

MADERA COUNTY SUPERIOR COURT STATE OF CALIFORNIA

PETITION FOR TERMINATION OF GUARDIANSHIP

Guardianships terminate automatically when the minor child reaches the age of 18. No petition or court order is necessary to terminate the guardianship at that time.

The petition may be filed by the child, if 12 or older, the guardian or the minor's parent. The order terminating guardianship, however, is not automatically granted upon filing the petition. The court must be satisfied that the guardianship is no longer necessary, and the **best interests of the minor** require termination of the guardianship.

This packet includes the following forms, Petition for Termination of Guardianship form [GC-255](#); UCCJEA form [FL-105](#), Notice of Hearing - Guardianship or Conservatorship form [GC-020](#); Court Order Appointing Superior Court Investigator in Probate Guardianship local form [MAD-FCS-0001](#), Order Terminating Guardianship form [GC-260](#).

1. **Fill out your forms**

Fill out all the forms listed above and included in this packet. You will also have to call Court Services at (559) 416-5540 to reserve a hearing date. Write your hearing date on the Notice of Hearing - Guardianship or Conservatorship form [GC-020](#).

2. **Have your forms reviewed**

Ask the court's [family law facilitator/self-help center](#) (located on the 1st Floor) to review your paperwork. You can also hire your own lawyer to review your papers or to get legal advice.

3. **You will need copies**

You will need at least 3 copies. The original is for the court. One copy will be for you. The others will be for the people who will have to get notice (see step 5). Depending on your case you may need more copies after you file your forms.

4. **File your forms with the court clerk**

Take your forms to the Civil Division (located on the 4th Floor). The clerk will keep the original and return the copies to you file stamped.

5. **Give notice**

For any relatives that agree to end the guardianship, you do not need to give notice. Just ask them to sign the Consent to Termination and Waiver of Service and Notice of Hearing on the back of the Petition for Termination form [GC-255](#). If they do not agree have someone (NOT you) serve/deliver a copy of the Notice of Hearing - Guardianship or Conservatorship form [GC-020](#). You may serve by mail in most cases.

6. **File your Proof of Service**

Have your server fill out the proof of service on page 2 of the Notice of Hearing [GC-020](#) and give it to you so you can file it with the court. It is very important that your server fills out the Proof of Service correctly. If possible, have your [family law facilitator/self-help center](#) review it to make sure it was filled out properly. You will need 1 copy of your Proof of Service and take both to file with the clerk, the clerk will return the copy to you for your records.

For more information you can go online @ <https://www.courts.ca.gov>

Revised 6/1/2019

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): In Pro Per	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MADERA STREET ADDRESS: 200 South G Street MAILING ADDRESS: same CITY AND ZIP CODE: Madera, CA 93637 BRANCH NAME: Civil Division	
GUARDIANSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name): _____	CASE NUMBER: _____
PETITION FOR TERMINATION OF GUARDIANSHIP	HEARING DATE AND TIME: _____ DEPT.: _____

1. Petitioner (name) : _____ **requests that**
- a. the guardianship of the PERSON of (minor) : _____ be terminated.
- b. the guardianship of the ESTATE of (minor) : _____ be terminated.
- (1) The estate has been entirely exhausted through expenditures or disbursements (Probate Code, § 2626).
- (2) The estate falls within the provisions of Probate Code section 2628(b) (small estate), and no accounts have been required.
- (3) Other (specify) : _____
2. Petitioner is the minor minor's guardian minor's parent.
3. (Name) : _____ was appointed guardian of the PERSON
of the minor named in item 1a on (date) : _____
4. (Name) : _____ was appointed guardian of the ESTATE
of the minor named in item 1b on (date) : _____
5. It is in the best interest of the minor that the guardian of the person estate be terminated for the reasons
 stated in Attachment 5 stated below (specify) : _____
6. A request for special notice
- a. has not been filed.
- b. has been filed and notice will be given to (names) : _____
7. Notice to the persons identified in Attachment 7 should be dispensed with because
- a. they cannot with reasonable diligence be given notice (specify names and efforts to locate in Attachment 7).
- b. other good cause exists to dispense with notice (specify names and reasons in Attachment 7).
8. Petitioner is the minor's guardian. Petitioner requests reasonable visitation with the minor after termination of the guardianship as specified in Attachment 8. A completed *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form FL-105/GC-120) is also attached.

NOTICE: This guardianship will terminate automatically when the child reaches age 18. No petition or court order is necessary to terminate the guardianship at that time. Nevertheless, if this is a guardianship of the estate, termination of the guardianship does not eliminate the requirement that a final report or account must be filed. (See Prob. Code, § 1600.)

GUARDIANSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name): _____ <div style="text-align: right; margin-top: 10px;">MINOR</div>	CASE NUMBER: _____
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9. The names and residence addresses of the guardian, minor, and minor's parents, brothers, sisters, and grandparents are (specify):
- | | |
|---|--|
| a. Guardian:

b. Minor:

c. Father:

d. Mother:

e. Brother or sister:

f. Brother or sister: | g. Brother or sister:

h. Maternal grandfather:

i. Maternal grandmother:

j. Paternal grandfather:

k. Paternal grandmother:

l. <input type="checkbox"/> Additional names and addresses continued on Attachment 9. |
|---|--|

10. Number of pages attached: _____

Date: _____ _____
 (SIGNATURE OF ATTORNEY OR PETITIONER WITHOUT AN ATTORNEY*)

*(Signature of all petitioners also required (Prob. Code, § 1020).)

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)

CONSENT TO TERMINATION AND WAIVER OF SERVICE AND NOTICE OF HEARING

11. I consent to the termination of the guardianship of the person estate of the minor and waive service of a copy of, and notice of the hearing on, this petition.

Date:	(TYPE OR PRINT NAME)	(SIGNATURE OF <input type="checkbox"/> MINOR* <input type="checkbox"/> GUARDIAN <input type="checkbox"/> PARENT <input type="checkbox"/> OTHER)
Date:	(TYPE OR PRINT NAME)	(SIGNATURE OF <input type="checkbox"/> MINOR* <input type="checkbox"/> GUARDIAN <input type="checkbox"/> PARENT <input type="checkbox"/> OTHER)
Date:	(TYPE OR PRINT NAME)	(SIGNATURE OF <input type="checkbox"/> MINOR* <input type="checkbox"/> GUARDIAN <input type="checkbox"/> PARENT <input type="checkbox"/> OTHER)
Date:	(TYPE OR PRINT NAME)	(SIGNATURE OF <input type="checkbox"/> MINOR* <input type="checkbox"/> GUARDIAN <input type="checkbox"/> PARENT <input type="checkbox"/> OTHER)

Additional signatures on Attachment 11. * Minor over 12 years of age.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): In Pro Per	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MADERA STREET ADDRESS: 200 South G Street MAILING ADDRESS: same CITY AND ZIP CODE: Madera, CA 93637 BRANCH NAME: Civil Division	
(This section applies only to family law cases.) PETITIONER: RESPONDENT: OTHER PARTY:	
(This section applies only to guardianship cases.) GUARDIANSHIP OF (Name): _____ Minor	CASE NUMBER: _____
DECLARATION UNDER UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT (UCCJEA)	

1. I am a party to this proceeding to determine custody of a child.
2. My present address and the present address of each child residing with me is confidential under Family Code section 3429 as I have indicated in item 3.
3. There are (specify number): _____ minor children who are subject to this proceeding, as follows:
(Insert the information requested below. The residence information must be given for the last FIVE years.)

a. Child's name	Place of birth	Date of birth	Sex
Period of residence to present	Address <input type="checkbox"/> Confidential	Person child lived with (name and complete current address) <input type="checkbox"/> Confidential	Relationship
to	Child's residence (City, State)	Person child lived with (name and complete current address)	
to	Child's residence (City, State)	Person child lived with (name and complete current address)	
to	Child's residence (City, State)	Person child lived with (name and complete current address)	
b. Child's name	Place of birth	Date of birth	Sex
<input type="checkbox"/> Residence information is the same as given above for child a. (If NOT the same, provide the information below.)			
Period of residence to present	Address <input type="checkbox"/> Confidential	Person child lived with (name and complete current address) <input type="checkbox"/> Confidential	Relationship
to	Child's residence (City, State)	Person child lived with (name and complete current address)	
to	Child's residence (City, State)	Person child lived with (name and complete current address)	
to	Child's residence (City, State)	Person child lived with (name and complete current address)	

- c. Additional residence information for a child listed in item a or b is continued on attachment 3c.
- d. Additional children are listed on form FL-105(A)/GC-120(A). (Provide all requested information for additional children.) Page 1 of 2

SHORT TITLE: 	CASE NUMBER:
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4. Do you have information about, or have you participated as a party or as a witness or in some other capacity in, another court case or custody or visitation proceeding, in California or elsewhere, concerning a child subject to this proceeding?

Yes No (If yes, attach a copy of the orders (if you have one) and provide the following information):

Proceeding	Case number	Court <i>(name, state, location)</i>	Court order or judgment <i>(date)</i>	Name of each child	Your connection to the case	Case status
a. <input type="checkbox"/> Family						
b. <input type="checkbox"/> Guardianship						
c. <input type="checkbox"/> Other						

Proceeding	Case Number	Court <i>(name, state, location)</i>
d. <input type="checkbox"/> Juvenile Delinquency/ Juvenile Dependency		
e. <input type="checkbox"/> Adoption		

5. One or more domestic violence restraining/protective orders are now in effect. (Attach a copy of the orders if you have one and provide the following information):

Court	County	State	Case number <i>(if known)</i>	Orders expire <i>(date)</i>
a. <input type="checkbox"/> Criminal				
b. <input type="checkbox"/> Family				
c. <input type="checkbox"/> Juvenile Delinquency/ Juvenile Dependency				
d. <input type="checkbox"/> Other				

6. Do you know of any person who is not a party to this proceeding who has physical custody or claims to have custody of or visitation rights with any child in this case? Yes No (If yes, provide the following information):

a. Name and address of person <input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights Name of each child	b. Name and address of person <input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights Name of each child	c. Name and address of person <input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights Name of each child
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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 DECLARANT)

7. Number of pages attached: _____

NOTICE TO DECLARANT: You have a continuing duty to inform this court if you obtain any information about a custody proceeding in a California court or any other court concerning a child subject to this proceeding.

<p style="text-align: center;">SUPERIOR COURT OF CALIFORNIA • COUNTY OF MADERA Civil Division 200 South G Street Madera, CA 93637 (559) 416-5525</p>	<p><i>COURT USE ONLY</i></p>
<p>IN RE: GUARDIANSHIP OF (NAME):</p> <p>MINOR(S)</p>	
<p style="text-align: center;">COURT ORDER APPOINTING SUPERIOR COURT INVESTIGATOR IN PROBATE GUARDIANSHIP (Pursuant to Probate Code § 1513)</p>	<p>CASE NUMBER:</p>

IT IS ORDERED that the Superior Court Investigator of the Office of Family Court Services of the Madera County Superior Court, located at 200 South “G” Street, Madera CA 93637; be appointed Court Investigator in the above-entitled Probate matter pursuant to Probate Code §1513. The Court Appointed Investigator shall be granted authority to receive/access to all education information and grade reports, all law enforcement reports, all Parole or Probation information, all financial/banking documents, all child support information and information/records through the Department of Child Support Services, all Social Services (CPS and APS) reports, and access to medical, mental health, and drug treatment and /or drug testing records in accordance with HIPAA regulations.

The Court Investigator shall file his/her report with the court and provide copies to counsel for the petitioner, or to petitioner if in pro per, to counsel for the minor, if any, and to any objector of record. The Court Investigator’s report shall be deemed a confidential court document and copies shall not be provided except on order of the court.

IT IS SO ORDERED:

Date: _____

JUDGE OF THE SUPERIOR COURT

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): In Pro Per	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MADERA STREET ADDRESS: 200 South G Street MAILING ADDRESS: same CITY AND ZIP CODE: Madera, CA 93637 BRANCH NAME: Civil Division	
GUARDIANSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name): _____	MINOR
ORDER TERMINATING GUARDIANSHIP	CASE NUMBER: _____

1. The petition to terminate the guardianship came on for hearing as follows (check boxes c-l to indicate personal presence):
- a. Judicial Officer (name) :
 - b. Hearing date: _____ Time: _____ Dept.: _____ Rm.: _____
 - c. Petitioner (name) :
 - d. Attorney for petitioner (name) :
 - e. Minor (name) :
 - f. Attorney for minor (name) :
 - g. Guardian of the person (name) :
 - h. Attorney for guardian of the person (name) :
 - i. Guardian of the estate (name) :
 - j. Attorney for guardian of the estate (name) :
 - k. Parent of minor (name) :
 - l. Attorney for parent (name) :

THE COURT FINDS

2. a. All notices required by law have been given.
- b. Notice of hearing has been should be dispensed with to the following persons (specify) :
- c. It is in the minor's best interest to terminate the guardianship of the PERSON.
- d. It is in the minor's best interest to terminate the guardianship of the ESTATE.
- (1) The estate has been entirely exhausted through expenditures or disbursements (Prob. Code, § 2626).
 - (2) The estate falls within the provisions of Probate Code section 2628(b) (small estate), and no accounts have been required.
 - (3) Other reasons (specify) :

THE COURT ORDERS

- 3. The guardianship of the PERSON of (minor) : _____ is terminated.
- 4. The guardianship of the ESTATE of (minor) : _____ is terminated.
- 5. Notice of hearing to the persons named in item 2b is dispensed with.
- 6. Visitation between the minor and the guardian of the person of the estate is ordered as provided in Attachment 6.
- 7. Other (specify) :

Continued on Attachment 7.

Date: _____

 JUDICIAL OFFICER
 Signature follows last attachment.