



CONTRA COSTA COUNTY SELF-HELP CENTER
GUARDIANSHIP LHI PROGRAM INSTRUCTIONS
YOU MUST READ THIS PRIOR TO STARTING!!!!

Law Help Interactive is a program which helps you complete the forms necessary to file for a guardianship of the Person. **Please print out this page, so that you can refer to it as you use the program.**

I. BEFORE:

- a. **Before you start using the program, you must gather information to allow you to answer the questions in the program. This will not be filed, but it is essential.**
- i. **Parental Diagram** – By California state law, the parents of the minor and all relatives within the second degree of family must be notified (unless the court waives notice) that you are filing for guardianship. This form helps you organize all of the information that you will need. It is organized for the maternal (mother's) relatives and the paternal (father's) relatives.
1. If you know the name and address of the person, you fill that in.
 2. If you know the name of the person, but they are deceased, you mark the deceased box.
 3. If you know the name of the person, but not the address, you write "Unknown" on the space for address.
 4. If you do not know the name of the person, you write "Unknown" on the space for name.

II. LHI PROGRAM:

- a. **Go to the LHI program at:**
<https://lawhelpinteractive.org/Interview/GenerateInterview/5057/engine>
- b. **Answer the questions**
- i. You **MUST** create an account. Otherwise if something happens, all of your work will be lost or you will be unable to continue. **Save answers as you go through it.**
1. To save answers, click on the Finish button on the bottom corner. Then mark the orange box "Save Answers." And save answers on the bottom of the page. You can then return to "Edit Answers."
 2. If you leave your computer for more than two hours, the program closes and you will lose any unsaved answers.

- ii. You must be very careful to spell the names correctly. Once you input your name and the minor(s) name, it will be used to fill in all of the forms. Use the legal name for yourself and the minor(s).
- iii. You will want to fill out both the Temporary Guardianship and the General Guardianship. Both of these are filed with the court at the same time. The Temporary Guardianship can get issued within 3 to 4 days and then the process for the General Guardianship will begin. The General Guardianship takes about 4-6 months.
- iv. **In order to have the program create the Temporary Guardianship paperwork, on Question #6 (they are not actually numbered) the program asks “Is this a Medical or Other Emergency or other immediate threat of harm to the minor?” You must answer yes, and explain that you need to obtain medical services for the child, the child is in danger of being harmed, or there is no one else to take care of the child. The program then asks “Do you want to request an emergency hearing?” You must answer Yes. Later on it will ask why you need a Temporary Guardianship.**
- v. **You will want to fill out the Fee Waiver. The fee waiver is based on the minor’s income. If the child is not receiving any public benefits, and has no income, you will need to mark by hand #8b and fill out on back #14, 15, and 16 using ONLY the minor’s info.**
- vi. You will be filing at the main courthouse located at 725 Court Street, Martinez.
- vii. Decide who will be guardian. There can be more than one guardian, but more than two may be difficult.
- viii. Usually you would be the Petitioner, and a Guardian and the other guardian(s) will be listed on the Petition
- ix. There can be more than one child. If the children are siblings or half siblings, fill out one Petition, the program will fill out a Form 210(CA) – Child Attachment for each child. If the children are half siblings, fill out an additional Parental Diagram to keep relatives straight.
- x. It asks if the child has Indian heritage. If none, answer no. If Indian heritage but no known Indian tribal membership, answer appropriately.
 - 1. In Question # 27, the program asks:
 - a. “Have you tried to find out whether this child has any Indian Heritage?” The answer is Yes.
 - b. Is the child a member of an Indian tribe? The answer is No.
- xi. **In the program, it will ask if you want the court to waive notice for any persons. You would list the persons that you completed a GC-02 for because you have no way to give them notice. You will also list the persons if you don’t know their**

name or if they have signed a consent, eg. Father: name unknown. Mary Smith, mother: Consent given. John Smith, maternal grandfather: unable to locate.

- xii. It will ask if the parents have agreed for you to have the child. If they are **not signing a Consent GC-211 consenting** you would say “Unknown at this time.” Even if they have told you it was okay before, if you cannot find them you must put “No or Don’t Know.” Otherwise the wrong forms will be generated!
 - xiii. Once you finish the program, check to make sure you have answered correctly. If you have saved the answers, you can edit the answers. You can also amend the printed forms by hand if needed.
- c. After you have completed the questions:
- i. **Before you print the forms, please email it to the Probate Facilitator and they will review it. It will save a lot of time later.**
 - ii. **When you print the forms, make sure your printer is set for single sided or it will print the forms so they overlap each other.**
 - iii. Date and Sign the forms in the correct places: for Petitioner and Guardian. If there are other guardians, have them sign where indicated. On the Letters of Guardianship, all guardians sign one document side by side. Fill in Date and Place (City, CA)

III. ADDITIONAL FORMS

- a. **There are some forms that you may need for filing for guardianship, but are not included in the LHI program. If these are needed, you can access them at the court’s website: <http://www.cc-courts.org/> - click General Info, then click Forms, then all Forms or Local Forms.**
- i. **GC-212** - All adults living in the household must complete the Confidential Screening Form. So if there is any person living with you other than you or a co-guardian they **must** fill out the Form GC-212. If any of the answers are yes, it does not disqualify the guardianship, but the person must explain on MC-025 – Attachment to GC-212. You as guardian will fill out this form in the program.
 - ii. **Local Form GC-02** – If you know the name of any of the persons on your Parental Diagram and they are alive, but you do not know how to serve them, you must fill out a GC-02 for each person. You must not be able to find their address by calling them, or calling a relative or friend, or looking them up on the Prisoner locator (It is easy to find someone who is incarcerated.)
 - 1. You must answer each question, for instance when it says “contact a former employer” if you can’t, you could say “I don’t know any former employers.”
 - 2. Under #8 – Other: Tell the court why you can’t find them, “Father has not been in contact with the child for ten years.” You have to convince the judge that you have tried everything to find the person.

3. In the program it will ask if you want the court to waive notice for any persons. You would list the persons that you completed a GC-02 for because you have no way to give them notice.
- iii. **GC-211:** Consent. If any person on the list will sign a consent, fill out the top portion-name, address and child's name- send one to them, ask them to sign on #4 and return it to you.
- iv. **Request for Interpreter:** Please complete this if you need an interpreter.

IV. **FILING:**

- a. **Due to the Covid-19 precautions, the Probate Examiners office is closed. They have to review your paperwork so you will need to take it to the courthouse and place it in the drop box.**
 - i. If possible, make an additional copy for yourself, just in case the filing gets misdirected. Please put a page on the top (in another color paper if possible) and write "Urgent" on it. List your name, telephone number and email. **You must include a large envelope that is self-addressed with sufficient postage (at least 8 stamps) so they can return your paperwork.** Put all of this in a large envelope and mark it "Probate – URGENT Temporary Guardianship."
 - ii. When you complete the forms you will drop box the entire packet. The drop boxes are at the Wakefield Taylor Courthouse (725 Court Street) BUT at the Main Street entrance around the corner. They are available M-F 8AM to 4PM. Put your envelope in the one labelled Civil and Probate.
 - iii. The Probate Examiners will review your papers and then begin the process. You have to have a telephone number and email on the Petition so that they can call you if needed. They will mail the papers back to you in the envelope you included.

V. **SERVICE**

- a. Once your documents are filed, you will need to complete service to all of the persons on your Parental diagram whose whereabouts you know, plus the minor if they are over 12 unless the court has waived notice. They must be served by a third party, Not You. For information about how to complete this step, please contact the Probate Facilitator.
- b. Email: probfac@contracosta.courts.ca.gov Telephone: 925-608-2066