

# 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.

The attached forms are used to terminate a guardianship; Petition for Termination of Guardianship form [GC-255](#), Notice of Hearing - Guardianship form [GC-020](#), Order Terminating Guardianship form [GC-260](#), Court Order Appointing Superior Court Investigator in Probate Guardianship local form [MAD-FCS-0001](#) (used if guardian is a relative) **OR** Court Order Appointing CPS in Probate Guardianship local form [MAD-FCS-0002](#) (used if guardian is a non relative). If you are not sure which order to use you can ask the court's [family law facilitator/self-help center](#) (located on the 1<sup>st</sup> Floor).

### 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 form [GC-020](#).

### 2. **Have your forms reviewed**

Ask the court's [family law facilitator/self-help center](#) (located on the 1<sup>st</sup> 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 4<sup>th</sup> 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 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>

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):    TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): <b>In Pro Per</b>	FOR COURT USE ONLY
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF MADERA</b> STREET ADDRESS: <b>200 South G Street</b> MAILING ADDRESS: <b>same</b> CITY AND ZIP CODE: <b>Madera, CA 93637</b> BRANCH NAME: <b>Civil Division</b>	
GUARDIANSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name): _____	CASE NUMBER: _____
<b>PETITION FOR TERMINATION OF GUARDIANSHIP</b>	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:<br><br>b. Minor:<br><br>c. Father:<br><br>d. Mother:<br><br>e. Brother or sister:<br><br>f. Brother or sister: | g. Brother or sister:<br><br>h. Maternal grandfather:<br><br>i. Maternal grandmother:<br><br>j. Paternal grandfather:<br><br>k. Paternal grandmother:<br><br>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.



<input type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name):	CASE NUMBER:
<input type="checkbox"/> MINOR <input type="checkbox"/> (PROPOSED) CONSERVATEE	

**NOTE:\***

A copy of this *Notice of Hearing-Guardianship or Conservatorship* ("Notice") must be "served" on-delivered to each person who has a right under the law to be notified of the date, time, place and purpose of a court hearing in a guardianship or conservatorship. Copies of this Notice may be served by mail in most situations. In a guardianship, however, copies of this Notice must sometimes be personally served on certain persons; and copies of this Notice may be personally served instead of served by mail in both guardianships and conservatorships. The petitioner (the person who requested the court hearing) **may not personally perform either service by mail or personal service**, but must show the court that copies of this Notice have been served in a way the law allows. The petitioner does this by arranging for someone else to perform the service and complete and sign a proof of service, which the petitioner then files with the original Notice.

This page contains a proof of service that may be used only to show service by mail. To show personal service, each person who performs the service must complete and sign a proof of personal service, and each signed copy of that proof of service must be attached to this Notice when it is filed with the court. You may use form GC-020(P) to show personal service of this Notice.

\* (This Note replaces the clerk's certificate of posting on prior versions of this form. If notice by posting is desired, attach a copy of form GC-020(C), Clerk's Certificate of Posting Notice of Hearing-Guardianship or Conservatorship. (See Prob. Code, § 2543(c).)

**PROOF OF SERVICE BY MAIL**

1. I am over the age of 18 and not a party to this cause. I am a resident of or employed in the county where the mailing occurred.
2. My residence or business address is (specify) :
3. I served the foregoing *Notice of Hearing-Guardianship or Conservatorship* on each person named below by enclosing a copy in an envelope addressed as shown below AND
  - a.  **depositing** the sealed envelope with the United States Postal Service on the date and at the place shown in item 4 with the postage fully prepaid.
  - b.  **placing** the envelope for collection and mailing on the date and at the place shown in item 4 following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
4. a. Date mailed: \_\_\_\_\_ b. Place mailed (city, state) : \_\_\_\_\_
5.  I served with the *Notice of Hearing-Guardianship or Conservatorship* a copy of the petition or other document referred to in the Notice.

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 OF PERSON COMPLETING THIS FORM) (SIGNATURE OF PERSON COMPLETING THIS FORM)

**NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED**

Name of person served

Address (number, street, city, state, and zip code)

1.		
2.		
3.		
4.		

Continued on an attachment. (You may use form DE-120(MA)/GC-020(MA) to show additional persons served.)

<input type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name) :  <div style="text-align: right; padding-right: 50px;"> <input type="checkbox"/> MINOR <input type="checkbox"/> (PROPOSED) CONSERVATEE       </div>	CASE NUMBER:
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**PROOF OF PERSONAL SERVICE OF NOTICE OF HEARING - GUARDIANSHIP OR CONSERVATORSHIP**

*(Attach a separate completed and signed copy of this form or other proof of personal service to Notice of Hearing - Guardianship or Conservatorship for each person who personally served a copy of the Notice.)*

1. I am over the age of 18 and not a party to this cause.
2. I served the attached *Notice of Hearing - Guardianship or Conservatorship* by personally delivering a copy to each person listed below at the address and on the date and time indicated below.
3.  I served with the attached *Notice of Hearing - Guardianship or Conservatorship* a copy of the petition or other document referred to in the Notice.
4.  I served with the attached *Notice of Hearing - Guardianship or Conservatorship* copies of the following documents *(specify)* :  
  
 Continued on Attachment 4.
5. I am *(check all that apply)* :
  - a.  not a registered California process server.
  - b.  a California sheriff or marshal.
  - c.  a registered California process server.
  - d.  an employee or independent contractor of a registered California process server.
  - e.  exempt from registration (Bus. & Prof. Code, § 22350(b)).
6. My name, address, telephone number, and, if applicable, county of registration and number, are *(specify)* :

**NAME OF EACH PERSON PERSONALLY SERVED, ADDRESS WHERE SERVED, AND DATE AND TIME SERVICE WAS MADE**

	<u>Name</u>	<u>Address where served (number, street, city, and state)</u>	<u>Date and time service made</u>
1.			Date: _____ Time: _____
2.			Date: _____ Time: _____
3.			Date: _____ Time: _____
4.			Date: _____ Time: _____

List of names and addresses of persons personally served by the undersigned continued on an attachment.  
*(You may use Attachment to Notice of Hearing Proof of Personal Service, form DE-120(PA)/GC-020(PA), for this purpose.)*

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

**(For California sheriff or marshal use only)**  
**I certify** that the foregoing is true and correct

Date:

Date:

▶ \_\_\_\_\_  
(SIGNATURE)

▶ \_\_\_\_\_  
(SIGNATURE)

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

**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

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

**IT IS ORDERED** that the Department of Child Protective Services of Madera County, located at 629 E. Yosemite Ave., 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): <b>In Pro Per</b>	FOR COURT USE ONLY
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF MADERA</b> STREET ADDRESS: <b>200 South G Street</b> MAILING ADDRESS: <b>same</b> CITY AND ZIP CODE: <b>Madera, CA 93637</b> BRANCH NAME: <b>Civil Division</b>	
GUARDIANSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name): _____	MINOR
<b>ORDER TERMINATING GUARDIANSHIP</b>	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.