

GUARDIANSHIP BOOTCAMP

PART ONE

Presented By

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INTRODUCTION

A guardianship petition is filed and lands on your desk, now what? This workshop explains the what. This workshop will provide you with the following:

An understanding of guardianship and where it stands in context with other proceedings affecting custody,

An overview of the guardianship process, and

An overview of the court investigation process.

I. PROCEEDINGS AFFECTING CUSTODY OF A MINOR

Although this workshop is about probate guardianships, it is important to be aware of other proceedings in which custody of minors is affected. Legal custody of a child means the right and responsibility to make almost all decisions affecting the care and supervision of that child. This includes the right to determine the child's domicile, the rights to provide consent for the child's medical care, the right to guide the child's education and religious development, and the right to make decisions that may control the child's conduct.

I. PROCEEDINGS AFFECTING CUSTODY OF A MINOR **LEGAL GUARDIANSHIP**

Legal guardianship of the person of the child suspends the parents' right to custody of their child and places custody with another adult. It does **not** permanently terminate parental rights, parents retain the right to petition the court for visits or to terminate the guardianship at any time. Technically, parents also remain financially responsible for their child. A guardianship of the estate of a child is usually for the purpose of managing property and/or substantial assets that are in the child's name. Legal guardians can be appointed by the Probate Court and Juvenile Court.

I. PROCEEDINGS AFFECTING CUSTODY OF A MINOR **DISSOLUTION**

Legal custody is initially vested **equally** in the child's natural parents (Family Code §3010) whether they are married. Several ways exist to change legal custody. If the parents are married, custody is usually determined in a dissolution action. The court can consider the child's preference and the reasons for it, if the child is sufficiently mature. Any custody order can be modified based on a change of circumstances.

I. PROCEEDINGS AFFECTING CUSTODY OF A MINOR **DOMESTIC VIOLENCE PREVENTION ACT**

In situations involving domestic violence, custody of children can be temporarily determined under the Domestic Violence Prevention Act (Family Code §6200 et seq.). A temporary restraining order may award custody of a child to one parent, subject to visitation rights of the other upon determination of the court. The abusive parent may also be required to make support payments. One parent may obtain temporary care and control of her/his child through a restraining order when the parties have not been married, or when no petition for separation, nullity of marriage, or dissolution of marriage has been filed.

I. PROCEEDINGS AFFECTING CUSTODY OF A MINOR JUVENILE COURT

Custody may also be changed through three (3) Juvenile Court jurisdictional sections: Welfare & Institutions Code §300 (dependency), §601.2 (status offense), and §602 (delinquency). If the child falls within the descriptions of §300, §601, or §602, the Juvenile Court may remove custody of the child from the parent or other legal custodian by declaring the child a **dependent** (Welfare & Institutions Code §300) or a **ward** (Welfare & Institutions Code §601, §602) of the court. The court may place custody with relatives or friends of the child, with the addition of ongoing supervision by the Probation Department or Human Services Agency (HSA). The court may also transfer placement to HSA or the Probation Department, which generally results in an “out of home” placement of the child, such as a foster home or group home setting. In some cases, the child will remain in the physical custody of the parents, under the supervision of HSA or the Probation Department. The Juvenile Court can also appoint a legal guardian in both dependency and delinquency proceedings.

I. PROCEEDINGS AFFECTING CUSTODY OF A MINOR **ADOPTION**

An adoption is a complete substitution of one (1) parent or a set of parents for another. (Family Code §§8500-9340). In an adoption, the natural parent(s) (and the parents' other relatives) lose all their rights and obligations regarding their children, including custody, visitation, and support. The new adoptive parent(s) are placed in the same legal position, in relation to the child, as the natural parent, including custody, support, and inheritance rights. In a stepparent adoption, only one (1) parent is substituted for another. If the parent to be substituted is living, an adoption requires that the natural parent's rights be terminated. (Family Code § §8604-8606)

An adoption is different from a guardianship in that the guardianship temporarily suspends the parents' rights to custody (not their right to visitation or obligation to support), while adoption permanently substitutes one (1) parent, or set of parents, for another.

I. PROCEEDINGS AFFECTING CUSTODY OF A MINOR **CONSERVATORSHIP**

Custody of a child can also be placed with a conservator. A conservatorship allows the involuntary placement of a child found to be gravely disabled in a treatment facility. The procedures for conserving a child for mental health treatment may be found at the Welfare & Institutions Code §5350 et seq.

I. PROCEEDINGS AFFECTING CUSTODY OF A MINOR **EMANCIPATION**

A child can become his/her own legal custodian before attaining majority (i.e. turning 18) if s/he is declared emancipated (Family Code §§7000-7135). A child can be emancipated in three ways:

- By joining the United States Armed Services with parental consent;
- By getting married- requires consent of one (1) parent and a court order (Family Code §302, §7002); **or**
- By obtaining a Declaration of Emancipation from the Court (Family Code §7002, §7122).

II. PROBATE GUARDIANSHIP: AN OVERVIEW

PURPOSE OF PROBATE GUARDIANSHIPS

“[P]rotect and promote the best interest of the child.”
(Suleman v. Superior Court (2010) 180 Cal.App.4th 1287,
1299)

Provide “an alternative placement for children who
cannot safely remain with their parents.” (Guardianship of
Ann S. (2009) 45 Cal.4th 1110, 1122)

II. PROBATE GUARDIANSHIP: AN OVERVIEW

GUARDIANSHIP OF THE PERSON

Guardianship of the person is set up because a child is living with an adult who is not a parent, and the adult needs the legal authority to make decisions on behalf of the child. In a probate guardianship of the person, the guardian has full legal and physical custody of the child.

II. PROBATE GUARDIANSHIP: AN OVERVIEW **GUARDIANSHIP OF THE PERSON- CONTINUED**

What does a guardian of the person do? The guardian generally has the same responsibilities as a parent. That means the guardian is responsible for the child's care, including the child's:

- Food, clothing, and shelter;
- Safety and protection;
- Physical and emotional growth;
- Medical and dental care; and
- Education and any special needs.

II. PROBATE GUARDIANSHIP: AN OVERVIEW **GUARDIANSHIP OF THE PERSON (SIJS)**

Guardianships for children 18-20/SIJS (Probate Code §1510.1)

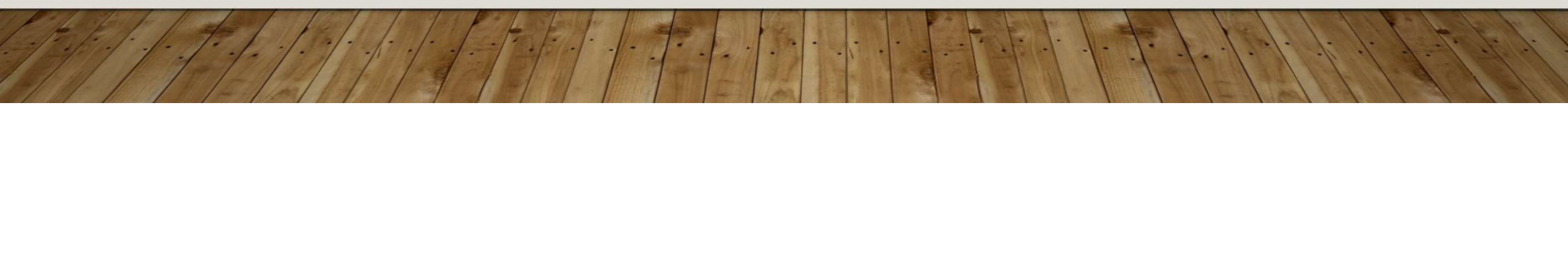
- With the consent of the youth, the court may appoint a guardian for unmarried youth ages 18-20 in connection with a SIJS petition. A relative, other person, or the proposed ward may file the SIJS and guardianship petition.
- Guardianship of the person terminates when the ward turns 18, unless an extension is requested. (Probate Code §1600(a))
 - With the consent of the youth, the Court may extend an existing guardianship of the person of a youth up until 21 years of age. A relative, other person, or the ward may request the extension.

II. PROBATE GUARDIANSHIP: AN OVERVIEW

GUARDIANSHIP OF THE ESTATE

What does a guardian of the estate do? A guardian of the estate manages a child's income, money, or other property until the child turns 18 (note: unlike a guardianship of the person, a guardianship of the estate can only be extended by the child).

A child may need a guardian of the estate if s/he inherits money or assets. If the only assets the child is entitled to are Social Security benefits, then a guardian of the estate is not necessary.

- In most cases, the Court appoints the surviving parent to be the guardian of the child's estate.
 - In some cases, the same person can be the guardian of the person and the estate.
 - In other cases, the Court will appoint two different people.
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II. PROBATE GUARDIANSHIP: AN OVERVIEW

LEGAL REQUIREMENTS TO GRANT GUARDIANSHIP

1. Must be “necessary and convenient”. (Probate Code §1514(a))
2. Family Code §3020 et seq. and §3040 et seq. apply. (Probate Code §1514(b))
3. If custody is ordered to the nonparent (over the parent’s objection), the court must find by clear and convincing evidence that custody to the parent is detrimental and custody to the nonparent is in the child’s best interest. (Family Code §3041)

II. PROBATE GUARDIANSHIP: AN OVERVIEW

WHO?

WHO HAS STANDING TO FILE?

- ANYONE!
(Probate Code §1510(a))

WHO CAN BECOME A GUARDIAN?

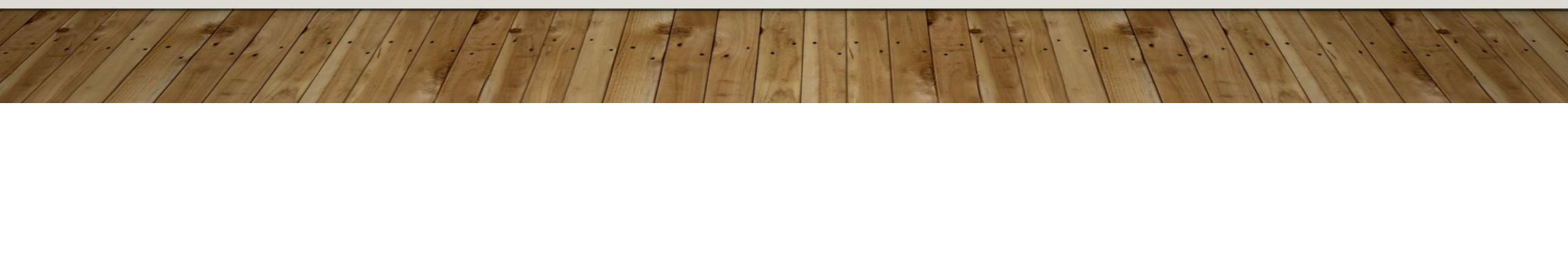
- Any adult
- Even someone with a criminal and child welfare history
- No minimum requirements for the home

HOW MANY GUARDIANS CAN BE APPOINTED?

PROBATE CODE §2105

Two (2) or more joint guardians of the person, estate, or person and estate can be appointed.

Each shall qualify in the same manner as a sole guardian.

- Where there are two(2) guardians, both must concur to exercise a power.
 - Where there are more than two (2) guardians, a majority must concur to exercise a power.
 - If one (1) of the joint guardians dies, is removed, or resigns, the powers and duties continue in the remaining joint guardians until further appointment is made by the court.
 - Where joint guardians have been appointed and one (1) or more are absent from the state and unable to act, otherwise unable to act, or legally disqualified from serving, the court may, by order made with or without notice, authorize the remaining joint guardians to act as to all matters embraced within its order.
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CAN A PARENT SERVE AS A JOINT GUARDIAN?

PROBATE CODE §2105

Yes. The court may appoint the custodial parent and a person nominated by the custodial parent as joint guardians of the person of the minor.

- If a custodial parent has been diagnosed as having a terminal condition (an incurable and irreversible condition that, without the administration of life-sustaining treatment, will, within reasonable medical judgment, result in death).
 - Must be evidenced by a declaration executed by a licensed physician.
- However, if the noncustodial parent objects, the court must make a finding that the noncustodial parent's custody would be detrimental to the minor, per Family Code §3041.

II. PROBATE GUARDIANSHIP: AN OVERVIEW – ACTIVITY

Please answer **Yes** or **No** to the following:

1. Emily, a 17-year-old, is joining the Army with her grandmother's consent. Can she file for emancipation?
2. Sandra has lived next to Patricia and Dave for five (5) years. Sandra often babysat for their 10-year-old daughter (Lisa) when Patricia and Dave fought, and Lisa got scared. Patricia and Dave recently separated, and Patricia left the family home. Sandra often sees Lisa unkempt, wearing the same clothes, and with disheveled hair at all hours of the day. Lisa has been coming to Sandra's home more often, saying she's hungry. Can Sandra file for guardianship?
3. 15-year-old Sam has been living with a maternal aunt for two (2) years. He and his mother came to live with this aunt after his mother was diagnosed with cancer over a year ago. His mother died eight (8) months ago, and he began receiving Social Security Death Benefits. Can this aunt petition for guardianship. Does she need to petition for guardianship of his estate? What if it is later disclosed that he is the beneficiary of a \$10,000 life insurance policy held by his mother through her employer?

II. PROBATE GUARDIANSHIP: AN OVERVIEW

DETRIMENT & EVIDENCE OF DETRIMENT REQUIRED

DETRIMENT = REMOVAL FROM DE FACTO PARENT

“Detriment to the child” includes: “the harm of removal from a stable placement of a child with a person who has assumed, on a day-to-day basis, the role of the child's parent, fulfilling both the child's physical needs and the child's psychological needs for care and affection, and who has assumed that role for a substantial period of time. A finding of detriment does not require a finding of unfitness of the parents.” (Family Code §3041(c))

CLEAR AND CONVINCING EVIDENCE OF DETRIMENT

Subject to subdivision (d), a finding that parental custody would be detrimental to the child shall be supported by clear and convincing evidence. (Family Code §3041)

II. PROBATE GUARDIANSHIP: AN OVERVIEW

REBUTTABLE PRESUMPTION

REBUTTABLE
PRESUMPTION OF
PARENTAL CUSTODY
WOULD BE DETRIMENTAL
AND GUARDIANSHIP IS IN
CHILD'S BEST INTEREST



Notwithstanding subdivision (b), if the court finds by a preponderance of the evidence that the person to whom custody may be given is a person described in subdivision (c), this finding shall constitute a finding that the custody is in the best interest of the child and that parental custody would be detrimental to the child absent a showing by a preponderance of the evidence to the contrary. (Family Code §3041 (d))



Places the burden on the parent to rebut presumption that guardianship should be granted

II. PROBATE GUARDIANSHIP: AN OVERVIEW

DUE PROCESS PROTECTIONS

DUE PROCESS PROTECTIONS IN GUARDIANSHIPS

NOTICE AND THE OPPORTUNITY TO BE HEARD

NO RIGHT TO APPOINTED COUNSEL (ONLY CHILD IS APPOINTED COUNSEL)

NO REUNIFICATION SERVICES (FAMILY CODE §3026;
GUARDIANSHIP OF ANN S. (2009) 45 CAL.4TH 1110, 1124)

II. PROBATE GUARDIANSHIP: AN OVERVIEW

TIMELINES OR REVIEWS

ANY SET TIMELINES
OR REVIEWS?

No

Court can require
annual reports but
only if resources
allow (Pr. C. §1513.2)

II. PROBATE GUARDIANSHIP: AN OVERVIEW **PARENTS' RIGHTS IF GUARDIANSHIP IS GRANTED**

1. To request visitation.
2. To file to terminate guardianship.
3. “When the court appoints a guardian, the authority of the parent “ceases.” (Family Code §7505(a)) The Court has discretion to grant visitation but otherwise parental rights are completely suspended for the duration of a probate guardianship. The guardian assumes the care, custody, and control of the child.” (Guardianship of Ann S. (2009) 45 Cal.4th 1110, 1123–1124)

II. PROBATE GUARDIANSHIP: AN OVERVIEW

CAN A GUARDIAN ADOPT THE CHILD?

Yes. After two (2) years in the guardianship and if it is in the best interest of the child. (Probate Code §1516.5)

“Although the finding required by §1516.5, subdivision (a)(3) is simply that “the child would benefit from being adopted by his or her guardian,” there is no doubt that this requires a determination of the child's best interest.” (Guardianship of Ann S. (2009) 45 Cal.4th 1110, 1128)

II. PROBATE GUARDIANSHIP: AN OVERVIEW INTERSECTION OF DEPENDENCY CASES & PROBATE GUARDIANSHIPS

1. Informal voluntary child welfare safety plan may result in a probate guardianship.
2. Petition for guardianship may trigger a child welfare investigation and the filing of a petition. (Probate Code §1513(b))

II. PROBATE GUARDIANSHIP: AN OVERVIEW

PROBATE CODE §1513(B)

- If the proposed ward is or may be described by Welfare & Institutions Code §300, the Court **may** refer the matter to the local child welfare services agency to initiate an investigation of the referral pursuant to Welfare & Institutions Code §328 and §329 and to report the findings of that investigation to the Court.
- Pending completion of the investigation, the Court may take any reasonable steps it deems appropriate to protect the child's safety, including, but not limited to, the appointment of a temporary guardian or issuance of a temporary restraining order.
- If dependency proceedings are initiated, the guardianship proceedings shall be stayed in accordance with Welfare & Institutions Code §304 of the Welfare & Institutions Code. ...
- If a dependency proceeding is not initiated, the probate court shall retain jurisdiction to hear the guardianship matter.

II. PROBATE GUARDIANSHIP: AN OVERVIEW ACTIVITY

Answer Yes or No to indicate whether a referral per Probate Code §1513(b) should be made:

1. Kate has filed for guardianship of her 16-year-old niece (Sally), who has run away home. Sally has come to temporarily live with Kate. Kate's sister (Joy), who is Sally's mother, is in agreement. Sally and Joy fought because Sally would not allow Joy to date an 18-year-old boy. Is a referral needed?
2. Tricia's niece (Joy) just gave birth to a baby girl. The father of the baby girl is unknown. The baby girl tested positive for drugs. Child welfare was contacted by the hospital and a social worker told Tricia to file for guardianship or the baby would be placed in foster care. Joy consents to the guardianship. Tricia's sister/Joy's mother (Ellen) initially agreed to the petition but is now objecting. Is a referral needed?
3. Robert has custody of his 9-year-old son (Max) through family court. Robert has placed Max with his sister (Mary) and has asked her to get guardianship of Max. Max's mother (Sherry), who lives in another state and has court-ordered visits, objects. Is a referral needed?
4. Molly filed for guardianship of her 10-month-old granddaughter (baby) who has been put up for adoption by her daughter (Cheryl). Molly claims Cheryl abandoned the baby. Is a referral needed?

GUARDIANSHIP BOOTCAMP

PART TWO

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II. PROBATE GUARDIANSHIP: AN OVERVIEW A LITTLE BIT OF HISTORY


Before 2012- Probate Code §1513(c) created a mandatory referral from the Probate Court to child welfare if any party to the proposed guardianship alleges the child's parent is unfit, as defined by Welfare & Institutions Code §300. *Guardianship of Christian G.* (2011) 195 Cal.App.4th 581 found that the failure to make the Probate Code §1513(c) referral was deemed reversible error, where father was objecting to the guardianship (Cf. *Adoption of Myah M.* (2011) 201 Cal.App.4th 1518 [no referral required when parents consented to guardianship]).

AFTER 2012- At the behest of the Academy of California Adoption Lawyers, the law was changed to make referral to child welfare discretionary (the word “may” replaced the word “shall”— claiming *Christian G.* “lead to an already overburdened child welfare system to be deluged with cases for investigation investigated” Now the referral authorization can be found under Probate Code §1513(b).

II. PROBATE GUARDIANSHIP: AN OVERVIEW – **WELFARE & INSTITUTIONS CODE §329 & §331**

- Welfare & Institutions Code §329: A person can apply to a local child welfare agency requesting that a Welfare & Institutions Code §300 petition be filed. (Essentially a written hotline referral.) If the social worker does not file the petition within three (3) weeks they must tell the applicant why. (JV-210)
- Welfare & Institutions Code §331: A Welfare & Institutions Code §329 applicant can request the Juvenile Court to order the social worker to file a Welfare & Institutions Code §300 petition. (JV-212)

II. PROBATE GUARDIANSHIP: AN OVERVIEW – ALTERNATIVES TO GUARDIANSHIP

- **Informal Caregiving:** Parents retain full rights, child ineligible for caregiver's work insurance, caregiver cannot consent when parent or legal guardian consent required, and parents have responsibility to financially support child.
 - **Caregiver Affidavit** (Family Code §6550)
 - **Authorization for Medical Care** (Family Code §69.10)
 - **Assignment of Educational Rights** (Government Code §7579.5(n))
 - **Indian Custodian:** If the child has Native American Ancestry under the Federal Indian Welfare Act (ICWA), custody can be given to an Indian Custodian under tribal law.
 - **Powers of Attorney:** In California, custody of a minor cannot be transferred from a parent to a nonparent without a court order. Documents called "Power of Attorney for Minor Child" or "Short-term Guardianship" do not transfer legal or physical custody. Notarization does not make such documents any more effective.
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II. PROBATE GUARDIANSHIP: AN OVERVIEW

TERMINATION- PROBATE CODE 1601

By operation of law, a guardianship ends when:

- Death of the ward, the ward turns 18 years old, or the ward is emancipated, married, or joins the armed forces.
- A court order- a parent, legal guardian, and/or the ward (if 12 years or older) may petition to terminate a non-ICWA guardianship.
 - The sole criterion for termination of a guardianship is “best interest.”
(Guardianship of L.V., 136 Cal.App. 4th 481, 489)
 - The Petitioner bears the burden of proving that termination would be in the best interest of the ward.

*Note: Probate Code §1601 does not mandate a court investigation in termination cases.

II. PROBATE GUARDIANSHIP: AN OVERVIEW ACTIVITY- CASE SCENARIO I

Jane has been caring for her 2-year-old grandson (John) consistently since his birth. John's mother (Samantha), who is Jane's daughter, also lives in the home. Samantha comes and goes from the house. Samantha sleeps most of the day but watches John, feeds him, and changes his diaper a few hours before she goes out each day. She does not have a steady job, but she collects WIC for John and gives it to Jane. John is covered under Medi-Cal. He is current on his vaccinations because Jane makes the appointments and takes Samantha and John to the appointments. Samantha started dating a man named Frank. Jane does not know Frank but has heard from the neighbors that Frank is a drug dealer and pimp. Samantha has talked about moving in with Frank. Jane is worried.

- Can Jane file for guardianship? Can Jane get a temporary guardianship to prevent Samantha from taking John away from her home? What if John is developmentally behind, and Samantha will not allow him to be assessed or receive services?
- What are Jane's options? What other information is needed for your investigation?

II. PROBATE GUARDIANSHIP: AN OVERVIEW

ACTIVITY- CASE SCENARIO 2

Jeff has a 15-year-old son (Peter) and a 3-year-old daughter (Clarissa). They live in Contra Costa County. Peter's and Clarissa's mother died six (6) months. Peter has started smoking pot, skipping school, and shoplifting. Jeff does not have any family nearby to help him. Jeff is overwhelmed, so he has asked his sister/Peter's paternal aunt (Karen), who lives in Kern County, to help him and care for Peter.

- Can Jeff file for guardianship? Can Karen file for guardianship? If so, where should the petition be filed?
- Is temporary guardianship needed in this case?
- What other options are available to Jeff and/or Karen?
- Are there any concerns with Clarissa remaining in Jeff's care and custody?

III. COURT INVESTIGATIONS ACTIVITY- CASE SCENARIO

Heidi had Jolene when she was a minor and chose to have her parental rights terminated when Jolene was 3 years old. Heidi's grandfather (Roy) adopted Jolene. Jolene is now 14 years old. Roy lost his home about seven (7) months ago. He was living in Alameda County with Jolene and in the same county as Heidi. However, since losing his home, Roy has been living with Jolene out of his car and motels; they have been "living" in Mendocino County for the last six (6) months. Roy was hospitalized last week, leaving Jolene alone. Jolene has been staying with a friend. Jolene called Heidi and asked if she could come live with Heidi. Roy is still in the hospital.

- Can Heidi file for guardianship? Where should Heidi file her petition?
- Is temporary guardianship needed in this case?
- Is this an investigation per Probate Code §1513(a)?
- Should a referral per Probate Code §1513(b) be made?

III. COURT INVESTIGATIONS

Regardless of whether the proposed guardian is a relative of the proposed ward, a court investigation [unless waived by the court] is required, per Probate Code §1513.

NON-RELATIVE: If the proposed ward and the proposed guardian are **not related**, the local county social services will perform the investigation and provide the court with a report.

RELATIVE: In guardianship between relatives, the court investigator will conduct the investigation and provide the court with a report.

III. COURT INVESTIGATIONS PROBATE CODE §1513

(a) Unless waived by the court for good cause, a court investigator, probation officer, or domestic relations investigator shall make an investigation and file with the court a report and recommendation concerning each proposed guardianship of the person or guardianship of the estate. Investigations where the proposed guardian is a relative shall be made by a court investigator. Investigations where the proposed guardian is a nonrelative shall be made by the county agency designated to investigate potential dependency. The report of the investigation for a guardianship of the person shall include, but need not be limited to, a discussion of all of the following:

III. COURT INVESTIGATIONS

PROBATE CODE §1513- CONTINUED

(1) A social history of the proposed guardian.

(2) A social history of the proposed ward, including, to the extent feasible, an assessment of any identified developmental, emotional, psychological, or educational needs of the proposed ward and the capability of the proposed guardian to meet those needs.

(3) The relationship of the proposed ward to the proposed guardian, including the duration and character of the relationship, the circumstances under which the proposed guardian took physical custody of the proposed ward, and a statement of the proposed ward's wishes concerning the proposed guardianship, unless the proposed ward's developmental, physical, or emotional condition prevents the proposed ward from forming or stating their wishes concerning the proposed guardianship.

(4) The duration of the guardianship anticipated by the parents and the proposed guardian and the plans of each parent and the proposed guardian to provide a stable and permanent home for the child. The court may waive this requirement when no parent is available.

III. COURT INVESTIGATIONS

ACTIVITY- LET'S BEGIN (CHECKLIST)

You get a guardianship case assigned to you, what next?

III. COURT INVESTIGATIONS

Review File: Determine if the paperwork is properly completed, determine the proper venue (is there guardianship or custody orders issued in another county or in juvenile court?), confirm petitioner is a relative, determine if the case is contested (i.e. signed consent form, parental absence), and determine if referral per Probate Code §1513(b) is needed.

Conduct Background Checks: Criminal History, DMV, Domestic Violence, and Department of Justice Child Abuse Index.

Records: Children and Family Services, school, medical, and police reports.

Conduct Interviews: Proposed Guardian, parents, child, siblings, and other (family members, teachers, doctors, therapists, and neighbors).

Write & Submit Report: The reports shall be made available to all parties entitled to receipt no less than three court days before the hearing on the guardianship petition. (Probate Code §1513(d))

CODE SECTIONS TO KEEP IN MIND WHEN MAKING RECOMMENDATIONS

Family Code §3040- Order of preference according to the best interest of the child if custody is being granted to a nonparent:

- To the person or persons in whose home the child has been living in a wholesome and stable environment.
- To any other person or persons deemed by the court to be suitable and able to provide adequate and proper care and guidance for the child.

Family Code §3041- “Detriment to the child” includes the harm of removal from a stable placement of a child with a person who has assumed, on a day-to-day basis, the role of the child’s parent, fulfilling both the child’s physical needs and the child’s psychological needs for care and affection, and who has assumed that role for a substantial period of time. A finding of detriment does not require a finding of unfitness of the parents.”

ADDITIONAL RESOURCES:

Judicial Council form GC-205– Information on Probate Guardianship of the Person

Judicial Council form GC-207– Comparison of Guardians with Other Nonparent Caregivers

QUESTIONS?

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