



Superior Court of California
COUNTY OF ALAMEDA

Probate Clerk's Office
Berkeley Courthouse
2120 Martin Luther King Jr. Way, Berkeley, CA 94704
Telephone: (510) 647-4439

TEMPORARY GUARDIANSHIP PACKET

Most people do not need a temporary guardianship.

A temporary guardianship will only be granted if there is an urgent need or an emergency situation where someone must have the legal authority to act for the child. Two examples of emergencies that may require a temporary guardian are the need for immediate medical treatment or a need for protection from abuse or neglect.

If you are going to be requesting a temporary guardianship, please read these instructions.

In general, temporary guardianships are reviewed by the court on an ex-parte basis. This means that a judge will review the petition and case-related documents filed in the case management system. A court order may be entered either granting or denying the petition, or a hearing may be set. A temporary guardianship is usually only granted if there is an emergency that requires a guardian to be appointed to serve until the hearing on the permanent guardianship. If you request a temporary guardianship, be sure to give the judge a specific reason why the temporary guardianship is necessary.

Notification Requirement:

Please be informed that certain individuals are required to be notified as specified in Probate Code section 2250(c). You must provide the court with proof that notice has been served. (This is called a "Proof of Service," see *Judicial Council Form GC- 510*.) If you do not want to be required to give notice, you must give the court specific reasons why and attach your reason as "Attachment 1e." The court will only excuse you from giving notice if giving notice would cause immediate and substantial harm to the minor or the minor's estate.

In order for the judge to review your request for a temporary guardianship, you must file the forms required for appointment as a permanent guardian. You may request both a Guardianship Packet and Temporary Guardianship Packet from the clerk of the court to complete the required forms.

This packet contains the Judicial Council forms required to file a Petition for Appointment of Temporary Guardian of person, estate, or person and estate matter. It is recommended that you **bring 2 additional copies of the completed forms** and subsequent documents when you file the petition with the clerk of the court.

NOTE: The clerk will retain the original(s) and return two endorsed filed copies to you.

To begin the process for appointment of a temporary probate guardian, please complete the following Judicial Council forms:

Description	Form No.	Date Revised
Petition for Appointment of Temporary Guardian (Person, Estate, or Person and Estate)(Probate – Guardianships and Conservatorships)	GC-110	Jul 1, 2008
Petition for Appointment of Temporary Guardian of the Person only	GC-110 (P)	Jan 1, 2009
Notice of Hearing – Guardianship or Conservatorship (See Judicial Council Form, GC-510, What is “Proof of Service” in a Guardianship?) (Probate – Guardianships and Conservatorships)	GC-020	Jun 1, 2005
Proof of Personal Service or Notice of Hearing –Guardianship or Conservatorship (Attachment) (Probate – Guardianships and Conservatorships)	GC-020(P)	Jul 1, 2005
Order Appointing Temporary Guardianship (Probate – Guardianships and Conservatorships)	GC-140	Jan 1, 2009
Letters of Temporary Guardianship or Conservatorship* (Probate – Guardianships and Conservatorships) *Note: Only submit Letters to the clerk for issuance and filing <u>after</u> entry of the court’s order.	GC-150	Jan 1, 2015

Optional:		
Description	Form No.	Date Revised
<u>Ex-Parte Application</u> for Good Cause Exception to Notice of Hearing on Petition for Appointment of Temporary Guardian	GC-112	Jan.1, 2009
<u>Declaration in Support</u> of Ex Parte Application for Good Cause Exception to Notice of Hearing on Petition for Appointment of Temporary Conservator (Probate-Guardianships and Conservatorships)	GC-112 (A-2)	Jan.1, 2009
<u>Order</u> on Ex Parte Application for Good Cause Exception to Notice of Hearing on Petition for Appointment of Temporary Conservator (Probate-Guardianships and Conservatorships)	GC-115	Jan.1, 2009

Filing fee required:

Petition for appointment of temporary guardian of the person, estate <u>or</u> the person and estate; ex-parte application	Filing fee: \$60.00
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NOTE: If you cannot afford to pay the filing fee(s), you may request a fee waiver:

Description	Form No.	Date revised
Request to Waive Court Fees (Ward or Conservatee)	FW-001-GC	Mar 14, 2022
Information Sheet on Waiver of Court Fees	FW-001-INFO	Jan 1, 2021

All Judicial Council Forms are available online at:

<http://www.courts.ca.gov/forms.htm>

For more information regarding Guardianships, please visit:

<http://www.courts.ca.gov/selfhelp-guardianship.htm>