



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: April 14–15, 2016

Title	Agenda Item Type
Probate Guardianship: Wards 18 to 20 Years of Age	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250	July 1, 2016
Recommended by	Date of Report
Probate and Mental Health Advisory Committee	March 22, 2016
Hon. John H. Sugiyama, Chair	Contact
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Executive Summary

The Probate and Mental Health Advisory Committee recommends adopting one rule of court and one probate guardianship form, amending four rules of court, and revising four probate guardianship forms to implement Assembly Bill 900, which authorized the superior court to establish or extend a guardianship of the person for a youth 18 years of age or older but not yet 21 who needs protection related to an application for Special Immigrant Juvenile status. The bill required the Judicial Council to adopt, by July 1, 2016, any rules and forms needed to implement its central provision.

Recommendation

The Probate and Mental Health Advisory Committee recommends that the Judicial Council, effective July 1, 2016:

1. Adopt rule 7.1002.5 to indicate how a ward or proposed ward who is at least 18 but not yet 21 years of age may give, modify, or withdraw consent to the establishment or extension of a guardianship of his or her person as well as to the guardian's performance of the duties of a guardian;
2. Amend rule 7.1002 to italicize the form name in the rule title;
3. Amend rule 7.1004 to implement AB 900's amendments to the standards and procedures in sections 1600 and 1601 of the Probate Code regarding termination of a guardianship;
4. Amend rule 7.1013 to limit the persons required to receive notice of a change of residence of a ward who is at least 18 but not yet 21 years of age;
5. Amend rule 7.1020 to permit a request for Special Immigrant Juvenile findings to be filed concurrently with a petition to extend a guardianship of the person past the ward's 18th birthday;
6. Adopt *Petition to Extend Guardianship of the Person* (form GC-210(PE)) for mandatory use to petition for the extension of a guardianship of the person beyond the ward's 18th birthday;
7. Revise *Petition for Appointment of Guardian of Minor* (form GC-210) and *Petition for Appointment of Guardian of the Person* (form GC-210(P)) to permit their use to petition for the appointment of a guardian of the person for a proposed ward who is at least 18 but not yet 21 years of age;
8. Revise *Order Appointing Guardian or Extending Guardianship of the Person* (form GC-240) to allow its use to extend a guardianship of the person beyond the ward's 18th birthday; and
9. Revise *Letters of Guardianship* (form GC-250) to allow the form's use in guardianship's of the person for wards 18 years of age or older.

The text of the new and amended rules and the new and revised forms are attached at pages 9–26.

Previous Council Action

In spring 2015, the Probate and Mental Health Advisory Committee collaborated with the Family and Juvenile Law Advisory Committee to develop and circulate forms to implement section 155 of the Code of Civil Procedure, along with rule 7.1020 of the California Rules of Court, to establish a procedural framework for filing and adjudicating a request for Special Immigrant Juvenile (SIJ) findings in a probate guardianship proceeding.¹ The forms included a *Petition for*

¹ Classification as a Special Immigration Juvenile relieves the youth from the risk of removal (deportation) and permits him or her to apply for lawful permanent resident status—a “Green Card.”

Special Immigrant Juvenile Findings (form GC-220) for use in probate guardianship proceedings, a *Request for Special Immigrant Juvenile Findings—Family Law* (form FL-356) for use in family law custody proceedings, and a *Request for Special Immigrant Juvenile Findings* (form JV-356) for use in juvenile dependency and delinquency proceedings. Each form provides a distinct format suitable for requesting SIJ predicate findings in the proceedings to which it applies. All three forms solicit the information necessary for the superior court to determine whether the SIJ findings are warranted in the circumstances of the case before it. The committees also developed a joint SIJ findings form, *Special Immigrant Juvenile Findings* (form FL-357/GC-224/JV-357). The Judicial Council adopted rule 7.1020 and the forms discussed above at its October 27, 2015, business meeting. The rule and the forms took effect January 1, 2016.

Rationale for Recommendation

Background

Until January 1, 2016, the Probate Code authorized the superior court to appoint a guardian only for a person less than 18 years old. (Prob. Code, §§ 1510, 1514.) A guardianship terminated by operation of law on the ward’s 18th birthday. (*Id.*, § 1600.) Effective January 1, 2016, however, Assembly Bill 900 (Levine; Stats. 2015, ch. 694) expanded the court’s authority by enacting section 1510.1 of the Probate Code. This statute authorizes the court to appoint a guardian of the person for an unmarried person who consents and is at least 18 but not yet 21 years of age (that is, a person who is 18, 19, or 20 years old) “in connection with a petition to make the necessary findings regarding special immigrant juvenile status” under section 155(b) of the Code of Civil Procedure.” (*Id.*, § 1510.1(a).) The new law also authorizes the court to extend an existing guardianship of the person beyond the ward’s 18th birthday on the ward’s request or consent “for purposes of allowing the ward to complete the application process with the United States Citizenship and Immigration Services [USCIS] for classification as a special immigrant juvenile” under section 101(a)(27)(J) of the Immigration and Nationality Act. (*Id.*, § 1510.1(b); see 8 U.S.C. § 1101(a)(27)(J).)

In seeming recognition of an 18-year-old youth’s attainment of majority for most other purposes, the Legislature also specified that nothing in section 1510.1 authorizes “the guardian to abrogate any of the rights that a person who has attained 18 years of age may have as an adult under state law” without the ward’s express consent. (Prob. Code, § 1510.1(c).) The statute also requires the court to terminate the guardianship in response to a petition filed by a ward who is 18 to 20 years old. (*Id.*, § 1601.) Furthermore, the statute defines the terms “child,” “minor,” and “ward” for purposes of the Guardianship-Conservatorship Law² to include an unmarried person younger than 21 years of age who consents to the appointment of a guardian or the extension of a guardianship after his or her 18th birthday. (*Id.*, §§ 1490, 1510.1(d).) Finally, the statute requires

² See Prob. Code, §§ 1400–2893.

the Judicial Council to adopt any rules and forms needed to implement its provisions by July 1, 2016. (*Id.*, § 1510.1(e).)³

Forms

To incorporate wards 18 and older but not yet 21 years of age into the existing legal framework under which guardians of the person are appointed and overseen by the court, the committee recommends revising the *Petition for Appointment of Guardian of Minor* (form GC-210) to add a footnote indicating that section 1510.1(d) defines “child,” “minor,” and “ward” to include a youth 18 to 20 years of age. These terms would then be understood throughout the form to apply to all (proposed) wards until their 21st birthdays. The committee also recommends adding language to several items to indicate that they do not apply to youth or wards 18 years of age or older. These include item 1b for requesting a guardianship of the estate, item 5 indicating the proposed guardian’s intent to adopt the ward, item 8 indicating that the petitioner need not request a finding that parental custody would be detrimental to the proposed ward, and item 12 regarding jurisdiction under the Uniform Child Custody Jurisdiction and Enforcement Act.

To item 13, the committee recommends adding a check box to indicate that a *Petition for Special Immigrant Juvenile Findings* (form GC-220) is attached. In recognition of the age of the proposed wards and their statutory right to consent, the committee also recommends adding at the end of the form an instruction indicating that the proposed ward must sign the petition form and language above the signature block indicating that the proposed ward consents to the appointment of the person identified on the form as guardian of his or her person as well as to the guardian’s performance of the duties inherent in the guardian-ward relationship. The committee recommends analogous revisions to the *Petition for Appointment of Guardian of the Person* (form GC-210(P)).

To give wards approaching their 18th birthdays access to the opportunity to extend their guardianships of the person, the committee recommends adopting *Petition to Extend Guardianship of the Person* (form GC-210(PE)) as a plain-language form for mandatory use. This new petition would solicit information about the existing guardianship in item 5, request the extension of that guardianship in item 7, and provide for the ward’s consent at the end of the form.

The committee also recommends revising the *Order Appointing Guardian of Minor* (form GC-240) so that it may be used to extend a guardianship of the person past a ward’s 18th birthday. Recommended revisions include changing the form’s title to *Order Appointing Guardian or Extending Guardianship of the Person*, adding item 4 to permit the court to find that an extension of a guardianship of the person past the ward’s 18th birthday is necessary and convenient, and adding item 8.c to permit the court to order the extension of a guardianship of

³ The statute also made conforming amendments to section 1600 of the Probate Code to provide an exception to the termination of a guardianship by operation of law at the age of majority for a guardianship established or extended under section 1510.1.

the person past the ward's 18th birthday, as authorized by section 1510.1(b), and to issue new *Letters of Guardianship*. The committee further recommends deleting, as inconsistent with the legislative intent, the circulated revision to item 13 that would have given the court the opportunity to order that no powers or duties under sections 2351–2358 be given to the guardian.

Similar recommended revisions to the *Letters of Guardianship* (form GC-250) include the addition of item 2 for the clerk to indicate that the guardian's appointment has been extended. This item might not be strictly necessary to implement the statute, but if the original date of appointment is before the ward's 18th birthday, the guardian and the ward are likely to need documentation that the guardianship remains in force after the ward's 18th birthday. The committee also recommends adding new item 5 to specify the date on which the guardianship terminates by operation of law. For a ward under 18 years of age, that date is his or her 18th birthday. For a wards 18 years of age or older, that date is his or her 21st birthday. (See Prob. Code, § 1600.)

Rules

Amendments to the rules of court governing guardianship procedure are also needed to implement AB 900. First, the committee recommends adopting rule 7.1002.5 to implement the consent requirements in section 1510.1. That section appears to require two different types of consent. First, the youth must consent to the establishment or extension of the guardianship itself. (See Prob. Code, § 1510.1(a)–(b).) The committee recommends that rule 7.1002.5(b)–(c) condition the appointment of a guardian of the person for a proposed ward 18 years of age or older or the extension of a guardianship past a ward's 18th birthday on the proposed ward's indication of consent on the appropriate petition form.

Second, the statutory language withholding from the guardian the authority “to abrogate any of the rights that a person who has attained 18 years of age may have as an adult under state law . . . without the ward's express consent” appears to require the ward's further consent to the guardian's performance of his or her legal duties for the benefit of the ward. The committee recommends that rule 7.1002.5(b)–(c) also require that the ward's consent to the guardian's performance of the duties inherent in the relationship be indicated on the petition. Rule 7.1002.5(d) implements section 1510.1(c)'s limit on the guardian's authority by applying it in the event of a dispute and clarifying that the limit does not require the guardian to breach a fiduciary duty to the ward. Finally, the committee recommends that rule 7.1002.5(e) specify mechanisms for the ward to withdraw or modify his or her consent.

The committee also recommends amending several other rules:

- Rule 7.1002, to emphasize the title of a form;
- Rule 7.1004(b), to conform to AB 900's amendments to section 1600 and 1601 of the Probate Code regarding termination of guardianships of the person by operation of law and on petition of the ward, as well as to limit the persons to whom notice of a hearing to terminate a guardianship of a ward 18 years of age or older must be given;

- Rule 7.1013, by adding subdivision (g) to relieve the guardian of a ward 18 years of age or older from giving notice of a change of residence to the ward’s parents; and
- Rule 7.1020(b) and (e), so that the rule applies to petitions to extend a guardianship under section 1510.1(b).

The committee recognizes that the recommended amendments and revisions do not address all open questions about guardianships for youth 18 years of age or older. This proposal is intended to comply with the mandate in section 1510.1(e) to adopt rules and forms to implement AB 900 by July 1, 2016, in a workable manner that will allow for further clarification.

Comments, Alternatives Considered, and Policy Implications

Because of perceived tension between section 1510.1(a)–(b)’s authorization of guardianships for youth 18 to 20 years old and section 1510.1(c)’s express withholding from a guardian the authority “to abrogate any of the rights that a person who has attained 18 years of age may have as an adult” without the ward’s express consent, the committee was initially uncertain whether the Legislature intended to create a new type of guardianship, with limited powers and duties, or intended instead simply to make the same protections offered by a guardian of the person of a minor available to 18- to 20-year-olds.

Unable to make a clear determination based on the statutory language, the committee considered two different approaches to implementing AB 900, each consistent with one possible interpretation. Recognizing that either interpretation might prove to be inconsistent with the Legislature’s intent, the committee chose to circulate a proposal that implemented the more radical interpretation, reasoning that it would be simpler to backtrack from that position in response to comment than it would be to implement a more radical approach after having proposed only incremental changes. Consistent with an intent to create a new type of guardianship, the committee developed and circulated for comment a new form that would have combined a petition for the appointment of a guardian for a person 18 to 20 years old with a petition to extend an existing guardianship past the ward’s 18th birthday. This form included express references to the proposed ward’s attainment of adulthood and requested information related to the ward’s application for SIJ status. The circulated proposal also included conforming revisions to the existing *Order Appointing Guardian of Minor* (form GC-240) and *Letters of Guardianship* (form GC-250).

External comments

The proposal circulated for public comment from December 11, 2015, to January 22, 2016. Sixteen commentators responded to the invitation to comment by agreeing in principle that form revisions were needed to implement the statute. However, all but two commentators conditioned their ultimate agreement on significant modifications to the proposal. Commentators were essentially divided over whether the legislation created a new, separate type of guardianship and, depending on their views on this issue, whether the proposal effectuated or frustrated the Legislature’s intent in enacting AB 900. A majority of the commentators—including the President pro Tempore of the California Senate, the Speaker of the California Assembly, and the

bill’s author, in a joint comment—expressed concerns that the proposed forms were inconsistent with legislative intent. These commentators made extensive recommendations to modify the proposal to remedy the identified inconsistencies.⁴ The specific recommendations are discussed separately, below.

More than half of the commentators indicated that the Legislature intended that guardianships under Probate Code section 1510.1 be fundamentally the same as the guardianships of the person already authorized by the Probate Code. Because the comments from the legislative leadership are representative of, and arguably more authoritative than, other comments expressing this position, this report specifically addresses those comments.

The legislative leadership commented that the circulated proposal was inconsistent with and, in some respects, undermined the Legislature’s intent to expand to youth 18 to 20 years of age access to the protections and benefits of a guardianship of the person. They clarified their intent not to create a new type of guardianship, but to confer the same powers and duties on a guardian of a ward 18 years of age or older as are conferred on a guardian of a ward under 18 years of age. Based on this intent, the legislators requested that the committee withdraw the proposed new petition to appoint or extend a guardianship for a youth 18 years of age or older. The legislative leadership also objected to the use of the term “adult” in the other circulated forms to refer to 18- to 20-year-old wards. In light of this clarification of legislative intent, the committee no longer recommends the adoption of a new, separate petition for (proposed) wards 18 years of age or older or the use of the term “adult” in the forms to refer to (proposed) wards 18 to 20 years of age. Instead, the committee recommends changes to existing guardianship forms and the adoption of a petition to extend a guardianship of the person as outlined above.⁵

The legislative leadership also objected to the inclusion of items allowing a petitioner to request and a court to order the appointment of a guardian with no powers or duties. The legislators explained that these items read too much into section 1510.1(c)’s withholding of authority from the guardian. Consistent with the intent that the guardian hold the same powers and duties as any guardian of the person, the commentators saw the limit in section 1510.1(c) as analogous to the bar on a guardian authorizing the performance of surgery on a ward 14 years of age or older without the ward’s consent. Other commentators suggested that 1510.1(c) should be interpreted to apply only in the event of a dispute. In light of these comments, the committee added the consent provisions to the recommended petitions and developed rule 7.1002.5 to specify the process through which a ward may give, modify, and withdraw his or her consent to the guardianship itself and to the guardian’s performance of certain duties.

⁴ A chart providing the full text of the comments and the complete committee responses is attached at pages 27–91.

⁵ Several courts objected to the inconsistency of creating a separate guardianship petition for wards 18 to 20 years of age while incorporating those wards into the existing forms for orders and letters. The withdrawal of the separate petition form and, except for the petition to extend, the incorporation into the existing petition forms of guardianships for wards 18 to 20 years of age eliminates that apparent inconsistency to reduce the possibility of confusion and limit the additions needed on the orders and letters.

Along similar lines, the commentators also objected to items in the petition, order, and letters that allowed a petitioner to request and a court to order specific duties or limits thereto under sections 2351–2358 of the Probate Code. The committee does not recommend removing these items from the existing forms. The form provisions allowing a request for (e.g., form GC-210, item 1.e) and issuance of (form GC-240, item 13) orders regarding specific duties under sections 2351–2358 of the Probate Code apply to all guardianships of the person, regardless of the ward’s age. They have been elements of the forms for more than 20 years.⁶ To the extent that the terms of these code sections authorize the court to expand or restrict the powers and duties of a *conservator* of the person, they do not apply to a guardianship proceeding.

The committee also requested specific comment on whether amendments to the rules of court were needed to implement AB 900. The commentators who responded to this request indicated that amendments to the rules of court were needed or would be helpful. The committee therefore reviewed the rules of court related to guardianship proceedings to ensure that they were consistent with the appointment, extension, and administration of guardianships of the person for ward 18 years of age and older. Recommended rule 7.1002.5 and the amendments to the other rules, above, are the result of this review.

Implementation Requirements, Costs, and Operational Impacts

AB 900’s enactment of section 1510.1 and amendment of sections 1490, 1600, and 1601 of the Probate Code are likely to have a significant impact on the workload of both judicial officers and court staff in the superior courts. To the extent consistent with statute, the committee intends the rules and forms in this proposal to mitigate that impact by allowing the courts to use existing guardianship procedures and case management systems to process petitions for guardianships of the person for wards 18 to 20 years of age. Some procedural variance will be required. This will impose indeterminate costs on the courts depending on the volume of filings.

Attachments and Links

1. Cal. Rules of Court, rules 7.1002, 7.1002.5, 7.1004, 7.1013, and 7.1020, at pages 9–11
2. Forms GC-210, GC-210(P), GC-210(PE), GC-240, and GC-250, at pages 12–26
3. Chart of comments, at pages 27–91
4. Assem. Bill 900 (Stats. 2015, ch. 694) is available online at:
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB900

⁶ See Judicial Council of Cal., Task Force Rep., *Probate Forms—Decedents’ Estates, Guardianships, and Conservatorships* (Nov. 3.1997), p. 5 and attachments (recommending revision of forms GC-210, GC-240, and GC-250, among others).

Rule 7.1002.5 of the California Rules of Court is adopted and rules 7.1002, 7.1004, 7.1013, and 7.1020 are amended, effective July 1, 2016, to read:

1 **Rule 7.1002. Acknowledgment of receipt of Duties of Guardian**

2
3 Before the court issues letters, each guardian must execute and file an acknowledgment of
4 receipt of the *Duties of Guardian* (form GC-248).
5

6
7 **Rule 7.1002.5 Guardianship of ward 18 to 20 years of age**

8
9 **(a) Authority**

10
11 The court may extend an existing guardianship of the person past a ward's 18th birthday or
12 appoint a new guardian of the person for a ward who is at least 18 but not yet 21 years of
13 age if the ward is the petitioner or has given consent as provided in section 1510.1 of the
14 Probate Code and this rule.
15

16 **(b) Consent to appointment of guardian of the person**

17
18 The court may appoint a new guardian of the person under this rule only if the ward has
19 given consent, both to the appointment and to the guardian's performance of the duties of a
20 guardian, by signing the petition.
21

22 **(c) Consent to extension of guardianship of the person**

23
24 The court may extend a guardianship of the person under this rule only if the ward has
25 given consent, both to the extension and to the guardian's continued performance of the
26 duties of a guardian, by signing the *Petition to Extend Guardianship of the Person* (form
27 GC-210(PE)).
28

29 **(d) Dispute**

30
31 In the event of a dispute over the guardian's intended action, the guardian may not act
32 against the ward's desires without the ward's express consent unless failure to act as
33 intended would breach the guardian's fiduciary duties to the ward.
34

35 **(e) Modification of consent**

36
37 (1) A ward may withdraw his or her consent to the establishment or extension of a
38 guardianship under this rule by filing a petition to terminate the guardianship under
39 rule 7.1004(b)(2)(B).
40

41 (2) In addition to any other petition authorized by section 2359(a), the ward may file a
42 petition at any time during a guardianship established or extended under this rule to
43 withdraw or modify his or her consent to the guardian's performance of a specific
44 duty or duties.
45
46

1 **Rule 7.1004. Termination of guardianship**

2
3 (a) * * *

4
5 (b) **Guardian of the person**

6
7 (1) Under Probate Code section 1600 a guardianship of the person terminates by
8 operation of law, and the guardian of the person need not file a petition for its
9 termination, when the ward attains majority except as provided in (2), dies, is
10 adopted, or is emancipated.

11
12 (2) If the court has appointed a guardian of the person for a ward 18 years of age or
13 older or extended a guardianship of the person past the ward's 18th birthday, the
14 guardianship terminates:

15
16 (A) By operation of law when the ward attains 21 years of age, marries, or dies; or

17
18 (B) By order of the court when the ward files a petition under Probate Code section
19 1601.

20
21 (c) * * *

22
23
24 **Rule 7.1013. Change of ward's residence**

25
26 (a)–(f) * * *

27
28 (g) **Wards 18 to 20 years of age**

29
30 For a ward who is at least 18 but not yet 21 years of age, a copy of any notice under this
31 rule must be mailed only to the ward and the ward's attorney of record.

32
33
34 **Rule 7.1020. Special Immigrant Juvenile Findings in Guardianship Proceedings**

35
36 (a) * * *

37
38 (b) **Request for findings**

39
40 (1) *Who may file request*

41
42 Any person or entity authorized under Probate Code section 1510 or 1510.1 to
43 petition for the appointment of a guardian of the person of a minor, including the
44 ward or proposed ward if 12 years of age or older, may file a request for findings
45 regarding the minor under this rule.

1 (A)–(B) * * *

2
3 (2) *Form of request*

4
5 (A) * * *

6
7 (B) A request for findings under this rule by or on behalf of a minor filed
8 concurrently with a petition for the appointment of a guardian of the person or
9 for extension of a guardianship of the person past the 18th birthday of the
10 minor must be prepared and filed as a separate petition, not as an attachment to
11 the petition for appointment.
12

13 (c)–(d) * * *

14
15 (e) **Hearing on request**

16
17 (1) If filed concurrently, a request for findings under this rule by or on behalf of a minor
18 and a petition for appointment of a guardian of the person or extension of a
19 guardianship of the person past the 18th birthday of that minor may be heard and
20 determined together.
21

22 (2)–(5) * * *

23
24 (f) * * *

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NO.: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
GUARDIANSHIP OF (name):	CASE NUMBER:
PETITION FOR APPOINTMENT OF GUARDIAN OF <input type="checkbox"/> MINOR* <input type="checkbox"/> MINORS* <input type="checkbox"/> Person** <input type="checkbox"/> Estate**	HEARING DATE AND TIME: DEPT.:

1. **Petitioner** (name each):

requests that

- a. (name):
 (address):
 (telephone):
 be appointed guardian of the PERSON of the minor or minors named in item 2 and *Letters* issue upon qualification.
- b. *(Not applicable to proposed wards 18 years of age and older.)*
 (name):
 (address):
 (telephone):
 be appointed guardian of the ESTATE of the minor or minors named in item 2 and *Letters* issue upon qualification.
- c. (1) bond not be required because the petition is for guardian of the person only because the proposed guardian is a corporate fiduciary or an exempt government agency for the reasons stated in Attachment 1c.
 (2) \$ bond be fixed. It will be furnished by an authorized surety company or as otherwise provided by law. *(Specify reasons in Attachment 1c if the amount is different from the minimum required by Prob. Code, § 8482.)*
 (3) \$ in deposits in a blocked account be allowed. Receipts will be filed. *(Specify institution and location):*
- d. authorization be granted under Probate Code section 2590 to exercise the powers specified in Attachment 9.
- e. orders relating to the powers and duties of the proposed guardian of the person under Probate Code sections 2351–2358 be granted *(specify orders, facts, and reasons in Attachment 1e)*.
- f. an order dispensing with notice to the persons named in Attachment 10 be granted.
- g. other orders be granted *(specify in Attachment 1g)*.

2. Attached is a copy of *Guardianship Petition—Child Information Attachment* (form GC-210(CA)) for each minor for whom this petition requests the appointment of a guardian. The full legal name and date of birth of each minor is:

- a. Name: _____ Date of Birth (month/day/year): _____
- b. Name: _____ Date of Birth (month/day/year): _____
- c. Name: _____ Date of Birth (month/day/year): _____
- d. Name: _____ Date of Birth (month/day/year): _____

The names and dates of birth of additional minors are specified on Attachment 2 to this petition.

***Under section 1510.1(d) of the Probate Code, the terms *child, minor, and ward* include a youth 18 to 20 years of age.**

****You MAY use this form or form GC-210(P) for a guardianship of the person. You MUST use this form for a guardianship of the estate or of the person and estate. Do NOT use this form for a temporary guardianship.**

GUARDIANSHIP OF <i>(name)</i> :	CASE NUMBER:
---------------------------------	--------------

3. Petitioner is
- a. related to the minor or minors named in item 2, as shown in item 7 of each minor's attached form GC-210(CA).
 - b. the minor named in item 2, who is 12 years of age or older.
 - c. another person on behalf of minor or minors named in item 2, as shown in item 7 of each minor's attached form GC-210(CA).
4. The proposed guardian is *(check all that apply)*:
- a. a nominee *(affix a copy of nomination as Attachment 4a or file Nomination of Guardian (form GC-211, items 2 and 3) with this petition.*
 - b. related to the minor or minors named in item 2, as shown in item 3 of each minor's attached form GC-210(CA).
 - c. other, as shown in item 3 of each minor's attached form GC-210(CA).
 - d. a professional fiduciary within the meaning of the Professional Fiduciaries Act. The proposed guardian's license status is shown in item 1 on page 1 of the attached Professional Fiduciary Attachment. *(Use form GC-210(A-PF)/GC-310(A-PF) for this attachment.)*
5. Petitioner, with intent to adopt, has accepted or intends to accept physical care or custody of the minor.
6. A person other than the proposed guardian has been nominated as the guardian of the minor by will other writing. A copy of the nomination is affixed as Attachment 6. *(Specify name and address of nominee in item 2 of minor's attached form GC-210(CA).)*
7. Character and estimated value of property of the estate *(complete if petition requests appointment of a guardian of the estate or the person and estate)*:
- a. Personal property: \$
 - b. Annual gross income from all sources, including real and personal property, wages, pensions, and public benefits: \$
 - c. **Total:** \$ _____
 - d. Real property: \$
8. Appointment of a guardian of the person estate of the minor or minors named in item 2 is necessary or convenient for the following reasons:

Continued in Attachment 8. Parental custody would be detrimental to the minor or minors named in item 2 *(not applicable to proposed wards 18 years of age and older).*

9. Granting the proposed guardian of the estate powers to be exercised independently under Probate Code section 2590 would be to the advantage and benefit and in the best interest of the guardianship estate. Reasons for this request and the powers requested are specified in Attachment 9.
10. Notice to the persons named in Attachment 10 should be dispensed with under Probate Code section 1511 because
- they cannot with reasonable diligence be given notice *(specify names and efforts to locate in Attachment 10).*
 - giving notice to them would be contrary to the interest of justice *(specify names and reasons in Attachment 10).*

GUARDIANSHIP OF <i>(name)</i> :	CASE NUMBER:
---------------------------------	--------------

11. (Complete this item if this petition is filed by a person who is not related to a minor named in item 2 and is not a petition for appointment of a guardian of the estate only.)
- a. Petitioner is the proposed guardian and will promptly furnish all information requested by any agency referred to in Probate Code section 1543.
 - b. Petitioner is not the proposed guardian. A statement by the proposed guardian that he or she will promptly furnish all information requested by any agency referred to in Probate Code section 1543 is affixed as Attachment 11b.
 - c. The proposed guardian's home is is not a licensed foster family home.
 - d. The proposed guardian has never filed a petition for adoption of the minor except as specified in Attachment 11d.

12. Attached to this petition is a *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form GC-120) concerning each child under 18 years of age listed in item 2 (*guardianship of the person or person and estate only*).

13. Filed with this petition are the following (*check all that apply*):
- Consent of Proposed Guardian* (form GC-211, item 1)
 - Nomination of Guardian* (form GC-211, items 2 and 3)
 - Consent to Appointment of Guardian and Waiver of Notice* (form GC-211, item 4)
 - Petition for Appointment of Temporary Guardian* (form GC-110)
 - Petition for Appointment of Temporary Guardian of the Person* (form GC-110(P))
 - Confidential Guardianship Screening Form* (form GC-212)
 - Petition for Special Immigrant Juvenile Findings* (form GC-220)

Other (*specify*):

14. All attachments to this form are incorporated by this reference as though placed here in this form. Number of pages attached:

Date: _____
(SIGNATURE OF ATTORNEY*)

***(All petitioners and the proposed ward—if he or she is at least 18 years of age but not yet 21 and not a petitioner—must also sign.)**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

(TYPE OR PRINT NAME)	▶	(SIGNATURE OF PETITIONER)
(TYPE OR PRINT NAME)	▶	(SIGNATURE OF PETITIONER)
(TYPE OR PRINT NAME)	▶	(SIGNATURE OF PETITIONER)

I consent to the appointment of the person named in item 1.a as guardian of my person and to his or her performance of the duties of a guardian on my behalf.

Date: _____

(TYPE OR PRINT NAME)	▶	(SIGNATURE OF PROPOSED WARD)
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Petition for Appointment of Guardian of the Person

Guardianship of the person of (all children's names): _____

Clerk stamps date here when form is filed.

You may use this form or the Petition for Appointment of Guardian of Minor (form GC-210) to petition, or ask, the court to appoint a guardian of the person. (You must use form GC-210 to ask the court to appoint a guardian of the estate or of both the person and the estate.)

1 Your name (Include the names of all persons who are requesting the court to appoint them or the person named in **4** as guardian for the child* or children* named above and in **8**). All must sign this form.):

- a. _____
- b. _____
- c. _____

Fill in court name and street address:

Superior Court of California, County of

2 Your address and telephone number:

Street: _____ Apt.: _____

City: _____

State: _____ Zip: _____ Phone: _____

Clerk fills in information below when form is filed.

Case Number:

Hearing Date and Time:

Dept.:

3 **Your Lawyer** (if you have one):

Name: _____ Bar No.: _____

Firm name, if any: _____

Street: _____ Suite: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____ E-mail: _____

4 **I/We want to be guardian of the child or children named in 8** (Go to **5**.)

I/We want the person or persons named here to be the guardian of the child or children named in 8. Tell the court about the proposed guardian(s) below.

Name(s): _____

Street: _____ Apt.: _____

City: _____ State: _____ Zip: _____

Phone: _____ E-mail: _____

I am the child or one of the children named in 8 and a person named in 1. I am at least 12 years old. I want the person or persons named here to be my guardian.

My date of birth is (month/day/year): _____ Tell the court about the proposed guardian(s) below.

Name(s): _____

Street: _____ Apt.: _____

City: _____ State: _____ Zip: _____

Phone: _____ E-mail: _____

***Under section 1510.1(d) of the Probate Code, the terms child, minor, and ward include a youth 18 to 20 years of age.**



Guardianship of the person of <i>(all children’s names)</i> :	Case Number:

- 5 The proposed guardian named in 1 or 4 is (check all that apply):**
- a. Related to the child or children named in 8, as shown in item 3 of the child’s or children’s attached *Guardianship Petition—Child Information Attachment* (form(s) GC-210(CA)).
 - b. Not related to the child or children named in 8.
 - c. A nominee of a parent of one or more of the children named in 8, as shown in item 5 of the child’s or children’s attached *Guardianship Petition—Child Information Attachment* (form(s) GC-210(CA)).
- 6 Check this box if you checked the box in item 5b (guardian unrelated to child or children).** Answer the question in item a and check the box in item b or c. If you check the box in c, provide the signed statement of the proposed guardian on a separate sheet of paper. Write “Form GC-210(P)—Attachment 6: Statement of Unrelated Guardian” at the top of the paper and attach it to this form.
- a. Does the proposed guardian run a licensed foster family home? Yes No
 - b. I am the proposed guardian. I will promptly furnish any information requested by an agency investigating an adoption or a local agency designated by the county to provide public social services.
 - c. I am **not** the proposed guardian. The signed statement of the proposed guardian agreeing to promptly furnish any information requested by an agency investigating an adoption or a local agency designated by the county to provide public social services is attached to this form as Attachment 6.
- 7 A person other than the proposed guardian(s) named in 1 or 4 has been nominated in a will or other writing as guardian of the child or children named in 8. A copy of the written nomination is attached.** Write “Form GC-210(P)—Attachment 7: Nomination of Another Person as Guardian” at the top of the writing and attach it to this form. Fill in the nominated person’s name and address in item 2 of the *Guardianship Petition—Child Information Attachment* (form GC-210(CA)) for each child for whom the person was nominated as guardian.
- 8 Tell the court about the child or children who need a guardian.** Fill out and attach to this form a separate copy of *Guardianship Petition—Child Information Attachment* (form GC-210(CA)) for each child named below. Show all children’s names at the top of all pages of this form. Fill out and attach to this form a Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) (form FL-105/GC-120) concerning all children under 18 years of age listed below.
- The full legal name and date of birth of each child who needs a guardian is (specify):
- a. Name: _____ Date of birth: _____
First *Middle* *Last* *Month/Day/Year*
 - b. Name: _____ Date of birth: _____
First *Middle* *Last* *Month/Day/Year*
 - c. Name: _____ Date of birth: _____
First *Middle* *Last* *Month/Day/Year*
 - d. Name: _____ Date of birth: _____
First *Middle* *Last* *Month/Day/Year*
 - e. Name: _____ Date of birth: _____
First *Middle* *Last* *Month/Day/Year*
- Check here if there are additional children. Continue this list on a separate sheet of paper. Write “Form GC-210(P)—Attachment 8: Additional Children” at the top of the paper and attach it to this form.

Guardianship of the person of <i>(all children's names)</i> :	Case Number:

9 The guardianship is necessary or convenient for the reasons given below.

(Explain why each child listed in 8 needs a guardian.)

Check here if you need more space. Continue your explanation on a separate sheet of paper. Write “Form GC-210(P)—Attachment 9: Need for Guardian” at the top of the paper and attach it to this form.

10 I/We ask the court to *(check all that apply):*

- a. Appoint the person named in 1 or 4 guardian of the person of the child or children named in 8 and issue Letters of Guardianship.
- b. Excuse me/us from having to give notice of the hearing on this petition to one or more relatives or other persons listed in item 2 of the attached *Guardianship Petition—Child Information Attachment* (form GC-210(CA)) for the reasons given below. *(Specify (1) the name of each child, (2) the name and relationship to the child of each of the persons to whom you want the court to excuse you from giving notice, and (3) the reasons for your request, including the steps, if any, you have taken to find each person.):*

Check here if you need more space. Continue your explanation on a separate sheet of paper. Write “Form GC-210(P)—Attachment 10b: Request for Waiver of Notice” at the top of the paper and attach it to this form.

The relatives and other persons listed in item 2 of each child’s Guardianship Petition—Child Information Attachment (form GC-210(CA)) must be given notice of the hearing on your petition for appointment of a guardian for that child unless the court excuses you from giving notice. The court may waive (excuse) this requirement if you can show the court that you do not know where the relative or other person is located after making reasonable efforts to find him or her or if giving notice to that person may harm the child or otherwise be contrary to the interests of justice. See rule 7.52 of the California Rules of Court for information on making reasonable efforts to find a person.



Guardianship of the person of <i>(all children's names)</i> :	Case Number:


10 c. Make the following additional orders *(specify)*:

Check here if you need more space. Continue your request for additional orders on a separate sheet of paper. Write "Form GC-210(P)—Attachment 10c: Additional Orders" at the top of the paper and attach it to this form.

11 **Filed with this petition are the following** *(check all that apply)*:


- Consent of Proposed Guardian (form GC-211, item 1)
- Nomination of Guardian (form GC-211, items 2 and 3)
- Consent to Appointment of Guardian and Waiver of Notice (form GC-211, item 4).
- Petition for Appointment of Temporary Guardian or Conservator (form GC-110)
- Petition for Appointment of Temporary Guardian of the Person (form GC-110(P))
- Confidential Guardian Screening Form (form GC-212)
- Petition for Special Immigrant Juvenile Findings (form GC-220)
- Other *(specify)*:


12 All attachments are made part of this form as though included here. There are _____ pages attached to this form.

Date: _____ *Petitioner's attorney types or prints name here*  _____ *Petitioner's attorney signs here*


All petitioners and the proposed ward—if he or she is at least 18 but not yet 21 years of age and not a petitioner—must read and sign below.

I declare under penalty of perjury under the laws of the State of California that the information stated above is true and correct.

Date: _____ *Petitioner types or prints name here*  _____ *Petitioner signs here*

Date: _____ *Petitioner types or prints name here*  _____ *Petitioner signs here*

I consent to the appointment of the person named in 1 or 4 as guardian of my person and to his or her performance of the duties of a guardian on my behalf.

Date: _____ *Proposed ward types or prints name here*  _____ *Proposed ward signs here*

GC-210(PE)

**Petition to Extend
Guardianship of the Person**

Guardianship of the person of (all wards' names):

Clerk stamps date here when form is filed.

You may use this form to petition, or ask, the court to extend an existing guardianship of the person past a ward's* 18th birthday.

1 Your name (Include the names of all persons who are asking the court to extend the appointment of the person named in **4** as guardian for the ward named in **5**. Everyone making the request must sign this form.):

- a. _____
- b. _____
- c. _____

2 Your address and telephone number:

Street: _____ Apt.: _____
City: _____
State: _____ Zip: _____ Phone: _____

Fill in court name and street address:
Superior Court of California, County of

Clerk fills in information below when form is filed.
Case Number: _____
Hearing Date and Time: _____ **Dept.:** _____

3 Your Lawyer (if you have one):

Name: _____ Bar No.: _____
Firm name, if any: _____
Street: _____ Suite: _____
City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____ E-mail: _____

4 I/We want to continue as guardian of the ward named in **5** after the ward's 18th birthday.

I/We want the person or persons named here to continue as the guardian of the ward named in **5** after the ward's 18th birthday. Tell the court about the guardian(s) below.

Name(s): _____
Street: _____ Apt.: _____
City: _____ State: _____ Zip: _____
Phone: _____ E-mail: _____

I am the ward named in **5** and a person named in **1**. I am not yet 18 years old. I want the person(s) named here to continue as my guardian(s) after my 18th birthday.

My date of birth is (month/day/year): _____ Tell the court about the proposed guardian(s) below.
Name(s): _____

Street: _____ Apt.: _____
City: _____ State: _____ Zip: _____
Phone: _____ E-mail: _____

*Under section 1510.1(d) of the Probate Code, the terms child, minor, and ward include a youth 18 to 20 years of age.



Guardianship of the person of (<i>wards' names</i>): _____ _____ _____	Case Number: _____ _____
---	--------------------------------

5 The guardian named in (1) or (4) was appointed guardian of the person of name of ward: _____ (date of birth, if not in (4)): _____ by the court on (date): _____.

- Letters of Guardianship (form GC-250) were issued on (date): _____ and remain in full force and effect.
- An updated copy of Guardianship Petition—Child Information Attachment (form GC-210(CA)), showing the ward’s name at the top of each page, is attached to this petition.

6 The extension of the guardianship is necessary or convenient for the reasons given below.

(Explain why the ward named in (5) will continue to need a guardian beyond his or her 18th birthday.)

Check here if you need more space. Continue your explanation on a separate sheet of paper. Write “Form GC-210(PE)—Attachment 6: Need for Guardian” at the top of the paper and attach it to this form.

7 I/We ask the court to (check all that apply):

- a. Extend the appointment of the person named in (1) or (4) as guardian of the person of the ward named in (5) past the ward’s 18th birthday and issue new Letters of Guardianship (form GC-250).
- b. Make orders relating to the powers and duties of the guardian of the person under Probate Code sections 2351–2358, as specified in Attachment 7b (specify orders, facts, and reasons in the attachment).
- c. Excuse me/us from having to give notice of the hearing on this petition to the following person(s) for the reasons given below (specify (1) the name and relationship to the ward of each of the persons to whom you want the court to excuse you from giving notice, and (2) the reasons for your request, including the steps, if any, you have taken to find each person):

Check here if you need more space. Continue your explanation on a separate sheet of paper. Write “Form GC-210(PE)—Attachment 7c: Request for Waiver of Notice” at the top of the paper and attach it to this form.

Notice of the hearing on this petition must be given to the following persons unless they are petitioners: the ward, the ward’s attorney, the guardian, the guardian’s attorney, and any person who was nominated as a guardian of the person in the initial guardianship proceeding. The court may dispense with (excuse) this requirement if you can show that you do not know where the person is located after making reasonable efforts to find him or her or if giving notice to that person might harm the ward or otherwise be contrary to the interests of justice. See rule 7.52 of the California Rules of Court for information on making reasonable efforts to find a person.

Guardianship of the person of <i>(all wards' names)</i> :	Case Number:

7 d. Make the following additional orders *(specify)*:

Check here if you need more space. Continue your request for additional orders on a separate sheet of paper. Write "Form GC-210(PE)—Attachment 7d: Additional Orders" at the top of the paper and attach it to this form.

8 **Filed with this petition are the following** *(check all that apply)*:

Consent of Proposed Guardian (form GC-211, item 1)

Petition for Special Immigrant Juvenile Findings (form GC-220)

Other *(specify)*:

9 All attachments are made part of this form as though included here. There are _____ pages attached to this form.

All petitioners and the proposed ward—if he or she is at least 18 but not yet 21 years of age and not a petitioner—must read and sign below.

Date: _____ *Petitioner's attorney types or prints name here* _____ *Petitioner's attorney signs here*

I declare under penalty of perjury under the laws of the State of California that the information stated above is true and correct.

Date: _____ *Petitioner types or prints name here* _____ *Petitioner signs here*

Date: _____ *Petitioner types or prints name here* _____ *Petitioner signs here*

Date: _____ *Petitioner types or prints name here* _____ *Petitioner signs here*

I consent to the extension past my 18th birthday of the appointment of the person named in 1 or 4 as guardian of my person and to his or her performance of the duties of a guardian on my behalf.

Date: _____ *Ward types or prints name here* _____ *Ward signs here*

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NO.: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
GUARDIANSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (name):	
ORDER APPOINTING GUARDIAN OR EXTENDING GUARDIANSHIP OF THE PERSON	CASE NUMBER:
WARNING: THIS APPOINTMENT IS NOT EFFECTIVE UNTIL LETTERS HAVE ISSUED.	

1. The petition for appointment of a guardian or extension of a guardianship of the person came on for hearing as follows (check boxes c, d, and e to indicate personal presence):
 - a. Judge (name):
 - b. Hearing date: Time: Dept.: Room:
 - c. Petitioner (name):
 - d. Attorney for Petitioner (name):
 - e. Attorney for (proposed) ward (name, address, e-mail, and telephone):

THE COURT FINDS

2. a. All notices required by law have been given.
 b. Notice of hearing to the following persons has been should be dispensed with (names):
3. Appointment of a guardian of the person estate of the proposed ward is necessary and convenient.
 (NOTE: The Probate Code does not authorize the appointment of a guardian of the estate for a proposed ward 18 years of age or older.)
4. Extension of the guardianship of the person past the ward's 18th birthday is necessary and convenient.
5. Granting the guardian powers to be exercised independently under Probate Code section 2590 is to the advantage and benefit and is in the best interest of the guardianship estate.
6. Attorney (name): has been appointed by the court as legal counsel to represent the (proposed) ward in these proceedings. The cost for representation is: \$
7. The appointed court investigator, probation officer, or domestic relations investigator is (name, title, address, and telephone):

Do NOT use this form for a temporary guardianship.

GUARDIANSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (name):	CASE NUMBER:
---	--------------

THE COURT ORDERS

8. a. (name):
 (address): (telephone):

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

b. *(Not applicable to a proposed ward 18 years of age or older.)*
 (name):
 (address): (telephone):

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

c. The appointment of
 (name): _____
 (address): _____ (telephone): _____

as guardian of the PERSON of (name): _____
 is extended past the ward's 18th birthday and new Letters shall issue forthwith.

9. Notice of hearing to the persons named in item 2b is dispensed with.

10. a. Bond is not required.
 b. Bond is fixed at: \$ _____ to be furnished by an authorized surety company or as otherwise provided by law.
 c. Deposits of: \$ _____ are ordered to be placed in a blocked account at (specify institution and location):

and receipts shall be filed. No withdrawals shall be made without a court order.
 Additional orders in Attachment 10c.

d. The guardian is not authorized to take possession of money or any other property without a specific court order.

11. For legal services rendered on behalf of the (proposed) ward, the parents of the (proposed) ward
 the (proposed) ward's estate shall pay to (name):
 the sum of: \$ _____
 forthwith as follows (specify terms, including any combination of payers):

12. The guardian of the estate is granted authorization under Probate Code section 2590 to exercise independently the powers specified in Attachment 12 subject to the conditions provided.

13. Orders are granted relating to the powers and duties of the guardian of the person under Probate Code sections 2351–2358 as specified in Attachment 13.

GUARDIANSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF <i>(name):</i>	CASE NUMBER:
--	--------------

14. Orders are granted relating to the conditions imposed under Probate Code section 2402 upon the guardian of the estate as specified in Attachment 14.

15. Other orders as specified in Attachment 15 are granted.

16. The probate referee appointed is *(name and address)*:

17. Number of boxes checked in items 9–16: _____

18. Number of pages attached: _____

Date:

 JUDGE OF THE SUPERIOR COURT
 SIGNATURE FOLLOWS LAST ATTACHMENT

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NO.:	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
GUARDIANSHIP OF (name):		
LETTERS OF GUARDIANSHIP <input type="checkbox"/> Person <input type="checkbox"/> Estate		CASE NUMBER:

LETTERS

- (Name): _____ is appointed guardian of the person estate of (name): _____
- The appointment of (name): _____ as guardian of the person of (name): _____ is extended past the ward's 18th birthday as of (date): _____
- Other powers have been granted and conditions have been imposed as follows:
 - Powers to be exercised independently under Probate Code section 2590 are specified in attachment 3a (specify powers, restrictions, conditions, and limitations).
 - Conditions relating to the care and custody of the property under Probate Code section 2402 are specified in attachment 3b.
 - Conditions relating to the care, treatment, education, and welfare of the ward under Probate Code section 2358 are specified in attachment 3c.
 - Other powers granted or conditions imposed are specified on attachment 3d specified below.
- The guardian is not authorized to take possession of money or any other property without a specific court order.
- The guardianship of the person terminates by operation of law on (date): _____
- Number of pages attached: _____

WITNESS, clerk of the court, with seal of the court affixed.

(SEAL)

Date: _____

Clerk, by _____, Deputy

GUARDIANSHIP OF (name):	CASE NUMBER:
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NOTICE TO INSTITUTIONS AND FINANCIAL INSTITUTIONS
(Probate Code sections 2890–2893)

When these *Letters of Guardianship* (Letters) are delivered to you as an employee or other representative of an *institution* or *financial institution* (described below) in order for the guardian of the estate (1) to take possession or control of an asset of the minor named above held by your institution (including changing title, withdrawing all or any portion of the asset, or transferring all or any portion of the asset) or (2) to open or change the name of an account or a safe-deposit box in your financial institution to reflect the guardianship, you must fill out Judicial Council form GC-050 (for an institution) or form GC-051 (for a financial institution). An officer authorized by your institution or financial institution must date and sign the form, and you must file the completed form with the court.

There is no filing fee for filing the form. You may either arrange for personal delivery of the form or mail it to the court for filing at the address given for the court on page 1 of these Letters.

The guardian should deliver a blank copy of the appropriate form to you with these Letters, but it is your institution's or financial institution's responsibility to complete the correct form, have an authorized officer sign it, and file the completed form with the court. If the correct form is not delivered with these Letters or is unavailable for any other reason, blank copies of the forms may be obtained from the court. The forms may also be accessed from the judicial branch's public website free of charge. The Internet address (URL) is www.courts.ca.gov/forms.htm. Select the form group *Probate—Guardianships and Conservatorships* and scroll down to form GC-050 for an institution or form GC-051 for a financial institution. The forms may be printed out as blank forms and filled in by typewriter (nonfillable form) or may be filled out online and printed out ready for signature and filing (fillable form).

An *institution* under California Probate Code section 2890(c) is an insurance company, insurance broker, insurance agent, investment company, investment bank, securities broker-dealer, investment advisor, financial planner, financial advisor, or any other person who takes, holds, or controls an asset subject to a conservatorship or guardianship other than a financial institution. Institutions must file a *Notice of Taking Possession or Control of an Asset of Minor or Conservatee* (form GC-050) for an asset of the minor or conservatee held by the institution. A single form may be filed for all affected assets held by the institution.

A *financial institution* under California Probate Code section 2892(b) is a bank, trust (including a Totten trust account but excluding other trust arrangements described in Probate Code section 82(b)), savings and loan association, savings bank, industrial bank, or credit union. Financial institutions must file a *Notice of Opening or Changing a Guardianship or Conservatorship Account or Safe-Deposit Box* (form GC-051) for an account or a safe-deposit box held by the financial institution. A single form may be filed for all affected accounts or safe-deposit boxes held by the financial institution.

LETTERS OF GUARDIANSHIP
AFFIRMATION

I solemnly affirm that I will perform according to law the duties of guardian.

Executed on (date): _____, at (place): _____

_____ (TYPE OR PRINT NAME)	_____ (SIGNATURE OF APPOINTEE)
-------------------------------	-----------------------------------

CERTIFICATION

I certify that this document, including any attachments, is a correct copy of the original on file in my office, and that the Letters issued to the person appointed above have not been revoked, annulled, or set aside, and are still in full force and effect.

(SEAL)	Date: _____ Clerk, by _____, Deputy
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W16-14

Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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

	Commentator	Position	Comment	Committee Response
1.	<p>Hon. Kevin De León, President Pro Tempore, California Senate;</p> <p>Hon. Toni G. Atkins, Speaker of the California Assembly;</p> <p>Hon. Mark Levine, Assemblymember, California Assembly</p> <p>California Legislature Sacramento</p>	AM	<p>On October 9th, 2015, Governor Edmund G. Brown signed AB 900, a bill introduced and passed as part of the “Immigrants Shape California” legislative package. Specifically, AB 900 made changes to the California Probate Code by adding Section 1510.1 and amending Sections 1490, 1600, and 1601. Through those changes, AB 900 expanded access for youth ages 18–20 to the protections and benefits of a probate legal guardianship and to Special Immigrant Juvenile findings issued in accordance with state and federal law.</p> <p>The purpose of AB 900 is articulated in the legislative intent section of the bill. In particular, the legislature identified the importance of a legal guardianship for these youth as providing a “custodial relationship with a responsible adult as they adjust to a new cultural context, language, and education system, and recover from the <u>trauma of abuse, neglect, or abandonment.</u>”¹</p> <p>¹ <u>Assem. Bill No. 900 (2015–2016 Reg. Sess.) § 1(a)(6).</u></p> <p>Additionally, we highlighted our intent to align California law with federal law by ensuring access to the specific findings, as described in California Code of Civil Procedure Section 155, issued by the superior court necessary for a</p>	No response required.

W16-14

Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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

	Commentator	Position	Comment	Committee Response
			<p>youth to seek Special Immigrant Juvenile Status (“SIJS”)—an important form of humanitarian immigration relief for certain abused, abandoned, or neglected youth—and the <u>immigration relief it affords.</u>²</p> <p>² <u>Assem. Bill No. 900 (2015–2016 Reg. Sess.) § 1(a)5</u></p> <p>To ensure uniformity, clarity, and accessibility, the bill includes a mandate that Judicial Council shall, by July 1, 2016, adopt any rules and forms needed to implement Probate Code Section 1510.1. Accordingly, on December 11, 2015, the Judicial Council published proposed forms for comment. We thank the Judicial Council for its efforts to quickly implement a process for handling new petitions for over-18 guardianships and extensions of guardianships for youth ages 18–20, pursuant to AB 900. However, we have serious concerns about these forms as proposed and in particular fear that they may undermine the substance and goals of the legislation. Thus, we submit these comments to the proposed forms with the hope that the final forms can better reflect the language and purpose of AB 900.</p> <p>Guardianships established under Probate Code Section 1501.1 are of the same fundamental form and substance as all other probate legal guardianships.</p>	

W16-14

Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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

	Commentator	Position	Comment	Committee Response
			<p>We intended that guardianships under Probate Code 1510.1 be fundamentally the same as other guardianships authorized <u>under the Probate Code.</u>³</p> <p>³ INVITATION TO COMMENT, W16-14. Probate Guardianships: A New Guardianship for Wards 18 to 21 Years Old and Extension of Existing Guardianships Beyond the Wards’ 18th Birthday, page 4. “The committee concluded that new Letters should be issued in these cases because the powers of the guardian of an adult are considerably different <u>from those of a guardian of a minor.</u>”</p> <p>While there are differences in the types of guardianships within the Probate Code (e.g., joint guardianships, co-guardianships, etc.), and</p>	<p>The committee understands the Legislature’s intent to protect undocumented youth who have suffered abuse, neglect, or abandonment by expanding the superior court’s authority to appoint guardians or extend guardianships for those youth until they reach 21 years of age. The committee further understands that the Legislature intends for guardianships of these wards to have the same legal structure, powers, and duties as any other guardianship in as many respects as possible. Accepting that a guardianship of the person of an 18–20-year-old youth may be necessary or convenient to protect the youth’s interests in the circumstances identified in section 1 of AB 900, the committee has tried, through the proposed rules and forms, to fashion a relationship that will perform that function while recognizing and respecting the youth’s rights as an adult as required by section 1510.1(c) of the Probate Code. In particular, the committee has modified its recommendation in response to this and the preponderance of other comments received to withdraw the proposed separate petition form for wards 18 years of age or older. The committee proposes incorporating revisions to the existing guardianship petition forms, GC-210 and GC-210(P), and adopting a new form, GC-210(PE), to petition for extension of a guardianship of the person past the ward’s 18th birthday.</p> <p>The committee agrees that, no matter the age of the ward, a guardianship is a fiduciary relationship subject to the regulation and control of the court.</p>

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Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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	Commentator	Position	Comment	Committee Response
			<p>some variance in the rights impacted, authorities afforded, and duties assigned depending on numerous factors including the age of the ward (e.g., authorization for surgery, right to seek medical services regarding sexually transmitted diseases, pregnancy, mental health, and substance abuse, etc.), what is consistent for all guardianships is the fundamental relationship between guardian and ward.</p> <p>In passing AB 900, we recognized that many of the recent unaccompanied immigrant children who suffered parental abuse, abandonment, or neglect had been released to family members and other adults in California. As such, AB 900 was introduced to extend the protection of probate legal guardianship to these youth in light of their vulnerability and in keeping with California’s values regarding child welfare. Legal guardianships established in California’s Probate Courts confer duties and authorities upon the guardian in order for the guardian to adequately address the needs of the ward to whom they are appointed. Thus, AB 900 provides jurisdiction for California Probate Courts to appoint legal guardians to members of this population, whose needs are potentially extensive given the history of abuse, abandonment, and neglect in their lives, and who are often adjusting to a new culture, language, and educational and medical systems. AB 900 ensures that probate legal guardianships are available to youth aged 18-20 years old; it</p>	<p>(Prob. Code, §§ 2101, 2102.) A guardian must perform certain duties for the benefit of the ward and is subject to general fiduciary duties, including a duty of loyalty. The committee has tried to harmonize the guardian’s authority to perform his or her duties with the ward’s status as a legal adult.</p> <p>The committee shares the values highlighted by the commentator and agrees that a legal guardianship confers powers and duties on the guardian to act to meet the needs of the ward. The committee initially understood section 1510.1(c) to place extensive limits on the guardian’s powers, but now understands that the Legislature intended narrower limits that would apply only in the event of a dispute between the guardian and the ward.</p>

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Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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			<p>does not create a new substantive type of guardianship.</p> <p>The use of the word “ADULT” throughout proposed GC-210(ADLT) form and proposed revised forms GC-240 (Order Appointing Guardian) and GC-250 (Letters of Guardianship) is unnecessary and incongruent with AB 900. Section 1510.1(d) of the Probate Code incorporates youth over the age of 18 who consent to a guardianship pursuant to that section into the definition of the terms “child,” “minor,” and “ward” as used in guardianship provisions of the Probate Code. There is no need or benefit in adding the word “ADULT” on these forms and in fact doing so is contrary to the plain language of Section 1510.1(d); there is, however, a cost to doing so, as it implies that there is a difference between these guardianships and others issued by the Probate Court. However, from its initial draft, through the legislative process and enactment, AB 900 has consistently created in its intent and substance a legal guardianship fundamentally the same as other guardianships authorized under the Probate Code.</p> <p>Similarly, there are items throughout the proposed forms that request information unnecessary for the adjudication of the guardianship itself. For instance, Item 2 of proposed form GC-210(ADLT) highlights the foreign birth of the ward or proposed ward; this</p>	<p>The committee agrees that the term “adult” in the circulated forms does not accurately capture the legislative intent. The term could have the additional unintended consequence of implying that a guardianship might be established or extended for any adult, no matter how old. The committee has removed the use of the term to refer to a ward from the proposed forms.</p> <p>The committee agrees that the forms do not need to highlight the (proposed) ward’s place of birth and, as part of its withdrawal of form GC-210(ADLT), has removed the request for that information from the proposal.</p>

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Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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	Commentator	Position	Comment	Committee Response
			<p>information is unnecessary for the court to make a determination about whether the guardianship is in the child’s best interests.</p> <p>Item 4.c involves extensive information about the ward or proposed ward’s petition for Special Immigrant Juvenile Findings; this information is similarly not relevant to the court’s determination about the guardianship. Item 10 requests information regarding the progress of the ward’s application to the United States Citizenship & Immigration Services requesting Special Immigrant Juvenile Status. This information is also unnecessary for the court to make a determination about whether the guardianship is in the child’s best interests. While Probate Code Section 1510.1 authorizes the court to appoint a guardian “in connection with a petition to make the necessary findings regarding special immigrant juvenile status,” Item 11 of the proposed form GC-210(ADLT) adequately inquires about the status of the petition for Special Immigrant Juvenile Findings.</p> <p>The forms as currently proposed not only distinguish guardianships pursuant to Probate Code Section 1510.1 from other probate guardianships; in numerous ways, they undermine the very guardianships they are designed to create. For example, proposed form GC-210(ADLT), Items 4.d and 13, require the petitioner to specify the orders, facts, and</p>	<p>The committee understood, based on the express language of section 1510.1(a)–(b), that the court was authorized to establish or extend a guardianship for a ward 18 or older only “in connection with a petition for” SIJ findings or “for purposes of allowing the ward to complete” the process of applying for SIJ status. Based on that understanding, the committee concluded that information about the ward’s SIJ petition would be critical both to determining whether the court had authority to appoint or extend <i>and</i> whether the guardianship would be necessary or convenient. Because of this and other comments, however, the committee has reconsidered the need for such detailed information on the petition. The petitioner may still find it necessary to include information about the status of the ward’s SIJ application on form GC-210(CA) to persuade the court of its authority.</p> <p>The committee has removed items 4d and 13 as part of withdrawing form GC-210(ADLT) from the proposal. The committee does not, however, recommend removing item 1e, which corresponds in part to items 4d and 13, from revised form GC-210. First, this item applies to all guardianships of the person, regardless of the ward’s age. It affirms the court’s statutory authority to regulate the</p>

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Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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			<p>reasons that certain powers and duties should be granted to the proposed guardian. Nowhere within the text of AB 900 is the role of the guardian dissected in this way. Nothing in the bill suggests that petitioners, proposed guardians, or wards must provide such information, and nothing in the bill suggests that the court should parse out the powers and duties of the guardian in this manner.</p> <p>Probate Code Section 1510.1(c) states that “(t)his section does not authorize the guardian to abrogate any of the rights that a person who has attained 18 years of age may have as an adult under state law, including, but not limited to, decisions regarding the ward’s medical treatment, education, or residence, without the ward’s express consent.” In other words, the law does not direct the court to determine in advance which of these rights the guardian may have; rather, the ward, not the court, determines whether the guardian may exercise authority where the ward’s rights as an adult would otherwise be determinative. Such provisions are not unique to AB 900 and do not require any additional language on the application for guardianship forms. In fact, similar conditions or limits on the authority of a guardian are routinely exercised in guardianships involving</p>	<p>guardianship under sections 2102, 2351, and 2358 and has been an element of the form for more than 20 years. Second, the check box signifies that the item may be completed at the petitioner’s option. It is not required. It might, however, be especially useful for guardianships of wards 18 or older, in that it will permit the guardian and the ward to specify any limits to the ward’s consent and, thereby, the guardian’s authority, at the outset of the relationship. For similar reasons, the committee also recommends retaining that option in item 7b on proposed form GC-210(PE), the petition to extend a guardianship.</p> <p>Unlike the guardian of a child under 18—who stands in the shoes of the child’s parent holding legal and physical care, custody, and control of the ward—the guardian of a youth 18 or older cannot rely on legally transferred parental authority. Decision-making authority belongs to and remains with the youth. In apparent recognition of this authority, Probate Code section 1510.1(a)–(c) requires the ward’s consent in two separate respects. First, the youth must consent to the establishment or extension of the guardianship itself. (<i>Id.</i>, at § 1510.1(a)–(b).) Second, the youth must give express consent to any action by the guardian that abrogates the youth’s rights as an adult. (<i>Id.</i>, § 1510.1(c).) The committee has chosen to solicit the ward’s consent both to the guardianship and to the guardian’s performance of the duties of a guardian on the petition by adding a statement and signature line to the last page of</p>

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Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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			<p>wards less than 18 years of age; this occurs as a matter of law <u>and without special orders or findings.</u>⁴</p> <p>⁴For example, Probate Code Section 2353(b), provides that if the ward is 14 years of age or older, no surgery may be performed upon the ward without either (1) the consent of both the ward and the guardian or (2) a court order obtained pursuant to Section 2357 specifically authorizing such treatment. In other words, a guardian may not authorize a surgery to be performed on a ward over the age of 13 years old without the consent of the minor or, where the minor does not consent, the guardian must seek a court order for the surgery to be performed.</p> <p>Finally, Items 4.e and 14 of the proposed form GC-210(ADLT) allow a petitioner to request that a guardian be appointed with no powers or duties whatsoever. However, there is no provision within AB 900 for a guardian to be appointed without any powers or duties over the ward. In fact, as our legislative intent for the bill makes clear, we contemplated an active and robust role for guardians appointed pursuant to AB 900, as discussed above.</p> <p>AB 900 aligns California law with federal immigration law to allow for the maximum number of eligible youth in California to receive immigration relief as Special</p>	<p>forms GC-210, GC-210(P), and new form GC-210(PE). Proposed rule 7.1002.5 provides that, in the event of a dispute over an action proposed by the guardian in performing his or her duty, the guardian may not act against the ward’s desires without the ward’s express consent. The rule further provides that the ward may petition the court to modify consent at any time during the guardianship. The committee intends these requirements to implement the consent requirements in section 1510.1 of the Probate Code.</p> <p>The committee has removed from the forms all items that provide an opportunity to request or appoint a guardian without any duties.</p>

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Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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			<p style="text-align: center;">Immigrant Juveniles.</p> <p>Our “Immigrants Shape California” legislative package was an effort by the California legislature in recognition of the past, current, and future contributions of immigrants to this state. AB 900 was introduced and passed as part of that package not only to provide 18 to 21 year old immigrant youth with the protections of our state’s guardianship laws but also to correct a misalignment between California law and federal immigration law. We specifically intended to ensure such youth had access to a juvenile court as described in California Code of Civil Procedure 155, which in turn would allow them to apply for Special Immigrant Juvenile Status, a humanitarian form of immigration relief for abandoned, abused or neglected children under the age of 21. In other words, AB 900 was passed to protect immigrant youth and preserve their immigration remedies where applicable. In this regard, the proposed GC-210(ADLT) and the proposed revised GC-240 (Order Appointing Guardian) and GC-250 (Letters of Guardianship) work against the purpose of AB 900. The forms as proposed imply, directly and indirectly, that a guardianship pursuant to Probate Code Section 1510.1 is fundamentally different than a guardianship for a youth under the age of 18.</p> <p>The most problematic example of this is the use of the word “ADULT” throughout, including</p>	<p>The committee understands the legislative intent to protect immigrant youth and preserve their immigration remedies where applicable. It has modified its recommendation to emphasize the fundamental features of all guardianships of the person, whether the ward is 18–20 years old or under age 18. The committee intends these modifications to promote the purpose of AB 900.</p> <p>Among the committee’s modifications is the deletion, consistent with section 1510.1(d) of the</p>

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Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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			<p>the “(ADLT)” reference in the title of the proposed petition form. Inclusion of such language is unnecessary given the addition of Section 1510.1(d) of the Probate Code, and it implies that the Probate Court, in adjudicating the matter, is not sitting as a juvenile court. In cases arising in other states, U.S. Citizenship & Immigration Services (“USCIS,” the federal agency that adjudicates applications for immigration benefits) has denied applications for Special Immigrant Juvenile Status based upon concerns that the applicant is not a “child” under state law, and that the order regarding his or her eligibility for SIJS findings was not made by a “juvenile court.” We believe the forms, as proposed, will leave applicants in this state susceptible to the same fate.</p> <p>Another potential issue could include the fact that the proposed forms contemplate that the court will parse out the powers and duties of the guardian, or that the guardian will have no powers and duties, despite being appointed guardian. Either of these circumstances could be problematic to the child’s ultimate eligibility for a Special Immigrant Juvenile visa because USCIS may be concerned that the guardianship was initiated in state court solely to allow the youth to seek an immigration benefit, a basis on which USCIS can and will deny SIJS.</p>	<p>Probate Code, of the term “adult” to describe wards who are 18 or older. A note has been added to the petition forms to indicate that the terms <i>child</i>, <i>minor</i>, and <i>ward</i> include an 18–20 year old youth as described in section 1510.1(d).</p> <p>The committee has removed from the forms all items that provide an opportunity to request or appoint a guardian without any duties. Furthermore, the committee has not added to the forms any opportunity to request or order any duties other than those that may by statute apply to any guardianship of the person, regardless of the ward’s age. The form provisions authorizing the request for (e.g., form GC-210, item 1e) and issuance of (e.g., form GC-240, item 13) orders regarding specific duties under sections 2351–2358 of the Probate Code apply to all guardianships of the person and have been elements of the forms for more than 20 years. To the extent that the terms of these code sections</p>

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Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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			<p>Because the issues with the proposed forms that we have highlighted in this letter could result in AB 900 guardianships not providing the robust protection and support for newcomer immigrant youth in our state that we contemplated, and because they could result in this population not being successful in seeking Special Immigrant Juvenile visas – both of which would undermine the intent of the bill – we respectfully request that revisions be made to the forms which would correct these problematic areas. In particular, we suggest that the existing forms for guardianships may be used for AB 900 guardianships with only slight modifications to address differences (for example, adding a box or attachment where the youth consents to the appointment or extension of the guardianship as required by Section 1510.1).</p> <p>We have enclosed a mocked up sample form that we feel appropriately reflects the intent of the legislature. Please do not hesitate to contact us with any questions or concerns; we very much appreciate your attention to this matter.</p>	<p>authorize the court to expand or restrict the powers and duties of a <i>conservator</i> of the person, they have no application in a guardianship.</p> <p>The committee has modified its recommendation to address the issues identified by the commentators.</p> <p>The committee’s modifications are intended to conform substantially to the suggestions indicated by the commentators. Committee staff has consulted with legislative staff in drafting revisions to the existing forms.</p>
2.	Immigration Center for Women and Children by Liz C. Gonzalez, Supervising Attorney	AM	I. The proposed GC-210(ADLT) Form is superfluous and convoluted. The already existing GC-210 could serve the purpose of the proposed GC-210(ADLT) with a few additions	The committee agrees that form GC-210 could serve the intended purposes of proposed form GC-210(ADLT) and has withdrawn proposed form GC-210(ADLT) from its recommendation.

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Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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	Los Angeles		<p>to it.</p> <p>a) AB 900 states that a proposed ward must consent to the appointment of a guardian if the ward is between the ages of 18 and 21. The current form GC-210 could simply include a line on page 3, Item 13 that the ward is submitting a declaration consenting to the appointment of a guardianship.</p> <p>b) AB 900 allows the court to extend an existing guardianship of the person for a ward past 18 years of age. It would be most prudent to create a new Petition for existing guardianships, requesting an extension of the guardianship, with an opportunity to list the reasons why the appointment of an over 18 guardianship is necessary and prudent. Having a separate GC-210 for wards 18-21 requesting a guardianship for the first time suggests that their petition is different than that of a minor child, which would undermine the purpose of AB 900.</p> <p>c) AB 900 states that a petition for guardianship for a ward between 18 and 21 must be filed in conjunction with a Petition for SIJS findings. Another box could be included in page 3, Item 13 asking whether a Petition for SIJS findings has been filed. Further, Question 2 of GC-210(ADLT) requests extensive information about the ward that obviously implies the ward is requesting SIJS. Simply stating whether the ward is requesting SIJS, without actually listing</p>	<p>The committee has modified its recommendation to include provisions on forms GC-210, GC-210(P), and new form GC-210(PE) for the ward to indicate his or her consent to the guardianship and the guardian’s performance of duties on the ward’s behalf.</p> <p>The committee has modified its recommendation to include new form GC-210(PE), a petition to request the extension of an existing guardianship of the person past the ward’s 18th birthday.</p> <p>The committee agrees and has added a check box to each petition form so the petitioner may indicate that a petition for SIJ findings is attached. No other information regarding nationality or immigration status is expressly solicited.</p>

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Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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			<p>nationality, etc. regarding the ward would make the application seem less convoluted and would satisfy the requirement that the applicant request an extension of the petition in conjunction with a SIJS Petition. Since a separate SIJS Petition is filed in conjunction, and that information is on that form, it is unnecessary for the GC-210 Form to have to include such information.</p> <p>II. The proposed GC-210(ADLT) Form could create problems for the ward when filing for SIJS with USCIS. The Form refers to the ward as an adult in the very title of the Form itself and in the GC-250. It is unnecessary to refer to the ward as an adult as the Probate Code defines child, minor and ward (PC 1510.1(d)). More importantly, USCIS defers the findings of fact to the juvenile courts because the courts have the experience and knowledge necessary to make findings related to juveniles. There is a big possibility that calling the potential wards "adults" would lead USCIS to conclude that the probate court is not a juvenile court, which could in turn lead to a denial of a SIJS Petition.</p> <p>III. The proposed GC-210(ADLT) Form asks the ward to list specific orders, facts and reasons certain powers and duties should be granted to the proposed guardian of the person in questions 4d and 13. It is unnecessary to have to list specific powers and duties the guardian will have over the ward as the text of AB 900 does not require the court to list in advance what</p>	<p>The committee agrees and has withdrawn proposed form GC-210(ADLT) from its recommendation.</p> <p>Although the committee has withdrawn proposed form GC-210(ADLT), it does not recommend deleting items that provide opportunities to request or order specific powers and duties authorized by statute from the existing forms. These items, which have been elements of the forms for more than 20 years, reflect the court’s statutory authority to regulate guardianships of the</p>

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Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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			<p>rights the guardian may have over the ward. The Bill simply states that the ward him/herself can continue to be seen as an adult under state law, which includes the ability to make certain decisions regarding his/her medical treatment, education, etc. In the event the ward and the guardian differ as to what is in the best interest of the ward, the two parties can return to court to request termination or modification of the guardianship.</p> <p>IV. Part 4e and 14 of GC-210(ADLT) alarmingly give the option that the guardian be appointed with no powers or duties of the ward. The legislative intent of AB 900 was for the guardian to have a big role in the life of the ward, as many of the wards who could benefit from this new Bill need the presence and guidance of a guardian to navigate their new life in a new country, where they have no parents and little to no family, having traversed many hundreds of miles to reach safety, housing, food, and other basic necessities. It is dangerous to assume that a guardian would have no powers as that would imply that the guardianship was simply for the purpose of SIJS, which USCIS explicitly has stated that it would not approve. That would undermine the entire reasoning behind AB 900, which was to help this population of applicants under 21.</p>	<p>person under section 2102 and the identified sections of the Probate Code. Nothing in these items is intended to preclude the guardian or the ward from petitioning to modify the terms of the guardianship. Proposed rule 7.1002.5 also expressly authorizes the ward to petition the court to modify the scope of his or her consent.</p> <p>The committee has modified its recommendation to delete all opportunities to request or order the appointment of a guardian with no powers or duties.</p>
3.	Immigrant Legal Resource Center (ILRC) and Bet Tzedek Legal Services	AM	We thank the Judicial Council for its efforts to quickly implement a process for handling new	See the comments of Senate President pro Tem De León, Assembly Speaker Atkins, and

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Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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	by Rachel Prandini, Unaccompanied Minor Law Fellow/Attorney, Immigrant Legal Resource Center, and Erikson Albrecht, Kinship Attorney, Bet Tzedek Legal Services		petitions for over-18 guardianships and extensions of guardianships for youth ages 18-20, pursuant to AB 900. We write in support of the recommendations set forth in the enclosed letter by Senate President pro Tempore Kevin de León, Speaker of the Assembly Toni Atkins, and Assemblymember Marc Levine. We strongly encourage you to make the changes the legislative leaders and bill author suggest. If you have any questions, please do not hesitate to contact us.	Assemblymember Levine and the Committee’s responses, above.
4.	Kids In Need of Defense (KIND), by Cory W. Smith, Vice President, Policy, Advocacy & Communications San Francisco	AM	<p>1) Although there are benefits and drawbacks to both consider in having a separate guardianship petition for youth ages 18-20, in consultation with other partners that work with youth and based on our case experience, KIND believes that the goals could be better met by making minor modifications to the existing GC-210 and/or GC-210(P) and including an additional form for the extension of an existing guardianship. Should the Judicial Council decide to proceed with a new GC-210(Adlt) form, KIND still recommend removing the word “Adult” throughout the Petition.</p> <p>2) The use of the word “Adult” in the GC-210 petition contradict AB900’s statutory intent and language: KIND’s main concerns about the separate GC-210(Adlt) primarily center around the use of the word “Adult” throughout the Petition. We believe this conflicts with AB900 and Probate Code section 1510.1(d), which</p>	<p>The committee agrees, has withdrawn proposed form GC-210(ADLT), and has modified its recommendation to propose revisions to forms GC-210 and GC-210(P) and adopting a new form, GC-210(PE), to petition for the extension of an existing guardianship of the person.</p> <p>The committee has modified its recommendation to withdraw proposed form GC-210(ADLT) and to delete the term “adult” in reference to a ward in the other forms.</p>

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Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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			<p>specifically defines a “child,” “minor,” and “ward” for purposes of the Guardianship-Conservatorship Law (Division 4 of the Probate Code) to include an unmarried individual who is younger than 21 years of age and, who pursuant to this section, consents to the appointment of a guardian or extension of a guardianship after he or she attains 18 years of age. KIND understands the importance of differentiating between minors and non-minors in probate legal guardianships for purposes of consent and maintaining adult decision-making authority under state law. However, there are ways of recognizing this difference which do not conflict with the statutory language and legislative intent, and so the term “Adult” should not be used on the Petition.</p> <p>3) The use of the word “Adult” on the GC-210 petition could lead to unnecessary confusion with U.S. Citizenship and Immigration Services processing of SIJS applications: The wording of the petition using the word “Adult” would likely raise significant concerns and confusion with the U.S. Citizenship and Immigration Service (“USCIS”) if these petitions are seen as purely a vehicle for adults to obtain Special Immigrant Juvenile Status, contravening the intent of both the creation of SIJS and AB900 section 1 paragraph 6 to recognize and provide legal protections that already exist in the law to vulnerable immigrant youth who have suffered abuse, abandonment, and neglect to receive or</p>	<p>The committee has proposed revised petition forms that do not use the term “adult” to refer to the ward. Where certain items or provisions do not apply because of the ward’s age, the committee has used language limiting their application to wards under 18 years of age.</p>

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Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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			<p>continue receiving support through a custodial relationship with a responsible adult. This could lead to unnecessary delays, and at worst, denials with immigrant youth who are qualified to apply and receive SIJS.</p> <p>4) Modify the existing GC-210 form without using the word “Adult” to indicate “minors under 18” and “minor aged 18-20.” If the Court would like to be able to easily identify AB900 cases, rather than creating a separate box for “adult 18–21 years of age” (which conflicts with the statutory language and may be confusing for <u>USCIS</u>¹) <u>the caption could be amended in the current GC-210 form to include two options: “minor under 18” AND “minor aged 18–20.”</u></p> <p>¹ Although in general, USCIS does not require a copy of the entire guardianship petition when adjudicating an I-360 Special Immigrant Juvenile Status, in some cases they do require evidence from the underlying state court proceedings and issue a <u>request for evidence for records.</u></p> <p>5) Any GC-210 form should not have a court issue specific orders similar to a conservatorship nor imply that guardianships have no power past the ward’s 18th birthday: KIND has significant concerns about questions 13–14 on proposed GC-210(Adlt). We recommend that these questions be stricken from the form. Although we understand the Judicial Council’s goal of</p>	<p>The committee agrees and has not used the term “adult” in its revisions to form GC-210.</p> <p>The committee has modified its recommendation to delete all opportunities to request or order the appointment of a guardian with no powers or duties. The committee does not, however, recommend deleting the items for requesting and ordering specific duties or limits on those duties from the existing petition and order forms. These items, which have been elements of the forms for</p>

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Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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	Commentator	Position	Comment	Committee Response
			<p>clarifying that the non-minor ward ages 18–20 continue to have all the rights of an adult, we believe having a court issue specific orders similar to a conservatorship is unnecessary and contrary to the intent of AB900. AB900 and Probate Code 1510.1(c) make clear that a guardian of a youth age 18–20 is not authorized to abrogate any of the rights that a person who has attained 18 years of age may have as an adult under state law, including, but not limited to, decisions regarding the wards medical treatment, education, or residence, without the ward’s express consent.</p> <p>However, this does not mean that a guardianship has no effect. A guardian continues to have the responsibilities of a guardian to assume certain duties and obligations including providing for the ward’s food, clothing, shelter, education, medical and dental needs, and ensuring his safety, protection and physical and emotional growth. Given the vulnerability unaccompanied youth face navigating systems in the United States, having this kind of responsible adult to help is especially valuable. KIND is concerned that, as written, question 14 appears to anticipate a guardianship where the guardian has no powers or duties past the ward’s 18th birthday. If that were the case, we fear that USCIS could systematically deny the ward’s SIJS petition. We would recommend a consent form similar to</p>	<p>more than 20 years, reflect the court’s statutory authority to regulate guardianships of the person under section 2102 and the identified sections of the Probate Code. Furthermore, nothing in the forms does or could authorize the court to issue orders in a guardianship under those parts of the enumerated statutory provisions that apply only to conservatorships or limited conservatorships. In addition, nothing in these items is intended to preclude the guardian or the ward from petitioning to modify the terms of the guardianship. Proposed rule 7.1002.5 also expressly authorizes the ward to petition the court to modify the scope of his or her consent.</p> <p>The committee recognizes that a guardian has duties and responsibilities. The committee has attempted to reconcile the guardian’s authority to perform those duties with the ward’s rights as an adult through rule 7.1002.5 and the consent provisions on the petition forms.</p>

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Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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	Commentator	Position	Comment	Committee Response
			<p>the GC-211 but specifically for minors ages 18-20.</p> <p>6) The proposed GC-210[(ADLT)] form is dense and complicated, which may exacerbate the ability of many immigrant youth, who often cannot access legal counsel, to use and file these forms: Additionally, the density and confusing wordiness of the proposed petition will make the application process more difficult for youth and proposed guardians who must proceed pro per. Throughout California, there are many SIJS eligible youth who are unable to afford legal representation and who cannot access pro bono services, often because they live far from the majority of non-profits or due to funding or capacity issues of pro bono providers. This is particularly the case in rural locations that are primarily served by organizations that have Legal Services Corporations immigration-restrictions on them. Through our direct service work, we have heard of numerous cases of unaccompanied youth 18 and under in California who have been unable to secure counsel, especially on a pro bono basis, due to these challenges.</p> <p>7) A new GC-210(Adlt) is not likely to provide cost savings, may be more difficult to implement and train staff with, and could cause more confusion among communities and court staff: Complicated forms, even with the availability of Self-Help Centers and website</p>	<p>The committee has withdrawn the proposed petition from its recommendation. It intends it revisions to the existing petition forms as well as the new petition for extension to be as clear as possible. The revisions include the possibility of using the plain-language form GC-210(P) to petition for a guardianship of the person if the ward is over 18 years old. The separation of the petition for extension from the petitions for appointment is also intended to reduce confusion.</p> <p>The committee has withdrawn the proposed GC-210(ADLT) from its recommendation.</p>

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Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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	Commentator	Position	Comment	Committee Response
			<p>explanations, will still be difficult for immigrant youth to use and file if they cannot speak or read English or Spanish, speak only indigenous languages, cannot access courthouses easily, and cannot access computers easily. This could potentially be chilling to the filing of GC-210 and SIJS applications. For all of these reasons, having a new GC-201(Adlt) form in KIND’s opinion is not likely to provide cost savings, may be more difficult to implement and train staff (particularly at Self-Help Centers), and could cause more confusion among communities and court staff.</p>	
5.	<p>Legal Advocates for Children and Youth, by Neha Marathe, Senior Attorney San Jose</p>	AM	<p>1. LACY believes minor modifications can be made to the existing Form GC-210(P) to allow youth ages 18 to 20 years old to use Form GC-210(P) for AB 900 petitions, rather than the use of a separate Form GC-210(ADLT).</p> <p>2. LACY supports Legal Services for Children’s (LSC) recommendation to create a new Judicial Council form for Consent of the Ward/Consent of the Guardian for the reasons stated in LSC’s letter. Alternatively, LACY proposes amending the existing Form GC-210(P) to include signatures by the ward/proposed ward and the guardian/proposed guardian consenting to the guardianship or extension of guardianship at the end of Form GC-210(P), as is done in the proposed Form GC-210(ADLT).</p> <p>3. If the Judicial Council continues to</p>	<p>The committee agrees, has withdrawn proposed form GC-210(ADLT) from its recommendation, and added revisions to forms GC-210 and GC-210(P) to accommodate guardianships for 18–20-year-old youth.</p> <p>See the committee’s response to LSC’s comments, below. The committee agrees in part with the alternative suggestion and has added a consent provision and signature block for the ward on forms GC-210 and GC-210(P). The committee believes that form GC-211, item 1, is sufficient to indicate the guardian’s consent regardless of the ward’s age. If necessary, the committee may consider revising that form in the future.</p> <p>The committee has withdrawn proposed form GC-</p>

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Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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			<p>recommend the use of the separate Form GC-210(ADLT), LACY proposes the changes outlined below.</p> <p>4. LACY proposes the changes below to the amended Forms GC-240 and Forms GC-250.</p> <p>Proposed Modifications to Existing Form GC-210(P)</p> <p>1. Add sentence to the end of the Preface: “You must use Form GC-210(P) to ask the court to appoint a guardian of a minor aged 18 to 20, or to extend an existing guardianship of the person of a minor aged 18 to 20.”</p> <p>2. In Item 4, add a sentence with an adjacent checkbox stating: “The child named in (8) is a minor aged 18 to 20 years old. A Petition for SIJS Findings (GC-220) is being filed with this Petition.”</p> <p>3. Add an Item with an adjacent checkbox stating: “The child named in (8) is a minor aged 18 to 20 years old. The child’s legal guardian is/are (name(s)): _____. The order appointing the guardian was filed in this case on (month/day/year): _____. Letters of Guardianship were issued on (month/day/year) _____. A person on behalf of the child named in (8) requests, or the child named in (8) requests and/or consents,</p>	<p>210(ADLT) from its recommendation.</p> <p>See responses to specific suggestions, below.</p> <p>The committee does not recommend the suggested change. The committee has modified its recommendation to revise forms GC-210 and GC-210(P) as well as to adopt new form GC-210(PE) to serve the same purpose as this suggestion.</p> <p>The committee does not recommend the suggested change. The committee has modified its recommendation to include a check box on forms GC-210, GC-210(P), and GC-210(PE) so the petitioner may indicate that a petition for SIJ findings is attached.</p> <p>The committee has included an analogous item on form GC-210(PE), the petition to extend a guardianship of the person.</p>

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Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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	Commentator	Position	Comment	Committee Response
			<p>to extend the guardianship past the child’s 18th birthday and end on the child’s 21st birthday, or on an earlier-dated court order.”</p> <p>4. In Item 8, add “under the age of 18 years old” to the end of the existing sentence of the instruction such that it reads: “Fill out and attach to this form a Declaration under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) (form FL-105/GC-120) concerning all children below under the age of 18 years old.”</p> <p>5. Add two signature lines to the end of Form GC-210(P), with the language in the last two signature lines of proposed Form GC-210(ADLT), to indicate the consent of the ward/proposed ward and the guardian/proposed guardian to the guardianship or extension of guardianship.</p> <p>Proposed Changes to GC-210(ADLT)</p> <p>If the Judicial Council continues to recommend the use the proposed GC-210(ADLT) form, LACY proposes the following changes:</p> <p>1. Replace all references to “Adult” with “Ward.” Probate Code section 1510.1(d) states that the terms “child,” “minor,” and “ward” include an unmarried individual who is younger than 21 years of age and who, pursuant to this section, consents to the appointment of a guardian or extension of a guardianship after he</p>	<p>The committee agrees and has added language to forms GC-210 and GC-210(P) to clarify that the UCCJEA applies only to youth under age 18.</p> <p>The committee agrees in part and has included a provision for the ward’s consent and signature at the end of forms GC-210, GC-210(P), and GC-210(PE). Form GC-211, item 1, remains sufficient to indicate the guardian’s consent, regardless of the ward’s age.</p> <p>No response required. The committee has withdrawn proposed form GC-210(ADLT) from its recommendation.</p>

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Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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	Commentator	Position	Comment	Committee Response
			<p>or she attains 18 years of age.” LACY agrees with the concerns in LSC’s letter regarding use of the term “Adult” in the forms.</p> <p>2. Remove Sections 2 and 3. This information is provided in Form GC-220 Petition for Special Immigrant Juvenile Findings. Alternatively, replace Sections 2 and 3 with a sentence and adjacent checkbox stating: “The proposed ward is a minor aged 18 to 20 years old. A Petition for SIJS Findings (GC-220) is being filed with this Petition.”</p> <p>3. Remove Section 4 (c). We believe 4(c) is not needed, as a guardianship will give the guardian the authorization to perform the acts in 4(c).</p> <p>4. Remove Section 4(d) or reword to state: “orders relating to the powers and duties of the proposed guardian of the person under Probate Code sections 2351-2358 be granted, subject to Probate Code section 1510.1(c).” LACY agrees with the concerns in LSC’s letter regarding section 4(d).</p> <p>5. Remove Section 4(e). LACY agrees with the concerns in LSC’s letter regarding section 4(e).</p> <p>6. Remove Sections 10 and 11.</p> <p>7. Amend Section 12 to read: “Petitioner requests that the guardianship of the person of the ward named in item 2 be extended past the</p>	

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Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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	Commentator	Position	Comment	Committee Response
			<p>ward’s 18th birthday under Probate Code section 1510.1, to end on the date of the ward’s 21st birthday or on an earlier-dated order of this court terminating the guardianship under Probate Code sections 1600 and 1601 on the petition of the ward, or of petitioner or the guardian with the consent of the ward.”</p> <p>8. Remove Sections 13 and 14, or replace Section 13 with “Petitioner requests that orders relating to the powers and duties of the guardian of the person under Probate Code sections 2351-2358, effective from and after the ward’s 18th birthday, be granted, subject to Probate Code section 1510.1(c).”</p> <p>Proposed Changes to GC-240</p> <p>LACY proposes the following changes to GC-240 (as amended by the Judicial Council):</p> <p>1. Replace all references to “Adult” with “Ward.” Probate Code section 1510.1(d) states that the terms “child,” “minor,” and “ward” include an unmarried individual who is younger than 21 years of age and who, pursuant to this section, consents to the appointment of a guardian or extension of a guardianship after he or she attains 18 years of age.”</p> <p>2. Remove Section 13, or replace with: “Orders are granted relating to the powers and duties of the guardian of the person under Probate Code</p>	<p>The committee agrees with the suggested change and has modified its recommendation accordingly.</p> <p>The committee does not recommend modifying item 13, which applies to all guardianships of the person and has been on the form for more than 20</p>

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Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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	Commentator	Position	Comment	Committee Response
			<p>sections 2351 – 2358, subject to Probate Code section 1510.1(c).”</p> <p>Proposed Changes to GC-250</p> <p>LACY proposes the following changes to GC-250 (as amended by the Judicial Council):</p> <p>1. Replace all references to “Adult” with “Ward.” Probate Code section 1510.1(d) states that the terms “child,” “minor,” and “ward” include an unmarried individual who is younger than 21 years of age and who, pursuant to this section, consents to the appointment of a guardian or extension of a guardianship after he or she attains 18 years of age.”</p> <p>2. Remove Section 3d, or replace with: “The guardian of the person of the ward has been granted powers under Probate Code sections 2351-2358, subject to Probate Code section 1510.1(c).”</p>	<p>years. The consent provision on the petition forms, the provision in rule 7.1002.5 for the ward to petition the court to modify or withdraw consent to the performance of a specific duty, along with the ward’s statutory right to terminate the guardianship, are intended to provide adequate protection to the ward in the event of a dispute with the guardian.</p> <p>The committee agrees with the suggested change and has modified its recommendation accordingly.</p> <p>The committee does not recommend modifying item 3d, which applies to all guardianships of the person and has been on the form for more than 20 years. The consent provision on the petition forms, the provision in rule 7.1002.5 for the ward to petition the court to modify or withdraw consent to the performance of a specific duty, along with the ward’s statutory right to terminate the guardianship, are intended to provide adequate protection to the ward in the event of a dispute with the guardian.</p>
6.	Legal Aid Foundation of Los Angeles, by Daliah Setariah, Senior Attorney	AM	To Incorporate AB 900 Provisions for Guardianship Proceedings, the Current	The committee agrees, has withdrawn proposed form GC-210(ADLT) from its recommendation,

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Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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	Commentator	Position	Comment	Committee Response
	Los Angeles		<p>Guardianship Form Should Simply Be Amended to Reflect AB 900 Instead of Creating a Separate Guardianship Form. The intent of AB 900 is to protect immigrant youth who have been abused, abandoned, or neglected by their parents. AB900 added Probate Code Section 1510.1 and amended Sections 1490, 1600, and 1601. These changes enable immigrant youth aged 18 to 21 to obtain a guardian and also provide the youth access to a state juvenile court authorized to make Special Immigrant Juvenile (SIJ) findings. Such findings are necessary predicate orders allowing the youth to apply for Special Immigrant Juvenile Status (SUS) immigration status with the U.S. Citizenship & Immigration Services (USCIS), the federal agency adjudicating SUS applications.</p> <p>The creation of an entirely new petition for appointment of a guardian pursuant to AB 900 is unnecessary and poses a danger of undermining the purpose of AB 900 as it may lead to USCIS denying SUS immigration status to youth. It is in the interest of judicial economy and in the interest of the youth that, rather, the existing guardianship petition be modified to incorporate the new provisions under AB 900 guardianships. The current form GC-210 can simply be amended to add a provision allowing the ward or proposed ward to consent to the appointment or extension of a guardianship, rather than creating an entirely new form solely</p>	<p>and has included revisions to the existing guardianship petitions consistent with the language and the intent of AB 900.</p> <p>The committee agrees and has withdrawn proposed form GC-210(ADLT) from its recommendation.</p>

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Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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	Commentator	Position	Comment	Committee Response
			<p>for this purpose.</p> <p>a. The Term "ADULT" Throughout the Proposed Forms "GC-210(ADLT), Revised GC-240 (Order Appointing Guardian) and GC-250 (Letters of Guardianship) May Cause SUS Petitions to be Denied by USCIS.</p> <p>The inclusion of the term "adult" in the proposed guardianship forms may lead to denials of SUS applications by USCIS. Specifically, USCIS will not grant SUS immigration benefits to applicants who were not treated as juveniles under state law when petitioning for guardianships and SU findings. Thus, the inclusion of the term "adult," may lead USCIS to determine that a California Probate Court was not treating the applicant as a "youth" when making the predicate SIJ findings during a Sec. 1510.1 guardianship proceeding. Consequently, one of the primary goals of AB 900, which is to provide greater access to SIJS benefits for eligible youth, would be undermined.</p> <p>Moreover, section 1510.1(d) of the Probate Code already incorporates "youth over the age of 18" who consent to a guardianship into the definition of the terms "child," "minor," and "ward." Therefore, the term "adult" is problematic and poses an unnecessary risk to the youth's stability and opportunity for obtaining SUS immigration benefits from USCIS.</p>	<p>The committee agrees, has withdrawn proposed form GC-210(ADLT) from its recommendation, and has removed references to the ward as an adult from the other proposed forms.</p>

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Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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			<p>b. AB 900 Does Not Empower the Court to Specify or Otherwise Limit the Powers and Duties of a Guardian, as a Limited Guardianship is Contrary to the Intent of AB 900.</p> <p>It is clear that the intent of the legislature in introducing and passing AB 900 was to authorize a robust role for guardians of immigrant youth aged 18 to 21, one that matched, to the greatest extent, the role legal guardians have traditionally held for younger minors in this state. The legislative intent of the bill provides a thorough justification for providing guardians appointed pursuant to Probate Code Section 1510.1 with the full powers and duties of a probate legal guardian in order to provide protection, stability, and guidance to these youth.</p> <p>The option on the proposed GC-210(ADLT) in questions 4.e and 14 allowing for a guardian to be appointed with no powers and duties over the ward poses two risks for eligible youth. First, providing probate courts with an option to appoint guardians with limited or no powers and duties renders the ward without the protection, stability, and guidance envisioned by the legislature. The purpose of the guardianship is to assist immigrant youth who have experienced parental abandonment, abuse, or neglect, navigate our culture and social systems with the help of a responsible adult. It is therefore,</p>	<p>The committee agrees that AB 900 does not authorize the court to specify or otherwise limit the powers and duties of a guardian. Neither, however, does it restrict the court’s existing statutory authority to do so.</p> <p>The committee has removed from its recommendation all opportunities to request or order the appointment of a guardian with no powers or duties.</p>

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Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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			<p>essential that such a guardian is held to the highest standard with all the usual powers and duties of a guardian. Second, as the text and purpose of AB 900 make clear, these guardianships are not designed merely to provide an immigration benefit. A stripped down version of a guardianship is not only contrary to the language and intent of AB 900, but it would likely lead to USCIS denials of SIJS applications. USCIS will only grant SIJS immigration benefits to a youth if it determines that the state court action was not initiated solely for an immigration benefit. Thus, where the guardianship is essentially in name only, because no powers or duties were conveyed, USCIS could rightly question the purpose of the state court action granting a guardianship and consequently deny a SIJS petition.</p> <p>Similarly, questions 4.d and 13 on the GC-210(ADLT) pose the same problem, as they allow for limitations to be placed on the duties a guardian owes the ward. AB 900 does not require the court to determine specific powers and duties of the guardian or otherwise minimize the role of the guardian. In fact, as stated above, a stripped down version of guardianship is contrary to the envisioned role of such guardians and may result in a denial of SUS immigration benefits by USCIS.</p> <p>c. Information Regarding a Minor's Birth in a Foreign Country is Irrelevant to the</p>	<p>The committee has withdrawn proposed form GC-210(ADLT) from its recommendation, but does not recommend removing these items from the existing petition forms. These items reflect the court's existing statutory authority under section 2102 and the specified code sections over all guardianships of the person, regardless of the ward's age. They have been elements of the petition, order, and letters for more than 20 years.</p> <p>The committee has not included any requests for that information in its recommendation.</p>

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Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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			<p>Standard for Adjudicating Guardianship Petitions.</p> <p>The proposed form solicits information about the foreign birth of the ward or proposed ward (e.g. question 2 on the GC-210(ADLT)), and requests extensive and superfluous information about the ward or proposed ward's petition for Special Immigrant Juvenile Findings (e.g. question 4.c on the GC-210(ADLT)).</p> <p>A court does not require this information, because it is immaterial to the question of whether the guardianship is in the proposed ward's best interest. While Probate Code Section 1510.1 is meant to assist immigrant youth, it does not require that the children be foreign born. Furthermore, the precise country of the youth's birth is not relevant to the court's determination if the child was abused, abandoned or neglected and requires a guardian. Nor, is a determination of the country of birth required by the statute.</p> <p>AB 900 was passed to address the needs of abused, abandoned, or neglected immigrant youth and to align California law with federal immigration law in terms of Special Immigrant Juvenile Status. To that end, AB 900 extended the access to the protections of probate legal guardianship to youth aged 18 to 21 years old. This legislative change ensures that such youth may benefit from the care and advocacy of a legal guardian and create the opportunity to have a state juvenile court make findings</p>	<p>No further response required.</p>

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Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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			pursuant to California Civil Code of Procedure Section 155. We urge the Judicial Council to modify the proposed forms as described above in other to comply with and further the goals of AB 900. Creating further differences between guardianships pursuant to Probate Code Section 1510.1 and those established under other sections of the Probate Code may undermine the very intent of AB 900, namely to help immigrant youth obtain a guardian and obtain immigration status.	
7.	<p>Legal Services for Children, by Hayley Upshaw Senior Staff Attorney/Immigration Project Director</p> <p>Anjuli Arora Dow Senior Staff Attorney/Guardianship Project Director San Francisco</p>	AM	<p>We thank the Judicial Council for its thoughtful efforts to quickly implement a process for handling new petitions for non-minor guardianships and extensions of guardianships for youth ages 18-20, pursuant to AB 900. Through both our individual clients and our consultations with other advocates around California, we have seen too many youth in California who meet the federal SIJS eligibility requirements and could benefit from a supportive caregiver but who are unable to access state court jurisdiction or obtain the state court predicate order necessary to apply for SIJS.</p> <p>I. Overall comments about guardianship petitions for AB900 youth</p> <p>The first question to be decided by the Judicial Council is whether it makes sense to have a separate guardianship petition specifically for</p>	<p>No response required.</p> <p>The committee agrees and has withdrawn proposed form GC-210(ADLT) from its recommendation, added revisions to forms GC-</p>

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Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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	Commentator	Position	Comment	Committee Response
			<p>youth ages 18-20. There are benefits and drawbacks to having a separate petition but on balance, Legal Services for Children believes that the goals could be better met by making minor modifications to the existing GC-210 and/or GC-210(P) and including an additional form for the extension of an existing guardianship.</p> <p>If the Judicial Council continues to recommend the use of a separate guardianship petition for AB900 youth, we have some concerns and suggested edits to the current GC-210(Adlt) as drafted and will make suggested amendments in Section III below.</p> <p>Our main concerns about the GC-210(Adlt) as drafted are:</p> <p>A. First, the use of the word “Adult” throughout the Petition. We believe this conflicts with AB900 and Probate Code section 1510.1(d), which specifically defines a “child,” “minor,” and “ward” for purposes of the Guardianship-Conservatorship Law (Division 4 of the Probate Code) <i>to include an unmarried individual who is younger than 21 years of age and, who pursuant to this section, consents to the appointment of a guardian or extension of a guardianship after he or she attains 18 years of age.</i></p> <p>1. We understand the importance of</p>	<p>210 and GC-210(P), and propose new form GC-210(PE) to extend an existing guardianship.</p> <p>No further response required.</p>

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Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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			<p>differentiating between minors and non-minors in probate legal guardianships for purposes of consent and maintaining adult decision-making authority under state law but believe that there are ways of recognizing this difference which do not conflict with the statutory language and legislative intent.</p> <p>2. We are also concerned that the wording of the petition might raise concerns at the U.S. Citizenship and Immigration Service (“USCIS”) level if these petitions are seen as purely a vehicle for adults to obtain Special Immigrant Juvenile Status rather than being recognized as a way for this particular class of vulnerable youth who have suffered abuse, abandonment, and neglect to receive or continue receiving support through a custodial relationship with a responsible adult, as outlined in the legislative intent in AB 900 section 1 paragraph 6.</p> <p>B. Secondly, the density/wordiness of the proposed petition will make the application process more difficult for youth and proposed guardians who must proceed pro per. Throughout California, there are many SIJS eligible youth who are unable to afford legal representation and who cannot access pro bono services, often because they live far from the majority of non-profits or due to funding or capacity issues of pro bono providers. Through our direct service work and legal advice line, we</p>	

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Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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			<p>have heard of numerous cases of unaccompanied youth 18 and under in California who have been unable to secure counsel due to these challenges. In addition, due to funding restrictions that some sources (including state funding from SB 873) impose, youth over 18 may be even less likely to find pro bono counsel. If the Judicial Council wishes to maintain the GC-210(Adlt), we have made suggestions in section III below on how to streamline the existing form to make it more client friendly.</p> <p>II. Proposal/Recommendations to Amend Existing GC-210 and/or GC-210 (P) petition</p> <p>Recommendation: Legal Services for Children recommends making minor amendments to the existing GC-210 and/or GC-210(P) petitions that would allow youth ages 18-20 to use it for AB900 petitions along with creating 2 separate 1-page forms, one for the youth’s consent and the other for an extension of an existing guardianship.</p> <p>A. <u>Proposed Changes to GC-210 and/or GC-210(P)</u></p> <p>Because AB900 specifically defines a “child,” “minor,” and “ward” for purposes of the Guardianship-Conservatorship Law (Division 4 of the Probate Code) to include unmarried youth under age 21, who consent to the appointment</p>	<p>The committee agrees and has modified its recommendation to revise forms GC-210 and GC-210(P) to allow its use in guardianships of the person when the ward is 18–20 years old.</p>

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Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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			<p>of a guardian, we believe only minor changes would be needed to make the existing GC-210 work well for AB900 cases. These changes are as follows:</p> <p>1. If the Court would like to be able to easily identify AB900 cases, rather than creating a separate box for “adult 18–21 years of age” (which conflicts with the statutory language and may be confusing for USCIS¹) the caption could be amended to include 2 options: <u>“minor under 18” AND “minor aged 18–20.”</u></p> <p>¹ Although in general, USCIS does not require a copy of the entire guardianship petition when adjudicating an I-360 Special Immigrant Juvenile Status, in some cases they do require evidence from the underlying state court proceedings and issue a <u>request for evidence for records.</u></p> <p>2. In number 1, a section (h) could be added saying an order making “Special Immigrant Juvenile Findings” be granted, as requested in the GC-220</p> <p>a. This information could also be included in section 1 (g) as an attachment but adding it as a separate box may be helpful for courts to easily ensure that the guardianship is being filed in connection with a GC-220 Petition for Special Immigrant Juvenile Findings, as required by AB900 Section</p>	<p>The committee does not recommend distinguishing between wards under age 18 and wards 18–20 years old in the caption box.</p> <p>The committee does not recommend modifying item 1 for refer to SIJ findings. Instead, the committee recommends adding a check box to item 13 for the petitioner to indicate that a petition for SIJ findings is filed concurrently.</p>

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Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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			<p>1510.1(a)(1).</p> <p>3. The parenthetical after number 12 could be amended to clarify that the UCCJEA is only required for guardianships of the person under 18.</p> <p>4. Number 13 could be amended to include three extra boxes for possible forms filed in conjunction:</p> <p>a. Petition for Special Immigrant Juvenile Findings (GC-220)</p> <p>i. Alternatively, this could also be written in by the Petitioner under the existing “other” box but including it as a separate box might be helpful for Courts to verify that the petition was filed in connection with the Petition for SIJS findings as required by AB 900 Section 1510.1(a)(1) and would also make it clearer for pro per applicants.</p> <p>b. Petition for Extension of Guardianship Beyond the Ward’s 18th Birthday (new GC #)—new proposed form—see below</p> <p>c. Consent of Ward (new GC #)—new</p>	<p>The committee agrees and has modified its recommendation accordingly.</p> <p>The committee agrees and recommends adding a check box to item 13 for the petitioner to indicate that a petition for SIJ findings is filed concurrently.</p> <p>The committee does not recommend adding the suggested check box. The committee believes that a petition to extend a guardianship past the ward’s 18th birthday will rarely be filed in conjunction with a petition for appointment of a guardian. In those rare cases, the petitioner may so indicate by checking and completing the “Other” box.</p> <p>The committee does not recommend the suggested</p>

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Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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			<p>proposed form—see below</p> <p>5. Consent of Ward – although LSC recommends creating a new Judicial Council form for consent of the ward for reasons outlined below, if the Judicial Council chooses not to create a separate form for this purpose, the existing GC-210 and/or GC-210(P) could be amended to include a signature by the ward/proposed ward consenting to the guardianship at the end of the petition (as is done in the proposed GC-210(Adlt)).</p> <p>B. Proposed New Forms for AB 900 Cases</p> <p>In the event that the Judicial Council chooses to amend the existing Petition form, one or two additional forms would be needed but both could be shorter than the existing proposed GC-210(Adlt) to avoid the density of the proposed GC-210(Adlt). The additional forms that would be needed are:</p> <p>1. Petition for Extension of Guardianship Beyond the Ward’s 18th Birthday</p> <p>a. This form would only need to be used in cases where a guardianship was in place for a minor and that minor needed to extend the guardianship past age 18.</p>	<p>change. See the response to comment 5, immediately below.</p> <p>The committee agrees and has added a consent provision and signature block at the end of revised forms GC-210 and GC-210(P).</p> <p>The committee agrees with the suggestion and has modified its recommendation to add proposed form GC-210(PE) for a petition to extend a guardianship of the person past the ward’s 18th birthday.</p>

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Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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			<p>i. Note: This is generally not necessary for immigration purposes, as under the class action Perez Olano settlement agreement, if a minor has an existing guardianship that later terminates based on age, as would normally be the case at age 18, that minor is still eligible for Special Immigrant Juvenile Status. However, given the vulnerable nature of the class of unaccompanied youth that AB900 is designed to protect, youth may wish to extend the guardianship for purposes of continuing to receive support from their guardian/caregiver.</p> <p>b. This form could mirror the Questions 1(b), and 10-12 on proposed GC-210(Adlt).</p> <p>2. Consent of Ward/Consent of Guardian</p> <p>a. While this could be added as a separate signature on the petition itself, we believe it would be beneficial to have a separate form for the ward to sign consenting to the guardianship for the following reasons:</p> <p>i. It would make it clear to the guardian and the ward that the ward’s consent is needed for the guardianship to be in effect thus recognizing the non-minor’s adult decision making authority when they turn 18 years old.</p> <p>ii. It could serve as an authorization for the</p>	<p>The committee does not recommend the suggested form. Instead, the committee has added a consent provision and signature block at the end of revised forms GC-210 and GC-210(P).</p> <p>The committee intends the directions and the consent provision on the petition forms to make clear that the consent of a ward 18 or older is necessary.</p> <p>The committee intends the consent provision on</p>

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Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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			<p>guardian to speak and act on the ward’s behalf in matters where the guardian and the ward agree.</p> <p>1. This could be especially beneficial as one of the main purposes of this bill is to provide an avenue for youth to receive the support and guidance of a responsible adult as they undergo their immigration process, acculturate to the United States, and learn how to navigate systems and begin to recover from the trauma of the abuse, neglect, or abandonment they have suffered.</p> <p>b. Note: We have significant concerns about questions 13–14 on proposed GC-210(Adlt). We recommend that these questions be stricken from the form.</p> <p>iii. Though we understand the Judicial Council’s goal of clarifying that the non-minor ward ages 18–20, continues to have all the rights of an adult, we believe having a court issue specific orders similar to a conservatorship is unnecessary and contrary to the intent of AB900.</p>	<p>the petition forms and the procedure for the ward to withdraw or modify his or her consent in rule 7.1002.5 to authorize the guardian to act on the ward’s behalf in the absence of a dispute and to protect the ward’s rights under section 1510.1(c).</p> <p>The committee has removed all opportunities to request or order the appointment of a guardian with no duties. The committee does not, however, recommend removing from the forms the opportunity to request or order additional duties or limits on those duties. The court has held this authority with respect to all guardianships of the person for more than 20 years under sections 2102 and 2351–2358.</p> <p>The committee intends the provisions on the forms for requesting and issuing specific orders to apply to all guardianships of the person. To the extent that a statute applies only to conservatorships (see, e.g., Prob. Code, § 2351(b)–(c)), the court does not have authority under it to issue orders in a guardianship. But where a statute authorizes the court to issue orders</p>

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Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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			<p>iv. AB900 and Probate Code 1510.1(c) make clear that a guardian of a youth age 18–20 is not authorized to abrogate any of the rights that a person who has attained 18 years of age may have as an adult under state law, including, but not limited to, decisions regarding the wards medical treatment, education, or residence, without the ward’s express consent. However, this does not mean that a guardianship has no effect. A guardian continues to have the responsibilities of a guardian to assume certain duties and obligations including providing for the ward’s food, clothing, shelter, education, medical and dental needs, and ensuring his safety, protection, and physical and emotional growth. Given the vulnerable nature of this class of unaccompanied youth and the challenges they face navigating systems in the United States, having this kind of responsible adult to help is especially valuable. Though the guardian does not maintain the same decision making power over these non-minor wards (such as educational placement and services, and residence), this kind of limitation on decision-making power of a guardian is not without precedent in the Probate Code. For example, Probate Code section 2353 relating to medical treatment provides that guardians have the right to consent to medical treatment</p>	<p>in guardianships (see, e.g., § 2351 (a), (d)), that authority extends to all guardianships.</p> <p>The committee believes that section 1510.1(c) is open to the interpretation that every decision or act of the guardian must be expressly approved by the ward regardless of the existence of a disagreement. The committee understands that the guardian has the same duties as any guardian of the person; the committee’s concern was that the guardian had no authority to perform those duties. By interpreting section 1510.1(c) to apply only in the event of a dispute, the committee has tried to further the legislative intent by reconciling the guardian’s powers and duties with the statutory language limiting them.</p>

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Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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			<p>for a ward but requires that for minors ages 14 and older, the ward must also consent to the surgery or the court must authorize it and clarifies that the guardian’s consent is not required where the ward otherwise could consent to the treatment alone (e.g., in certain family planning or sexual health matters).</p> <p>v. We are concerned that, as written, question 14 appears to anticipate a guardianship where the guardian has no powers or duties past the ward’s 18th birthday. If that were the case, USCIS could rightly deny the ward’s Special Immigrant Juvenile Status petition as the only purpose of the guardianship would be for an immigration benefit.</p> <p>c. We would recommend a consent form similar to the GC-211 but specifically for minors ages 18-20. The consent form could say something like:</p> <p>vi. Consent of Ward/Proposed Ward Age 18–20</p> <p>vii. Pursuant to Probate Code Section 1510.1, I consent to have [name of guardian/proposed guardian] serve as guardian of my person.</p> <p>viii. By signing this, I authorize _____ to speak/act on my behalf in matters involving residence, education, work, legal representation, however I understand that if my guardian and I disagree, I</p>	<p>The committee has removed all opportunities to request or order the appointment of a guardian with no duties.</p> <p>The committee agrees that the consent of the ward to the establishment or extension of the guardianship is necessary, but has chosen to provide to that consent on the petition forms. The directions and statement on those forms, combined with the procedures in rule 7.1002.5(c) for withdrawing or modifying consent, are intended to provide the ward with the same options as those suggested by the commentator.</p>

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Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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			<p>can revoke this consent at any time and/or terminate the guardianship.</p> <p>ix. Consent of Guardian/Proposed Guardian</p> <p>x. I agree to serve as guardian of the person of _____.</p> <p>xi. I understand that after turning 18, _____ will have the rights of an adult to make decisions and I agree to only act on behalf of _____ to the extent that he/she so consents.</p> <p>III. Recommended Changes to Proposed Forms</p> <p>If the Judicial Council continues to recommend the use of a separate guardianship petition for AB900 youth, the following are our recommended changes:</p> <p>Changes to Proposed GC-210(Adlt)</p> <p>1. Refer to the 18-20 year old Petitioner as “child” or “non-minor” and replace all references to adult with respect to the ward including in the caption and form title. The word “adult” conflicts with the language and intent of AB900 and specifically Probate Code section 1510.1(d), which defines a “child,” “minor,” and “ward” for purposes of the Guardianship-Conservatorship Law (division 4</p>	<p>The committee does not recommend creating a new, separate form for consent of the guardian. Existing form GC-211 provides one opportunity for the guardian to consent. The guardian must also sign the Letters (form GC-250) to affirm his or her acceptance of the legal duties of a guardian. To the extent that the ward’s age qualifies the duties of the guardian, that information would properly be reflected on <i>Duties of Guardian</i> (form GC-248). If probate courts or guardians of ward 18 and older report confusion or uncertainty about the scope of the guardian’s duties, the committee is likely to consider clarifying revisions in the future.</p> <p>The committee has removed form GC-210(ADLT) from its recommendation.</p>

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Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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			<p>of the Probate Code) to include an unmarried individual who is younger than 21 years of age and, who pursuant to this section, consents to the appointment of a guardian or extension of a guardianship after he or she attains 18 years of age.</p> <p>2. Remove Sections 2 and 3. We believe these are unnecessary, as this information is provided in the GC-220 Petition for Special Immigrant Juvenile Findings and makes the guardianship petition unnecessarily long and wordy which may be confusing for pro per applicants. If the Judicial Council wants to include a question to confirm that a SIJS petition is being filed in connection with the guardianship petition pursuant to AB 900 Section 1510.1(a)(1), we suggest including a box stating that Minor has filed concurrently or intends to file a “Petition for Special Immigrant Juvenile Findings, GC-220.”</p> <p>3. Remove question 4 sections (c)–(e) and replace with a separate consent of ward form (as illustrated above in Section II.B(2)). Or reword to be clear that guardian continues to have duties of guardian. As described above (see section II.B(2)), we have concerns about these sections as worded in a way that is contrary to the legislative intent of AB900.</p> <p>a. Additionally, question 4(e) appears to anticipate a guardianship where the guardian</p>	

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Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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			<p>has no powers or duties past the ward’s 18th birthday. If that were the case, USCIS could rightly deny the ward’s Special Immigrant Juvenile Status petition as the only purpose of the guardianship would be for <u>an immigration benefit</u>.²</p> <p>² In fact, there are numerous non-immigration benefits to a continued guardianship including the guardian’s continued support of the minor, medical benefits and benefits for financial aid. Although it is true that most youth do not have a legal right to these continued financial supports after the age of 18 or 19, the legislature in this case has identified unaccompanied youth as a particularly vulnerable class that would benefit from continued support. By agreeing to a post-18 guardianship, the guardian would be entering a voluntary agreement to provide this role of providing continued support for a member of this vulnerable class. Having a guardianship established will enable youth to access different financial aid benefits through the FAFSA system. If a legal guardian has private health care coverage, an unaccompanied youth can be added to their health care plan under the Affordable Care Act. Also, as unaccompanied youth, these youth would all benefit from having a guardian in the event of a medical emergency to make next-of-kin related</p>	

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			<p><u>decisions</u></p> <p>b. To address the need for consent, utilize a separate consent form to be signed by the ward/proposed ward and guardian/proposed guardian, as outlined in section II. 2(c) above.</p> <p>4. Question 8: Instructions in Question 8 could be addressed in a Rule of Court resulting in less text.</p> <p>5. For Question 9, we would recommend adding:</p> <p>a. Petition for Special Immigrant Juvenile Findings (GC-220)</p> <p>i. This could also be written in by the applicant under the existing “other” box but including it as a separate box might be helpful for courts to verify that the petition was filed in connection with the Petition for SIJS findings as required by AB 900 Section 1510.1(a)(1) and would also make it clearer for pro per applicants.</p> <p>b. Consent of Ward (new GC #) – new proposed form – see above section II. 2(b)(2))</p> <p>6. Remove or Reword Questions 13-14 on proposed GC-210(Adlt) for reasons noted above in Section II.B, and II. 2(b)(2)).</p>	

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			<p>a. We are concerned that, as written, question 14 appears to anticipate a guardianship where the guardian has no powers or duties past the ward’s 18th birthday. If that were the case, USCIS could rightly deny the ward’s Special Immigrant Juvenile Status petition as the only purpose of the guardianship would be for an immigration benefit.</p> <p>b. We believe that the best option would be to have this information included in a separate consent form to be signed by the ward/proposed ward and guardian/proposed guardian, as outlined in section II.2(b)(2)) above.</p> <p>Changes to Proposed GC-240 & 250</p> <p>Legal Services for Children recommends that the Judicial Council proceed by amending the general GC-210 in which case, additional orders and letters of guardianship would not be needed.</p> <p>In that event, the Judicial Council could create a separate order for extending guardianship of a minor age 18-20, which could include questions 1 and 4 from the proposed GC-240.</p> <p>However, if the Judicial Council chooses to issue a separate petition for AB900 applicants, we strongly recommend that the word “adult” be removed from the proposed GC-240 and GC-250 captions and replaced with “child” or</p>	<p>The committee does not recommend creating new, separate forms for orders and letters for guardianships of wards 18 and older.</p> <p>The committee agrees and has modified its recommendation to include form GC-210(PE), a petition to extend a guardianship of the person.</p> <p>The committee has modified its recommendation to avoid using the term “adult” to refer to wards or proposed wards.</p>

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Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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			<p>“minor” pursuant to the definition of those terms in Probate Code section 1510.1(d).</p> <p>Further, we recommend that question 13 be deleted from the proposed GC-240, and question 3.d be deleted from the proposed GC-250 for the reasons stated above in Section II.B, and II. 2 (b)(2)).</p> <p>IV. Rule of Court</p> <p>We appreciate that given the expedited time frame required for proposed forms, the Probate and Mental Health Advisory Committee did not draft any rule of court in time for this proposal but we do believe that given the novelty of this practice and concerns by both practitioners and the courts about the procedures in these cases, that a rule of court specifically addressing AB900 would be helpful.</p> <p>The rule could specifically address:</p> <ol style="list-style-type: none"> 1. What forms are required for a guardianship with a minor post 18 2. What notice if any is required and to whom 3. What the procedure should be for returning to court if the guardianship falls apart and the minor no longer consents to the guardian acting on his or her behalf 	<p>The committee agrees and has deleted item 13a from form GC-240 and item 3d from form GC-250. These forms no longer provide the option to indicate that the guardian has been appointed with no powers or duties.</p> <p>The committee agrees in part and has modified its recommendation to include a new rule addressing the consent of an 18–20-year-old ward and amendments to other rules to indicate circumstances in which the procedures or requirements for guardianships for wards 18 years of age or older diverge from those applicable to other guardianships.</p>

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			<p>4. What should the procedure be if there is a dispute regarding a specific decision or action by the guardian</p> <p>5. What reporting if any there should be to the court while the guardianship is ongoing (should the minor and guardian submit annual status reports?)</p> <p>6. When the guardianship would terminate (age 21 or when minor is granted Adjustment of Status through SIJS?) automatically</p>	
8.	Office of Legal Services Standing Committee on the Delivery of Legal Services State Bar of California San Francisco	AM	<p>Does the proposal appropriately address the stated purpose?</p> <p>Partially. The stated purpose of the proposal is to implement section 1510.1 of the Probate Code by adopting rules and forms needed to implement the creation of new and extended guardianships in connection with Special Immigrant Juvenile Status applications. The proposal addresses this purpose in part. SCDLS suggests that a new rule of court be adopted to clarify the process and to mirror, with appropriate modifications, the rule of court (rule 7.1020) recently adopted in response to SB 873. Absence of a rule to account for the change provided by the addition of section 1510.1 would only create ambiguity. Alternatively, rule 7.1020 could be modified to account for the extension of the law provided by section 1510.1.</p> <p>SCDLS agrees with the approach taken to</p>	<p>The committee agrees that rules of court would help to clarify the incorporation of these section 1510.1 guardianships into the existing procedural scheme and to highlight the respects in which they differ from that scheme. The committee does not, however, recommend a rule that parallels rule 7.1020, which addresses requests for SIJ findings, not petitions for guardianship. The SIJ findings depend in part on the appointment of a guardian of the person; they are not an alternative to a guardianship.</p> <p>In light of the weight of comment and the</p>

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Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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	Commentator	Position	Comment	Committee Response
			<p>combine into a single form (GC-210 ADLT) the two petitions authorized by Section 1510.1. However, for purposes of clarification, SCDLS suggests the following modification to Form GC-210 (ADLT):</p> <p>At page 1, after paragraph 2, the directions state that if the petitioner is requesting an extension of the guardianship, to go to "item 11" on page 3. It appears that the reference to "11" is a typo and should be replaced with "10."</p> <p>Also, SCDLS suggests that these same directions indicate that items 3 through 9 should be skipped and specify that the extension petition is available only if the proposed guardian is to remain the same so that the sentence should state as follows:</p> <p>“(If you are requesting the extension of an existing guardianship of the ward named in item 2 with no proposed change in guardian, skip items 3 through 9, and go to item 10 on page 3.)”</p> <p>Also, at the bottom of page 2 after item 9, it is suggested that the following statement be added:</p>	<p>clarification of legislative intent, the committee has modified its recommendation to withdraw form GC-210(ADLT). Instead, the committee recommends incorporating petitions for appointment of a guardian for a youth 18 or older into the existing petition forms, GC-210 and GC-210(P). The committee also recommends adopting a new form, GC-210(PE), for a petition to extend a guardianship.</p> <p>No response required.</p> <p>No response required.</p> <p>No response required.</p>

W16-14

Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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

	Commentator	Position	Comment	Committee Response
			<p>“(If you completed items 3 through 9 for an initial petition, skip items 10-15 and go to item 16.)”</p> <p>Additional Comments By virtue of the nature of Special Immigrant Juvenile Status, many of the wards or guardians filing petitions under section 1510.1 will be low-income and limited or non-English speakers. The entire probate guardianship process itself can be complicated for the self-represented litigant. Thus, not limited to the specific proposal presented herein, plain language forms and instructions (or informational forms), particularly when the [guardianship*] is only over a person, would improve the ability of self-represented low income litigants to access the process.</p> <p>For this particular proposal, translation of GC-210 to Spanish (similar to translation of GC-220) may help LEP litigants and those that may be assisting LEP litigants complete the forms.</p> <p>Additionally, it would be helpful to have a rule of court that specifies how a petitioner requesting Special Immigrant Juvenile Findings under form GC-220 may request a hearing or request for order on the GC-220 (by submitting, for example, a GC-020).</p>	<p>The committee agrees in principle with the suggested change. The proposed new form GC-210(PE) is recommended in the plain-language format. Form GC-210(P), which applies to all guardianships of the person, including those under section 1510.1, is also a plain-language form. As time and resources become available, the committee may consider converting other appropriate forms to plain language.</p> <p>The committee’s modified recommendations include revisions to form GC-210(P), which is currently available in Spanish translation. The committee anticipates that the revisions will be translated and incorporated into the existing translation.</p> <p>The committee does not recommend the suggested change. Under section 1041 of the Probate Code, the clerk is required to set for hearing any petition that requires a hearing, including petitions for SIJ findings.</p>

W16-14

Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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

	Commentator	Position	Comment	Committee Response
9.	Orange County Bar Association, by Todd G. Friedland, President, Newport Beach	A	No specific comment.	No response required.
10.	San Diego Volunteer Lawyer Program, Inc., by Amy Fitzpatrick, Esq. Chief Executive Officer San Diego	AM	<p>1. Comments on Proposed Form GC-210(ADLT) and Revised Forms GC-240 and GC-250</p> <p>We request that the Judicial Council remove the word “ADULT” on all Forms: All proposed/revised forms include a box for “ADULT 18-21 YEARS OF AGE.” Probate Code section 1510.1(d) states that the terms “child,” “minor,” and “ward” include an unmarried individual who is younger than 21. In the California Legislature findings and declarations, the Legislature refers to individuals between the ages of 18-21 not as “adults” but as “unaccompanied immigrant youth” (see 2015 Note(a)(5) and (a)(6) following Probate Code section 1490) and “youth” (see 2015 Note(a)(7) following Probate Code section 1490). The intent of the Legislature was to align Federal law, allowing undocumented immigrant youth under 21 to apply for SIJS, with state law, which prior to the addition of PC 1510.1, prohibited guardianships past age 18. There is no legal basis to categorize the individuals between the ages of 18-21 as “ADULTS” and our fear is that it will cause unnecessary confusion or denials of legal status when these immigrant youth apply to United States Citizenship and Immigration Services (USCIS) for SIJS.</p>	The committee agrees and has eliminated inappropriate use of the term “adult” to refer to a ward who is 18–20 years of age from the recommended forms.

W16-14

Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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

	Commentator	Position	Comment	Committee Response
			<p><i>Recommendation:</i> When referring to the proposed ward who is between the ages of 18-21, remove any reference to “ADULT.” Continue to use the headings from GC-210 (7/1/09), GC-240 (1/1/98), and GC-250 (1/1/09) which refer to “minor” and per PC 1510.1(d), would already include a proposed ward between the ages of 18-21. In the alternative, refer to the immigrant youth as “minor age 18-20.”</p> <p>2. Comments on Revised Form GC-240 We ask the Judicial Council to either eliminate or revise Number 13a on Page 2 of the Revised Form GC-240. GC-210(ADLT), Number 4d aligns with GC-240, Number 13b; however, GC-210(ADLT), Number 4e does not align with GC-240, Number 13a. Currently, Number 13a reads, “No powers under Probate Code sections 2351-2358 are granted to the guardian of the person of the ward 18-21 years old.” It is recommended that 13a be revised or eliminated completely. If 13a were to be selected as it is currently written, the guardian would have no powers. United States Citizenship and Immigration Services would not grant an SIJS petition where the guardian had no powers or duties, as the only purpose of the guardianship would be for immigration purposes. The Legislature intended that the guardian retain some powers to protect the vulnerable immigrant youth when stating youth would benefit from a “custodial relationship” with a</p>	<p>The committee agrees and has eliminated item 13a from form GC-240.</p>

W16-14

Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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

	Commentator	Position	Comment	Committee Response
			<p>responsible adult. See 2015 Note(a)(6) following Probate Code section 1490.</p> <p><i>Recommendation:</i> Number 13a on Page 2 of the proposed revised GC-240 should be eliminated or revised to read, “No orders concerning the power and duties of the guardian of the person of the ward are made at this time.</p> <p>Under Findings listed on Page 1, the following finding should be included: “Petitioner, the guardian, and the ward understand that the guardianship order does not authorize the guardian to abrogate any of the rights that a person who has attained 18 years of age may have as an adult under state law.”</p> <p>3. Comments on Proposed Form GC-210(ADLT) Ensuring continuous legal guardianship & ensuring an efficient and userfriendly process is important, especially for this vulnerable group of individuals, as they may or may not have legal representation or easy access to the courts. We recommend eliminating Proposed Form GC-210(ADLT) and instead amending GC-210 to request guardianship for immigrant youth under age 21. Revising GC-210, instead of adding proposed form GC-210(ADLT), could be more efficient than navigating a new and separate petition for self-represented litigants, legal services organizations, and the court. In cases where a minor is 17 when the petition for</p>	<p>The committee does not recommend the suggested change. The committee has determined that specification in rule 7.1002.5 and consent on the petition better serve the statutory purpose.</p> <p>The committee agrees, has removed proposed form GC-210(ADLT) from the proposal, and recommends adopting form GC-210(PE) and revising forms GC-210, GC-210(P) to implement AB 900.</p>

W16-14

Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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

	Commentator	Position	Comment	Committee Response
			<p>guardianship is filed, but 18 when the guardianship is granted, the proposed GC-210(ADLT) would require the minor to file a new, separate petition for an extended guardianship. This could lead to a gap in timing where the immigrant youth does not have a legal guardian, it could initiate a second separate hearing, and the second petition would have to be noticed and served. Probate Code 1510.1 does not require that a new and separate petition be used to request guardianship past the age of 18. Where a guardianship is requested for a minor who is under 18, but soon will be turning 18, and for the purposes of allowing the ward to complete the application process with USCIS for classification as a SIJS per 1510.1(b)(1), it appears a separate petition is not required either.</p> <p><i>Recommendation:</i> Revise GC-210 instead of creating the new CS-210(ADLT). On the GC-210 heading, add a box for “minor under 18” and a box for “minor aged 18-20.”</p> <p>On the GC-210 add a section with the following: If the guardianship is granted, petitioner, [Insert name of petitioner], requests that the court extend the guardianship of the person of the ward, [Insert name of ward], past the ward’s 18th birthday. This extension would not authorize the guardian to abrogate any of the rights that a person who has attained 18 years of age may have as an adult under state law,</p>	<p>The committee does not recommend the suggested change. Instead, the committee recommends adopting form GC-210(PE) for mandatory use to petition the court to extend a guardianship of the person past the ward’s 18th birthday.</p>

W16-14

Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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

	Commentator	Position	Comment	Committee Response
			<p>including, but not limited to, decisions regarding the ward’s medical treatment, education, or residence, without the ward’s express consent.</p> <p>On the GC-210 add a note that the FL-105 (Declaration Under UCCJEA) is only necessary for minors under 18.</p> <p>Revise GC-210, noting that Form GC-220 (Petition for Special Immigrant Juvenile Findings) will be filed.</p> <p>4. Comments on Consent of Minor Age 18-20 We ask the Judicial Council to consider drafting a consent to guardianship form for immigrant youth age 18-20. If there is a form for immigrant youth to review and sign, it takes the burden off of the youth to create their own forms or declarations. Many youth will not have legal representation and will be unable to create an appropriate consent. <i>Recommendation:</i> We recommend a consent form similar to the GC-211, but specifically for immigrant youth age 18-20. This consent form could include language relating to the rights of the youth as well as the youth’s desire to have the support of the guardian. In addition, this form could include language regarding the youth’s right to request termination.</p>	<p>The committee agrees and has modified form GC-210 accordingly.</p> <p>The committee agrees in principle and has added a check box to form GC-210 to indicate that form GC-220 has also been filed.</p> <p>The committee does not recommend the suggested change. Instead, the committee has incorporated provisions for consent into the petition forms and recommends adopting rule 7.1002.5 to specify the consent requirements and procedures.</p>
11.	Superior Court of Los Angeles County	A	No specific comment.	No response required.

W16-14

Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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

	Commentator	Position	Comment	Committee Response
12.	Superior Court of Riverside County Riverside	AM	This proposal implements AB900, which permits a new type of guardianship of the person for an individual between the ages of 18 and 21. We agree that creation of a new form for the petition to establish this new type of guardianship is appropriate. However, the proposal does not implement a new order and letters related to the new petition. Instead, it modifies the order and letters used for guardianship of a minor to accommodate this new procedure as well. Use of the same order and letters for both procedures will create confusion. We request that no revisions be made of the existing minor guardianship order and letters, but instead a new order and letters be created to accommodate the needs of this new procedure. The order and letters for the new procedure would be much shorter and simpler than the combined documents.	In light of the Legislature’s manifest intent to incorporate these guardianships into the existing guardianship scheme, the committee no longer recommends a separate form to petition for the appointment of a guardian for a youth 18 or older. Instead, the committee recommends revisions to incorporate these guardianships into the existing petition, order, and letters forms. However, the committee believes that a separate form to petition to extend a guardianship is necessary to maintain an adequate distinction between this petition and a petition for initial appointment.
13.	Superior Court of Sacramento County Sacramento	AM	<p>Page 4, GC-240—The title of the form is much too long. The form is doing one of two things and really should be two separate forms.</p> <p>Form GC-210(ADLT)—This should be two petitions. There is one form per minor. Therefore, the check box for “minors” this should be removed. Asterisk at the bottom of the page, remove opening phrase, and begin at “Prepare a separate petition for each ward.</p> <p>Form [GC]-240—This should be two orders. There is one order per minor. Therefore, the</p>	<p>The committee agrees and has shortened the recommended title of form GC-240.</p> <p>The committee has removed proposed form GC-210(ADLT) from its recommendation.</p> <p>The committee does not recommend the suggested change. Section 2106 of the Probate Code</p>

W16-14

Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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	Commentator	Position	Comment	Committee Response
			check box for “minors” should be removed.	authorizes the court to appoint a single guardian for multiple wards on an initial petition.
14.	Superior Court of San Diego County, by Michael M. Roddy Court Executive Officer San Diego	AM	<ul style="list-style-type: none"> • Would the proposal provide cost savings? No. • What are implementations requirements for courts? New filings and hearings will need to be added to the Case Management System. Training will be required for front-line staff, Probate Examiners, Courtroom Clerks and Judicial Officers. • Would two months from JC approval of this proposal until its effective date provide sufficient time for implementation? Yes. • How well would this proposal work in courts of different sizes? Unable to determine. • Is the notice provided in plain language such that it will be accessible to a broad range of litigants, including SRLs? No, but as stated in the Implementation Requirements, Costs, and Operational Impacts section, the majority of the petitions for appointment/extension will be filed by counsel. Plain-language forms would not be a benefit here. <p>Q: Does the proposal appropriately address the</p>	<p>No response required.</p> <p>The committee intends the modified recommendation to minimize that the training and workload impact on courts to the extent possible consistent with statute.</p> <p>No response required.</p> <p>No response required.</p> <p>No response required.</p> <p>No response required.</p>

W16-14

Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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

	Commentator	Position	Comment	Committee Response
			<p>stated purpose? Yes.</p> <p>Form GC-210—PETITION FOR APPOINTMENT OF GUARDIAN OF THE PERSON OF AN ADULT 18 TO 21 YEARS OF AGE OR FOR EXTENSION OF EXISTING GUARDIANSHIP OF THE PERSON BEYOND WARD'S 18TH BIRTHDAY</p> <ul style="list-style-type: none"> • Form title is lengthy. Propose: PETITION FOR APPOINTMENT OF GUARDIAN OR EXTENSION OF GUARDIANSHIP OF THE PERSON FOR AN ADULT 18 TO 21 YEARS OF AGE • Case title caption has a check-box for “AND ESTATE,” this is presumably to capture the correct title of an existing Guardianship of the Person and Estate Case, but this will confuse litigants into thinking they can petition for appointment of a guardian of the estate with this form. • Case title caption also has a check-box for “MINORS,” also presumably to capture the correct title of an existing Guardianship, but this will also confuse litigants into thinking they can include multiple minors on one petition. • Should “Minor” be replaced with “Ward” throughout, for consistency? 	<p>In response to the weight of comment, the committee has withdrawn form GC-210(ADLT) from the proposal.</p> <p>No response required.</p> <p>No response required.</p> <p>No response required.</p> <p>No response required.</p>

W16-14

Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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

	Commentator	Position	Comment	Committee Response
			<p>Form GC-240—ORDER APPOINTING GUARDIAN OF MINOR OR ADULT 18 TO 21 YEARS OF AGE, OR EXTENDING GUARDIANSHIP OF THE PERSON OF THE WARD PAST HIS OR HER 18TH BIRTHDAY</p> <ul style="list-style-type: none"> • Form title is lengthy and awkward. Propose: ORDER APPOINTING GUARDIAN OF MINOR OR EXTENDING GUARDIANSHIP OF THE PERSON FOR ADULT 18 TO 21 YEARS OF AGE • There is very little room in the case title caption for the minor or adult’s name. Propose replacing the two options with “Ward.” This would also be consistent with how the Letters of Guardianship were revised to read. • Should “Minor” be replaced with “Ward” throughout, for consistency? <p>Form GC-250—LETTERS OF GUARDIANSHIP</p> <ul style="list-style-type: none"> • “LETTERS” is off-center at the top of the form. • Should “Minor” be replaced with “Ward” throughout, for consistency? 	<p>The committee agrees and has modified its recommendation to abbreviate the form title.</p> <p>The committee agrees that more space is needed and has revised the caption box to remove the specification of the ward’s age.</p> <p>The committee does not recommend replacing “minor” with “ward” in light of the Legislature’s manifest intent to incorporate wards under section 1510.1 into the guardianship law’s definition of “minor.”</p> <p>The committee agrees and has modified its recommendation accordingly.</p> <p>The committee does not recommend replacing “minor” with “ward” in light of the Legislature’s manifest intent to incorporate wards under section</p>

W16-14

Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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

	Commentator	Position	Comment	Committee Response
			<ul style="list-style-type: none"> • For consistency, the statement at item 3d could be changed to read in the affirmative (i.e. The guardian of the person of the adult ward has been granted powers under Probate Code sections 2351–2358). Every other item under item 3 lists additional powers/conditions that were granted, not powers that were not granted. • This comment by JCC re: GC-250 seems to negate the necessity of the including adult guardianships in the letters form: “As noted there, the guardian could not exercise those powers without the consent of the ward; the ward’s power to exercise these powers independently, as can every other adult, would not be impaired by the guardianship appointment.” <p>Issuance of letters in these “adult guardianship” cases seems futile.</p>	<p>1510.1 into the guardianship law’s definition of “minor.”</p> <p>The committee has modified its recommendation to delete item 3d.</p> <p>The committee has modified its recommendation by removing the item in question from form GC-250. The ward’s consent on the petition to the guardian’s performance of the duties of a guardian authorizes the guardian to act on behalf of the ward in the absence of a dispute. Rule 7.1002.5 prescribes a process for resolving issues and modifying consent in the event of a dispute.</p>
15.	The Executive Committee of the Trusts and Estates Section of the State Bar of California (TEXCOM) by Herb Stroh, Sinsheimer, Juhnke, McIvor & Stroh, LLP; Saul Bercovitch, State Bar Legislative Counsel San Francisco	AM	<p>A. Petition for Appointment of Guardian or Extension of Existing Guardianship. GC-210 (ADLT)</p> <p>1. Item 1.c. To avoid confusion, TEXCOM recommends separating out “or other person” from a “relative.” This could be accomplished by creating a new box “1.e. Other person (not a</p>	In response to the weight of comment, the committee has withdrawn form GC-210(ADLT) from the proposal.

W16-14

Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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

	Commentator	Position	Comment	Committee Response
			<p>relative) on behalf of the ward or proposed ward named in item 2.”</p> <p>2. Item 3 First, Probate Code Section 1510.1(a)(1) authorizes the court to appoint a guardian “in connection with a petition to make the necessary findings regarding special immigrant juvenile status pursuant to subdivision (b) of Section 155 of the Code of Civil Procedure.” But item 3 of the proposed Petition says: “The proposed ward, or petitioner on his or her behalf, desires to file a petition in this court for Special Immigrant Juvenile Findings” It is unclear how a “desire to file” a petition for SIJ Findings is alone sufficient. It seems that section 1510.1(a)(1) requires more, that is, the petition for SIJ Findings must be filed at the same time as the petition for guardianship. A simultaneous SIJ Findings petition is allowed by Rule 7.1020 of the California Rules of Court because “[a]ny person or entity authorized under Probate Code section 1510 to petition for the appointment of a guardian of the person of a minor may file a request for [SIJ] findings regarding the minor under this rule.” Otherwise the statutory “in connection with” a petition for SIJ Findings is not really satisfied by a mere desire to file a petition for SIJ Findings.</p> <p>Second, TEXCOM recommends that the following clarifying sentence be added: “If the petitioner is not the proposed ward, then the</p>	<p>The committee agrees that this language was ambiguous. The proposed revisions to forms GC-210 and GC-210(P) as well as proposed new form GC-210(PE) to extend a guardianship include the option of attaching a <i>Petition for Special Immigrant Juvenile Findings</i> (form GC-220). Because the committee finds “in connection with” ambiguous as to whether the petition for findings be existing or intended, it leaves to judicial discretion whether concurrent filing of that petition is required to appoint a guardian of the person for an 18 year old youth.</p> <p>The committee’s proposed form GC-210(PE) and revisions to forms GC-210 and GC-210(P) include the opportunity for the ward to consent to the</p>

W16-14

Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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

	Commentator	Position	Comment	Committee Response
			<p>proposed ward nevertheless consents to the petition.”</p> <p>3. Item 4, boxes c–e First, Item 4 on page 2 (top) appears to allow the Petitioner to select none or up to three (3) different requests (boxes c-e) by checking none or one or more of three (3) boxes. Is that what is intended? If it is intended that the Petitioner must select at least one box but may select more, most Judicial Council forms state, “Petitioner must select one or more boxes.” Item 4 is silent.</p> <p>Second, Item 4.c. The Petitioner does not need an order to authorize him or her to petition for SIJ Findings. Rule 7.1020 of the California Rules of Court already provides that “[a]ny person or entity authorized under Probate Code section 1510 to petition for the appointment of a guardian of the person of a minor . . . may file a request for [SIJ] findings regarding the minor under this rule.” Is there another purpose for the Order granting the Petition for Guardianship to provide authority that is already granted by Rule 7.1020? And, if a petition for SIJ Findings is required (for reasons discussed above) to be filed simultaneously with the Petition for Guardianship then this box 4.c would appear to implicitly contradict that requirement.</p> <p>4. Item 6 TEXCOM questions the relevance of whether a</p>	<p>petition and appointment or extension.</p> <p>No response required, as this item has no direct analog on the revised forms.</p> <p>No response required, as this item has no direct analog on the revised forms.</p> <p>The committee recommends retaining item 6 on</p>

W16-14

Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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

	Commentator	Position	Comment	Committee Response
			<p>person has been nominated by a “will” or by some “other writing” in the context of this new petition for guardianship that is connected to a petition for SIJ Findings. This new petition does require the consent of the proposed ward with respect to the nomination of the proposed guardian. If someone else’s nomination contradicts the nomination that is consented to by the proposed ward, is it relevant in this context? If not relevant perhaps it should be removed.</p> <p>5. Possible typographical issues At item 4d., the text in parentheses references Attachment 5d and it should be Attachment 4d.</p> <p>At item 5a., the text in parentheses references Attachment 6a and it should be Attachment 5a.</p> <p>At item 7, all references to Attachment 8 should be to Attachment 7.</p> <p>At item 13, all references to Attachment 14 should be to Attachment 13.</p> <p>B. Forms GC-240 and GC-250 Because the extension of the existing guardianship or the establishment of the 18-21 guardianship is for such a limited purpose, it seems to make more sense to have separate orders and separate letters for that type of a guardianship.</p>	<p>revised form GC-210, as that petition applies to all types of guardianship.</p> <p>The committee has sought to address all typographical issues in the proposed forms.</p> <p>The committee does not recommend the adoption of separate orders or letters for guardianships of youth 18 or older. Consistent with the Legislature’s intent, the committee recommends accommodating guardianships for 18–20 year old youth on the existing orders and letters.</p>

W16-14

Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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	Commentator	Position	Comment	Committee Response
			The petition to extend/establish is three pages long and combining the order and letters on that type of guardianship with a standard guardianship is potentially confusing. If a lay person is going to complete the forms for the extension/establishment guardianship, they likely would have difficulty navigating through an order and letters which combine matters relating to a general guardianship, especially if they are using the petition as a guide.	In response to the weight of comment, the committee has withdrawn form GC-210(ADLT) from the proposal. It has incorporated 18–20 year olds into the existing petition forms, GC-210 and GC-210(P) and now recommends the adoption of a separate form, GC-210(PE) to petition to extend a guardianship past a ward’s 18th birthday.
16.	Trial Court Presiding Judges Advisory Committee/Court Executives Advisory Committee Joint Rules Subcommittee San Francisco	AM	<p>1. The creation of a new form for the petition to establish a new type of guardianship as set forth in the proposal is appropriate. However, modification of the order and letters used for guardianship of a minor to accommodate this new procedure will create confusion. It is requested that no revisions be made of the existing minor guardianship order and letters, but instead a new order and letters be created to accommodate the needs of this new procedure. The order and letters for the new procedure would be much shorter and simpler than the combined documents.</p> <p>2. The Joint Rules Subcommittee suggests that “ward” be replaced with “dependent/ward” on forms GC-210(ADLT), GC-240, and GC-250.</p>	<p>In light of the weight of comment, including clear expression of the Legislature’s intent in enacting AB 900, the committee no longer recommends a separate petition for guardianships of youth 18 or older. The committee recommends incorporating these guardianships into the existing petition, order, and letters forms. To avoid confusion, however, the committee does recommend the adoption of a separate form to petition for extension of an existing guardianship. The addition of a single item to the orders should accommodate extensions, so no separate order form is recommended.</p> <p>The committee does not recommend the suggested change. It seems to refer to dependents or wards of the juvenile court under the Welfare and Institutions Code. The wards referred to in the recommended rules and forms are wards of a legal guardian in a guardianship of the person established under the Probate Code.</p>

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Probate Guardianship: Wards 18–20 Years of Age (Adopt Cal. Rules of Court, rule 7.1002.5; amend rules 7.1002, 7.1004, 7.1013, and 7.1020; adopt form GC-210(PE); revise forms GC-210, GC-210(P), GC-240, and GC-250)

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

	Commentator	Position	Comment	Committee Response
			<p>Regarding the impact on existing automated systems: Courts will likely have to modify case management programming to create action codes, and calendar controls for the new petition. Further, Courts will be required to keep guardianship cases active for an additional three year period.</p> <p>Regarding additional training: Moderate training costs as each court will be required to commit staff and associated court resources to train judicial officers, probate staff, courtroom staff, and clerical staff on the new forms and procedures. Many courts will also prepare desk procedures or other written materials concerning best practices for processing the new petition.</p> <p>Regarding increases to court staff’s workload: There will be increased hearings for the new procedure and a concomitant increase in workload for judicial officers, courtroom staff, clerical staff, and probate examiners. It is difficult to quantify the increase in workload because the number of petitions filed is unknown.</p>	<p>The committee intends the withdrawal of the new petition to simplify incorporation of these cases into existing guardianship modules.</p> <p>The committee intends the modifications in response to comments to reduce and simplify training requirements for judicial officers and court staff. To the extent practicable, the Center for Judiciary Education and Research will include these elements in its training for probate court judicial officers and staff.</p> <p>By incorporating the changes required by section 1510.1 into existing guardianship proceedings, the committee intends the proposal to minimize increases to court workload to the extent possible consistent with statute.</p>