



Subject Text

Meeting materials
are available through

File #: 22-167, Version: 1

Title

Rules and Forms | Probate Guardianship and Juvenile Dependency Information and Referral (Action Required)

Summary

The Family and Juvenile Law Advisory Committee and the Probate and Mental Health Advisory Committee recommend adopting one form, approving two forms, and revising three forms to implement statutory amendments affecting the relationship between probate guardianships and juvenile dependency proceedings. The new mandatory information form fulfills the statutory requirement to develop a form explaining the nature of a guardianship, the rights and duties of a guardian, and the services and supports available to a probate guardian compared with those available to a caregiver in the child welfare system and a guardian appointed by the juvenile court. One new optional form and two revised forms complete a thorough, up-to-date, and consistent set of information forms on probate guardianship and juvenile dependency cases. In addition, revisions to one form implement the amended process for probate court referral of a child who is the subject of a guardianship petition to the local child welfare agency for investigation of abuse or neglect and commencement of juvenile court proceedings. Approval of a new form gives the probate court an option for exercising its statutory authority to request juvenile court review of an agency's decision not to commence juvenile court proceedings in response to the court's referral.

Recommendation

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

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