

Protecting and Planning For Children:

A Family Resource Guide for Orange County, CA Families at Risk of Deportation and Detention

Presented by the Western State College of Law
Immigration Clinic*



* This resource guide was prepared by Nathalie Cedeno (J.D. Candidate, Class of 2018), Alizabeth Ramirez (J.D. Candidate, Class of 2018) and Jennifer Lee Koh, Professor of Law and Director of the Immigration Clinic at Western State College of Law. We are grateful to the following individuals for reviewing earlier drafts of this document: Yolanda Omana (Legal Aid Society of Orange County); Sabrina Rivera (Western State College of Law) Solange Rousset (Public Law Center); Jacquelyn Santos (Public Law Center); Professor Wendy Seiden (Chapman University Fowler School of Law); Professor Monica Todd (Western State College of Law); and Yolanda Torres (Law Offices of Yolanda V. Torres; Western State College of Law). We are also grateful to Anjuli Dow (Legal Services for Children); Kate Evans (University of Idaho School of Law); Rachel Prandini (Immigrant Legal Resource Center) and Abigail Trillin (Legal Services for Children and for helpful conversations related to this guide. June 2017.

Table of Contents:

<i>Section</i>	<i>Pages</i>
Summary Chart: Understanding Caregiver Authorization Affidavits, Powers of Attorney and Guardianships.....	3
Introduction.....	4-6
Caregiver Authorization Affidavit.....	7-8
Power of Attorney.....	9-11
Guardianship.....	12-15
Other Resources.....	16

Appendix:

**Caregiver Authorization Affidavit (Blank)
Sample Letter from Parent for CAA**

**Statutory Power of Attorney (Annotated w/Comments)
Statutory Power of Attorney (Blank)**

**Form GC-505 – Forms You Need to Ask the Court to
Appoint a Guardian of the Person**

Form FW-001 – Request to Waive Court Fees

Form FW-003 – Order on Court Fee Waiver

GC – 211 – Temporary Guardianship

**Summary Chart: Understanding Caregiver Authorization Affidavits,
Powers of Attorney and Guardianships**

	Caregiver Authorization Affidavit	Power of Attorney	Guardianship
Must this document be filed in court?	No	No	Yes. The process may also involve court hearings and a court-ordered investigation.
What powers are transferred to the caregiver/guardian?	The power to enroll the minor in school and consent to a minor's medical care. Does <i>not</i> grant custody or create a guardianship.	Depending on the content, can grant the power to maintain the customary living standard of the child and/or make financial decisions. Does <i>not</i> grant custody or create a guardianship.	The right to have legal custody of the child (including legal liability for any wrongdoing by the minor).
Do the parent(s) retain legal custody over the child?	Yes	Yes	No. A guardianship suspends the parent's parental rights while in effect, although parents can remain liable for child support.
Should families concerned about detention or deportation prepare this document now?	Not necessarily. The Caregiver Authorization Affidavit requires a sworn statement, by the caregiver, that the minor is living with the caregiver. Non-parent caregivers should <i>not</i> sign or notarize this document if the child is still living with the parents. However, parents can provide a partially completed Affidavit to a trusted caregiver to complete if needed.	Possibly. The Statutory Power of Attorney attached to this guide can be prepared now, and can include a provision stating that it would only go into effect (known as a "springing" power of attorney) <i>if</i> both parents are not able to care for their child(ren). It is critical that parents understand the limitations of a Power of Attorney.	No, not unless both parents wish to transfer full custody of their children to another individual. However, parents can become familiar with the guardianship process and discuss possible guardians in the event of detention or deportation.
How permanent is this option?	A Caregiver Authorization Affidavit is in effect for one (1) year from the date signed/notarized. After one year, the parties may renew it for another one year term.	A Power of Attorney may be in effect as long as the parties desire. Parents still retain custody unless a court order decides otherwise.	A guardianship suspends the parent's parental rights while in effect and the guardian holds legal rights and responsibilities. Termination must be done before the court in proceedings.

I. Introduction

The immigration policies of the federal government have sparked fear in the lives of many immigrant families. Many families have expressed concerns about their children: *What will happen to my children if I am detained or deported?* Indeed, one study from 2011 revealed that as many as 5,100 children were in the foster care system due to the deportation of one or both parents.¹ When Immigration and Customs Enforcement (ICE) detains parents, ICE does not take responsibility for the safety and well-being of children—even U.S. citizen children—left behind. This resource guide is designed to help families create legal documents to increase the likelihood that the care of their children will be handled in accordance with their wishes, in the event of an emergency such as immigration detention or deportation.

Immigrant families face many difficult choices if the detention or deportation of a parent occurs. Each family must make its own decisions. Some parents will bring their children with them to their country of origin, and can do so even if the children are U.S. citizens. Other parents will arrange for their children to remain in the U.S. with a trusted relative or caregiver. Still others may choose to change their plans after a short period of time.

There is no single easy document or legal route under current California law for immigrant parents who wish for their children to remain in the U.S. if deportation or detention separates their family. Ultimately, the most important steps that parents can take are not legal in nature, and involve speaking with individuals they would trust to care for the children, including children in difficult and painful conversations about the possibility of deportation, and notifying relevant institutions (e.g., schools, doctors, etc.) with emergency caregivers' names and phone numbers. *This guide is intended to provide information, and should not be read as providing individualized legal advice. Please consult with a trusts & estates, family and/or immigration law attorney for further guidance.*

This guide is aimed primarily at parents who plan to designate another person to care for their children who are under the age of 18 in the U.S. When considering who to designate as a caregiver, guardian, or person with informal custody, parents must take into account a person's reliability, trustworthiness, and whether they are also at risk for deportation and detention. It discusses three legal options that are available for parents who plan for their children to remain in the U.S.: (1) Caregiver Authorization Affidavit; (2) Power of Attorney; and (3) Guardianship. Each option provides different functions, and there are some important distinctions to understand amongst them.

¹ Applied Research Center, *Shattered Families: The Perilous Intersection of Immigration Enforcement and the Child Welfare System* (2011).

Under California law, a biological parent retains custodial rights over their child, and the existence of a Power of Attorney or Caregiver Authorization Affidavit will not, on its own, prevent even a parent with a history of domestic violence from seeking custody of a child. Parents concerned with domestic violence are highly encouraged to seek the assistance of an attorney. **Cases involving domestic or family violence may require more sophisticated legal interventions and plans not addressed in this guide.**

What are the Differences between a Caregiver's Authorization Affidavit, a Power of Attorney for the Care of a Minor Child, and a Guardianship?

A **Caregiver Authorization Affidavit** is recognized under California state law (Family Code section 6552), and acknowledged by schools and many medical providers to give an adult other than a parent the ability to enroll a child in school and consent to school-related medical treatment. If the caregiver is also a relative, a Caregiver Authorization Affidavit permits the caregiver to make *all* medical care decisions for the child. Although non-relatives can also sign a Caregiver Authorization Affidavit, non-relatives can only consent to school-related medical care, and may be required to obtain a foster care license.

A Caregiver Authorization Affidavit requires a sworn statement that the child lives with the caregiver. Even while Caregiver Authorization Affidavit is in effect, the parents retain all legal custody rights. The Caregiver Authorization Affidavit can be completed by the caregiver even if the caregiver does not have access to the parents, and does not require involvement from the courts.

A **Power of Attorney** is similar, but not identical, to the Caregiver Authorization Affidavit. A parent can choose a particular person to care for their child by assigning a Power of Attorney to a trusted adult. Through a Power of Attorney, a parent can grant all rights given by a Caregiver Authorization Affidavit as well as the ability to do acts necessary to maintain the child's customary standard of living. A Power of Attorney can also authorize the person to make financial decisions for a child. As with the Caregiver Authorization Affidavit, parents retain legal custody.

Powers of Attorney in California carry important risks and limitations, and should be used with caution. In California, a Power of Attorney cannot create a guardianship (even a temporary guardianship), and cannot transfer custody, even if the document contains a title suggesting that it can. (In other states, Powers of Attorney may be an appropriate way to create a temporary custody or guardianship, but that is not possible in California). Parents should be extremely cautious of service providers who offer to prepare such documents if they claim to contain the power to create a guardianship or custody, especially if charging high fees. Also, a

Power of Attorney can transfer significant power to another individual (the “attorney-in-fact”), and families should be aware of the potential for abuse by the attorney-in-fact.

The parent(s) completes and signs the Power of Attorney. The parent(s) can also revoke a Power of Attorney. In the sample Power of Attorney form attached to this guide, the parent(s) can prepare the form and state that it only becomes effective in the event that the parent(s) live outside the U.S. or otherwise state in a separate document that they wish for the Power of Attorney to become effective.

Guardianship is a more formal process. It occurs when a court formally appoints a guardian to make legal decisions for and have legal custody of the child. When a court appoints a guardian, parents’ rights are suspended (other than the right to visitation and the responsibility of child support) until the guardianship is terminated. The guardian is also legally liable for any wrongdoing by the child. After two years, courts will apply a presumption in favor of adoption, if the guardian wishes to adopt the child.

The court process associated with a guardianship can be time-consuming. Individuals wishing to explore a guardianship are encouraged to seek the assistance of an attorney.

I. Caregiver Authorization Affidavit

- What is a Caregiver Authorization Affidavit?

In California, parents can arrange for a person who is willing to take care of their child to sign a Caregiver Authorization Affidavit. Under this affidavit, the caregiver declares under penalty of perjury that the child lives with the caregiver and that the caregiver is caring for the child. The Affidavit is valid for only one year.

While the caregiver is not a legal guardian, the Affidavit gives caregivers who are a “qualified relatives” the ability to do two main things: (1) enroll the child in school, and (2) authorize medical care for the child.

The Caregiver Authorization Affidavit is recognized by the Family Code and Education Code of the State of California. Copies of the Caregiver Authorization Affidavit are included in this Guide, and can also be accessed through the Internet for free at <http://www.courts.ca.gov/documents/caregiver.pdf>.

- What is a “qualified relative?”

Per Family Code Section 6550 and 6552, a “qualified relative” means: means a spouse, parent, stepparent, brother, sister, stepbrother, stepsister, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin, or any person denoted by the prefix “grand” or “great,” or the spouse of any of the persons specified in this definition, even after the marriage has been terminated by death or dissolution. Qualified relatives must be 18 years or older.

- Can a non-relative complete the Caregiver Authorization Affidavit?

Yes, a person who is not a “qualified relative” can be named in a Caregiver Authorization Affidavit. However, non-relatives may be required to obtain a foster care license. More information about obtaining a foster care license is available at <http://www.oc4kids.com/adopt/fostercare/>, (888) 871-KIDS, or oc4kids@ssa.ocgov.com.

Even if not required to obtain a foster care license, a non- relative’s powers are slightly limited. Non-relatives have the power to enroll the minor in school and some power to authorize school-related medical care, but not to authorize medical care that is not related to school. A qualified relative, by contrast, has the power to enroll the child in school, consent to school related medical treatment, and most other medical and dental treatments.

- Who fills out the Affidavit?

The caregiver—*not the parents*--should complete and sign the Caregiver Authorization Affidavit. The caregiver should only sign (and notarize, if possible) the form if the child is actually living with the caregiver. To prepare for an emergency, parents may wish to have the caregiver complete the form without signing or notarizing it, and parents may wish to keep a copy of the partially completed Affidavit.

- How can a parent show that they have consented to the Caregiver Authorization Affidavit?

Although state law does not require a written statement from a parent showing that they consent to the caregiver named in the Affidavit, parents may wish to prepare and sign a short letter indicating that they give permission to the person named in the Caregiver Authorization Affidavit. Such a letter may be particularly helpful if the caregiver is not a “qualified relative.” See the Appendix for a sample letter.

- Who should receive a copy of the Caregiver Authorization Affidavit so that the person chosen as the caregiver can carry out decisions for the child/children?

The child’s school and/or healthcare provider will need a copy of a Caregiver Authorization Affidavit so that the caregiver can make school and medical decisions for the child.

- Does the child have to live with the caregiver in order for the Caregiver Authorization Affidavit to be valid?

Yes. The child must live with the caretaker in order for the affidavit to be valid.

- How is the Caregiver Authorization Affidavit terminated?

The Caregiver Authorization Affidavit can be terminated in several ways. The Affidavit expires after one year, and can be renewed with the completion of another affidavit. The Affidavit also terminates if the child stops living with the designated caretaker. Finally, a parent can object to the continuation of the Caregiver Authorization Affidavit.

II. Power of Attorney

- What is a Power of Attorney?

In general, a Power of Attorney is a document that gives another person (the “attorney-in-fact”) the legal authority to act on one’s behalf. Powers of Attorney can be used in a range of contexts, such as when arranging medical care or in property or business transactions.

- Can I use a Power of Attorney as a way of preparing for possible deportation?

Maybe. Powers of Attorney have *not* typically been used on a broad scale in the State of California by parents seeking to make child care arrangements. Some organizations in California have recommended against using Powers of Attorney to engage in emergency family planning for child care. Other organizations working with immigrant communities have begun to distribute Power of Attorney forms and hold clinics for parents who fear deportation or detention so that they can plan for the care of their minor children.

At the time of this guide’s publication, it remains unclear whether Powers of Attorney in the State of California will be an effective way of planning for immigration-related family emergencies. This guide does not contain a recommendation for or against the use of a Power of Attorney.

- What are the risks of using a Power of Attorney?

Families should understand that under California law, a Power of Attorney is not a perfect or simple family planning solution. If the goal is to plan for child care, then a Caregiver Authorization Affidavit may be sufficient for many families. Also, a Power of Attorney cannot create a guardianship or transfer custody (even if it claims to do so on the face of the document), and families should be aware of the risk of being misinformed about the authority contained in a Power of Attorney, especially if working with a service provider who seeks to charge a high rate to prepare such a document. Finally, depending on the content, a Power of Attorney can transfer a great deal of power to the attorney-in-fact, such as the power to make decisions related to property, taxes, and bank accounts, such that the potential for abuse exists.

- Why might I want to prepare a Power of Attorney?

A Power of Attorney can supplement the Caregiver Authorization Affidavit, which only grants the power to enroll a child in school and authorize medical care (if a qualified relative) or school-related medical care (if a non-relative), requires the child to live with the caregiver, and may require non-relatives to obtain a foster care license. Guardianship may not present a realistic solution for some families given the involvement of the court system. And Powers of Attorney can be a way to transfer the power over one's finances and property to a trusted individual.

- Does a Power of Attorney grant custody?

No. A Power of Attorney does not transfer formal legal custody to that person. Only a state court can grant legal custody to a person. State law grants biological parents the right to custody over their children.

- Who is the "Principal"? Who is the "Attorney-in-Fact" (and does that mean the person has to be an attorney)?

The parent(s) are the "principal"(s) in the Power of Attorney form. The person who is receiving permission from the parents to care for the minor child is referred to as an "attorney-in-fact" or "agent." Despite the name, an "attorney-in-fact" does not have to be a licensed attorney, but can be any person over the age of 18 who the parents trust to exercise the responsibilities described in the Power of Attorney.

- What rights does the sample Power of Attorney create for the caregiver?

Under the sample Power of Attorney that is attached, parents would be giving caregivers authority related to "personal and family maintenance."² The California Probate Code Section 4460 defines "personal and family maintenance" to give the attorney-in-fact the following powers:

- The ability to do the acts necessary to maintain the customary standard of living of the child (including providing living quarters);
- The ability to provide:
 - Funds for shelter, clothing, food, appropriate education, and other current living costs,
 - Payment for necessary medical, dental, and surgical care, hospitalization, and custodial care,

² See Cal. Probate Code § 4401 (containing copy of statutory form power of attorney).

- Any provision made by the parents for automobiles or other means of transportation, including registering, licensing, insuring, and replacing them,
- Maintaining or opening charge accounts and open new accounts the agent considers desirable to accomplish a lawful purpose,
- Usual vacations and travel expenses,
- Payments incidental to the membership or affiliation of the principal in a church, club, society, order, or other organization and continue contributions to those organizations.

The sample Power of Attorney enclosed with this Guide also clarifies that the attorney-in-fact can authorize medical decisions for the child and can travel with them. Additional terms related to child care can be added to the “Special Instructions” section of the form.

- Is a court required to enforce the terms of a Power of Attorney?

No. It is unlikely that a court would enforce or defer to a Power of Attorney if issues regarding custody of the child arise under state law. In addition, because the court is not required to enforce or defer to a Power of Attorney, the child could still be subject to dependency jurisdiction and/or foster care. Questions regarding court enforcement should be directed to an experienced family law attorney.

- When does a Power of Attorney go into effect?

The effective date of a Power of Attorney depends on the type of document that is prepared. Unless otherwise indicated, a Power of Attorney will go into effect immediately, once the form is properly completed and the signature of the principal properly acknowledged through either notarization or the signature of two adults other than the attorney-in-fact.³ But parents concerned about the future of their children due to the risk of detention or deportation need not prematurely give power to another adult related to their children. In California, a Power of Attorney can be drafted to go into effect only if a certain event occurs in the future. (Such documents are also called “springing” Powers of Attorney).⁴

The sample Power of Attorney in the Appendix contains suggested language that

³ See Cal. Probate Code § 4402 (describing requirements for statutory form power of attorney); §4121-22 (describing requirements for executing power of attorney, including acknowledgement and witness requirements).

⁴ See Cal. Probate Code § 4405 (permitting springing statutory form power of attorney through inclusion of provision in “Special Instructions” section of statutory form).

indicates that the powers in the document only become effective if neither parent is able to care for the child because they are living outside the U.S or if the parent signs a written declaration stating that they wish for the Power of Attorney to become effective (which could be signed from immigration detention).

- How is a Power of Attorney revoked or terminated?

A person has the right to revoke or terminate a power of attorney at any time, as long as they are competent.⁵ The Revocation must be in writing and include a notarized signature.

- Do I need an Attorney to complete a Power of Attorney?

An attorney is not required to complete the Power of Attorney. However, families may find it helpful to consult with an attorney to develop a Power of Attorney that best meets their needs. Note that sample power of attorney forms are free, and attorneys or service providers should not charge money for blank forms such as the one provided in this packet. **Families should exercise caution when working with *notarios*, attorneys or service providers who attempt to charge high fees to prepare Powers of Attorney (especially Powers of Attorney that claim to create a guardianship or transfer custody), or *any* fees for the blank forms attached to this guide.**

III. Guardianship

- What is a guardianship?

Guardianship occurs when the court appoints an adult, who is not the child's parents, to have legal and physical custody of the child. Parents still retain parental rights (such as right to visitation and the parent retains the responsibility of financial support – meaning the State can go after the parent for child support, particularly if the guardian is receiving child-only financial assistance), but they are suspended while the guardianship is in place. This means that parents still have their parental rights, but they are placed on hold pending a decision by the court that names a guardian for the child. Once appointed, the guardian holds legal rights and responsibilities to care for the child as a parent would. The guardian is in charge of all aspects of the child's care, which includes, but is not limited to: food, shelter, clothing, safety, education, medical care, and physical and emotional growth. If the guardianship is in place for two or more years, a presumption in favor of adoption may be applied by the courts.⁶

⁵ See Cal. Probate Code §4128.

⁶ See Cal. Probate Code §1516.5 and Cal. Family Code §7820-7827

- Does guardianship have to occur through the court?

Yes. To become a legal guardian, the California Probate Court must conduct legal proceedings and approve the guardianship. The person who must initiate the process is the guardian/caregiver, not the parent.

- Is there anything I can do to prepare for a *potential* guardianship now, without actually starting the legal process until an emergency arises?

Yes. Parents may prepare Form GC-211 to nominate a person to be the guardian of a child, and refrain from filing it with the court unless the need arises. Many parents may find it helpful to consult with an attorney; preferably one specialized in family law and/or immigration law, in order to begin this process. Please see the Appendix for a sample Form GC-211.

- How can I receive assistance with requesting a guardianship?

In Orange County, CA, persons who cannot afford an attorney can receive assistance through the Orange County Probate's Court Self Help Attorney's at: **Central Justice Center**: 700 Civic Center Drive West, Santa Ana, CA 92701. Orange County's Public Law Center also holds a free Guardianship Clinic Mondays from 12:30pm to 4:00pm at the same location (Central Justice Center).

- What can I expect from the guardianship process?

The process of appointing a guardian is a legal process that requires approval from the Probate Court. Typically, after a petition is filed, the court will schedule a hearing where the proposed guardians, child, and parents must appear.

If the guardian is a relative, the court will order an investigation to be conducted by an employee of the court. The investigation that may involve lengthy interviews, a home visit, and background check of everyone in the proposed guardianship's household. The investigator will make a recommendation to the judge, and the judge will consider the best interests of the child in evaluating whether to appoint a guardianship or not.

If the guardian is not a relative of the child, the case will be referred to the county's human or social services department, which may conduct a similar investigation.

- Are there any fees to seek a guardianship? If so, are there waivers available?

Yes, there are court costs, namely the Court's filing fee and the Court Investigator's Fee. Information for all costs related to guardianships is available at the following website: <http://www.occourts.org/general-public/fee-schedule/#probate>.

Persons who cannot afford the court's fees and costs can apply for a waiver. Fee waiver can be requested through filing Forms FW-001-GC and FW-003-GC and should be filed at the first floor of the **Central Justice Center: 700 Civic Center Drive West, Santa Ana, CA 92701**. The judge must approve the fee waiver.

Children who are 12 years old and older can petition the court for a guardianship, and are exempt from filing fees.⁷

- Do I need an attorney for a guardianship?

An attorney is not required for guardianship proceedings, but some families may wish to hire an attorney to navigate the process.

Resources

The following free resources are available for those who cannot afford an attorney:

- Web Resources:
 - California Court's Self-Help Website: <http://www.occourts.org/self-help/probate/guardianship/>
 - Guardianship Booklet: <http://occourts.com/forms/local/l641.pdf>
- In-Person Assistance:
 - **Legal Aid Society of Orange County:** 2101 N. Tustin Ave., Santa Ana, CA 92705 **Phone:** (714) 571-5200 **Toll Free:** (800) 834-5001 (Spanish and Vietnamese)
 - **Public Law Center:** 601 Civic Center Drive West, Santa Ana, CA 92701-4002 **Phone:** (714) 541-1010 (Spanish and Vietnamese)
 - **Guardianship Clinic:** 700 Civic Center Drive West Room A-100, Santa Ana, CA 92701. Mondays at 12:30pm to 4:00pm (First Come First Serve Basis)

Individuals who do not meet the eligibility requirements of local *pro bono* services but cannot afford an attorney may be able to receive a referral to an attorney who has agreed to charge substantially reduced rates by contacting the **Orange County Bar Association**

⁷ Cal. Probate Code § 1510

Lawyer Referral and Information Service at (949) 440-6747 or <http://irisoc.org/refer.asp>.

- What is a temporary guardianship?

A temporary guardianship exists for a limited period of time, before the court decides whether to grant a regular guardianship. Temporary guardianship can only be requested as part of regular guardianship proceedings; individuals cannot seek temporary guardianships only. Temporary guardianships terminate once the purpose of the temporary guardianship has been fulfilled.

Temporary guardianships are usually filed if there is an emergency during guardianship proceedings where the parent is not able to perform his/her parental obligations and as such require a relative or nonrelative to take over such obligations. Sometimes when there is an emergency the guardianship needs to be filed quickly, such as if the child needs immediate medical treatment; must enroll in school; if both parents become unavailable due to incarceration (including immigration detention) or incapacity, or if the child's parent is also a minor⁸

Per California Probate Code Section 2250, the petition for temporary guardianship requires the person seeking temporary guardianship to "state facts which establish good cause for appointment of the temporary guardianship." In these emergencies, "good cause" means the individual must have a very good reason to ask for temporary guardianship, such as the examples listed above.⁹

Guardianship forms are available on the OC Courts' Self-Help website.¹⁰

- How can a guardianship be terminated?

In order to terminate the guardianship, a petition requesting termination of the guardianship must be filed with the Probate Court, and the Court must order such termination.

⁸ See California Courts, *Becoming a Guardian*, available at <http://www.courts.ca.gov/1212.htm>.

⁹ Cal. Probate Code § 2250

¹⁰ <http://www.occourts.org/self-help/probate/guardianship/>

Other California Resources

For other resources related to family planning in the event of potential deportation or detention, please see:

- **Immigrant Legal Resource Center. Family Preparedness Plan:**
https://www.ilrc.org/sites/default/files/resources/family_preparedness_plan_v3.pdf
- **Bet Tzedek, How to Prepare for a Family Emergency Under the Trump Administration:**
<http://www.bettzedek.org/wp-content/uploads/2017/02/Family-Preparedness-English.pdf>

Appendix

Caregiver's Authorization Affidavit

Use of this affidavit is authorized by Part 1.5 (commencing with Section 6550) of Division 11 of the California Family Code.

Instructions: Completion of items 1 - 4 and the signing of the affidavit is sufficient to authorize enrollment of a minor in school and authorize school-related medical care. Completion of items 5-8 is additionally required to authorize any other medical care. **Print clearly.**

The minor named below lives in my home and I am 18 years of age or older.

1. Name of minor: _____.
2. Minor's birth date: _____.
3. My name (adult giving authorization): _____.
4. My home address (street, apartment number, city, state, zip code):

_____.
5. I am a grandparent, aunt, uncle, or other qualified relative of the minor (see page 2 of this form for a definition of "qualified relative").
6. Check one or both (for example, if one parent was advised and the other cannot be located):
 - I have advised the parent(s) or other person(s) having legal custody of the minor of my intent to authorize medical care, and have received no objection.
 - I am unable to contact the parent(s) or other person(s) having legal custody of the minor at this time, to notify them of my intended authorization.
7. My date of birth: _____.
8. My California's driver's license or identification card number: _____.

Warning: Do not sign this form if any of the statements above are incorrect, or you will be committing a crime punishable by a fine, imprisonment, or both.

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

Dated: _____ Signed: _____

Notices:

1. This declaration does not affect the rights of the minor's parents or legal guardian regarding the care, custody, and control of the minor, and does not mean that the caregiver has legal custody of the minor.
2. A person who relies on this affidavit has no obligation to make any further inquiry or investigation.
3. This affidavit is not valid for more than one year after the date on which it is executed.

Additional Information:

TO CAREGIVERS:

1. "Qualified relative," for purposes of item 5, means a spouse, parent, stepparent, brother, sister, stepbrother, stepsister, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin, or any person denoted by the prefix "grand" or "great," or the spouse of any of the persons specified in this definition, even after the marriage has been terminated by death or dissolution.
2. The law may require you, if you are not a relative or a currently licensed foster parent, to obtain a foster home license in order to care for a minor. If you have any questions, please contact your local department of social services.
3. If the minor stops living with you, you are required to notify any school, health care provider, or health care service plan to which you have given this affidavit.
4. If you do not have the information requested in item 8 (California driver's license or I.D.), provide another form of identification such as your social security number or Medi-Cal number.

TO SCHOOL OFFICIALS:

1. Section 48204 of the Education Code provides that this affidavit constitutes a sufficient basis for a determination of residency of the minor, without the requirement of a guardianship or other custody order, unless the school district determines from actual facts that the minor is not living with the caregiver.
2. The school district may require additional reasonable evidence that the caregiver lives at the address provided in item 4.

TO HEALTH CARE PROVIDERS AND HEALTH CARE SERVICE PLANS:

- 1. No person who acts in good faith reliance upon a caregiver's authorization affidavit to provide medical or dental care, without actual knowledge of facts contrary to those stated on the affidavit, is subject to criminal liability or to civil liability to any person, or is subject to professional disciplinary action, for such reliance if the applicable portions of the form are completed.**
- 2. This affidavit does not confer dependency for health care coverage purposes.**

Sample Letter from Parent Re Caregiver Authorization Affidavit

[ADDRESS OF PARENT]

To whom it may concern:

My name is [NAME OF PARENT]. I am the parent of [NAME OF CHILD(REN, AND DATES OF BIRTH)]. I hereby give permission to [NAME OF CAREGIVER] to enroll my child[ren] in school and to authorize medical care.

[PRINT NAME OF PARENT]

[SIGNATURE OF PARENT]

[DATE]

UNIFORM STATUTORY FORM POWER OF ATTORNEY

(California Probate Code Section 4401)

NOTICE: THE POWERS GRANTED BY THIS DOCUMENT ARE BROAD AND SWEEPING. THEY ARE EXPLAINED IN THE UNIFORM STATUTORY FORM POWER OF ATTORNEY ACT (CALIFORNIA PROBATE CODE SECTIONS 4400-4465). THE POWERS LISTED IN THIS DOCUMENT DO NOT INCLUDE ALL POWERS THAT ARE AVAILABLE UNDER THE PROBATE CODE. ADDITIONAL POWERS AVAILABLE UNDER THE PROBATE CODE MAY BE ADDED BY SPECIFICALLY LISTING THEM UNDER THE SPECIAL INSTRUCTIONS SECTION OF THIS DOCUMENT. IF YOU HAVE ANY QUESTIONS ABOUT THESE POWERS, OBTAIN COMPETENT LEGAL ADVICE. THIS DOCUMENT DOES NOT AUTHORIZE ANYONE TO MAKE MEDICAL AND OTHER HEALTH-CARE DECISIONS FOR YOU. YOU MAY REVOKE THIS POWER OF ATTORNEY IF YOU LATER WISH TO DO SO.

I, [NAME OF PARENT(S)] of [CURRENT ADDRESS OF PARENT(S)],

appoint [NAME OF PERSON WHO WILL CARE FOR MINOR(S), AKA THE "ATTORNEY-IN-FACT"] of [ADDRESS OF ATTORNEY-IN-FACT],

as my agent (attorney-in-fact) to act for me in any lawful way with respect to the following initialed subjects:

TO GRANT ALL OF THE FOLLOWING POWERS, INITIAL THE LINE IN FRONT OF (N) AND IGNORE THE LINES IN FRONT OF THE OTHER POWERS. TO GRANT ONE OR MORE, BUT FEWER THAN ALL, OF THE FOLLOWING POWERS, INITIAL THE LINE IN FRONT OF EACH POWER YOU ARE GRANTING. TO WITHHOLD A POWER, DO NOT INITIAL THE LINE IN FRONT OF IT. YOU MAY, BUT NEED NOT, CROSS OUT EACH POWER WITHHELD.

INITIAL

- (A) Real property transactions.
- (B) Tangible personal property transactions.
- (C) Stock and bond transactions.
- (D) Commodity and option transactions.
- (E) Banking and other financial institution transactions.
- (F) Business operating transactions.
- (G) Insurance and annuity transactions.
- (H) Estate, trust, and other beneficiary transactions.
- (I) Claims and litigation.
- (J) Personal and family maintenance.
- (K) Benefits from social security, medicare, medicaid, or other governmental programs, or civil or military service.
- (L) Retirement plan transactions.

NOTE: The initials of the parent(s) must be placed on the lines. DO NOT place a check or "X" next on the lines.

NOTE: To delegate power only to care for family matters, place initials next to "J"

_____ (M) Tax matters.

_____ (N) ALL OF THE POWERS LISTED ABOVE.

YOU NEED NOT INITIAL ANY OTHER LINES IF YOU INITIAL LINE (N).

SPECIAL INSTRUCTIONS:

ON THE FOLLOWING LINES YOU MAY GIVE SPECIAL INSTRUCTIONS LIMITING OR EXTENDING THE POWERS GRANTED TO YOUR AGENT.

NOTE: The following language has been suggested by the authors of this guide to clarify that the Power of Attorney does not become effective unless a parent is unable to care for the minor(s) due to detention/deportation. It also clarifies the types of responsibilities and powers the attorney-in-fact has for the minor(s).

SUGGESTED LANGUAGE: This Power of Attorney shall become effective on the condition that [NAME OF PARENT[S] is/are living outside the United States or if [NAME OF PARENT[S]] sign a written declaration stating that they wish for this Power of Attorney to become effective. Proof that the conditions for effectiveness have been satisfied may be shown through documents showing [NAME OF PARENT[S]]' non-U.S. address, or a written declaration of [NAME OF PARENT[S]] stating that they are no longer living in the U.S.

The Attorney-in-Fact is empowered to authorize any and all medical and dental care for the health and well-being of [NAME(S) OF CHILDREN]; and to travel with [NAME(S) OF CHILDREN] to any location outside the City of [NAME OF CITY OF RESIDENCE], California, for any reason deemed necessary by my attorney(s)-in-fact.

UNLESS YOU DIRECT OTHERWISE ABOVE, THIS POWER OF ATTORNEY IS EFFECTIVE IMMEDIATELY AND WILL CONTINUE UNTIL IT IS REVOKED.

~~This power of attorney will continue to be effective even though I become incapacitated.~~

STRIKE THE PRECEDING SENTENCE IF YOU DO NOT WANT THIS POWER OF ATTORNEY TO CONTINUE IF YOU BECOME INCAPACITATED.

EXERCISE OF POWER OF ATTORNEY WHERE MORE THAN ONE AGENT DESIGNATED

If I have designated more than one agent, the agents are to act

_____.

Note:
Striking this sentence clarifies that if a parent becomes incapacitated for health reasons, the power of attorney is no longer effective.

IF YOU APPOINTED MORE THAN ONE AGENT AND YOU WANT EACH AGENT TO BE ABLE TO ACT ALONE WITHOUT THE OTHER AGENT JOINING, WRITE THE WORD "SEPARATELY" IN THE BLANK SPACE ABOVE. IF YOU DO NOT INSERT ANY WORD IN THE BLANK SPACE, OR IF YOU INSERT THE WORD "JOINTLY", THEN ALL OF YOUR AGENTS MUST ACT OR SIGN TOGETHER.

I agree that any third party who receives a copy of this document may act under it. A third party may seek identification. Revocation of the power of attorney is not effective as to a third party until the third party has actual knowledge of the revocation. I agree to indemnify the third party for any claims that arise against the third party because of reliance on this power of attorney.

Signed this _____ day of _____, 20_____

Signature of Principal

Signature of Principal

Parent(s) should sign here.

State of _____
County of _____

BY ACCEPTING OR ACTING UNDER THE APPOINTMENT, THE AGENT ASSUMES THE FIDUCIARY AND OTHER LEGAL RESPONSIBILITIES OF AN AGENT.

ACKNOWLEDGMENT

State of California)

County)
of _____

On _____, 20____, before me,

a Notary Public in and for the State of California, personally appeared

_____.

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

My commission expires _____

UNIFORM STATUTORY FORM POWER OF ATTORNEY

(California Probate Code Section 4401)

NOTICE: THE POWERS GRANTED BY THIS DOCUMENT ARE BROAD AND SWEEPING. THEY ARE EXPLAINED IN THE UNIFORM STATUTORY FORM POWER OF ATTORNEY ACT (CALIFORNIA PROBATE CODE SECTIONS 4400-4465). THE POWERS LISTED IN THIS DOCUMENT DO NOT INCLUDE ALL POWERS THAT ARE AVAILABLE UNDER THE PROBATE CODE. ADDITIONAL POWERS AVAILABLE UNDER THE PROBATE CODE MAY BE ADDED BY SPECIFICALLY LISTING THEM UNDER THE SPECIAL INSTRUCTIONS SECTION OF THIS DOCUMENT. IF YOU HAVE ANY QUESTIONS ABOUT THESE POWERS, OBTAIN COMPETENT LEGAL ADVICE. THIS DOCUMENT DOES NOT AUTHORIZE ANYONE TO MAKE MEDICAL AND OTHER HEALTH-CARE DECISIONS FOR YOU. YOU MAY REVOKE THIS POWER OF ATTORNEY IF YOU LATER WISH TO DO SO.

I, _____ of _____,

appoint _____ of _____,

as my agent (attorney-in-fact) to act for me in any lawful way with respect to the following initialed subjects:

TO GRANT ALL OF THE FOLLOWING POWERS, INITIAL THE LINE IN FRONT OF (N) AND IGNORE THE LINES IN FRONT OF THE OTHER POWERS. TO GRANT ONE OR MORE, BUT FEWER THAN ALL, OF THE FOLLOWING POWERS, INITIAL THE LINE IN FRONT OF EACH POWER YOU ARE GRANTING. TO WITHHOLD A POWER, DO NOT INITIAL THE LINE IN FRONT OF IT. YOU MAY, BUT NEED NOT, CROSS OUT EACH POWER WITHHELD.

INITIAL

- _____ (A) Real property transactions.
- _____ (B) Tangible personal property transactions.
- _____ (C) Stock and bond transactions.
- _____ (D) Commodity and option transactions.
- _____ (E) Banking and other financial institution transactions.
- _____ (F) Business operating transactions.
- _____ (G) Insurance and annuity transactions.
- _____ (H) Estate, trust, and other beneficiary transactions.
- _____ (I) Claims and litigation.
- _____ (J) Personal and family maintenance.
- _____ (K) Benefits from social security, medicare, medicaid, or other governmental programs, or civil or military service.
- _____ (L) Retirement plan transactions.
- _____ (M) Tax matters.
- _____ (N) ALL OF THE POWERS LISTED ABOVE.

YOU NEED NOT INITIAL ANY OTHER LINES IF YOU INITIAL LINE (N).

SPECIAL INSTRUCTIONS:

ON THE FOLLOWING LINES YOU MAY GIVE SPECIAL INSTRUCTIONS LIMITING OR EXTENDING THE POWERS GRANTED TO YOUR AGENT.

UNLESS YOU DIRECT OTHERWISE ABOVE, THIS POWER OF ATTORNEY IS EFFECTIVE IMMEDIATELY AND WILL CONTINUE UNTIL IT IS REVOKED.

This power of attorney will continue to be effective even though I become incapacitated.

STRIKE THE PRECEDING SENTENCE IF YOU DO NOT WANT THIS POWER OF ATTORNEY TO CONTINUE IF YOU BECOME INCAPACITATED.

EXERCISE OF POWER OF ATTORNEY WHERE MORE THAN ONE AGENT DESIGNATED

If I have designated more than one agent, the agents are to act

_____.

IF YOU APPOINTED MORE THAN ONE AGENT AND YOU WANT EACH AGENT TO BE ABLE TO ACT ALONE WITHOUT THE OTHER AGENT JOINING, WRITE THE WORD "SEPARATELY" IN THE BLANK SPACE ABOVE. IF YOU DO NOT INSERT ANY WORD IN THE BLANK SPACE, OR IF YOU INSERT THE WORD "JOINTLY", THEN ALL OF YOUR AGENTS MUST ACT OR SIGN TOGETHER.

I agree that any third party who receives a copy of this document may act under it. A third party may seek identification. Revocation of the power of attorney is not effective as to a third party until the third party has actual knowledge of the revocation. I agree to indemnify the third party for any claims that arise against the third party because of reliance on this power of attorney.

Signed this _____ day of _____, 20_____

Signature of Principal

State of _____
County of _____

**BY ACCEPTING OR ACTING UNDER THE APPOINTMENT, THE AGENT
ASSUMES THE FIDUCIARY AND OTHER LEGAL RESPONSIBILITIES OF AN
AGENT.**

ACKNOWLEDGMENT

State of California)

County)
of _____

On _____, 20____, before me,

a Notary Public in and for the State of California, personally appeared
_____.

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

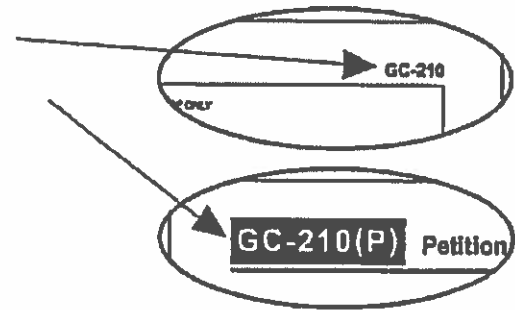
WITNESS my hand and official seal.

Signature _____

My commission expires _____

Look at the numbers at the top of a form to match them with the form numbers listed below. You can use this form as a checklist.

OR



* Appointment of a guardian for a Native American child is subject to special requirements that are not discussed in these instructions. See item 14 on the next page.

I want to become a guardian of a child. What forms do I need to file with the court?

- 1 Fill out, sign, and file with the court *either* of the following form petitions ("your petition"):
 - Form GC-210(P), *Petition for Appointment of Guardian of the Person* (recommended if you won't have an attorney to help you); or
 - Form GC-210, *Petition for Appointment of Guardian of Minor*.
- 2 Fill out the following forms and attach them to or file them separately with your petition:
 - Attach to your petition a separate copy of Form GC-210(CA), *Guardianship Petition—Child Information Attachment*, for each child you think needs a guardian.
 - Sign and attach to your petition one copy of Form FL-105/GC-120, *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)*, for all children you think need a guardian.
 - Sign and file separately with your petition Form GC-212, *Confidential Guardian Screening Form*. This form is confidential, under the direct control of the court, and not available to the general public.
 - If required by your court, sign and file separately with your petition, Form GC-211, *Consent of Proposed Guardian* (item 1 of that multi-purpose form, at the top of the page). Many courts don't require that form if you are asking for your own appointment as guardian, so check with your court before you file it.
 - File separately with your petition any local forms your court wants you to file with your petition (check your court's local rules and guidelines for information and instructions about these forms).

What must I do if I want the court to appoint someone other than myself as guardian?

- 3 Instead of filling out and signing Form GC-212, listed above in Step 2, ask the person you want the court to appoint as guardian to fill out and sign that form.
- 4 Instead of signing item 1 of Form GC-211, listed above in Step 2, ask the person you want the court to appoint as guardian to sign item 1 of that form. Many courts don't require that form if the person you want as guardian signs your petition (as an additional petitioner), so check with the court on the need to file that form if that person signed your petition. See page 2 of this form to learn about use of another part of Form GC-211.

What can I do if I can't afford to pay the court's filing fees?

- 5 Fill out, sign, and file Form FW-001, *Application for Waiver of Court Fees and Costs*, and fill out and give the court clerk Form FW-003, *Order on Application for Waiver of Court Fees and Costs*, for the judge to sign.

What happens when I file my petition and the other forms listed above?

The court clerk will give you a case number, a date and time when, and a courtroom or department of the court where the judge will hear your request to appoint a guardian. Take an extra copy of your petition and the other papers you must file to the court when you file the originals and ask the clerk to stamp the filing date and case number on your copies and note the hearing date and place on your copy of the petition. Some courts will require you to give the clerk one or more extra copies of your papers, so check with your court before you go to the court to file the papers.

What forms do I need after I file my petition and have a hearing date?

- 6 If either or both of the child's parents or any other person you must notify of the hearing on your petition will agree with your request for appointment of a guardian, fill out and have each of them date and sign item 4 at the bottom of Form GC-211, *Consent to Appointment of Guardian and Waiver of Notice*. File the form with the court when you file the *Notice of Hearing*, discussed below.

What must I do before the court hearing on my petition?

You must arrange for someone other than yourself to notify certain people about your petition and the court hearing and show the court that he or she has done so. Read Form GC-510, *What is "Proof of Service" in a Guardianship*, and:

- 7 Fill out the first page of Form GC-020, *Notice of Hearing—Guardianship or Conservatorship*.
- 8 Follow the instructions in Form GC-510 for personal delivery ("personal service") of copies of your petition and the *Notice of Hearing* and showing the court that personal service has been made ("proving service").
- 9 Follow the instructions in Form GC-510 for mailing ("service by mail") copies of your petition and the *Notice of Hearing* and showing the court that service by mail has been made ("proving service").
- 10 File with the court at least 5 days before the hearing, the original Form GC-020, with attached original filled-in proofs of personal and mailed service, signed by the person(s) who delivered and mailed the papers.
- 11 Fill out and deliver the following forms to the court at or before the hearing on your petition (check your court's local rules for the deadlines for delivery of these forms to the court):
- Form GC-240, *Order Appointing Guardian of Minor* (the judge will sign this Order at or shortly after the hearing on your petition if he or she grants your request for appointment of a guardian);
 - Form GC-248, *Duties of Guardian and Acknowledgment of Receipt* (you or any other person the court has appointed as guardian must sign this form and the form must be filed with the court before the clerk will sign and file the *Letters of Guardianship* (see below)); and
 - Form GC-250, *Letters of Guardianship* (the court clerk will sign and file the original of this form, often called "Letters," and will give you (for a fee) certified copies that you, or any other person the court has appointed as guardian, must have to show legal authority to act as the child's guardian.
- 12 Fill out and file any local forms your court requires at or before the hearing on your petition (check your court's local rules for information about these forms, deadlines for filing them, and requirements for service of copies to other persons interested in the case).

Need help?

- 13 Your court may have a self-help center or a volunteer assistance program that can help you with a guardianship, or the court may be able to refer you to other organizations in your area that can help you.
- 14 If you can get on the Internet, you can go to the California Courts Self-Help Center Web site, at www.courtinfo.ca.gov/selfhelp/family/guardianship (English) or www.courtinfo.ca.gov/selfhelp/espanol/familia/tutela (Spanish). This Web site provides information about the guardianship process, including information about what you need to do if the child in your case is a Native American or has a Native American ancestor, and information about other resources available to you. You can also download a copy of Form GC-205, *Guardianship Pamphlet* and all the forms mentioned above. The pamphlet has a basic explanation of a guardianship. It is available in Spanish and several other languages. You can even fill out the necessary forms on your computer while visiting this site and print them out ready for signing and filing, free of charge.
- 15 You can also go to www.courtinfo.ca.gov/courts/trial/courtlist.htm to access your court's Web site. This site can tell you where to file your forms and go for court hearings and can advise you about the court's rules and practices you need to know during the progress of your case. You can also download copies of the court's local forms.

Clerk stamps date here when form is filed.

If you are getting public benefits, are a low-income person, or do not have enough income to pay for your household's basic needs and your court fees, you may use this form to ask the court to waive your court fees. The court may order you to answer questions about your finances. If the court waives the fees, you may still have to pay later if:

- You cannot give the court proof of your eligibility,
- Your financial situation improves during this case, or
- You settle your civil case for \$10,000 or more. The trial court that waives your fees will have a lien on any such settlement in the amount of the waived fees and costs. The court may also charge you any collection costs.

Fill in court name and street address:

Superior Court of California, County of

Fill in case number and name:

Case Number:

Case Name:

1 Your Information (person asking the court to waive the fees):

Name: _____
 Street or mailing address: _____
 City: _____ State: ___ Zip: _____
 Phone number: _____

2 Your Job, if you have one (job title): _____

Name of employer: _____
 Employer's address: _____

3 Your Lawyer, if you have one (name, firm or affiliation, address, phone number, and State Bar number):

a. The lawyer has agreed to advance all or a portion of your fees or costs (check one): Yes No

b. (If yes, your lawyer must sign here) Lawyer's signature: _____
If your lawyer is not providing legal-aid type services based on your low income, you may have to go to a hearing to explain why you are asking the court to waive the fees.

4 What court's fees or costs are you asking to be waived?

- Superior Court (See *Information Sheet on Waiver of Superior Court Fees and Costs* (form FW-001-INFO).)
- Supreme Court, Court of Appeal, or Appellate Division of Superior Court (See *Information Sheet on Waiver of Appellate Court Fees* (form APP-015/FW-015-INFO).)

5 Why are you asking the court to waive your court fees?

- a. I receive (check all that apply; see form FW-001-INFO for definitions): Food Stamps Supp. Sec. Inc. SSP Medi-Cal County Relief/Gen. Assist. IHSS CalWORKS or Tribal TANF CAPI
- b. My gross monthly household income (before deductions for taxes) is less than the amount listed below. (If you check 5b, you must fill out 7, 8, and 9 on page 2 of this form.)

Family Size	Family Income	Family Size	Family Income	Family Size	Family Income	<i>If more than 6 people at home, add \$435.42 for each extra person.</i>
1	\$1,256.26	3	\$2,127.09	5	\$2,997.92	
2	\$1,691.67	4	\$2,562.51	6	\$3,433.34	

- c. I do not have enough income to pay for my household's basic needs and the court fees. I ask the court to: (check one and you must fill out page 2):
- waive all court fees and costs
 - let me make payments over time
 - waive some of the court fees

6 Check here if you asked the court to waive your court fees for this case in the last six months. (If your previous request is reasonably available, please attach it to this form and check here:)

I declare under penalty of perjury under the laws of the State of California that the information I have provided on this form and all attachments is true and correct.

Date: _____

Print your name here

Sign here



Case Number: _____

Your name: _____

If you checked 5a on page 1, do not fill out below. If you checked 5b, fill out questions 7, 8, and 9 only. If you checked 5c, you must fill out this entire page. If you need more space, attach form MC-025 or attach a sheet of paper and write Financial Information and your name and case number at the top.

7 Check here if your income changes a lot from month to month. If it does, complete the form based on your average income for the past 12 months.

8 Your Gross Monthly Income

a. List the source and amount of any income you get each month, including: wages or other income from work before deductions, spousal/child support, retirement, social security, disability, unemployment, military basic allowance for quarters (BAQ), veterans payments, dividends, interest, trust income, annuities, net business or rental income, reimbursement for job-related expenses, gambling or lottery winnings, etc.

(1) _____ \$ _____
(2) _____ \$ _____
(3) _____ \$ _____
(4) _____ \$ _____

b. Your total monthly income: \$ _____

9 Household Income

a. List the income of all other persons living in your home who depend in whole or in part on you for support, or on whom you depend in whole or in part for support.

Table with columns: Name, Age, Relationship, Gross Monthly Income. Rows (1) through (4) with blank lines for entry.

b. Total monthly income of persons above: \$ _____

Total monthly income and household income (8b plus 9b): \$ _____

To list any other facts you want the court to know, such as unusual medical expenses, etc., attach form MC-025 or attach a sheet of paper and write Financial Information and your name and case number at the top. Check here if you attach another page. Important! If your financial situation or ability to pay court fees improves, you must notify the court within five days on form FW-010.

10 Your Money and Property

a. Cash \$ _____

b. All financial accounts (List bank name and amount):

(1) _____ \$ _____
(2) _____ \$ _____
(3) _____ \$ _____

c. Cars, boats, and other vehicles

Table with columns: Make / Year, Fair Market Value, How Much You Still Owe. Rows (1) through (3) with blank lines for entry.

d. Real estate

Table with columns: Address, Fair Market Value, How Much You Still Owe. Rows (1) through (2) with blank lines for entry.

e. Other personal property (jewelry, furniture, furs, stocks, bonds, etc.):

Table with columns: Describe, Fair Market Value, How Much You Still Owe. Rows (1) through (2) with blank lines for entry.

11 Your Monthly Deductions and Expenses

a. List any payroll deductions and the monthly amount below:

(1) _____ \$ _____
(2) _____ \$ _____
(3) _____ \$ _____
(4) _____ \$ _____

b. Rent or house payment & maintenance \$ _____

c. Food and household supplies \$ _____

d. Utilities and telephone \$ _____

e. Clothing \$ _____

f. Laundry and cleaning \$ _____

g. Medical and dental expenses \$ _____

h. Insurance (life, health, accident, etc.) \$ _____

i. School, child care \$ _____

j. Child, spousal support (another marriage) \$ _____

k. Transportation, gas, auto repair and insurance \$ _____

l. Installment payments (list each below):

Paid to:
(1) _____ \$ _____
(2) _____ \$ _____
(3) _____ \$ _____

m. Wages/earnings withheld by court order \$ _____

n. Any other monthly expenses (list each below):

Table with columns: Paid to, How Much? Rows (1) through (3) with blank lines for entry.

Total monthly expenses (add 11a-11n above): \$ _____

**Order on Court Fee Waiver
(Superior Court)**

Clerk stamps date here when form is filed.

① **Person who asked the court to waive court fees:**
 Name: _____
 Street or mailing address: _____
 City: _____ State: _____ Zip: _____

② **Lawyer, if person in ① has one (name, address, phone number, e-mail, and State Bar number):** _____

③ **A request to waive court fees was filed on (date):** _____
 The court made a previous fee waiver order in this case on (date): _____

Fill in court name and street address:

Superior Court of California, County of

Fill in case number and name:

Case Number:

Case Name:

Read this form carefully. All checked boxes are court orders.

Notice: The court may order you to answer questions about your finances and later order you to pay back the waived fees. If this happens and you do not pay, the court can make you pay the fees and also charge you collection fees. If there is a change in your financial circumstances during this case that increases your ability to pay fees and costs, you must notify the trial court within five days. (Use form FW-010.) If you win your case, the trial court may order the other side to pay the fees. If you settle your civil case for \$10,000 or more, the trial court will have a lien on the settlement in the amount of the waived fees. The trial court may not dismiss the case until the lien is paid.

④ **After reviewing your:** *Request to Waive Court Fees* *Request to Waive Additional Court Fees*
the court makes the following orders:

a. **The court grants your request, as follows:**

(1) **Fee Waiver.** The court grants your request and waives your court fees and costs listed below. (*Cal. Rules of Court, rules 3.55 and 8.818.*) You do not have to pay the court fees for the following:

- Filing papers in Superior Court
- Making copies and certifying copies
- Sheriff's fee to give notice
- Court fee for phone hearing
- Reporter's fee for attendance at hearing or trial, if reporter provided by the court
- Assessment for court investigations under Probate Code section 1513, 1826, or 1851
- Preparing, certifying, copying, and sending the clerk's transcript on appeal
- Holding in trust the deposit for a reporter's transcript on appeal under rule 8.130 or 8.834
- Making a transcript or copy of an official electronic recording under rule 8.835
- Giving notice and certificates
- Sending papers to another court department
- Court-appointed interpreter in small claims court

(2) **Additional Fee Waiver.** The court grants your request and waives your additional superior court fees and costs that are checked below. (*Cal. Rules of Court, rule 3.56.*) You do not have to pay for the checked items.

- Jury fees and expenses
- Fees for court-appointed experts
- Other (specify): _____
- Fees for a peace officer to testify in court
- Court-appointed interpreter fees for a witness

Case Number: _____

Your name: _____

b. The court denies your fee waiver request, as follows:

Warning! If you miss the deadline below, the court cannot process your request for hearing or the court papers you filed with your original request. If the papers were a notice of appeal, the appeal may be dismissed.

(1) The court denies your request because it is incomplete. You have 10 days after the clerk gives notice of this order (see date of service on next page) to:

- Pay your fees and costs, or
- File a new revised request that includes the items listed below (*specify incomplete items*):

(2) The court denies your request because the information you provided on the request shows that you are not eligible for the fee waiver you requested (*specify reasons*): _____

The court has enclosed a blank *Request for Hearing About Court Fee Waiver Order (Superior Court)*, form FW-006. You have 10 days after the clerk gives notice of this order (see date of service below) to:

- Pay your fees and costs in full or the amount listed in c. below, or
- Ask for a hearing in order to show the court more information. (*Use form FW-006 to request hearing.*)

c. The court needs more information to decide whether to grant your request. You must go to court on the date below. The hearing will be about (*specify questions regarding eligibility*): _____

Bring the following proof to support your request if reasonably available: _____

Name and address of court if different from above: _____

Hearing Date

Date: _____ Time: _____
Dept.: _____ Room: _____

Warning! If item c is checked, and you do not go to court on your hearing date, the judge will deny your request to waive court fees, and you will have 10 days to pay your fees. If you miss that deadline, the court cannot process the court papers you filed with your request. If the papers were a notice of appeal, the appeal may be dismissed.

Date: _____ Signature of (check one): Judicial Officer Clerk, Deputy



Request for Accommodations. Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before your hearing. Contact the clerk's office for *Request for Accommodation*, Form MC-410. (Civil Code, § 54.8.)

Clerk's Certificate of Service

I certify that I am not involved in this case and (*check one*): A certificate of mailing is attached.

I handed a copy of this order to the party and attorney, if any, listed in ① and ②, at the court, on the date below.

This order was mailed first class, postage paid, to the party and attorney, if any, at the addresses listed in ① and ②, from (*city*): _____, California on the date below.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO. _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS _____ MAILING ADDRESS _____ CITY AND ZIP CODE _____ BRANCH NAME _____	
GUARDIANSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name): _____	
<input type="checkbox"/> CONSENT OF PROPOSED GUARDIAN <input type="checkbox"/> NOMINATION OF GUARDIAN <input type="checkbox"/> CONSENT TO APPOINTMENT OF GUARDIAN AND WAIVER OF NOTICE	CASE NUMBER: _____

CONSENT OF PROPOSED GUARDIAN

1. I consent to serve as guardian of the person estate of the minor.

Date: _____

_____ (TYPE OR PRINT NAME) _____ (SIGNATURE OF PROPOSED GUARDIAN)

NOMINATION OF GUARDIAN

2. I am a parent of the minor a donor of a gift to the minor. I nominate (name and address):

as guardian of the person estate of the minor.

3. I am a parent of the minor a donor of a gift to the minor. I nominate (name and address):

as guardian of the person estate of the minor.

Date: _____

_____ (TYPE OR PRINT NAME) _____ (SIGNATURE)

NOTICE: The guardian of the person of a minor child has full legal and physical custody until the child becomes an adult or is adopted, the court changes guardians, or the court terminates the guardianship. Parents or other interested persons must petition the court to terminate the guardianship. The court will not do so unless the judge decides that termination would be in the child's best interest.

CONSENT TO APPOINTMENT OF GUARDIAN AND WAIVER OF NOTICE

4. I consent to appointment of the guardian as requested in the *Petition for Appointment of Guardian of Minor*, filed on (date): _____ I am entitled to notice in this proceeding, but I waive notice of hearing of the petition, including notice of any request for independent powers contained in it. I waive timely receipt of a copy of the petition.

DATE	(TYPE OR PRINT NAME)		(SIGNATURE)	RELATIONSHIP TO MINOR
DATE	(TYPE OR PRINT NAME)		(SIGNATURE)	RELATIONSHIP TO MINOR
DATE	(TYPE OR PRINT NAME)		(SIGNATURE)	RELATIONSHIP TO MINOR

Continued on Attachment 4.

