

# Probate Notes Pt. 1

## Notifying Parties of Upcoming Hearings For Guardianships & Conservatorships

This slideshow answers these questions:

- 1) Who should I inform of an upcoming hearing?
- 2) How do I Inform Someone of an Upcoming Hearing?



## 2 Kinds of Cases - Guardianships & Conservatorships

The Probate court hears several types of cases.

**One type is Conservatorships** - this is where the court appoints a responsible adult (or adults) to look after an adult who is unable to care for themselves.

**Another is Guardianships** - this is where the court orders someone other than a child's parents to have 1) Custody over the child, 2) management of a child's estate, or 3) both.


**Both of these** involve asking the Probate court for permission to make important decisions on someone else's behalf. Because of this, many forms are used for the same purpose in Conservatorships and Guardianships.



## Part 1 - Failure to Provide Notice

Probate matters are generally not ready to be heard until all interested parties have been given sufficient notice of the hearing.

If your note states that you have failed to give notice, you will need to use standard Judicial Council forms to notify interested parties that a hearing has been scheduled on a matter before the Probate Court.



## Failure to Provide Notice for Guardianship or Conservatorship

Click the link below:

[CLICK HERE TO DOWNLOAD YOUR FORM](#)

and scroll down to find form GC-020. This is the Judicial Council form to give notice of a hearing for your Guardianship or Conservatorship matter.

The title of the form is Notice of Hearing - Guardianship or Conservatorship.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):	
TELEPHONE NO.: FAX NO. (Optional):	
EMAIL ADDRESS (Optional):	
ATTORNEY FOR (Name):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF	
STREET ADDRESS:	
MAILING ADDRESS:	
CITY AND ZIP CODE:	
BRANCH NAME:	
<input type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name):	
<input type="checkbox"/> MINOR <input type="checkbox"/> (PROPOSED) CONSERVATEE	
NOTICE OF HEARING—GUARDIANSHIP OR CONSERVATORSHIP	CASE NUMBER

This notice is required by law.  
This notice does not require you to appear in court, but you may attend the hearing if you wish.

1. NOTICE is given that (name):  
(representative capacity, if any):  
has filed (specify):
2. You may refer to documents on file in this proceeding for more information. (Some documents filed with the court are confidential. Under some circumstances you or your attorney may be able to see or receive copies of confidential documents if you file papers in the proceeding or apply to the court.)
3.  The petition includes an application for the independent exercise of powers by a guardian or conservator under  Probate Code section 2108  Probate Code section 2590.  
Powers requested are  specified below  specified in Attachment 3.
4. A HEARING on the matter will be held as follows:

a. Date:	Time:	<input type="checkbox"/> Dept.:	<input type="checkbox"/> Room:
b. Address of court <input type="checkbox"/> same as noted above <input type="checkbox"/> is (specify):			

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available upon request if at least 5 days notice is provided. Contact the clerk's office for *Request for Accommodations by Persons with Disabilities and Order* (form MC-410). (Civil Code section 54.8.)



## Page 1 of 2 of the GC-020

The top left corner is where you will fill in your contact information.

You will check the boxes that match the appropriate case type.

You will also write in information as accurately as possible.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

Jane Doe  
123 Fake Street  
Bakersfield, CA 93310

TELEPHONE NO.: (661) 123-4567

FAX NO. (Optional):

E-MAIL ADDRESS (Optional): janedoe@rocketmail.com

ATTORNEY FOR (Name): Self

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Kern

STREET ADDRESS: 2100 College Avenue

MAILING ADDRESS: 2100 College Avenue

CITY AND ZIP CODE: Bakersfield, CA 93305

BRANCH NAME: Juvenile Justice Center

GUARDIANSHIP  CONSERVATORSHIP OF THE  PERSON  ESTATE  
OF (Name): John Doe

MINOR  (PROPOSED) CONSERVATEE

To keep other people  
from seeing what you  
entered on your form,  
please press the Clear  
This Form button at the  
end of the form when  
finished.

NOTICE OF HEARING—GUARDIANSHIP OR CONSERVATORSHIP

CASE NUMBER:

This notice is required by law.  
This notice does not require you to appear in court, but you may attend the hearing if you wish.

You are just writing in your own contact information at the top. If you are filing your own documents, you are acting as an attorney for yourself - so you may write Self, Self-Represented, or you may write Pro Per.

The address for nearly all Probate hearings will be 2100 College Ave., Bakersfield, CA 93305 at the Juvenile Justice Center.

MINOR (PROPOSED) CONSERVATORSHIP

**NOTICE OF HEARING—GUARDIANSHIP OR CONSERVATORSHIP**

CASE NUMBER:

BPB-21-234567

This notice is required by law.  
This notice does not require you to appear in court, but you may attend the hearing if you wish.

1. NOTICE is given that *(name)*: Jane Doe  
*(representative capacity, if any)*: Proposed Conservator  
has filed *(specify)*:  
Petition for Conservatorship of the Person and Estate of John Doe

If you are the petitioner, you would write your name in under #1.

Below that, you write what you filed.

BRANCH NAME: MICHO JUDICIAL DISTRICT

GUARDIANSHIP  CONSERVATORSHIP OF THE  PERSON  ESTATE  
OF (Name): John Doe

MINOR  (PROPOSED) CONSERVATEE

**NOTICE OF HEARING—GUARDIANSHIP OR CONSERVATORSHIP**

This section of the document is where you inform the person you are giving notice what sort of hearing you have requested.

In this example, Jane Doe has requested Conservatorship of the Person and the Estate of John Doe.

This is only an example. If your matter is for Guardianship, that is the box you will check. If you are only requesting Conservatorship of the person, you only check that box. Only check the boxes that apply in your case.

4. A HEARING on the matter will be held as follows:

a. Date: 6/6/2022                      Time: 8:30 AM        Dept.: J1                       Room:

b. Address of court        same as noted above        is (*specify*):

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available upon request if at least 5 days notice is provided. Contact the clerk's office for *Request for Accommodations by Persons with Disabilities and Order* (form MC-410). (Civil Code section 54.8.)



Your notice must include the date, the time, and Department in which the hearing will take place, so the person you are informing can attend if they want.

The Department will usually be J-1. The date and time will depend on your case - be sure to write it in carefully.

The address will generally be the same as the info filled in at the top of the page. However, if your case has been assigned another department or court, check the box labeled "is (*specify*):" and fill in the correct address and department in which the hearing will take place.

GUARDIANSHIP  CONSERVATORSHIP OF THE  PERSON  ESTATE CASE NUMBER: \_\_\_\_\_  
 OF (Name): **John Doe**  MINOR  (PROPOSED) CONSERVATEE

**NOTE: \***

A copy of this *Notice of Hearing—Guardianship or Conservatorship* ("Notice") must be "served" on—delivered to—each person who has the 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**

	<small>Name of person served</small>	<small>Address (number, street, city, state, and zip code)</small>
1.		
2.		
3.		
4.		

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

Page 2 of 2 of the Notice of Hearing

This page will be completed by your server.

This is how you tell the court who got served their copies, and who served them.

<input type="checkbox"/> GUARDIANSHIP	<input checked="" type="checkbox"/> CONSERVATORSHIP	OF THE	<input checked="" type="checkbox"/> PERSON	<input checked="" type="checkbox"/> ESTATE	CASE NUMBER:
OF (Name): John Doe					
	<input type="checkbox"/> MINOR		<input checked="" type="checkbox"/> (PROPOSED) CONSERVATEE		
<b>NOTE: *</b>					
<p>A copy of this <i>Notice of Hearing—Guardianship or Conservatorship</i> ("Notice") must be "served" on—delivered to—each person who has the 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) <b>may not personally perform either service by mail or personal service</b>, 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.</p> <p>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.</p>					

\* (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).)

You should check the boxes that match your case type at the top of page 2. In this example, we have Jane Doe petitioning for Conservatorship of the Person and Estate of John Doe.

That is just an example - check the boxes that match to your type of case.



Name of person served


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

1.	Sibling Doe	742 Evergreen Terrace, Bakersfield, CA, 93310
2.	Sibling Doe	31 Spooner Street, Bakersfield, CA 93310
3.	Parent Doe #1	4353 Wysteria Lane, Bakersfield, CA 93310
4.	Parent Doe #2	4353 Wysteria Lane, Bakersfield, CA 93310

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

You may use the bottom of page 2 to fill in the recipients who were served by mail. Please note that spouses who are entitled to service should be served individually, even if they live together (see #'s 3 & 4 above).

If you have more people to serve than can fit on the form, check the box next to "Continued on an attachment" and use the appropriate attachment.



## Failure to Provide Notice for Guardianship or Conservatorship

If you have more people to serve by mail than will fit on the GC-020, then you can visit <https://www.courts.ca.gov/forms.htm?query=gc-0> and download GC-020 (MA) to get additional spots to add recipients of notice by mail.

If your server delivers the notice to someone by personal service (actually handing the Notice to someone), you may attach form GC-020(PA) to the notice of hearing to tell the court who was served by personal service.



## Who Should Be Notified? GUARDIANSHIPS

If you are petitioning for Guardianship, the following individuals must be served notice of upcoming hearings:

- 1) Parents & both sets of Grandparents (Maternal and Paternal);
- 2) Siblings (including half siblings) - if they are 12 or over, they should be served directly. If they are 11 or under notice will be dispensed as to those minors;
- 3) The person having the care of the minor, other than the person having legal custody of the minor;
- 4) The subject minor(s), if 12 years of age or older.



## Who Should be Notified? GUARDIANSHIPS

When filing for Guardianship, you must also provide notice to the Kern County Department of Human Services.

**If you are related to the ward**, the address where notice must be served is:

Caseload 2265  
PO Box 511  
Bakersfield, CA 93302

**If you are not related to the ward**, the address where notice must be served is:

Caseload 2710 LPC  
PO Box 511  
Bakersfield, CA 93302



## Who Should be Notified? GUARDIANSHIPS

Additionally:

If you are related to the ward, you must  
provide notice to:

Family Court Services  
1215 Truxtun Ave.  
Third Floor  
Bakersfield, CA 93301

If you are not related to the ward, you must also  
provide notice to:

Department of Social Services  
774 P Street  
Sacramento, CA 95814



## Who Should be Notified? CONSERVATORSHIP

If you are petitioning for Conservatorship (or Limited Conservatorship), you must serve the GC-020 - Notice of Hearing and the GC-310 - Petition for Conservatorship to:

- 1) The spouse or registered domestic partner of the proposed conservatee,
- 2) Maternal & Paternal grandparents of the proposed conservatee,
- 3) All siblings of the proposed conservatee,
- 4) All children of the proposed conservatee,
- 5) Grandchildren of the proposed conservatee, and
- 6) The parents of the proposed conservatee



## Who Should be Notified? CONSERVATORSHIP

In a conservatorship matter, the conservatee must also be served with a special document other than the GC-020. The proposed conservatee should be served with the **GC-320 - Citation for Conservatorship** along with the GC-310 - Petition for Conservatorship.

The conservatee must be served - **Personally, not by mail** - 15 days before the court hearing on the Petition.



## Who Should be Notified? CONSERVATORSHIP

If you have petitioned for a **LIMITED** Conservatorship, you must also serve notice of the hearing at least 30 days in advance on the Regional Center.

The address for the Regional Center is:

Kern Regional Center  
3200 N. Sillect Ave.  
Bakersfield, CA 93308

NOTE: this is only for **LIMITED** Conservatorships. The Regional Center does not need notice of a hearing on a Petition for General Conservatorship.



## Who Should be Notified? GUARDIANSHIP & CONSERVATORSHIP

If minor's counsel is appointed in guardianship cases, or if the public defender is appointed in conservatorship matters, these should be included in the notices of hearings for each of those as applicable.



## Who Should be Notified? GUARDIANSHIP & CONSERVATORSHIP

A useful tool for double-checking who you must provide with notice in Guardianship and Conservatorship matters is form **DE-200 - Order Prescribing Notice**, which includes a section specifying the parties to be notified of an upcoming hearing.



## Summary - What should be served for a Guardianship?

- 1) Form GC-210(P), Petition for Appointment of Guardian of the Person (with attachments)

- Form GC-210 (CA) for each minor


- Form ICWA-010(A) for each minor

- Any additional attachments you used to explain answers on your forms

- 1) Form GC-020 - Notice of Hearing - Guardianship or Conservatorship
- 2) Form FL-105/GC-120 - Declaration Under UCCJEA
- 3) Form GC-211 - Consent of Proposed Guardian


Though you should file it alongside (not attached to) your Petition for Guardianship, you do not need to serve:

- 4) Form GC-212 - Confidential Guardian Screening Form



## Summary - What should be served? Conservatorship

- 1) GC-310, Petition for Appointment of Probate Conservator w/ attachments
- 2) GC-020, Notice of Hearing - Guardianship or Conservatorship
- 3) **ON THE CONSERVATEE ONLY - AND BY PERSONAL SERVICE:** GC-320, Citation for Conservatorship, plus the above documents



## DEADLINES: A Final Word on Failure to Provide Notice

In all of these cases, with one notable exception, your deadline to provide notice for an upcoming hearing is 15 calendar days. Try not to treat the deadline as the goal, but as a backstop. Beating the deadline is a good thing.

EXCEPTION: If you are filing for a Limited Conservatorship, you must provide notice to the Regional Center 30 calendar days before the hearing.

Please note as well that the court will not know your server has provided notice to the required parties if you do not have them complete the Proofs of Service. You should file a Proof of Service with the Probate department no fewer than 5 COURT days before your upcoming hearing.



## What if I can't Find The Person Who Needs Notice?

If you perform a diligent search for a person who is entitled to notice and cannot locate them, you may be able to submit a **Declaration of Diligent Search and Request to Dispense with Notice**. [California Rule of Court 7.52](#) explains the steps the court expects you to take before you can claim to have performed a diligent search for a person you are unable to locate.

If you can provide an adequate summary of your exhaustive efforts to find a person in order to perform service, you may be excused by the court from providing notice of an upcoming hearing to which they would otherwise be entitled to notice.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address)		FOR COURT USE ONLY	
TELEPHONE NO: _____ FAX NO: _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF KERN STREET/MAILING ADDRESS: 1215 TRUXTUN AVENUE CITY AND ZIP CODE: BAKERSFIELD, CA 93301 BRANCH NAME: METRO-JUSTICE BUILDING/PROBATE DIVISION			
CASE TITLE:		CASE NUMBER:	
		HEARING DATE:	
DECLARATION OF DILIGENT SEARCH AND REQUEST TO DISPENSE WITH NOTICE		TIME:	DEPT.:

1. Name of the person I need to give notice to is: \_\_\_\_\_
2. The last known address for the person named in items 1 is: \_\_\_\_\_
3. The date when the person named in item 1 last resided at this address was approximately: \_\_\_\_\_
4. The last date when I had contact with this person was: \_\_\_\_\_
5. The relationship between the person named in item 1 and the minor(s) in this case is: \_\_\_\_\_
6. The last date when the minor/conservatee had contact with this person was: \_\_\_\_\_
7. I called the last known phone number of the person named on 1 and left a message on \_\_\_/\_\_\_/\_\_\_\_.  
Response, if any: \_\_\_\_\_  
  
 continued on attachment 7.
8. I sent a text message to the last known cell phone number of the person named in 1 (attach image(s) of text message, if available) on \_\_\_/\_\_\_/\_\_\_\_. Response, if any: \_\_\_\_\_  
  
 continued on attachment 8.
9. I checked with relatives, friends, acquaintances, landlords and employers to locate the person named in item 1. I contacted:  
Name: \_\_\_\_\_ Date checked: \_\_\_/\_\_\_/\_\_\_\_  
Relationship to person named in item 1: \_\_\_\_\_  
Information obtained: \_\_\_\_\_

If you visit:

<https://www.kern.courts.ca.gov/documents?category=Local%20Court%20Forms> you may download a blank form to complete.

Page one must be filled out with your full contact information - the court information is pre-filled, since this form is used only in Kern County in our Probate department.

You must explain in this form how you searched for the individual for whom service was supposed to be performed.

CASE TITLE:	CASE NUMBER:
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Name: \_\_\_\_\_ Date checked: \_\_\_/\_\_\_/\_\_\_

Relationship to person named in item 1: \_\_\_\_\_

Information obtained: \_\_\_\_\_

continued on attachment 9.

10.  I looked in the telephone directory and called directory assistance in the following city: \_\_\_\_\_

to try to locate the person named in item 1 on \_\_\_/\_\_\_/\_\_\_, Information obtained: \_\_\_\_\_

continued on attachment 10.

11.  I searched the real and personal property indexes in the recorder's and assessor's offices for the county where the person named in item 1 was last known or believed to reside on \_\_\_/\_\_\_/\_\_\_.

Information obtained: \_\_\_\_\_

continued on attachment 11.

12.  I searched the Internet, including social media sites, to locate the person named in item 1 on \_\_\_/\_\_\_/\_\_\_.

(Attach images/print-outs of internet searches, if available)

Websites used: \_\_\_\_\_

Results: \_\_\_\_\_

continued on attachment 12.

13.  I attempted to give notice to the person in item 1 in other ways: (Describe)

continued on attachment 13.

Despite my diligent efforts, I have been unable to locate the person named in item 1 and therefore request that notice under Probate Code § \_\_\_\_\_ be dispensed with.

Date: \_\_\_\_\_  
\_\_\_\_\_  
Signature of Attorney

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

Date: \_\_\_\_\_  
\_\_\_\_\_  
Signature of Petitioner

Cal. Rules of Court, rule 7.52

You should continue filling out page 2 with any information that accurately describes the search you performed. Only sign and date at the very bottom - you are representing yourself, but you do not sign the Signature of Attorney line.

The court will not consider your search incomplete because you did not check every box and fill in every line.

You are signing this document under penalty of perjury, so be sure to give a sincere, complete, and creative effort to locate the individual(s) who were to receive service before opting to complete this document, and relay the facts of your search to the court as faithfully as possible when completing these forms.