules for processing of the JV210 when used by the probate court for referral may be helpful, specifically to indicate whether parties are to be served with copy of court filing, whether copy of the filing should be available in probate case or only in juvenile court, and if available in probate case, whether confidential.	The committees do not recommend adopting rules of court to provide uniform statewide procedures for the probate court's application under Probate Code section 1513(b), whether using form JV-210 or a different vehicle, <i>to the child welfare agency</i> for conduct of an investigation and commencement of juvenile court proceedings. That process was not the subject of the committee's request and is beyond the scope of this proposal. The committees nevertheless considered the comment and concluded that the suggested rules of court are not needed at this time. The content and deadlines in Probate Code section 1513(b) and Welfare and Institutions Code section 329(b) for the probate court's referral to the agency are clear, yet leave room for differing procedures to make the process work efficiently in any particular county. At the time of a referral, only a

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			Specify probate court action upon receipt of JV210 from social services agency. Note that there are limitations in e-filing systems for attaching additional forms and notices that are not submitted with the petition.	<p>probate guardianship case has been opened; the referral could therefore be filed only in that case. Probate Code section 1513(d) requires that any report authorized by that section be confidential. If the probate court refers the child to the agency after receiving the investigator's report and includes that report, then the copy of the referral with the report retained in the guardianship file would be confidential. No rule is required to specify this statutory requirement.</p> <p>The committees do not recommend adopting a rule or revising form JV-210 in response to this comment. Probate Code section 1513(b) has for many years required the agency to report the findings of its investigation to the probate court. Each court has processed, and may continue to process, this report in a manner compatible with its e-filing and case management systems. AB 260 does not impose any additional requirements on that process. The committees concluded that the differing capacities of e-filing systems provide a reason to leave the details of how to process an agency report submitted under section 1513(b) up to each court and county. A rule imposing a uniform statewide requirement for processing the agency's report would almost certainly be burdensome for some courts.</p>
13.	Superior Court of Orange County by Vivian Tran, Operations Analyst	AM	<i>Does the proposal appropriately address the stated purpose?</i> Yes, the proposal appropriately addresses the	No response required.

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			<p>stated purpose.</p> <p><i>Should the committees recommend statewide rules of court to specify internal superior court procedures for a probate court to request juvenile court review under Probate Code section 1513(b) and a juvenile court to respond under Welfare and Institutions Code section 331(b)?</i></p> <p>Statewide rules are helpful in providing guidance.</p>	<p>The committees considered the public comments suggesting rules to establish uniform statewide procedures for probate courts to request juvenile court review and juvenile courts to respond to these requests. The unanimity of the comments in favor of such rules notwithstanding, the committees do not recommend such rules at this time for three principal reasons. First, the statutory provisions outline the procedures and deadlines in detail. The committees concluded that rules of court specifying additional processes or mechanisms for carrying out processes would not usefully add to the statutory requirements and, as noted above, would interfere with the local discretion needed to implement the statutory policies in each court. Second, the committees' discussions disclosed unavoidable differences among courts—including differences in court size, number and assignment of judicial officers, case management systems, and general court operations—that would prevent them from implementing the legislative intent of AB 260 through uniform statewide procedures imposed by rule. Third, the committees are sensitive to the requirement, in Government Code section 77001, that rules of court establish a decentralized system of trial court management. In most, though certainly not all, cases, the process enacted in Welfare and Institutions Code section</p>

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				331(b) and Probate Code section 1513(b) will be conducted internally, that is, between two different departments within a single superior court. The processes at issue in those cases seem, therefore, to fall within the scope of internal operational procedures best left to local discretion. If additional procedural clarification is needed when the referral and response are between two separate superior courts, Family Code section 3410 or Probate Code section 2204, both of which apply to guardianship proceedings, might inform the processes.
			<i>Would the proposal provide cost savings? If so, please quantify.</i> The proposal does not appear to provide cost savings.	No response required.
			<i>What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?</i> Provide an informational update to Case Processing staff, Courtroom staff, and judicial officers. Procedures will need to be revised to indicate a	No response required.

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			<p>hearing may be scheduled in juvenile court to hear argument.</p> <p><i>Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</i> Yes, three months will be sufficient time for implementation.</p> <p><i>How well would this proposal work in courts of different sizes?</i> This proposal would work for Orange County.</p>	<p>No response required.</p> <p>No response required.</p>
14.	Superior Court of Riverside County by Susan Ryan, Chief Deputy of Legal Services	A	<p>Does the proposal appropriately address the stated purpose? Yes, the INFO forms will provide the information needed so that potential guardians understand their rights, duties and obligations. The revisions to the JV-210 will make it easier for the probate court to use this form for referrals to the child welfare agency or to request juvenile court review when the probate court believes that a child in a guardianship may fall under WIC 300. The new JV-213 will make is easier for the probation court to request juvenile court review of the social workers decisions.</p> <p>Should the committees recommend statewide rules of court to specify internal superior court procedures for a probate court to request juvenile court review under Probate</p>	<p>No response required.</p> <p>The committees considered the public comments suggesting rules to establish uniform statewide procedures for probate courts to request juvenile court review and juvenile courts to respond to</p>

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			Code section 1513(b) and a juvenile court to respond under Welfare and Institutions Code section 331(b)? Courts should be able to provide internal processes for these referrals; however new rules of court could be beneficial.	these requests. The unanimity of the comments in favor of such rules notwithstanding, the committees do not recommend such rules at this time for three principal reasons. First, the statutory provisions outline the procedures and deadlines in detail. The committees concluded that rules of court specifying additional processes or mechanisms for carrying out processes would not usefully add to the statutory requirements and, as noted above, would interfere with the local discretion needed to implement the statutory policies in each court. Second, the committees' discussions disclosed unavoidable differences among courts—including differences in court size, number and assignment of judicial officers, case management systems, and general court operations—that would prevent them from implementing the legislative intent of AB 260 through uniform statewide procedures imposed by rule. Third, the committees are sensitive to the requirement, in Government Code section 77001, that rules of court establish a decentralized system of trial court management. In most, though certainly not all, cases, the process enacted in Welfare and Institutions Code section 331(b) and Probate Code section 1513(b) will be conducted internally, that is, between two different departments within a single superior court. The processes at issue in those cases seem, therefore, to fall within the scope of internal operational procedures best left to local

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				discretion. If additional procedural clarification is needed when the referral and response are between two separate superior courts, Family Code section 3410 or Probate Code section 2204, both of which apply to guardianship proceedings, might inform the processes.
			Would the proposal provide cost savings? If so, please quantify. No	No response required.
			What would the implementation requirements be for courts-for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? Clerk's office and courtroom staff would need to be trained on any new processes for the referral and request for review from the probate court to the juvenile court. Agencies and judges would need to be notified of the updates to the various forms.	No response required.
			Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?	No response required.

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	Commenter	Position	Comment	Committee Response
			Yes How will would this proposal work in courts of different sizes? This should work the same for courts of any size.	No response required.
15.	Superior Court of San Diego County by Mike Roddy, Executive Officer	AM N	Agree, in part , with proposed changes if modified and do not agree, in part . Specifically, as noted below, the court has concerns regarding the service requirements of these new forms. Requiring service may prove problematic for several reasons, including the fact that they are multiple pages and there are generally numerous parties that require service in these cases. It is all too often that service-related issues cause these cases to be continued. Adding any additional hurdles (possibilities for defects) to this process is concerning, especially considering that many of these litigants are self-represented. Does the proposal appropriately address the stated purpose? Yes and no. The proposed new forms and revisions are well written and informative, but they are long and verbose. Given the intended audience, it may be beneficial to simplify and shorten. Should the committees recommend statewide	No response required. The committees do not recommend a change in response to this comment because service of this form is required by statute. Probate Code section 1511 requires that notice of the hearing on a petition to appoint a probate guardian include a copy of the new mandatory information form. Form GC-207-INFO/JV-352-INFO fulfills the mandate in Government Code section 68511.1 by including all the elements required by that statute. The petitioner must, therefore, serve that form with notice of hearing on the petition. The committees have revised the forms to clarify and simplify them without omitting critical information. The forms now caution users that they are not intended as a substitute for legal advice and also include links to the online directory of court self-help centers. The committees do not recommend a rule to

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All comments are verbatim unless indicated by an asterisk (*).

List of All Commenters, Overall Positions on the Proposal, and General Comments				
	Commenter	Position	Comment	Committee Response
			rules of court to specify internal superior court procedures for a probate court to request juvenile court review under Probate Code section 1513(b) and a juvenile court to respond under Welfare and Institutions Code section 331(b)? A unified rule across California would help to standardize procedures for applicants filing in multiple jurisdictions.	specify uniform standardized procedures for applicants filing in more than one court or county. Because it would appear to provide procedures for individual applicants to the child welfare agency or the juvenile court under Welfare and Institutions Code sections 329(a) or 331(a) rather than the probate court's request for review under section 331(b), such a rule is beyond the scope of the request for comment and this proposal. Rules for a private party's application to the child welfare agency are beyond the purview of the Judicial Council. In addition, for the reasons stated in response to above, the committees do not recommend rules establishing uniform statewide procedures for probate court referral to a child welfare agency for investigation and commencement of juvenile court proceedings or to a juvenile court for review of the agency's decision not to commence such proceedings.
			Would the proposal provide cost savings? If so, please quantify. No.	No response required.
			What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management	No response required.

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			<p>systems, or modifying case management systems? Clerical, Examiners, and Judges must be made aware of form changes. Guardianship packets will need to be updated and changes to case management system would be required.</p> <p>Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes.</p> <p>How well would this proposal work in courts of different sizes? It appears this proposal would work similarly among courts of all sizes.</p> <p>Page footers: The right page footers seem to be incorrectly numbered.</p> <p>See comments on specific forms below.</p>	<p>No response required.</p> <p>No response required.</p> <p>The committees have revised the forms to correct the page numbering of the footers.</p> <p>See responses to comments on specific forms below.</p>
16.	Samantha Wahl, Probate Court Investigator Quest Court Investigations Sacramento	A	I agree that some petitioners may struggle with the material, but I found them to be informative. Having the information streamlined into graphs was a good idea, as were the complementary forms.	The committees have taken these comments into account when considering revisions to the proposal.

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Form GC-205-INFO, Information on Probate Guardianship of the Person		
Commenter	Comment	Committee Response
Advokids by Lauren Montana, Supervising Attorney Corte Madera	Include a section explaining appointment of attorney for minor in guardianship: Atty not automatically appointed. The proposed ward or another party can request counsel be appointed. Appointment of an attorney for the minor is at the court's discretion.	The committees agree that this information would be helpful and have modified the form to include it.
Alliance for Children's Rights et al. by Sabrina Forte, Director of Policy and Impact Litigation	<p>1. Reclassify and clarify the limitations of "informal childcare arrangements."</p> <p>We agree that families should understand the types of caregiving arrangements that are available without a court order. We recommend more clarity in describing the caregiving arrangements discussed in Question 2 ("Are there childcare arrangements that do not require a court order?"), especially caregiving arrangements that are not clearly defined under California law.</p> <p>As the Note on the first page of the GC-205-INFO describes, generally, a custodial parent cannot give their legal rights and responsibilities regarding their child to another caregiver without a court order. There are two exceptions to this general rule under California law: Caregiver Authorization Affidavits, authorized by Family Code section 6550 et seq., and Voluntary Placement Agreements, authorized by Welfare and Institutions Code section 16507.2-16507.6. There is no statutory authority for the "informal childcare agreement" described on the second page of the GC-205-INFO. In our experience, families receive a lot of misinformation about these informal written agreements (e.g., that a written agreement is not valid unless it is notarized, that signatories must specify the period of time that the agreement is in effect, that signatories must not specify the period of time that the agreement is in effect, etc.). Often, child welfare agencies encourage families to enter into these</p>	<p>The committees agree in part and have revised item 2 to clarify the scope and authority of the nonparental caregiving arrangements discussed. In particular, the committees have removed the description of these arrangements described as "informal." Although none of these arrangements requires a court order, each requires a level of formality.</p> <p>The committees agree that the term "informal childcare agreement" was misleading. The commenter is correct that a parent cannot <i>transfer</i> the rights and, more important, the duties of legal custody to another adult under California law. Only a court order can effect such a transfer. A nonparent may, however, exercise parental authority without a court order under several different arrangements as long as the applicable legal requirements are met. Section 2 of the form is intended to explain these arrangements in sufficient detail to prompt a parent or caregiver to decide whether to seek further information or guidance regarding any of them. California law recognizes two options in addition to those mentioned by the commenter. One is an Indian custodianship, discussed in response to other comments. The other is a <i>power of attorney</i>. A parent who wishes to</p>

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Form GC-205-INFO, Information on Probate Guardianship of the Person		
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	<p>agreements, leaving the family without any support or resources, only for the caregiver to learn later that the agreement does not confer any additional authority and preventing children from accessing critical services. This form does little to address these problems of misinformation and misuse, especially because the GC-207-INFO does not provide additional information about informal written agreements.</p> <p>Additionally, classifying these arrangements as informal childcare arrangements is confusing. “Childcare” or “Child care” is legally defined under California Health & Safety Code sections 1596.750 (defining licensed child care generally), 1596.76 (child care center), 1596.771 (employer-sponsored child care center), 1596.78 (family child care), 1596.792 (legally-licensed exempt care). Licensed childcare is non-medical care for less than 24 hours. The health and safety of licensed child care is regulated by the California Department of Social Services, Community Care Licensing Division. Using the terms “child care” or “childcare” to describe an informal situation where other adults can make decisions about the welfare of the child is confusing.</p> <p>For these reasons, we recommend revising the section on “informal childcare arrangements” to specify that the scope of these arrangements is not clearly defined by California law, which makes them difficult to enforce. We also recommend removing the Note, which overlaps with and is less clear than</p>	<p>authorize another adult to exercise their parental rights may do so by executing a power of attorney consistent with the required statutory formalities. (See generally Prob. Code, §§ 4000–4310.) The power of attorney may grant express powers to the caregiver or may grant powers by reference to an applicable statute. (See, e.g., <i>id.</i>, § 4263(a)(2).) But a parent cannot delegate parental duties, and a power of attorney does not impose a duty on the designated caregiver to exercise the granted powers unless the caregiver agrees in writing to exercise them. (<i>Id.</i>, § 4230.)</p> <p>The committees agree that using the term <i>childcare</i> may lead to confusion, especially when used to describe both these arrangements in item 2 of the form and subsidized childcare and daycare, discussed below, in item 12. The committees have therefore substituted the term <i>nonparental caregiving arrangements</i> to refer to the arrangements discussed in item 2.</p> <p>The committees agree in part, as noted above, and have revised the discussion of nonparental caregiving arrangements in item 2 on form GC-205-INFO to discuss these arrangements more precisely.</p>

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	<p>the content of Question 2. More generally, when speaking about child care in an informal situation, the form should either use a different term or clarify that informal child care is not referring to the type of child care defined by the Health & Safety Code. Should the subsection on “informal childcare” remain, the term “unlicensed family, friend, or neighbor care,” which falls under Health & Safety Code section 1596.792(d)&(f), may be more appropriate.</p> <p>2. Provide an overview of child care resources that probate court guardians may access.</p> <p>We recommend including information about the broad array of subsidized child care programs available to families with low income in various circumstances, including some families in probate guardianships. Families caring for children who have been formally or informally placed outside their home qualify for most of these child care programs, regardless of income. We have provided an overview of these resources below for the committees to use or excerpt.</p> <p>California offers a variety of publicly funded (subsidized) child care programs that help families, including resource families and foster youth who are parents, pay for emergency and long-term, continuous child care. Programs include: CalWORKs child care; Alternative Payment Program (AP) Voucher & Contract-based child care; California State Preschool Program (CSPP); Head Start & Early Head Start; Emergency Child Care Bridge Program for Foster Children; and Transitional Kindergarten (TK). Many of these child care programs offer special consideration for families caring for children who have</p>	<p>The committees agree that this information would be useful to guardians and their families and have incorporated much of it into item 12 of form GC 205-INFO and page 6 of JV-350-INFO. The committees have also added an advisement to form GC 207 INFO/JV-352-INFO indicating that a child in the care, custody, and control of a parent or guardian may be eligible for certain income-based childcare assistance programs.</p>

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	<p>been formally or informally placed outside their home.</p> <p>Every county in California has at least one child care resource & referral agency (R&R) that helps families find child care and determine whether they qualify for publicly-funded child care to help them pay for it. Parents and guardians can use this website to find their local R&R for child care assistance: https://rrnetwork.org/family-services/find-child-care.</p> <p>Below are the main child care programs in California:</p> <p>CalWORKs Child Care: CalWORKs child care has three stages:</p> <ul style="list-style-type: none">• Stage 1: Entitlement for parents or guardians receiving CalWORKs cash-assistance or who received cash assistance in the past 24 months and are engaged or want to engage in a Welfare-to-Work activity. Families stay in Stage 1 until they are transferred to Stage 2.• Stage 2: Entitlement for parents or guardians who received CalWORKs cash-assistance in the past 24 months or a lump-sum diversion payment or services. See AP Voucher & Contract-Based Child Care below for eligibility requirements.• Stage 3: Subject to enough funding, families are transferred to Stage 3 after 24 months of receiving cash assistance or if they received a lump-sum diversion payment or services. See AP Voucher & Contract-Based Child Care below for eligibility requirements. <p>Families get continuous CalWORKs child care for children in their care, including children in formal and informal out-of-home care, for at least 12 months until recertification. Child</p>	

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	<p>care is available until the child is 13 years old or until the child is 21 years old if they have a disability. Qualifying families should not be put on a subsidized child care waiting list for CalWORKs stages 1 & 2 as these are entitlement programs. Families can choose a child care center, family child care home, or family, friend, or neighbor setting that best meets their needs.*</p> <p>AP Voucher & Contract-Based Child Care (including CalWORKs Stages 2 & 3): Families with children who receive child protective services, or are at-risk of abuse, neglect, or exploitation qualify for child care and have priority on the waiting list, regardless of the family’s income. To qualify, the child does not need to be in foster care or with an approved resource family. Other families qualify for child care based on income, if they receive CalWORKs cash assistance, or if they are experiencing homelessness and if the parent or guardian has a “need” for child care, such as working or attending school. Families have continuous eligibility for at least 12 months until recertification, until the child is 13 years old or until the child is 21 years old if the child has a disability. Families can choose a child care center, family child care home, or family, friend, or neighbor setting that best meets their needs.*</p> <p>California State Preschool Program (CSPP): APP voucher & contract-based child care eligibility requirements apply, but with some exceptions. CSPP is for children ages 4-5, and there are no “need” requirements for part-day CSPP. CSPPs are located on school campuses and in neighborhoods.</p>	

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	<p>Head Start & Early Head Start: Families with children in foster care, or families experiencing homelessness, or families receiving TANF or SSI qualify regardless of their income. Families with children in foster care have priority for enrollment. Other families must qualify based on their income. Head Start offers comprehensive services to families with children ages 3-5 and Early Head Start is for pregnant women and children under age 3.</p> <p>Emergency Child Care Bridge Program for Foster Children: Child care vouchers to approved resource families and to parents under the jurisdiction of the juvenile court, including but not limited to, nonminor dependent parents. There are no income requirements, but resource parents must have a need for child care, such as working or attending school. Availability depends on funding and county policy. Child care is for up to 6 months and sometimes up to 12 months with navigation support to find and transfer families to long-term child care. Trauma-informed training is available to child care providers. Care is available to children up to age 12 and for children with disabilities up to age 21. Families can choose a child care center, family child care home, or family, friend, or neighbor settings that best meet their needs.*</p> <p>*Some counties do not allow guardians to use unlicensed family, friend, and neighbor child care for children in foster care.</p> <p>Transitional Kindergarten: No-cost early care & education for 4-year-olds offered on school campuses. Parents and guardians with child care subsidies may keep their 4-year-old</p>	

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	<p>children in non-school settings if they prefer.</p> <p>In addition, we provide the following minor revisions to improve clarity and accuracy:</p> <p>Page 7; Section: What is a Guardianship? <i>Comment:</i> Including a reference to “letters of guardianship” in this section of the form would provide clarity. <i>Proposed Change:</i> Include a sentence explaining what letters of guardianship are.</p> <p>Page 8; Section: Caregiver’s Authorization Affidavit <i>Comment:</i> In the Note, the relationship between CAAs and RFA is unclear. It seems to suggest that a caregiver could be asked to get RFA to use a CAA, even though RFA is a process is only required for caregivers of foster youth. <i>Proposed Change:</i> Delete the last sentence beginning with “In some circumstances . . .” or replace this sentence with, “In some circumstances, a caregiver may decide to formalize the arrangement in order to exercise the necessary decisionmaking authority.”</p> <p>Page 9; Section: Who Can Be Appointed as a Guardian of the Person? <i>Comment:</i> A parent may be appointed as a guardian in a limited circumstance: in connection with SIJS for those ages 18-20. <i>Proposed Change:</i> Add: “The court may appoint a parent as a guardian for an unmarried individual who is 18 years of age or older, but who has not yet attained 21 years of age, in connection with a petition for Special Immigrant Juvenile Status.</p>	<p>The committees do not recommend the suggested change. Section 9 of the form provides a thorough discussion of the nature and role of letters of guardianship. Including it here would be premature and would unnecessarily increase the length of the form.</p> <p>The committees have revised the information about the CAA to indicate instead that, in some cases, the caregiver may need to formalize the arrangement to gain acceptance of their decision-making authority.</p> <p>The committees agree with the suggestion and have revised item 3 on the form to reflect the possibility of appointing a parent in those circumstances.</p>

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	<p>Page 10; Section: Hearing and Standard for Appointment <i>Comment:</i> A finding of detriment is more than a finding that living with a parent would be “not good” for a child. <i>Proposed Change:</i> Replace “or not good for” with “or harmful to”.</p> <p>Page 11; Section: Education <i>Comment:</i> Reorder information for clarity. <i>Proposed Change:</i> Reword as follows: “A guardian of the person holds the child’s educational rights and is responsible for the child’s education. The guardian determines where the child will attend school and helps the child set and attain educational goals. The guardian must assist the child in obtaining services if the child has special educational needs. As the child’s advocate with the school system, the guardian should attend teacher conferences and play an active role in the child’s education. The guardian of a younger child may want to consider enrolling the child in Head Start or another similar program. The guardian of an older child should consider the child’s future educational needs, such as college or a specialized school.”</p> <p>Page 12; Section: Termination of Guardianship <i>Comment:</i> It is the parent’s burden to prove that it is in the child’s best interest to return to their care. Generally maintaining a child’s stability is presumed to be in a child’s best interest, so parents should know that this is a high burden in practice. <i>Proposed Change:</i> Delete the second sentence in the final paragraph and add: “To terminate the guardianship, the parent must prove that the termination is in the child’s best interest.</p>	<p>The committees agree with the suggestion and have revised item 8 accordingly.</p> <p>The committees agree with the suggestion and have revised item 11c accordingly.</p> <p>The committees have revised section 15 to indicate that the longer the child has lived safely with the guardian, the more difficult it will be to show that terminating the guardianship is in the child’s best interest. The committees do not, however, recommend the suggested change. The shifting presumptions and burdens of proof in Family Code sections 3040–3041 apply to <i>appointment</i> of a guardian of the person under Probate</p>

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	The court will presume that maintaining a child’s stability in the guardian’s home will be in their best interest.”	Code section 1514(b)(1). Probate Code section 1601 does not incorporate the same standards to <i>termination</i> of a guardianship, and whether those standards apply to termination is not settled law. Section 1601 authorizes the court to terminate a guardianship if it is in the child’s best interest. Stability in the guardian’s home is critical, but not the only factor relevant to determining whether termination is in the child’s best interest.
California Tribal Families Coalition by Mica Llerandi, Senior Attorney, Legal and Program Services	On page 1 of 5, there is discussion of arrangements that do not require a court order; including Indian custodianships here would be helpful. Additionally, in the “Notice” section here, there is also a discussion about how rights cannot be transferred without a court order but does not include this happening in an Indian custodianship.	The committees agree and have added a discussion of Indian custodianships in item 2d of the form. The information on transfer of custody, now on page 2, is limited to child custody under California law. It does not attempt to address transfer of child custody under tribal law or custom. The discussion of Indian custodianship, however, notes the possibility that legal custody may be transferred without a court order under tribal law or custom.
Family Violence Appellate Project by Cory Hernandez, Staff Attorney	Either amend the current form GC-205-INFO or create a new form that includes a chart specific to the rights and services offered to parents in guardianship and dependency proceedings. We specifically suggest a chart as that will be more understandable and accessible for self-represented litigants. Should the committees adopt our suggestion of an additional chart geared toward a parent’s rights and obligations, then reference that chart (whether included in an existing form or separate form) under item 14 on page 12 of form GC-205-INFO.	The committees do not recommend the addition of a chart comparing rights and services available to parents (or, alternatively, a chart of parental rights and obligations) in guardianship and dependency cases. However, the committees have added information to this form and form GC-207-INFO/JV-352-INFO about the rights and services available to parents in probate guardianship and juvenile dependency proceedings.

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	<p>The use of “juvenile court-ordered out-of-home childcare placement” on page 1 of GC-205-INFO may contribute to the perception that children will not be placed with a relative in a dependency proceeding, even though there is a preference for the same under the Welfare and Institutions Code. Therefore, we suggest the following language: “juvenile court-ordered child care placements (which can be with a relative, non-relative, or foster care)”</p> <p>On page 4 of form GC-205-INFO, the heading of item 10(b) should be revised. This subsection addresses the rights parents have with custody and visitation after the court grants the guardianship, which is very important information for parents. With the amount of information in this form and the small font, it will be difficult for parents to find this information. Thus, we suggest changing the header to read “what rights does the parent have to custody and visitation after the guardianship is granted.”</p> <p>Subsection (d) on page 2 of form GC-205-INFO should be included as its own separate number.</p>	<p>The committees have removed this term from the form and have revised forms GC-207-INFO/JV-352-INFO and JV-350-INFO to indicate that a foster parent/resource family may be a relative or nonrelative.</p> <p>The committees agree that issues of custody and visitation are important to both parents and guardians. The committees have therefore revised form GC-205-INFO to discuss custody and visitation in a separate, expanded section 10, before discussion of a guardian’s rights and duties. The new section includes a discussion of the guardian’s options to petition for termination of parental rights and to adopt the child. More information about those possibilities is also given in section 15, on termination of a guardianship.</p> <p>The committees agree and have moved this list of important questions to page 1 of form GC-205-INFO.</p>
Christine Flynn, Probate Court Investigator, Mendocino County	On page 2, #3. The first sentence is confusing. It is unclear what you’re trying to communicate. Are you trying to say that a parent can only nominate a guardian if the other parent is deceased or consenting? The sentence is too wordy and not simple enough for potential guardians.	The committees agree that the sentence was confusing and have revised the text to clarify their intent.
Oneatha Herne, Probate Court Investigator, Sacramento County	“safety plan” the basis of the legislation and familiar to many caregivers and parents should be included in the appropriate caregiver categories including probate guardianship information, under GC-205-INFO, p1, item 2.	The committees do not recommend including a “safety plan” among the caregiving arrangements discussed on form GC-205-INFO. California law does not authorize a voluntary placement or safety plan with a child welfare

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		agency other than the Voluntary Placement Agreement pursuant to Welfare and Institutions Code sections 16507.2–16507.6. One purpose of AB 260 was to eliminate the use of these nonstandard “safety plans.” (See Assem. Com. on Judiciary, Analysis of Assem. Bill No. 260 (2021–2022 Reg. Sess.) as introduced Jan. 15, 2021, pp. 1, 6, 7–10.) For this reason, the committees do not recommend adding a discussion of safety plans to this form or any part of this proposal.
	Pg 1 Item 1 - 5th sentence – Suggestion: Change to - completely suspends the legal rights and duties of both parents, and transfers	The committees do not recommend the suggested change, as the language is overbroad. The appointment of a guardian does not, for example, suspend the parents’ duty to support their child financially. In addition, the term “both parents” may not apply to all families; Family Code section 7612(c) authorizes a court to find that a child has more than two parents if recognizing only two parents would be detrimental to the child.
	Pg 2 Item 2 Suggestion: Add Safety Plan	See response to previous suggestion to add a “safety plan”
	Page 2 Item 10b – 3rd sentence – Suggestion: Change to - The rights of both parentssuspended	The committees do not recommend referring to “both” parents for the reasons discussed above in response to the suggested change to page 1 of the form. The committees have revised the sentence to clarify that the rights of the parents are suspended.
	Page 2 Item 10f – Suggestion: Add: as last sentence The type of	The committees have added a sentence to this section to refer users to new section 12, which discusses available

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	<p>assistance depends on the child’s eligibility and their relationship to you.</p> <p>Page 2 Item 10j – Suggestion: Add in front of last sentence: The probate court does not assist with obtaining services or financial support for the minor.</p>	<p>benefits in more detail.</p> <p>The committees do not recommend the suggested change but have revised this section to indicate that the guardian should check with the court <i>self-help center</i>.</p>
Orange County Bar Association by Daniel Robinson, President	<p>The OCBA agrees that this proposal moderately addresses the stated purposes provided the following modifications are made:</p> <p>(1) This proposal and specifically Form GC-205-Info were intended to comply with the mandatory terms for such forms as set forth in AB260 (Stats. 2021); one of those requirements is for this form to explain how a probate guardianship differs from the services available to a child welfare caregiver in the child welfare system and a guardian appointed by the juvenile court. This form does not appear to explain those differences in legal rights and services but instead just obliquely references some comparisons found in Forms JV-350-Info, GC206-Info and GC-207-Info/JV-352-Info. The stated purpose of AB 260 was to remedy some of the problems identified in various recent law review and expert publications about the abuses found by a “Hidden Foster Care” system created by various informal child welfare agency referrals. We do not see any adequate explanations of the different legal rights and remedies available in the various court and child welfare systems.</p>	<p>Thank you for reviewing and submitting comments for this proposal.</p> <p>Government Code section 68511.1, as amended by AB 260 (Stats. 2021, ch. 578, § 1), requires the Judicial Council to “develop a form explaining the nature of a guardianship of a minor, the rights, duties, and obligations of a person serving as guardian of a minor, and information about the services and supports available to a probate guardian and how they differ from the services and supports available to a caregiver in the child welfare system or a guardian appointed by the juvenile court.” The committees intend form GC-207-INFO/JV-352-INFO to serve as the form mandated by section 68511.1 The other information forms in the proposal are intended to complement form GC-207-INFO/JV-352-INFO and provide additional information about specific types of guardianship. Chart 1 of form GC-207-INFO/JV-352-INFO describes the differences between the rights and duties of a juvenile court foster parent/resource family, a probate guardian, and a juvenile court guardian. Chart 2 describes the differences between the services and supports available to a juvenile court foster parent/resource family, a</p>

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Probate Guardianship and Juvenile Dependency (Adopt form GC-207-INFO/JV-352-INFO; approve forms GC-206-INFO and JV-213; revise forms GC-205-INFO, JV-210, and JV-350-INFO)

All comments are verbatim unless indicated by an asterisk (*).

Form GC-205-INFO, <i>Information on Probate Guardianship of the Person</i>		
Commenter	Comment	Committee Response
	<p>For instance, no explanation is given as to rights to counsel for the various parties under various proceedings (appointed or approval as selected),</p> <p>no explanation given for the differences in rights to appeal (for instance there is no right to appeal if a person files a Form JV-210 – Application to Commence Juvenile Court proceedings and that application is denied by the social worker or the trial court);</p> <p>no explanation given for the rights to hearings (for instance one local rule for a Welfare and Institutions Code §329, §331 juvenile court determination says that the juvenile court judge can render a decision “with or without a hearing in the court’s discretion”);</p>	<p>probate guardian, and a juvenile court guardian. Chart 3 describes the differences between procedures and rights in juvenile court and probate guardianship court.</p> <p>The committees have revised chart 3 to add a discussion of differences in the right to appointed counsel.</p> <p>The committees do not recommend adding a discussion of the differences between the rights to appeal the agency’s determination not to commence juvenile court proceedings in response to submission of form JV-210 or another application under Welfare and Institutions Code section 329. There is no difference. Both the probate court (with the option of using form JV-213) and an individual applicant (with the option of using form JV-212) may apply to the juvenile court under section 331 for an order directing the agency to commence juvenile court proceedings. If the juvenile court denies the application, the nature of the applicant makes no difference to the appealability of the order. (See generally <i>In re M.C.</i> (2011) 199 Cal.App.4th 784, 801–802 & fn. 12.)</p> <p>The committees do not recommend adding a discussion of the right to a hearing on an application under section 331 for an order directing the agency to commence juvenile court proceedings. No such right exists. The statutes neither require nor prohibit a hearing. Setting a hearing, including an evidentiary hearing or argument, is within the court’s inherent authority if necessary to</p>

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All comments are verbatim unless indicated by an asterisk (*).

Form GC-205-INFO, <i>Information on Probate Guardianship of the Person</i>		
Commenter	Comment	Committee Response
	and no explanations given for the differences in investigations, investigators, costs of investigations.	resolve the matter before it. <i>In re M.C., supra</i> , confirms this authority: “[U]nder section 331, the juvenile court adjudicates a controversy. Whoever filed the affidavit pursuant to section 329 will initiate the section 331 proceeding before the juvenile court. The juvenile court must receive and consider not only the section 329 affidavit, but also the social worker’s endorsement stating the reasons why he or she declined to proceed. <i>The court may also consider additional evidence in the form of investigative reports by the social worker, declarations, and, if necessary, witness testimony.</i> Upon receipt of this evidence, the court makes an independent assessment of whether ‘there was or is within the county, or residing therein, a child within the provisions of Section 300.’” (<i>In re M.C., supra</i> , 199 Cal.App.4th at 813–814 & fn. 21, emphasis added, citations omitted.) The committees have revised chart 3 on form GC-207-INFO/JV-352-INFO to add a discussion of the differences between investigations and a note on costs and waivers for probate investigations.
Superior Court of San Diego County by Mike Roddy, Executive Officer	Item 2.a. There are numerous instances where “CAA” can be used instead of “affidavit,” thus increasing clarity and reducing text. See, e.g.: <ul style="list-style-type: none">Family Code section 6550 authorizes the use of the CAA. Section 6552 lays out the required contents of the CAA form.NOTE: Some schools and health care providers may not recognize the authority of a caregiver based only on the CAA. In some circumstances, a caregiver may also be required to get resource family approval to exercise	The committees agree and have revised the form to abbreviate “caregiver’s authorization affidavit.”

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Form GC-205-INFO, <i>Information on Probate Guardianship of the Person</i>		
Commenter	Comment	Committee Response
	<p>authority under the CAA.</p> <p>“NOTE” at the end of 2a: If the reference to “resource family approval” is intended to mean the RFA process governed by WIC § 16519.5 et al., it may confuse readers as written who are unfamiliar with the foster care system. Perhaps a more generic term would suffice, e.g., “approval from a licensing agency.”</p> <p>Item 2.c.: Suggested edit (to match “their”): In some cases, a parents can also voluntarily give temporary care and custody of their child ...</p> <p>Item 3: Suggested edits: A parent, and only a parent, can <i>nominate</i> a guardian of the person for a child if the other parent(s) nominates, or consents in writing to the nomination of the same guardian for that child; or However, the consent of the other parent(s) would not be required if, at the time the petition for appointment is filed, the other parent(s) are dead or lack legal capacity to consent to the nomination, or the consent of the other parent(s) would not be required for the child’s adoption. Even if the a parent does nominate a guardian, the court must still decide whether appointment of that person as a guardian would be in the child’s best interest. (See item 8, below.)</p> <p>Item 6. Suggested edits: a. “...then file the forms with the clerk of the court in the county where the child lives unless it would be better, for the child, for the child to file the petition in a different county. (This would also make it consistent with GC-206-INFO.)</p>	<p>The committees have revised section 2 to indicate more generically that a caregiver might be asked to provide a written document as evidence of their caregiving authority.</p> <p>The committees agree with the suggested change and have revised item 2c accordingly.</p> <p>The committees agree that this section was confusing and have revised it to make it clearer.</p> <p>The committees agree and have made the suggested change.</p>

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All comments are verbatim unless indicated by an asterisk (*).

Form GC-205-INFO, Information on Probate Guardianship of the Person		
Commenter	Comment	Committee Response
	<p>b. Requiring service of the new GC-207-INFO/JV-352-INFO may prove problematic because the form is 13-pages long and there are generally numerous parties that require service in these cases. It is all too often that service-related issues cause these cases to be continued. Adding any additional hurdles (possibilities for defects) to this process is not recommended, especially considering that many of these litigants are self-represented.</p> <p>Item 7. a. This section references the court investigator completing the investigation, which doesn't account for counties that designate another agency to complete the investigation. For example, our Family Court Counselors complete the investigations for relatives. The code allows for a court investigator, probation officer, or domestic relations investigator to complete these investigations.</p> <p>Item 8. Change "parents'" to "parent's" – A parent may not be able to care for the child because of the parents' parent's death, incapacity, military...</p> <p>Item 9. GC-240 was renamed to Order Appointing Guardian or Extending Guardianship of Person. There is s missing "t" in the last sentence "Having a copy of the Letters will help you ..."</p> <p>Item 10. a.: Suggested edits – If a parent nominates a person as guardian and that person is appointed by the court, the court will grant the guardian, to the extent provided in the nomination, the same rights and duties regarding the child as that a custodial parent</p>	<p>The committees do not recommend a change in response to this comment because service of form GC-207-INFO/JV-352-INFO is mandated by statute. Probate Code section 1511 requires that notice of the hearing on a petition to appoint a probate guardian include a copy of the information form required by Government Code section 68511.1.</p> <p>The committees agree and have revised item 7 to remove the reference to a social worker. The committees intend "court investigator" broadly to refer to anyone appointed under Probate Code section 1454 to conduct an investigation, whether court employee, contractor, or designee. Providing more detail about the possible titles of the investigator is likely to confuse a form user.</p> <p>The committees agree and have made the suggested change.</p> <p>The committees agree and have made the suggested changes.</p> <p>The committees agree and have made the suggested change.</p>

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Probate Guardianship and Juvenile Dependency (Adopt form GC-207-INFO/JV-352-INFO; approve forms GC-206-INFO and JV-213; revise forms GC-205-INFO, JV-210, and JV-350-INFO)

All comments are verbatim unless indicated by an asterisk (*).

Form GC-205-INFO, <i>Information on Probate Guardianship of the Person</i>		
Commenter	Comment	Committee Response
	<p>has unless the court finds good cause to withhold any of them.</p> <p>d.: Suggested edit –As the child’s advocate with in the school system, ...</p> <p>Item 11: The following edits are suggested.</p> <ul style="list-style-type: none">- Modify the following to match “their” The guardian is Guardians are subject to the regulation and control of the court in performing their duties.- For consistency of style, italicize “<i>Confidential Guardianship Status Report</i>.”- Suggest deleting the comma after “court visitors” in second paragraph and editing the second sentence as follows: In a county with such a program counties, a guardian is”	<p>The committees agree and have made the suggested change.</p> <p>The committees agree and have made the suggested change.</p> <p>The committees agree and have made the suggested change.</p> <p>The committees agree and have made a substantially similar change.</p>

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All comments are verbatim unless indicated by an asterisk (*).

Form GC-206-INFO, Information on Probate Guardianship of the Estate		
Commenter	Comment	Committee Response
Advokids by Lauren Montana, Supervising Attorney	No comments. Like that the forms are separated out for person and estate.	No response required.
Christine Flynn, Probate Court Investigator, Mendocino County	Information on page 3, number 8 starting with paragraph 4: “If the probate court thinks the child...” through the next paragraph does not seem pertinent to guardianship of the estate but of the person and it seems it should be omitted from the information form about guardianship of the estate.	The committees recognize that the referral authorized by Probate Code section 1513(b) is more likely to occur in the context of a guardianship of the person, but the statute authorizes the court to make the referral in the context of any guardianship proceeding. Prospective guardians and parents should be aware of the possibility.
Orange County Bar Association by Daniel Robinson, President	(2) Form GC-206-Info requires corrected page numbers.	The committees have corrected the page numbering on form GC-206-INFO.
Superior Court of Orange County by Vivian Tran, Operations Analyst	The page numbers on pages 2, 4, and 5 all reflect “Page 3 of 5.”	The committees have corrected the page numbering on form GC-206-INFO.
Superior Court of San Diego County by Mike Roddy, Executive Officer	<p>Second paragraph, first bullet point: What is a guardianship of the estate and who can be appointed as one a guardian;</p> <p>Item 4: Suggest rewording, combining, and shortening the last two paragraphs as follows: A nomination is valid when made as described above is valid when it is made, except that a written nomination may specify that it shall take effect only provide that the nomination takes effect only if one or more future events occur, specified in the writing, including such as the later incapacity, detention, or death of the person making the nomination, happens. Unless a written nomination expressly provides others, it shall remain effective even if the person making the nomination dies or becomes legally incapacitated. Unless the writing making the nomination provides expressly that it does not, a nomination remains effective even if the person making the nomination dies or later becomes legally</p>	<p>The committees do not recommend the suggested change but have instead replaced “guardianship” with “guardian” so the question makes sense.</p> <p>The committees agree that item 4 was confusing and have revised it in the spirit of the suggestions.</p>

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Probate Guardianship and Juvenile Dependency (Adopt form GC-207-INFO/JV-352-INFO; approve forms GC-206-INFO and JV-213; revise forms GC-205-INFO, JV-210, and JV-350-INFO)

All comments are verbatim unless indicated by an asterisk (*).

Form GC-206-INFO, <i>Information on Probate Guardianship of the Estate</i>		
Commenter	Comment	Committee Response
	<p>incapacitated.</p> <p>Item 6: Suggested edit to the first paragraph as follows: Once a person has decided that a child needs a guardian, the first step in the process is to complete Petition for Appointment of Guardian of Minor (form GC-210) and all other required documents, then file the forms with the clerk of the court in the county where the child lives unless it would be better <i>for the child</i> if you to filed them in a different county.</p> <p>Item 7. Requiring service of the new GC-207-INFO/JV-352-INFO may prove problematic because the form is 13-pages long and there are generally numerous parties that require service in these cases. It is all too often that service-related issues cause these cases to be continued. Adding any additional hurdles (possibilities for defects) to this process is not recommended, especially considering that many of these litigants are self-represented.</p> <p>Item 8. This section reference the county social worker completing the investigation, which doesn't account for counties where another agency may be designated to complete the investigation. For example, in San Diego County Superior Court, court investigators complete all investigations for a Guardianship of the Estate. The code allows for a court investigator, probation officer, or domestic relations investigator to complete these investigations.</p> <p>Also recommend modifying the following language: "...will contact you the petitioner, the child, and any other persons who</p>	<p>The committees agree and have made the suggested changes.</p> <p>The committees do not recommend a change in response to this comment because service of this form is required by statute. Probate Code section 1511(a) requires that notice of the hearing on a petition to appoint a probate guardian include a copy of the form required by Government Code section 68.511.1, that is, form GC-207-INFO/JV-352-INFO. The committees note that Probate Code section 1215 authorizes electronic service on the persons listed in section 1511(c) if they consent.</p> <p>The committees agree and have revised item 8 to remove the reference to a social worker. The committees intend <i>court investigator</i> broadly to refer to any person appointed under Probate Code section 1454 to conduct an investigation, whether court employee, contractor, or designee. Providing more detail about the possible titles of the investigator is likely to confuse a form user.</p> <p>The committees have revised this sentence to refer to "the proposed guardian."</p>

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Form GC-206-INFO, <i>Information on Probate Guardianship of the Estate</i>		
Commenter	Comment	Committee Response
	might know about the child's family ..."	
	Item 10. GC-240 was renamed to Order Appointing Guardian or Extending Guardianship of Person.	The committees have revised item 10 to refer to form GC-240 by its correct title and make other changes.
	Item 14. Suggested edit – Depending on the amount and character of the child's property, the guardian may elect choose or the court may require As guardian of the estate, you must follow the directions of the court ...	The committees agree and have made the suggested change.
	Item 16. For consistency of style (re titles of forms), suggest deleting the quotation marks around "Inventory and Appraisal" and using italics instead.	The committees agree and have made the suggested change.
	Item 18. For consistency of style, suggest the title be edited as follows: Records and Accounts	The committees agree and have made the suggested change.
	Second sentence: The checkbook for the guardianship checking account is your an indispensable tool for keeping records of income ...	The committees agree and have made the suggested change.
	Second paragraph: You will also have to be able to describe in detail the money and property remaining after you have paid the estate's expenses.	The committees agree and have made the suggested change.

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Form GC-207-INFO/JV-352-INFO, <i>Comparison of Guardians With Other Nonparent Caregivers</i>		
Commenter	Comment	Committee Response
Advokids by Lauren Montana, Supervising Attorney	<p>What Are the Rights and Duties of Different Types of Caregivers, Section 2: Custody & Visitation: For Foster Parents (Resource Families):</p> <p>For physical custody: Add “generally” (court has the right to make specific placements)</p> <p>Add: “Legal custody remains with the parents subject to limitations by the court</p> <p>What Are the Rights and Duties of Different Types of Caregivers, Section 9: Other Duties: Current language says, “Foster parents <i>may</i> be invited to participate in or to support a child’s services such as counseling, Child and Family Team (CFT) meetings, or other types of treatment appointments.” CFT is not a support service. The language of WIC 16501(a)(4)(B)(i)(I) requires that caregivers be included in CFTs.</p> <p>Recommendation: CFT information should be separated into its own paragraph in Section 9 “Other Duties”:</p> <p>Foster parents must be included on the Child and Family Team (CFT) and be invited to the CFT meetings.</p> <p>Foster parents may be invited to participate in or to support a child’s services such as counseling and other types of treatment appointments.</p> <p>What Are the Rights and Duties of Different Types of</p>	<p>The committees agree with the comment and have added the following language to the end of the sentence at issue: “..., <i>unless the court orders a specific placement.</i>”</p> <p>The committees agree with the suggestion and have revised the section accordingly.</p> <p>The committees have incorporated this change with minor modifications.</p>

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All comments are verbatim unless indicated by an asterisk (*).

Form GC-207-INFO/JV-352-INFO, <i>Comparison of Guardians With Other Nonparent Caregivers</i>		
Commenter	Comment	Committee Response
	<p>Caregivers, Section 9: Other Duties: Add that Caregivers may attend hearings and communicate information about noted sections (healthcare, education ,etc.) to the court through the JV290 Caregiver Information Form.</p>	The committees agree and have modified the form accordingly.
Alliance for Children’s Rights et al. by Sabrina Forte, Director of Policy and Impact Litigation	<p>1. Improve accessibility by adding features that synthesize the information more succinctly. We appreciate the level of detail contained in each of the information forms. While we recognize that the Committees must strike a careful balance between thoroughness and brevity, we are concerned that a caregiver, youth, or parent will not read all the forms at the time that the forms are intended to be read and understood—at the beginning of a probate court case. We encourage the use of indices, internal hyperlinks, and even flowcharts or diagrams to make the material more accessible to families. An index at the beginning of the form would give caregivers, parents, and youth a preview of the specific content covered by each of the three charts, while allowing readers to skip to the topics of greatest concern within the document.</p> <p>We have attached a comparison chart [attached as Attachment 1] as an example of the type of tool that would help synthesize the information in the form. If the form cannot accommodate this kind of tool out of concern for brevity, we recommend posting a comparison chart and similar tools on the Judicial Council website and providing a link on the first page of the GC-207-INFO form.</p> <p>2. Cutting out-of-court alternatives would help reduce length and avoid confusion. Although all the information contained in this form is</p>	<p>The committees have continued to try to balance thoroughness with brevity in revising the forms, including the charts, to present the most meaningful information in the most efficient way. The committees do not recommend adding information targeted at specific persons but have tried to reframe discussions wherever possible to present information in a way that speaks to all users. In addition, the committees have added hyperlinks to assist online users.</p> <p>Although updates to the California Courts website are beyond their purview, the committees and staff will consult with the Judicial Council web content team to update information on the Online Self-Help Center, and will explore whether a version of the suggested chart would be useful as an overview or at-a-glance version of the longer form or forms.</p> <p>The committees agree with the suggestion and, after</p>

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All comments are verbatim unless indicated by an asterisk (*).

Form GC-207-INFO/JV-352-INFO, <i>Comparison of Guardians With Other Nonparent Caregivers</i>		
Commenter	Comment	Committee Response
	<p>important, we recommend cutting the column on out-of-court alternatives (CAAs and VPAs). These can be sufficiently covered in the GC-205-INFO form and will not be relevant to most of the readers of the GC-207-INFO form, which is provided after someone has already filed a probate guardianship petition.</p> <p>3. Clarify that dependency court path is not always chosen and that not all caregivers are eligible to become resource parents.</p> <p>A goal of this proposal is to ensure that families can make informed choices when it is necessary to separate a child from their parents. As practitioners in probate and/or juvenile court, we know that families do not always have equal access to each of the available options. Often, we meet families when a juvenile or probate court petition is already pending, which limits the families' options going forward. Unlike in probate court, dependency court jurisdiction requires the child welfare agency to file a petition; families cannot commence dependency court proceedings on their own; and the court may decide not to take jurisdiction over the child.</p> <p>We recommend including language at the beginning of the GC-207-INFO, and where appropriate throughout, to help families understand that even if they decide that dependency court is the best option for their family, the child may not meet the threshold for becoming a dependent, and the caregiver may not meet the requirements for becoming a resource parent, which are far more detailed and specific than any requirements for being appointed a child's guardian in probate court. This is an important, and often dispositive, consideration for families.</p>	<p>determining that caregiving arrangements without court involvement are beyond the scope of the form mandated by Government Code section 68511.1, have removed this column from chart 1 of the form.</p> <p>The committees have modified the form to clarify that that the child welfare agency, and no one else, may file a petition to commence juvenile dependency proceedings.</p> <p>The committees agree and have added responsive information to page 1 of the form.</p>

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Form GC-207-INFO/JV-352-INFO, <i>Comparison of Guardians With Other Nonparent Caregivers</i>		
Commenter	Comment	Committee Response
	<p>4. Clarify funding information. We recommend putting all the information about financial supports and cash payments in one place, separate from the information on responsibilities and financial liability.</p> <p>We also recommend clarifying that foster care rates are per child (CalWORKs rates are more complicated and do not increase per child in the same way) and that rates are different for children placed out of state.</p> <p>We appreciate that staff intends to update the forms annually to reflect the annual foster care rate changes. Otherwise, the information on financial supports would become obsolete quickly. Although readers can search the year's All-County Letters (linked in the GC-207-INFO form) to find the new rates, this requires a level of time and resources that the primary audience of these forms will not have.</p> <p>5. Resource parent should be used consistently Although juvenile court stakeholders continue to use the term "foster parent" colloquially, we recommend that these forms adopt the chosen term in California, "resource parent." The draft forms use the terms interchangeably, but we recommend always using "resource parent."</p>	<p>The committees have organized the form into separate charts, including one comparing the rights and duties of caregivers and another comparing the services and supports available to caregivers.</p> <p>The committees agree and have changed the subheadings of chart 2 to indicate that the payment rates are given per child. Chart 2 also makes clear that foster youth who are placed out of state are eligible for funding at the foster care rate in the state where they are placed.</p> <p>No response required.</p> <p>The committees do not recommend replacing "foster parent" with "resource parent" on the form. California statutes and rules of court continue to use the terms "relative caregiver" and "foster parent" to refer to caregivers for children in juvenile court-ordered foster care. More important, these forms are intended for use by nonprofessionals who are less likely to be familiar with California's chosen term. As shown by other comments to this proposal, the use of "resource parent" in the form, whether exclusive or as an alternative to</p>

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Form GC-207-INFO/JV-352-INFO, <i>Comparison of Guardians With Other Nonparent Caregivers</i>		
Commenter	Comment	Committee Response
	<p>6. Clarify availability of the full array of child care resources that are not tied to court jurisdiction.</p> <p>While it is true that there are no child care assistance programs solely dedicated to informal caregivers or court-ordered guardians, we recommend including information about the broad array of subsidized child care programs that are available to families with low incomes. Families caring for children who have been formally or informally placed outside their home qualify for most of these child care programs, regardless of family income. This additional information will also help resource families better understand how the Emergency Child Care Bridge fits in with other subsidized child care options. Because most of the available child care options are based on factors unrelated to court jurisdiction, we recommend merging the columns under “Childcare Assistance” on page 26 and adding the text below. If the columns are not merged, then the recommended language below should replace the current language in each column (with an additional reference to the Emergency Child Care Bridge in the first column). We also recommend changing the heading from “Childcare Assistance” to “Publicly-Funded Child Care.”</p>	<p>“foster parent,” is likely to confuse users. The committees have therefore explained on page 1 that a “resource family” is a foster parent who has been approved through the resource family approval process and used the term “foster parent/resource family” in applicable headings and text to indicate that these terms refer to the same type of caregiver. “Caregiver” is used as an umbrella term to refer to any nonparent who cares for a child.</p> <p>The committees agree that the suggested information would be helpful to families and caregivers and have incorporated it, with some modifications, it into the form.</p>

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Form GC-207-INFO/JV-352-INFO, <i>Comparison of Guardians With Other Nonparent Caregivers</i>		
Commenter	Comment	Committee Response
	<p>Recommended language: California offers a variety of publicly-funded child care programs that help families, including but not limited to resource families and foster youth who are parents, pay for emergency and long-term, continuous child care. Many of these child care programs offer special consideration for families caring for children who have been formally and informally placed outside their homes. Please refer to the guardianship forms GC-205-INFO and JV-350-INFO for more information on these child care programs.</p> <p>Local child care resource & referral agencies (R&R) help families find child care and determine whether you qualify for publicly-funded child care to help you pay for it. Parents and guardians can use this website to find their local R&R for child care assistance: https://rrnetwork.org/family-services/find-child-care.</p> <p>In addition, we suggest the following minor revisions to improve clarity and accuracy:</p> <p>Page 19; Section: Caregiver’s Fundamental Responsibilities (CAA and VPA) <i>Comment:</i> Says that a CAA caregiver can work with the social worker to access available resources/services. This is true for a VPA, but not for a CAA. <i>Proposed Change:</i> “If the child has special needs the caregiver works with the social worker to make sure the child receives available resources and services.” [deletes “(CAA or VPA)”]</p> <p>Page: 19; Section: Custody and Visitation (Resource Families) <i>Comment:</i> To distinguish from a VPA, clarify that the child’s custody is subject to juvenile court orders.</p>	<p>With the exception of a brief reference on page 1, the committees have removed the discussion of caregiving arrangements that do not require a court order, including the entire left column of chart 1, from this form. The now discusses only court-ordered arrangements for care and custody of a child.</p> <p>See previous response.</p>

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Commenter	Comment	Committee Response
	<p><i>Proposed Change:</i> “The juvenile court orders the child into the care and custody of the child welfare agency.”</p> <p>Page: 20; Section: Custody and Visitation (CAA and VPA) <i>Comment:</i> Although it is true that parents can terminate a VPA at any time, there are potential consequences (namely, the child welfare agency can file a petition in dependency court). <i>Proposed Change:</i> Clarify as follows: “If the parent terminates the VPA prior to the agreed-upon date, the social worker has the discretion to initiate proceedings in dependency court.”</p> <p>Page 20; Section: Health Care (Resource Families) <i>Comment:</i> Typo <i>Proposed Change:</i> Revise to say “arranges health care for the child’s medical, dental, and mental health needs.”</p> <p>Page 22; Section: Consent to Changes in the Child’s Status (Resource Parents) <i>Comment:</i> Note that the juvenile court can give the required consent. <i>Proposed Change:</i> Add to the end of the sentence, “but the juvenile court can consent.”</p> <p>Page 24-25; Section: Cash Payments—Relatives and Nonrelatives (Probate Guardian) <i>Comment:</i> This column uses the word “placed,” but this is a term of art used in the dependency context, and it is confusing to use it in the probate guardianship context. <i>Proposed Change:</i> Replace “placed” with “lives with” or something similar.</p>	<p>See previous response.</p> <p>The committees have revised the form to correct the typo.</p> <p>The committees agree with the suggested change and have modified the form accordingly.</p> <p>The committees agree and have modified the form accordingly.</p>

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	Relatedly, the last paragraph on page 24 includes information on California foster youth in the “Probate Guardian” column. Move out-of-state foster youth reference to the left column (Juvenile Court Non-Guardian Caregiver).	The committees agree and have moved this paragraph to the appropriate column.
	Page 25; Section: Cash Payments—Nonrelatives (Probate Guardian) <i>Comment:</i> It would help to clarify that nonrelated probate legal guardians receive state AFDC-FC. <i>Proposed Change:</i> Add word “state” before AFDC-FC.	The committees have made the suggested change.
	Page 25; Section: Medical Insurance (Probate Guardian) <i>Comment:</i> Even if a child does not qualify for Medi-Cal based on linkage to a benefits program, they could still qualify based on income. <i>Proposed Change:</i> Clarify that child may qualify based on income if not eligible based on linkage to CalWORKs or state AFDC-FC.	The committees have made the suggested change.
	Page 25; Section: Medical Insurance (Juvenile Court Guardian) <i>Comment:</i> Eligibility for FFY Medi-Cal is available only if a young person exited foster care after age 18, which in most cases won’t apply to youth who turn 18 in a juvenile court guardianship. <i>Proposed Change:</i> Remove reference to FFY Medi-Cal in this column.	The committees have made the suggested change.
	Page 26; Section: Extended Foster Care <i>Comment:</i> This section includes ILP and Chafee, which have broader eligibility criteria than extended foster care. <i>Proposed Change:</i> Change section heading to “Transition Age	The committees have made this change with a modification.

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Commenter	Comment	Committee Response
	<p>Youth Supports” or something similar.</p> <p>Page 27-28; Section: Special Needs Supplements (Juvenile Court Guardian) <i>Comment:</i> Youth in juvenile court guardianships aren’t eligible for the expectant parent payment nor for Education Travel Reimbursement. <i>Proposed Change:</i> Remove references to EPP and ETR from this column.</p> <p>Page 29; Section: First Steps (Probate Guardian) <i>Comment:</i> Clarify that the investigator prepares a report but does not automatically “submit it to the parties.” Parties and counsel have to specifically request a copy of the report. <i>Proposed Change:</i> Delete “and the parties.”</p> <p>Page 29; Section: Court Oversight (Juvenile Court Guardian) <i>Comment:</i> For a no visitation order, the court must make a detriment finding. Additionally, the juvenile court may terminate (rather than dismiss) jurisdiction following an order of guardianship. <i>Proposed Change:</i> Delete “not be in the child’s best interest” and add “be detrimental.”</p> <p>Replace “will dismiss” with “will terminate.”</p> <p>Page 30; Section: Role of Social Worker or Probation Officer (Juvenile Court Guardian) <i>Comment:</i> There is some continued social worker involvement for nonrelative probate legal guardians who request state foster care funding.</p>	<p>The committees have made these changes.</p> <p>The committees have modified the form to clarify that the report must be made available to all persons who have been served in the guardianship proceeding and their attorneys.</p> <p>The committees have made this change with a modification.</p> <p>The committees have made this change.</p> <p>The committees understand this comment to refer to the involvement of a social worker in a nonrelative <i>probate</i> guardianship and have modified the applicable</p>

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	<i>Proposed Change:</i> Add “If a nonrelative probate legal guardian requests State AFDC-FC, a social worker will keep a case open for funding purposes.”	discussion to indicate that there will be no social worker involvement after the appointment of a probate guardian unless the guardian receives public benefits to help support the child.
California Tribal Families Coalition by Mica Llerandi, Senior Attorney, Legal and Program Services	[Section: Caregivers who provide care for children who are not involved in a court case] [Chart: What are the Rights and Duties of Different Types of Caregivers?] In these sections here, there is no discussion of Indian custodians. We recommend including discussion of Indian custodianships here. [Chart: Comparison Between Guardians and Other Nonparent Caregivers] In this section, the discussion is focused on funding for nonparent caregivers. However, the funding is strictly connected to court-ordered placements. We recommend including that these services and supports are available to court-ordered caregivers.	Except for a brief reference on page 1, the committees have removed the discussion of caregiving arrangements that do not require a court order from this form and expanded the discussion of those arrangements in form GC-205-INFO to include a discussion of Indian custodianship. See previous response.
Christine Flynn, Probate Court Investigator, Mendocino County	Page 2: Caregiver’s fundamental Responsibilities and General Duties: for Guardians it says, “In general, a guardian must care for and control the child the same way a parent would”. Maybe change to “A guardian has care, custody and control of a minor the same way a parent would”. Also, in this first section there is mention of CalWORKs Non-needy caretaker funds for relatives and foster care payments for foster parents to help pay for a child’s needs, but no mention of	The committees have made the suggested change with a slight modification. The committees have removed the discussion of the CAA and other caregiving arrangements that do not require a court order, including the discussion of the

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	<p>a guardian being able to receive Cash Aid benefits to help offset costs for a minor in a guardianship. Maybe consider eliminating the lengthy paragraph about foster care and CalWORKs and change the wording under CAA to: “a relative caregiver may receive CalWORKs Non-Needy Caretaker Funds and a non-relative cannot receive any funds”.</p> <p>Page 6 Legal Liability If you’re citing the Civil Code, you don’t need to the statement in the Guardians column explaining “the guardian, like a parent, is liable for the harm and damages...”. You can take this statement out or leave it in and take out the Civil Code verbiage.</p> <p>Page 6 Other duties In the guardians column: you might consider changing the first sentence to “The court may require the guardian to complete a parenting class, or to obtain counseling for the minor”</p> <p>What Services and Supports Are available to different caregivers? Consider changing the columns of Juvenile Court Guardian and Probate Guardian so the Juvenile court guardian column is next to the Juvenile Court non-guardian caregiver. The information in the Juvenile Court non-guardian caregiver and Juvenile Court Guardian is similar and, in some cases, identical. Where it is the same, you could note in the Juvenile court guardian column “same as noted under juvenile court non-guardian caregiver” or “same as noted in the first column”.</p> <p>Extended Foster Care: On page 9</p>	<p>benefits mentioned by the commenter, from this form.</p> <p>The committees have removed the text of Civil Code section 1714.1(a) from the form but retained the citation.</p> <p>The committees do not recommend the suggested change in this section. The guardian’s duty to provide for the child’s mental health treatment, including counseling, is discussed in the form’s section on the guardian’s duty to provide for the child’s health care.</p> <p>The committees have abbreviated the information in column 3 when it is duplicative of the information in column 1. The committees do not, however, recommend switching the columns. There are advantages and disadvantages to different modes of presentation. The committees have chosen to put probate guardianships in the center column better to distinguish juvenile court-ordered foster care/resource family placement from juvenile court guardianship.</p>

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	<p>The Juvenile Court Non-Guardian Caregiver has information about Independent Living Program. There is information about youth who entered Kin-GAP guardianship that can be omitted. It can be amended to read: “Independent Living Program funding is available for current and former foster youth up to age 21, including youth who were in foster care on or after age 16”. Take out the rest of the sentence.</p> <p>The Juvenile Court Guardian column has the same information about Independent Living Program. The sentence is the same and the information starting with “current and former foster youth up to age 21, including youth who were in foster care on or after age 16” can be eliminated.</p> <p>Page 9 Childcare Assistance: In the Juvenile Court Guardian column you can just say “No subsidized childcare assistance is available after a guardianship is established”.</p> <p>Page 10 Special Needs Supplements: Consider changing the word supplements to “financial support”</p> <p>Take out “Clothing allowance” under Juvenile court guardianships since this only pertains to foster youth.</p>	<p>The committees have made this change with minor modifications.</p> <p>The committees have made the suggested change with modifications.</p> <p>The committees do not recommend the suggested change. Income-based childcare assistance is available to eligible guardians and children.</p> <p>The committees have replaced “supplements” with “supplemental payments.”</p> <p>The committees do not recommend this change. Welfare and Institutions Code section 11364(c) authorizes a clothing allowance, as described in section 11461(f), to be paid as part of a Kin-GAP payment for a child living with an approved relative guardian. Section 11405(h) authorizes a clothing allowance to be paid for a child living with a nonrelative guardian whether appointed by a probate court or a juvenile court.</p>
Oneatha Herne, Probate Court Investigator, Sacramento County	The document is very informative and lengthy. While it is hopeful that the recipient will read the entire document, to	The committees agree generally and have revised the first page and created a simple table of contents for the

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	<p>maintain the readers' attention the main target information should be in the beginning and/or easy to locate. The following may be helpful: a landscape layout, a table of contents, internet links to the target information, the categories should line up together for easier comparison.</p> <p>For clarity several terms should be defined and or distinguished. Many families are unaware of the process, distinctions and often the county child welfare agency (CPS) action is viewed as that of the juvenile court. There are certain perceptions of what foster care and foster parent means, which is generally the child will be taken away from the parent and family, placed in the system and in the home of someone unknown, with other like children, and lost to the family. Several changes will make the information clearer to the general public.</p> <p>Define and/or distinguish Child welfare agency commonly known as Child Protective Services (CPS),... Juvenile Court dependency or delinquency Juvenile Court case vs Juvenile Court involvement Foster care placement by county child welfare agency vs by Juvenile Court Foster care defined county child welfare agency Juvenile Court Resource family, what is it? county child welfare agency involvement Foster parents compared with resource family how do they differ county child welfare agency involvement vs Juvenile Court</p>	<p>three charts. As circulated, the form included links that are clickable when the forms are accessed online.</p> <p>The committees have revised page 1 of the form to include simple explanations but have kept the introduction brief so readers can get to the charts quickly.</p> <p>The committees do not recommend changing terminology at this stage but have added language to page 1 indicating that the child welfare agency is commonly referred to as child protective services or CPS. The committees have also revised the form to explain that a resource family (parent) is a foster parent who has been approved by the child welfare agency through the resource family approval process. The committees have also revised the use of <i>foster parent</i> and <i>resource family</i> to clarify that these terms refer to the same role and differ only in the manner of agency approval.</p>

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	<p>involvement Non-related extended family member NREFM county child welfare agency involvement</p> <p>From the information provided it appears there can be a foster care placement by the county child welfare department. I am not sure whether that would be the Department of Family, Child and Adult Services or Child Protective Services (CPS) in some California counties.</p> <p>It is stated that a voluntary placement can occur without there being a (juvenile) court case. This occurs with the involvement of the county child welfare department. It is unclear whether there is court involvement required for the placement status to qualify for foster care funds. The VPA caregiver (considered a foster parent) is identified as one for a child not involved in a court case. It is unclear whether it is one of the Juvenile Court Non-Guardian Caregiver on pg 7 for Services and Supports Available to Different Caregivers.</p> <p>Chart 2: What Services and Supports are Available to Different Caregivers? Recommend that a category be added to the chart on pgs 7-11 about personal support, social worker and agency assistance as well as juvenile court support (if applicable) which is available for caregivers in VPA, Safety Plans, foster parents, resource families, guardians in juvenile court. It should also be noted that the above support and assistance is not available in a</p>	<p>The commenter is correct that each county may have a different name for the agency responsible for providing child welfare services, conducting child welfare investigations, and filing dependency petitions in juvenile court. The committees have followed the convention of the Legislature, the California Rules of Court, and other Judicial Council forms in using the term “child welfare agency” to refer to this agency.</p> <p>The commenter is correct that a Voluntary Placement Agreement requires the participation of the child welfare agency. The committees, however, have removed the discussion of caregiving arrangements not requiring a court order from chart 1, and so do not recommend the suggested change.</p> <p>The committees do not recommend the suggested addition. The committees have removed the discussion of caregiving arrangements that do not require a court order from this form except for a brief reference on page 1.</p>

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	probate court guardianship.	
	Page 1 CaregiversNot Involved In Court Case Suggestion: For consistency with the chart begin with the above and end first paragraph with ... The following are voluntary and parents can end these arrangements/agreements at any time.	See response to previous comment.
	Informal Caregivers Suggestion: Add: (An agreement between parent and adult caregiver) Parents with legal and physical custody of the child can create a private agreement with an adult for a limited time, granting the caregiver only the authority in the written, stated terms. (see GC-205-Info item 2b)	No further response required.
	Voluntary Placement ...Caregivers Suggestion: Add: (A written agreement between parent and county child welfare agency also known as CPS). The terms foster care, foster parents, and resource families should be defined and differentiated if needed for clarity, either before the discussion on caregivers or see GC-205, pg 2 item 2c, particularly paragraph 2.	No further response required.
	Suggestion: Add “Safety Plan” the reason for the proposal and arrangement many families and parents are familiar with.	The committees have removed the discussion of caregiving arrangements that do not require a court order from this form except for a brief reference on page 1. Furthermore, California law does not authorize a voluntary placement or safety plan with a child welfare agency other than the Voluntary Placement Agreement pursuant to Welfare and Institutions Code sections
	Safety Plan Caregivers (A written agreement between parent and county child welfare agency also known as CPS) With this agreement the parent is voluntarily allowing their child to be placed with a family member, NREFM (needs to be	

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	<p>defined), or foster parent</p> <p>Caregivers Involved In Court Case Foster parents or resource families: The terms Juvenile Court, child welfare agency, foster placement, foster care, foster parents and resource families should be defined and differentiated if needed for clarity, before the discussion on caregivers. The term resource family is not widely known and less understood in my experience. There is a general understanding of the historic definition of foster care, foster parent, or foster home. Is approval as a resource family a foster care placement? The explanation of a resource family is not clear. As written it appears to refer to foster parent approval. Referral to JV-350 is not helpful, locating the reference to resource family approval is difficult (pg 5) and still does not explain the program. In addition to a clear explanation a website link may be helpful. A sample explanation for the resource family program follows: The Resource Family Approval Program is a unified, family-friendly, and child-centered resource family approval process to replace the existing multiple processes for licensing foster family homes and approving relatives and Nonrelative Extended Family Members (NREFMs) as foster care providers, and to approve families for legal guardianship or adoption. A resource family is considered eligible to provide foster care for related and unrelated children in out-of-home placement. They are also</p>	<p>16507.2–16507.6. One purpose of AB 260 was to eliminate the use of these nonstandard “safety plans.” (See Assem. Com. on Judiciary, Analysis of Assem. Bill No. 260 (2021–2022 Reg. Sess.) as introduced Jan. 15, 2021, pp. 1, 6, 7–10.) For this reason, the committees do not recommend adding a discussion of safety plans to this form or any part of this proposal.</p> <p>See response to comments on definition of and distinction among terms, above. The committees have tried to make this form as clear and useful as possible without adding to its already considerable length. The committees do not recommend adding a description of the resource family approval process, as that is beyond the scope of this proposal.</p>

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	<p>considered approved for adoption or legal guardianship and do not have to undergo any additional approval or licensure processes but will have to meet some additional requirements. (Los Angeles County)</p> <p>To educate relatives on their ability to contribute to or participate in the court process, Suggestion Add after the first sentence “ If you are the child’s relative you can still give the court important information in writing, about the child (JV-350, item 6). Certain relatives are entitled to notice and to attend court hearings. (add if appropriate).</p> <p>Guardians: Suggestion Add to last sentence but different support, services and resources are available (see pages 5-13).</p> <p>Page 2 Caregiver’s Fundamental Responsibilities and General Duties pgs. 2-6 Heading Caregivers ...(CAA and VPA) Suggestion: Add: Safety plan to heading and all categories. VPA and Safety Plan should show that there is county child welfare agency (CPS) involvement or contact.</p> <p>Pgs 2-6 Suggestion: Incorporate or add information for resource families under each category.</p>	<p>The committees do not recommend the suggested change. However, the committees have added language to item 6 on form JV-350-INFO to clarify that a relative is entitled to submit information to the court in writing and may ask the court to allow them to attend hearings.</p> <p>The committees agree with the suggested change and have added language to the form to indicate that different supports, services, and resources are available to guardians.</p> <p>The committees do not recommend the suggested addition. The committees have removed the discussion of caregiving arrangements that do not require a court order from this form except for a brief reference on page 1. The committees do not recommend adding a discussion of safety plans for the reasons discussed above in response to the commenter’s earlier suggestion.</p> <p>The form has been modified to use the term “foster parent/resource family.” The committees do not recommend adding separate information for resource</p>

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	<p>families except where different requirements or services apply.</p> <p>pg.2 Heading Foster....Families) Suggestion: If Foster Parents remain in the heading, for clarity, and/or should be added before Resource Families and the parentheses removed,</p> <p>also Pgs 7-11 If Foster Parents remain in the heading for clarity, and/or should be added before Resource Families.</p> <p>Discussion about financial support to care for the child, under all headings appear best left as the last entry, as under CAA.</p> <p>Foster parentsclothing. Suggestion: Move to last entry and add Additional funds for special needs may be received.</p> <p>pg.2 Heading Guardians Suggestion: Add: as last entry - You may be able to receive assistance, support, resources and finances for the child's needs (see pgs 7,8)</p> <p>Pg.2 Heading Guardians - Custody and Visitation 2nd paragraph, 2nd sentence Suggestion: Add: the rights of both parents are completely suspended - It is not always clear to the parent(s) involved or the non-custodial parent.</p> <p>Pgs.3-4 Heading Foster....Families) and Guardians – Health</p>	<p>The committees agree with the suggestion and have modified the form accordingly.</p> <p>The committees have made the suggested change.</p> <p>The committees do not recommend the suggested change. Because financial support is often of most interest to potential caregivers, it is discussed first in chart 2.</p> <p>The committees do not recommend the suggested change. Supplemental payments for special needs, including a clothing allowance, are discussed in chart 2.</p> <p>The committees do not recommend the suggested change. Supplemental payments for special needs are discussed in chart 2.</p> <p>The committees agree and have made the suggested change with minor modifications.</p> <p>This form no longer discusses caregiving arrangements</p>

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	<p>Care Suggestion: Add: (See pg 8 Medical Insurance) as last entry (No information provided for CAA or Safety Plan caregivers regarding health care resources)</p> <p>Pgs 4-5 Heading Foster....Families) and Guardians – Education Suggestion: Add: (See pgs 10-11 Special Needs)</p> <p>Pg 5 Financial Obligation Note JV-350 #26 says you can get money to help you support the child, while GC-205 p5, 10f indicates the guardian can seek support from various sources</p> <p>Heading Caregivers and Foster.....Families) appear duplicative of pg 2, you may want to eliminate financial information from pg 2 or omit category, if so</p> <p>Heading Guardians – Move 1st paragraph on pg 5 to 5th paragraph on pg 2 and Suggestion: Add: as last entry Financial help to support the child may be available from county, state, federal or other public or private funds. The type of assistance depends on the child’s eligibility, their relationship to you and whether the guardianship is in probate court or juvenile court (see pgs 7-8; GC 205-Info pg 5,10f.; JV-350-Info pg 5).</p> <p>Pg 6 Legal Liability JV-350-Info , pg 4 item 25 states child’s negligent conduct may be imputed to guardian.</p>	<p>that do not require a court order except for a brief reference on page 1. These arrangements are beyond the scope of the form.</p> <p>The committees agree with the suggested change and have added a reference to the later discussion of special needs.</p> <p>The committee notes that different resources and financial supports are available to a guardian appointed by a juvenile court from those available to a guardian appointed by a probate court.</p> <p>The committees have removed discussion of caregiving arrangements that do not require a court order from this form and have revised the discussion of financial obligation to avoid unnecessary repetition.</p> <p>The committees do not recommend this change. To streamline this form, some information was moved to form GC-205-INFO. The amount of information in all the complementary forms is considerable, and the forms are long. The committees had to make decisions about the appropriate amount of detail to include in all the forms to keep them as succinct as possible.</p> <p>No response required.</p>

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Form GC-207-INFO/JV-352-INFO, <i>Comparison of Guardians With Other Nonparent Caregivers</i>		
Commenter	Comment	Committee Response
	<p>Pg 7 For less distraction and an easier read Suggestion: the categories of Cash Payments – Relative and Non-Relatives move to the 1st row above the types of caregivers; the column for Juvenile Court Guardian move to the middle column as many entries are similar to the 1st column , Juvenile Court Non-Guardian Caregivers; the last entry under Probate Court Guardian appears more appropriate under one of the Juvenile Court headings</p> <p>Pgs 8, 9 Both Juvenile Court headings for Medical Insurance and Extended Foster Care appear duplicative, you may wish to simplify entries for one</p> <p>Pg 10, 11 Both Juvenile Court headings for Special Need Supplements appear duplicative, you may wish to simplify entries for one</p> <p>Pg 12 In Headings Probate Guardianship and Juvenile Court Guardianship Suggestion: Add: (See GC-205-Info for more information) and (JV-350-Info for more information), respectively.</p> <p>Page 12 First Steps Probate - 2nd paragraph, 5th sentence The investigator Suggestion: Add: : or county social worker report; last entry add The parents do not get counsel appointed by the court. The child may, at the court's discretion.</p>	<p>The committees do not recommend these changes. The committees considered different ways to organize and present the information. There were many competing considerations such as clarity, thoroughness, and efficiency. The committees selected the format and organization that best balanced all considerations.</p> <p>The committees have revised chart 2 on the form to reduce duplication of information.</p> <p>The committees have revised chart 2 the form to reduce duplication of information.</p> <p>The committees do not recommend this change. Page one of this form includes references to these forms and general descriptions of the information that each contains. In addition, when specific information is included in another form, a reference to that form has been added.</p> <p>The committees have revised chart 3 to include additional information about the similarities and differences of the rights and procedures for in juvenile court from those in probate court, including differences</p>

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All comments are verbatim unless indicated by an asterisk (*).

Form GC-207-INFO/JV-352-INFO, <i>Comparison of Guardians With Other Nonparent Caregivers</i>		
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	<p>Juvenile – After 1st sentence Suggestion: Add: Both the parents and child will be appointed counsel by the court; If the court has orderedrelative or foster care, incorporate resource family, if appropriate.</p> <p>Page 13 Last paragraph – After appointed Suggestion: replace with: if the guardian is not related to the minor a county social worker will visit the guardian and minor every 6 months. There is no court investigator involvement unless ordered by the court. The court cannot order family reunification services (include current definition) and does not provide any services to the guardian, parent or child or financial support.</p> <p>Page 13 Juvenile – Last sentence - social worker or probation officer involvementany services Suggestion: Add including permanent placement services.</p> <p>Page 13 Terminating Parental Rights Probate – 1st sentenceit suspends Suggestion:(replace word them) with the rights of both parents</p>	<p>in the right to appointed counsel.</p> <p>The committees have expanded the information in Chart 3 about appointment of counsel and foster care placement in juvenile court.</p> <p>The committees have revised chart 3, including this paragraph, to clarify the information presented. The committees have modified the language on social worker contact to indicate that no social worker is involved unless the child or guardian receives public financial support or services.</p> <p>The committees do not recommend this change. The guardianship is a permanent placement unless a child at least 12 years old, the child's parent, or the guardian files a petition to terminate the guardianship. Termination of the guardianship must be in the child's best interest.</p> <p>The committees have made modified the language to refer to parental rights without reference to the number of parents.</p>
Orange County Bar Association by Daniel Robinson, President	(3) Form GC-207-Info/JV-352-Info is deficient in the same manner discussed above for Form GC-205-Info.	As noted above, new comparison form GC-207-INFO/JV-352-INFO is the primary form in the proposal. This form, as mandated by Government Code section 68511.1, compares the rights, duties, services, and

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Form GC-207-INFO/JV-352-INFO, <i>Comparison of Guardians With Other Nonparent Caregivers</i>		
Commenter	Comment	Committee Response
		supports for probate guardians, juvenile court-appointed guardians, and court-appointed child welfare caregivers. Additional information about several topics, including appointment of counsel and investigations, has been added to this form in response to public comments. The other forms provide more detail about specific types of guardianship.
Superior Court of Los Angeles County by Brian Borys	GC-207 Info form should be adopted but not required for the court to serve upon first hearing; by this point the parties have filed a petition with the court. This form should be available on court websites, self-help and can be referenced in the petition info forms, notice of hearing, and other sources but the court should not be required to serve it.	The committees agree that the court is not required to serve form GC-207-INFO/JV-352-INFO. Probate Code section 1511 requires that notice of the hearing on a petition to appoint a probate guardian include a copy of the information form mandated by Government Code section 68511.1. GC-207-INFO/JV-352-INFO is that form. Because section 1511 does not specify who must give notice of hearing and, thus, the form (and a copy of the petition), section 1460 prescribes the duty to give notice. Section 1460(b) requires the petitioner to give notice of the hearing, so the duty falls on the petitioner to include with the notice a copy of the petition and form GC-207-INFO/JV-352-INFO. Nothing in statute or form can reasonably be read to preclude the posting of the form on court websites, to discourage persons from visiting self-help centers, or to discourage self-help center staff from providing information to self-represented visitors.
Superior Court of San Diego County by Mike Roddy, Executive Officer	While the new form is informative, it may be beneficial to simplify and shorten for the intended audience.	The committees have revised the form to clarify and simplify it without omitting critical information. The form now cautions users that it is not intended as a substitute for legal advice and also includes links to the online directory of court self-help centers.

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Form GC-207-INFO/JV-352-INFO, <i>Comparison of Guardians With Other Nonparent Caregivers</i>		
Commenter	Comment	Committee Response
	<p>Our court opposes the requirement for this form to be served with the petition. As mentioned, service in Guardianship cases is one of the most difficult defects for self-represented litigants to overcome. Adding this significant of an additional service requirement is not practical. Additionally, most of these litigants do not have the means to pay for all the additional pages that would need to be copied and/or mailed. For example, in a typical Guardianship case, service to the two parents and four grandparents would equate to an additional 78-pages to be copied. Thirteen additional pages would also add significant postage for mailing. Additionally, it seems unnecessary to require this to be served on a Guardianship of the Estate matter, as the Juvenile and other Nonparent Caregiver comparisons are not applicable.</p> <p>Page 1: Suggested edits – Caregivers who provide care for children involved in a court case • Foster parents or resource families: If it is not in a child’s best interest to continue living at home, the juvenile court may order the child placed out of the home and in the care and custody of the a child welfare agency. ...</p> <p>• Guardians: ... Relatives or nonrelatives are can be appointed as guardians ...</p> <p>Caregivers who provide care for children who are not involved in a court case Guardianship and court-ordered foster care are not the only options if a child’s parents are unavailable or unable to care for their child. Families can make arrangements for the care and</p>	<p>The committees do not recommend a change in response to this comment because service or delivery of this form is required by statute. Probate Code section 1511(a) requires that notice of the hearing on a petition to appoint a probate guardian include a copy of the new mandatory information form.</p> <p>The committees have deleted this subheading.</p> <p>The committees have extensively revised page one of this form. The committees have made the suggested changes where the applicable language remains.</p> <p>The committees have made this change.</p> <p>The committees have deleted this subheading.</p> <p>The committees have extensively revised page one of this form. The committees have made the suggested changes where the applicable language remains.</p>

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Form GC-207-INFO/JV-352-INFO, <i>Comparison of Guardians With Other Nonparent Caregivers</i>		
Commenter	Comment	Committee Response
	<p>custody of a child without going to court. These arrangements are usually temporary.</p> <p>If parents determine decide that out-of-home care is needed for a their child and that child welfare services and supports could benefit their family, they can enter into a written Voluntary Placement Agreement with the county welfare department.</p> <p>This form only discusses only guardians <i>of the person</i>, who have legal ...</p> <p>... the probate court may appoint a guardian <i>of the estate</i> to manage and preserve the child's property for the child until the child reaches 18 years of age. ...</p> <p>Page 2: Suggested edits –</p> <p>Column 1: Change “non-related” to “nonrelative” (no hyphen) per, e.g., WIC § 361.4(a)(1).</p> <p>Column 3: Change “physician” to “doctor” or “health care providers.”</p> <p>If a child has special needs, a guardian must strive to meet those needs or and secure arrange for appropriate services. Some children may have physical or learning disabilities.</p> <p>Other children come from abusive homes or have been victims of abuse. Counseling and other services may be necessary to assist help a child such children who has special needs or has had unpleasant life experiences.</p>	<p>The committees have removed column 1 of chart 1, which included the subject of the comment, from this form.</p> <p>The committees have made this change.</p> <p>The committees have made this change with a modification.</p> <p>The committees have made this change with a modification.</p>

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Form GC-207-INFO/JV-352-INFO, <i>Comparison of Guardians With Other Nonparent Caregivers</i>		
Commenter	Comment	Committee Response
	<p>The child's pParents can no longer make decisions for their child ...</p> <p>Page 3: Suggested edits – Column 1: A CAA authorizes the caregiver to enroll the child in school and to consent to school-related medical care, such as a school physical exam.</p> <p>A CAA authorizes a relative caregiver to consent to a child's medical and dental care and gives a relative caregiver limited authority over a child's mental health care.</p> <p>Column 2: Foster parents must make sure the child participates takes part in social worker authorized and court ordered visits and phone calls with parents and others that are authorized by the social worker and/or ordered by the court.</p> <p>Column 3: However, if the child is 14 years of age or older, surgery ...</p> <p>Page 4: Suggested edits – Column 3: A separate legal process is required for such an involuntary commitment.</p> <p>Page 5: Suggested edits – Column 1: 1st par. (for consistency with 2nd par. and column 2):</p>	<p>The committees have made this change.</p> <p>The committees have removed column 1 of chart 1, which included the subject of the comment, from this form.</p> <p>The committees have removed column 1 of chart 1, which included the subject of the comment, from this form.</p> <p>The committees have made this change.</p> <p>The committees have made this change.</p> <p>The committees have made a substantially similar change.</p> <p>The committees have removed column 1 of chart 1, which included the subject of the comment, from this</p>

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Form GC-207-INFO/JV-352-INFO, <i>Comparison of Guardians With Other Nonparent Caregivers</i>		
Commenter	Comment	Committee Response
	<p>Caregivers cannot consent to a the child's marriage ...</p> <p>A relative caregiver is ineligible for cannot receive foster care payments ...</p> <p>Column 3: A guardian may consent to a minor child's enlistment in the armed services and /or to application for a driver's license.</p> <p>The guardian is responsible for the day-to-day financial support of the child even though the parents are still obligated to must support the child financially.</p> <p>Page 6: Suggested edits – Column 1: Change “non-related” to “nonrelative” (no hyphen) per, e.g., WIC § 361.4(a)(1). A non-related nonrelative extended family member (NREFM) caregiver is not eligible to cannot receive CalWORKs or any foster care payments.</p> <p>Question: Under “Legal Liability,” in addition to quoting Civ. Code § 1714.1(a), should text be added to explain that a caregiver with a CAA or VPA does not have the legal liability that a parent or guardian has under this statute?</p> <p>Insert period: (Italics added.)</p> <p>Column 2: “... a foster parent is immune from liability ... while the child or nonminor dependent is placed in the home of the caregiver”</p>	<p>form.</p> <p>The committees have made this change.</p> <p>The committees do not recommend this change but have modified this sentence to simplify it.</p> <p>The committees have removed column 1 of chart 1, which included the subject of the comment, from this form.</p> <p>The committees have removed column 1 of chart 1, which included the subject of the comment, from this form.</p> <p>The committees have made this change.</p>

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Form GC-207-INFO/JV-352-INFO, <i>Comparison of Guardians With Other Nonparent Caregivers</i>		
Commenter	Comment	Committee Response
	<p>foster parent.</p> <p>Column 3: Insert period: (Italics added.)</p> <p>The court may require the guardian to accept perform other duties, ...</p> <p>... program, you will be expected to cooperate comply with all requests of the court visitor's requests. Also, a guardian may be required have to fill out and file status reports.</p> <p>Page 7: Suggested edits –</p> <p>Column 2: Child-Only California Work Opportunity and Responsibility to Kids Program (CalWORKs) is available payments for relatives. Payments are approximately one-half of the foster care basic rate paid to nonrelatives.</p> <p>Question: Is this text in the correct column (i.e., Probate Guardian)? Should it be in column 1? “California foster youth who are placed with a caregiver out of state are eligible for funds at the foster care rate in that state.”</p> <p>Column 3: Kinship Guardianship Assistance Payment Program (Kin-GAP) payments is are available to children who have lived with an approved relative guardian ...</p> <p>... payments, but you may still qualify for California Work</p>	<p>The committees have removed this parenthetical from the form.</p> <p>The committees have made this change.</p> <p>The committees have made the second suggested change.</p> <p>The committees have made this change with a minor modification.</p> <p>The committees have moved the text to column 1.</p> <p>The committees have made the suggested change.</p> <p>The committees have made the suggested change</p>

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Form GC-207-INFO/JV-352-INFO, <i>Comparison of Guardians With Other Nonparent Caregivers</i>		
Commenter	Comment	Committee Response
	<p>Opportunity and Responsibility to Kids Program (CalWORKs) payments.</p> <p>Page 8: Suggested edits –</p> <p>Column 1: Financial assistance is Foster care payments are linked to full-scope Medi-Cal services for the child. Youth are eligible for can receive Former Foster Youth Medi-Cal up to age 26.</p> <p>Extended Foster Care (EFC) is available for youth who are in foster care placement when they turn 18. Nonminor dependents (NMDs) can receive ongoing case management and financial assistance EFC payments until they turn 21; they are eligible may qualify for transitional housing and independent living placements.</p> <p>Column 2: There is are no financial aid payments before the probate court orders ...</p> <p>If a probate guardian receives CalWORKs (relative) or AFDC-FC (nonrelative) payments, the child is eligible for Medi-Cal, but after turning 18 the youth is cannot eligible for receive Former Foster Youth Medi-Cal.</p> <p>However, if a probate guardian receives CalWORKs (relative) or AFDC-FC (nonrelative) payments, the child will receive those funds ...</p> <p>Column 3: ... can continue to receive extended financial assistance</p>	<p>The committees do not recommend this change because the existing language better expresses the committees' intent.</p> <p>The committees have made these changes with a modification.</p> <p>The committees have revised this sentence consistent with the suggestion.</p> <p>The committees do not recommend this change but have otherwise revised this sentence.</p> <p>The committees have made the suggested change.</p> <p>The committees have revised this sentence to clarify it,</p>

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Form GC-207-INFO/JV-352-INFO, <i>Comparison of Guardians With Other Nonparent Caregivers</i>		
Commenter	Comment	Committee Response
	<p>payments until they turn 21 if they meet certain requirements participation criteria related to work, school, or activities designed to remove barriers to employment.</p> <p>Financial assistance is Payments are linked to full-scope Medi-Cal services for the child. Youth are eligible for can receive Former Foster Youth Medi-Cal up to age 26.</p> <p>Extended Foster Care (EFC) is available for youth who are in foster care placement when they turn 18. Nonminor dependents (NMDs) can receive ongoing case management and financial assistance EFC payments until they turn 21; they are eligible may qualify for transitional housing and independent living placements.</p> <p>Page 9: Suggested edits – Columns 1 and 3: Payments will vary according to the kind of placement.</p> <p>Independent Living Program funding is available for current and former foster youth up to age 21, including youth who if they were in foster care on or after age 16, youth who they entered into a Kin-GAP guardianship after age 16, and youth who or they entered into a nonrelated legal guardianship through juvenile court after age 8. This funding can teach youth can learn household and money management and receive help youth with educational, housing, and employment assistance.</p> <p>Chafee Education and Training Vouchers are grants for</p>	<p>but have retained the additional information at the end.</p> <p>The committees have revised this sentence consistent with the comment.</p> <p>The committees have extensively revised this language to better convey the limited role of EFC in juvenile court guardianships.</p> <p>The committees have reorganized the discussion of payments in this section consistent with this comment.</p> <p>The committees have revised these paragraphs in the spirit of this comment.</p> <p>The committees have made a change similar to the</p>

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Form GC-207-INFO/JV-352-INFO, <i>Comparison of Guardians With Other Nonparent Caregivers</i>		
Commenter	Comment	Committee Response
	<p>postsecondary education available for youth who were in foster care on or after age 16. These are grants for postsecondary education. Vouchers are up to \$5,000 per year.</p> <p>Column 1: The Emergency Child Care Bridge program provides childcare vouchers and navigation support to caregivers of children in foster care as well as and to foster youth who are themselves parents have children of their own. Eligibility depends on available funding and county policy.</p> <p>Column 2: until the age of 18. and fr funds may be extended to age 19 if the youth is completing high school.</p> <p>Column 3: The Emergency Child Care Bridge program benefits are not available after a ...</p> <p>Page 10: Suggested edits – Columns 1 and 3: The amounts of these payments are determined set by the county.</p> <p>Dual Agency Rate for children who are in foster care and also eligible qualify for Regional Center services through the Regional Center.</p> <p>Whole Family Foster Home and Infant Supplement payments are available to support youth living in foster care with their nondependent children. This rate is 900 per month.</p>	<p>suggestion.</p> <p>The committees have made this change.</p> <p>The committees have made this change with a minor modification.</p> <p>The committees have made this change.</p> <p>The committees have made these changes.</p> <p>The committees have made the suggested change.</p> <p>The committees do not recommend this change. The availability of the payments is as important as their purpose.</p>

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Form GC-207-INFO/JV-352-INFO, <i>Comparison of Guardians With Other Nonparent Caregivers</i>		
Commenter	Comment	Committee Response
	<p>An Expectant Parent Payment is available to of \$ 2,700 supports a youth in foster care during the her third trimester of pregnancy. This payment is \$2,700 for the last three months of pregnancy.</p> <p>Column 3: Some counties pay aA Clothing Allowance is available for foster children in some counties. Payment amounts vary varies by county.</p> <p>Page 11: Suggested edits – Column 1: Some counties pay aA Clothing Allowance is available for foster children in some counties. Payment amounts vary varies by county.</p> <p>Columns 1 and 3: This rate is set by the state based on two round trips per day from between the foster home placement to and the school.</p> <p>Page 12: Suggested edits – Column 2: Row for Court Oversight – The court can require order the guardian to allow visitation ...</p> <p>The court may require order the guardian to submit an annual status report ...</p> <p>(See form GC-205-INFO, <i>Information on Guardianship of the Person</i> Information.)</p>	<p>The committees have revised this discussion in a slightly different way.</p> <p>The committees have revised column 3 to refer to column 1 to avoid repetition.</p> <p>The committees have made a similar change.</p> <p>The committees have made the suggested change with a minor modification.</p> <p>The committees have made this change.</p> <p>The committees have made this change.</p> <p>The committees have made this change.</p>

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Form GC-207-INFO/JV-352-INFO, <i>Comparison of Guardians With Other Nonparent Caregivers</i>		
Commenter	Comment	Committee Response
	<p>Column 3: Row for Court Oversight – In many cases after the guardianship is granted, especially if the guardian is related to the child, the court will dismiss dependency or juvenile justice jurisdiction and will not hold any more regularly scheduled court hearings. Even then, the juvenile court retains even though it keeps authority over the guardianship. ...</p> <p>Any request to change the court's orders ... must be filed in the juvenile court using form JV-180, <i>Request to Change Court Order</i>.</p> <p>Page 13: Suggested edits – Column 2: The guardian, the a parent, the child, or, if the child is an Indian child, an Indian custodian or the child's tribe can file a request with the probate court to terminate the guardianship.</p> <p>Columns 2 and 3: The guardianship automatically terminates when the child turns 18 or if the child dies before reaching this age 18; if the child is emancipated ...</p> <p>A juvenile court guardianship does not terminate parental rights; it suspends them. [Replace comma with semicolon.]</p> <p>Column 3: If the juvenile dependency or delinquency juvenile justice case is dismissed after guardianship is granted, continued involvement by the social worker or probation officer</p>	<p>The committees have revised this paragraph substantially, and the comment is no longer applicable.</p> <p>The committees have made this change.</p> <p>The committees have made this change.</p> <p>The committees have substantially revised this section in a way that addresses the suggestions made in this comment.</p> <p>The committees have made this change.</p> <p>The committees have revised this section consistent with this comment.</p>

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Form GC-207-INFO/JV-352-INFO, <i>Comparison of Guardians With Other Nonparent Caregivers</i>		
Commenter	Comment	Committee Response
	<p>involvement will depend on any services and financial supports the child continues to receive.</p> <p>The court can order the guardianship terminated (ended). A social worker or probation officer, the guardian, a parent, or the child, or, if the child is an Indian child, an Indian custodian or the child's tribe can file a request with the juvenile court to terminate the guardianship.</p> <p>In the row for "Terminating Parental Rights," it may be helpful to provide some reference to the fact that there are different procedures for children who fall under the Indian Child Welfare Act. For example, it may suffice to simply add, "If the child is an Indian child, the Indian Child Welfare Act requires different procedures."</p>	<p>The committees have made this change.</p> <p>The committees have made this change.</p>

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Form JV-210, Application to Commence Juvenile Court Proceedings and Decision of Social Worker		
Commenter	Comment	Committee Response
Advokids by Lauren Montana, Supervising Attorney	No Comments. We like this form! Clear and well organized. Helpful revisions.	No response required.
Alliance for Children’s Rights et al. by Sabrina Forte, Director of Policy and Impact Litigation	Although the creation of a separate section for the probate court’s referral is helpful, we recommend adding instructions so that applicants understand that they must complete Part II (individual applicants) or Part III (probate court) but not both. We suggest adding an instruction before Part II that says, “Individual applicants: Complete Part II. Probate Court applicants: Complete Part III.” Alternatively, we recommend revising the heading of Part II to say “Part II. Applicant’s Affidavit (Non-Probate Court Referral).”	The committees agree and have added instructions indicating that part I should be completed by all users, part II is for use by individual applicants and part III is only for use by the probate court.
California Tribal Families Coalition by Mica Llerandi, Senior Attorney, Legal and Program Services	[Part 1. Child’s Information; #1.g. Other caregiver] [Part 2. The child described in item 1] In this section, we recommend adding that an “other caregiver” might be an Indian custodian and a box option to check if a child lived or lives on an Indian reservation.	The committees have added language to item 1g to indicate that “other caregiver” includes an Indian custodian. The committees added language to item 1g to indicate that “other caregiver” might be an Indian custodian in response to the previous comment, and do not recommend adding that information to item 2. Neither do the committees recommend adding an option to indicate whether a child lives on tribal land. Items 2a and 2b are the grounds under Welfare and Institutions Code section 329(a) for establishing that the county in which the application is made is proper. That a child lives on tribal land is not among the statutory grounds and is not relevant to choosing the proper county in which to file the application.

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Form JV-210, <i>Application to Commence Juvenile Court Proceedings and Decision of Social Worker</i>		
Commenter	Comment	Committee Response
Oneatha Herne, Probate Court Investigator, Sacramento County	While the legislation expanded the process for probate court to use W&I 329 and 331, information about the ability of any person to refer a child who is or may be at risk of abuse or neglect as described in W&I 300 by way of W&I 329 and 331 is not widely known. This information and the availability of applicable forms should be included. Information only on the probate court gives the impression that this process is only available after the filing of a probate guardianship petition and only can be used by the probate court.	The committees agree that this information is important and have added information about the application processes under Welfare and Institutions Code sections 329 and 331 to page 1 of form GC-207-INFO/JV-352-INFO.
Superior Court of San Diego County by Mike Roddy, Executive Officer	<p>Item 7. Consider adding a space for not only the Department _____, but the assigned Judicial Officer.</p> <p>Item 9.c. Perhaps this could read: “A copy of the report required pursuant to Probate Code section 1513...” Such a change would take into consideration counties who delegate agencies other than a Court Investigator to conduct these investigations.</p>	<p>The committees do not recommend this change. The signature line for the judicial officer at the end of Part III is sufficient to identify the judicial officer.</p> <p>The committees do not recommend this change. The existing language referring to “the investigator’s report” is sufficiently generic to accommodate any investigator appointed by the court.</p>

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All comments are verbatim unless indicated by an asterisk (*).

Form JV-213, Probate Court Request for Juvenile Court Review of Decision not to Commence Proceedings		
Commenter	Comment	Committee Response
Advokids by Lauren Montana, Supervising Attorney	Combining JV212 & JV213 should be reconsidered. JV210 looks great, very clear. If it is not too confusing to have a separate probate section on the JV210, why is it too confusing to have it on the JV212?	The committees do not recommend incorporating the probate court request for juvenile court review into form JV-212. A separate form for the probate court to use is preferable, in part because form JV-212 is designed for use by an individual applicant external to the superior court. Form JV-213, on the other hand, is intended primarily for internal communication between two departments of the same superior court. It refers to some materials that would not be available to a private applicant, including a social worker's report that must be filed directly with the court and maintained confidentially. The committees are concerned, therefore, that, even clearly marked, inserting a section for internal court use to form JV-212 would mislead self-represented applicants. (Form JV-210, on the other hand, is submitted to the child welfare agency by a party external to the agency, whether an individual or the probate court.)
	Specific recommendation is to reconsider revising JV212 to accommodate probate court's request for juvenile court review of the agency's decision not to file a dependency petition by updating the self-represented individuals section with the clearer language as is stated on the proposed JV-213	Updating the sections for use by self-represented individuals and the juvenile court on form JV-212 is beyond the scope of this proposal. The committees will consider revising this form in a future cycle.
	Adding the probate court section as it is drafted on the proposed JV213. Add "FOR PROBATE COURT ONLY"	No further response required.
	Update the Juvenile Court section for findings and orders to	The committees do not recommend the suggested

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Form JV-213, Probate Court Request for Juvenile Court Review of Decision not to Commence Proceedings		
Commenter	Comment	Committee Response
	reflect language as drafted on the proposed JV213 Alternatively, if decision is to keep 212 and 213 as separate forms: REVISE JV212 with the same updated language as JV213.	change. Revision of these sections of the form is beyond the scope of this proposal. The committees will consider revising the form in a future cycle.
Alliance for Children’s Rights et al. by Sabrina Forte, Director of Policy and Impact Litigation	We appreciate the clarity of this new form. We recommend incorporating the applicable juvenile court findings and orders into the existing JV-212 form, as these findings and orders make clear that juvenile court judges may set these matters for argument and/or order the social worker to file a petition by a date certain.	The committees do not recommend revising form JV-212 at this time. Revision of these sections of the form is beyond the scope of this proposal. The committees will consider revising the form in a future cycle.
Superior Court of Orange County by Vivian Tran, Operations Analyst	This proposed form indicates juvenile court may set the matter for argument (item 2 under the Juvenile Court section of the form). Recommend including the code that gives juvenile court authority to set the matter for argument on the bottom of the form for reference. Clarify which parties will provide argument at the hearing.	The committees have revised the form to indicate that the court may set the matter for hearing, not merely argument. Setting the matter for a hearing, including an evidentiary hearing or argument, is within the court’s inherent authority to resolve matters before it, as confirmed in <i>In re M.C.</i> (2011) 199 Cal.App.4th 784, 813–814 & fn. 21. See also the response to the Orange County Bar Association’s comment, above. Following an application for juvenile court review under Welfare and Institutions Code section 331, the court has discretion to hear argument and receive evidence from any interested person, as long as the hearing comports with the requirements of due process.
Superior Court of San Diego County by Mike Roddy, Executive Officer	1. Consider adding a space for not only the Department ____, but the assigned Judicial Officer.	The committees do not recommend this change. The signature line for the judicial officer at the end of the first part of the form is sufficient to identify the probate court judicial officer.

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Form JV-350-INFO, Information on Juvenile Court Guardianship		
Commenter	Comment	Committee Response
Advokids by Lauren Montana, Supervising Attorney	Item 1: Add “for the duration of the guardianship” to the last sentence at the end of the paragraph	The committees agree with the substance of this suggestion and have modified the form to reflect it.
	Item 3: Explain/spell out what last sentence means.	The committees have removed the last sentence from item 3.
	Item 4: Spell out “by using the JV290 Caregiver Information Form” by name	The committees agree and have added a reference to form JV-290 to item 4.
	Item 6: Note the mechanism used by name, “JV285 Caregiver Information Form”	The committees agree and have added a reference to form JV-285 to item 6.
Alliance for Children’s Rights et al. by Sabrina Forte, Director of Policy and Impact Litigation	<p>We appreciate that this form provides comprehensive information about juvenile court guardianships in plain language and makes suggestions for caregivers to advocate to participate in the permanency planning process. We recommend that this form include the information about child care options discussed on pp. 3-5 of this document.</p> <p>We also recommend the following minor revisions for clarity and accuracy:</p> <p>Page: 34; Section: 4 (Is a foster parent the same as a guardian?) <i>Comment:</i> A caregiver can be excluded from a hearing if a party objects to their presence. <i>Proposed Change:</i> Replace “and go to the hearings” with “and, unless the parent or child objects, go to the hearings.”</p> <p>Page: 34; Section: 5 (How is a guardian different from a foster parent?)</p>	<p>The committees agree with the suggestion and have added information about the options for subsidized childcare assistance to the last page of the form.</p> <p>The committees do not recommend the suggested change but have modified the form to indicate that the caregiver is entitled to notice of the child’s <i>review or permanency</i> hearings and to attend those hearings. (See Welf. & Inst. Code, §§ 291(a)(10), 293(a)(8) & (f), 294(a)(10), 295(a)(8); Cal. Rules of Court, rule 5.534(k).)</p>

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Form JV-350-INFO, <i>Information on Juvenile Court Guardianship</i>		
Commenter	Comment	Committee Response
	<p><i>Comment:</i> The last sentence (“A guardian has more rights and duties...”) is dependent on the circumstances. Guardians can keep the case open if they require additional supports and services.</p> <p><i>Proposed Change:</i> Delete this sentence.</p> <p>Page: 35; Section: 7 (Will the child be returned to the parent?)</p> <p><i>Comment:</i> Reunification services are provided to the parent.</p> <p><i>Proposed Change:</i> Replace “the social worker or probation officer works with the family” with “the social worker or probation officer works with the parent.”</p> <p>Page: 35; Section: 8 (Is guardianship a permanent plan?)</p> <p><i>Comment:</i> The reference to adoption as the preferred permanent plan “because it is more stable and secure” is not accurate. The law allows for relative caregivers to choose guardianship over adoption.</p> <p><i>Proposed Change:</i> Delete the last three sentences of this section (beginning with “If the child cannot return home”).</p>	<p>The committees do not recommend the suggested change. A guardian <i>may</i> receive fewer services and supports than a foster parent. In addition, the decision to keep the dependency case open is within the discretion of the court, subject to the requirement to terminate dependency jurisdiction for funding purposes when it appoints an approved relative guardian. The guardian cannot require the court to keep the case open.</p> <p>The committees do not recommend the suggested change. When a child is removed from a parent’s custody, “the juvenile court shall order the social worker to provide child welfare services <i>to the child and the child’s mother and statutorily presumed father or guardians,</i>” that is, to the family. (Welf. & Inst. Code, § 361.5(a), emphasis added.)</p> <p>The committees do not recommend the suggested change. Under Welfare and Institutions Code section 366.26(b), termination of parental rights and placement for adoption is the preferred permanent plan. Under section 366.26(c)(1), if the court finds that the child is likely to be adopted, the court <i>must</i> terminate parental rights and order the child placed for adoption. Section 366.26(c)(1)(A) gives the <i>court</i> authority not to make those orders if the court finds that (1) the child is living with a relative who is unwilling or unable to adopt the child but is “willing and capable of providing the child with a stable and permanent environment through legal guardianship, <i>and</i> [2] the removal of the child from the custody of his or her relative would be detrimental to the</p>

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Form JV-350-INFO, <i>Information on Juvenile Court Guardianship</i>		
Commenter	Comment	Committee Response
	<p>Page: 35; Section: 9 (How can I become a guardian?) <i>Comment:</i> This section does not capture the context in which caregivers become guardians in juvenile court. <i>Proposed Change:</i> Clarify that the child needs to live with a caregiver before guardianship is granted.</p>	<p>emotional well-being of the child.” The relative caregiver’s preference for guardianship over adoption is not sufficient in itself to warrant the court’s appointment of the relative as guardian.</p> <p>The committees do not recommend the suggested change. Although it is a best practice for the child to live with the guardian before appointment, the statutes do not establish a clear residence requirement. Welfare and Institutions Code section 366.26(b)(3) does provide for appointment as guardian of a relative “with whom the child is currently residing,” but section 366.26(b)(5) authorizes appointment of a nonrelative as guardian without a residence requirement. There is neither express authorization nor prohibition of appointing a relative guardian with whom the child is <i>not</i> living. The reason for this absence is unclear. It is possible that the Legislature intended to require a permanent plan with a relative with whom the child was not living to begin as a placement with a fit and willing relative, under section 366.26(b)(6), with a goal of appointing the relative as guardian as soon as they become eligible for Kin-GAP. Otherwise, the preference for a nonrelative over a relative seems anomalous.</p>
	<p>Page: 36; Section: 10 (What are the steps to becoming a guardian?) <i>Comment:</i> Include that the caregiver needs to satisfy the requirements of Resource Family Approval. <i>Proposed Change:</i> Add: “Your home needs to satisfy the requirements of Resource Family Approval” with a link to information about RFA.</p>	<p>The committees do not recommend the suggested change but have added general language about home approval to section 10. The committees have chosen to proceed cautiously in articulating specific approval requirements in part because the law is not completely</p>

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Form JV-350-INFO, <i>Information on Juvenile Court Guardianship</i>		
Commenter	Comment	Committee Response
	<p>Page: 35; Section: 11 (How will the court decide whether to appoint me as a guardian?) <i>Comment:</i> Whether the child can be adopted is not always a consideration. <i>Proposed Change:</i> Add to the first bullet point, “unless the prospective guardian is a relative.”</p> <p>Page: 36; Section: 14 (When will the guardianship end?) <i>Comment:</i> A child who has a closed juvenile court case and turns 18 in the home of a juvenile court guardian is not eligible</p>	<p>clear. Although Welfare and Institutions Code section 16519.5 indicates that approval as a resource family is <i>sufficient</i> for appointment of an adult as a legal guardian, it does not provide that such approval is <i>necessary</i>. And though RFA approval is a condition of a relative guardian’s eligibility to receive Kin-GAP payments, it is not clear that such approval is a condition of the relative’s appointment as guardian. Moreover, Welfare and Institutions Code sections 361.5(g)(1), 366.21(i)(1), 366.22(c)(1), and 366.25(b)(1) do not require the mandatory assessment conducted when the court sets a section 366.26 hearing to discuss whether a proposed guardian or prospective adoptive parent has been approved as a resource family. These sections do, however, require the assessment of a proposed <i>relative</i> guardian also to consider “all of the factors specified in subdivision (a) of Section 361.3 and in Section 361.4.” Section 361.4(c) requires criminal record clearance of every adult in the home under section 16519.5(d)(2)(A), but sections 361.3 and 361.4 do not otherwise mention the RFA statute or process.</p> <p>The committees do not recommend the suggested change. See response to comment above regarding section 8.</p> <p>The committees agree with the comment and have modified the language in item 14 to replace the</p>

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Form JV-350-INFO, Information on Juvenile Court Guardianship		
Commenter	Comment	Committee Response
	<p>for extended foster care, but they could be eligible for benefits past age 18 through Kin-GAP (relative guardians) or state AFDC-FC funding (non-relative guardians). A narrow subset of children in guardianships who become eligible for EFC because either the guardian asks the court to terminate the guardianship before the child turns 18, or the guardian dies or stops providing support after the child turns 18.</p> <p><i>Proposed Change:</i> Modify the Note at the end of the section to say, “If the child keeps living with you after turning 18, you can get financial help through Kin-GAP or state AFDC-FC up to the child’s 21st birthday if the child meets the program requirements.” OR omit this paragraph since there is a section on support after age 18 elsewhere on this page.</p> <p>Page: 36; Section: 15 (Can the court replace me as a guardian?)</p> <p><i>Comment:</i> It is important to explain that the decision to replace the guardian would occur after a hearing in which parties have an opportunity to be heard as to the best interest of the child.</p> <p><i>Proposed Change:</i> Add language to explain that the court will rely on information, testimony, and evidence from the parties before making a decision to replace a guardian.</p> <p>Page: 36; Section: 16 (How is an adoption different from guardianship?)</p> <p><i>Comment:</i> Under “Court Oversight,” it is more accurate to say that the court retains jurisdiction over the guardianship.</p> <p><i>Proposed Change:</i> Replace “controls” with “retains jurisdiction over”</p> <p>Page: 37; Section: 18 (Arrange for the child’s health care”</p> <p><i>Comment:</i> Children of all ages (not only older and more mature</p>	<p>reference to EFC with state AFDC-FC.</p> <p>The committees have modified this item to indicate that the judge will decide after a hearing whether to replace a guardian.</p> <p>The committees have made the suggested change with a minor modification.</p> <p>The committees agree and have made the suggested</p>

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Form JV-350-INFO, Information on Juvenile Court Guardianship		
Commenter	Comment	Committee Response
	<p>children) are allowed to make certain reproductive health care decisions, including abortions. <i>Proposed Change:</i> Simplify the second paragraph to state: “In certain situations, the law also allows children to make decision on their own without your approval, including:”</p> <p>Page: 38; Section: If the child is related to you <i>Comment:</i> Some clarification is needed on the rules for Kin-GAP. Children are eligible for Kin-GAP if they have resided in the relative’s home for six months AND the relative has resource family approval, but the six months starts at the time of placement, not at the time of approval. <i>Proposed Change:</i> Rephrase as follows: “Kin-GAP program: If the child has lived with you for at least six months, you have obtained resource family approval,...”</p> <p>We also recommend including all of the linked programs described in this section in the Medi-Cal paragraph (not Kin-GAP alone). <i>Rephrase as follows:</i> “Health care: Children who qualify for Kin-GAP, ARC, or CalWORKs get health care through Medi-Cal.”</p>	<p>change with minor modifications.</p> <p>The committees have made the suggested change with minor modifications. The law is not entirely straightforward on this point, however. For example, Welfare and Institutions Code section 360(a) implies that Kin-GAP eligibility depends on the court appointing “an approved relative caregiver” as the child’s guardian and “the child having “been in the care of that <u>approved</u> relative for a period of six consecutive months.” Section 366.3(a)(3) requires the court to terminate dependency jurisdiction for Kin-GAP purposes if “a relative or [NREFM] of the child is appointed the legal guardian of the child <u>and the guardian’s home has been approved pursuant to Section 16519.5 for at least six months.</u>” These provisions indicate that both residence and RFA approval must have lasted for six months.</p> <p>The committees have made the suggested change with minor modifications.</p>
Oneatha Herne, Probate Court Investigator, Sacramento County	<p>Pg 1 The form is to explain the difference between resource family</p>	<p>The committees have revised page 1 of the form to</p>

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Form JV-350-INFO, Information on Juvenile Court Guardianship		
Commenter	Comment	Committee Response
	or foster parent and guardian, and adoptive parent. There is no explanation of what a resource family is. Applicable information on resource families should be incorporated.	explain that a resource (family) parent is a foster parent who is approved through a specific approval process.
	Page 1 Suggestion: Add question 4 and 5: What is a resource family? Is a resource family the same as a guardian?	See previous response.
	Page 1 Move current #6 before current #5 and add Certain relatives are entitled to notice and to attend court hearings, if appropriate.	The committees do not recommend changing the order of items 5 and 6 but have added language to item 6 to clarify that a relative is entitled to submit information to the court in writing and may ask the court to allow them to attend hearings.
	Page 1 Current #5 – Court Supervision - last entry Suggestion: Add Continued contact by the social worker or probation officer depends on services and financial report the child receives. (See item #13 for more details)	The committees have modified item 5 to indicate that a guardian who receives services and supports may have some contact with a social worker.
	Page 1 Duties – last sentence Suggestion: Add: ... fewer services and less financial and personal support. (See items #17-27 for more details)	The committees have revised item 5 to add a reference to financial support, though recent changes to the law seem to make it less likely that a juvenile court guardian will receive less financial support than a foster/resource family parent. See SB 354 (Stats. 2021, ch. 687.)
	Pg 2 Item 9 information on how to contact social worker, probation officer or attend hearing would be helpful.	The committees do not recommend this change. Items 5 and 6 discuss how caregivers and relatives can provide information to the court and attend hearings. A statewide form cannot give contact information for specific social

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Form JV-350-INFO, Information on Juvenile Court Guardianship		
Commenter	Comment	Committee Response
	Page 2 Item 10c Suggestion: Add: after 1st sentence - The parents and child will have appointed counsel.	workers or probation officers in specific counties. Each county should provide local contact information. The committees do not recommend the suggested change. In almost all dependency cases, appointed counsel will have represented the child and parents since the beginning of the case. Noting it here might imply otherwise. Chart 3 on form GC-207-INFO/JV-352-INFO provides information about appointed counsel.
Orange County Bar Association by Daniel Robinson, President	(4) Form 350-Info is deficient in the same manner discussed above for Form GC-205-Info.	Form JV-350-INFO is intended to focus on juvenile court guardianships. As noted above, form GC-207-INFO/JV-352-INFO is the primary form in the proposal. That form, as mandated by Government Code section 68511.1, describes the nature of a guardianship and compares the rights, duties, services, and supports for probate guardians, juvenile court guardians, and juvenile court child welfare caregivers. In response to comments received, the committees have added information about several topics, including appointment of counsel and investigations, to form GC-207-INFO/JV-352-INFO in response to public comments, and have updated form JV-350-INFO to avoid inconsistencies.
Superior Court of San Diego County by Mike Roddy, Executive Officer	* The commenter identified these comments as relating to form JV-210. They are included here because they apply to form JV-350-INFO. Item 12. Buy a certified copy of the form from the clerk, make copies of that it , and keep the certified copy in a safe place. Item 13. If you don't do what's in the case plan says, they might ask the court might be asked to order you to do it.	The committees agree and have made the suggested change to item 12 on the form. The committees have made a different clarifying change to item 13 on the form.

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Form JV-350-INFO, <i>Information on Juvenile Court Guardianship</i>		
Commenter	Comment	Committee Response
	Item 24. Pay for harm caused by the child's driving	The committees agree and have made the suggested change.
	Item 25. Pay for harm caused by the child's other acts ... There is usually a limit about on how much you may need to pay.	The committees have made a different clarifying change to item 25 on the form.