

### Special Instructions Regarding Temporary Guardianships

Included in this packet is a petition to request a temporary guardianship. **Most people do not need a temporary guardianship.** A temporary guardianship will only be granted if there is an urgent need or emergency situation where someone must have legal authority to act for the child. Examples of emergencies which may require a temporary guardian are: a 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 reviews the petition and other papers and then grants the petition, denies it, or orders a hearing to 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 is needed. The space on the form where you do this (#3) is small but you can attach the reason and identify it as "Attachment 3".

Certain people are required to be notified if you want to be appointed as a temporary guardian. Probate Code §2250 (c) tells you who you are required to notify. You have to provide the court with proof that the people who are entitled to receive notice have received it. (This is called a Proof of Service.) 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 papers required for your appointment as a permanent guardian. These include, the Declaration Under Uniform Child Custody Jurisdiction Act (UCCJEA) (form GC-120) and the Confidential Guardian Screening Form (form GC-212).

If you need assistance you can contact the Lawyer Referral Service at the Alameda County Bar Association at 510-302-2222. They can provide you with names of attorneys who specialize in probate guardianships. Legal Assistance for Seniors assists people in completing guardianship forms and can be reached at 510-832-3040. The Self Help Center of the Court may also provide information and assistance in completing the required forms. They can be reached Monday – Thursday from 2:00 – 4:00, at 510-272-1393.

If you are representing yourself you may want to use the resources at the Alameda County Law Library and self-help resources such as the GUARDIANSHIP BOOK for California, published by Nolo Press.