

Request for an Independent Guardianship

(Revised 05/25/18)

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Forms

The following forms are referenced in this file:

- 04-184 CWS Suspected Child Abuse Report
- 04-270 Voluntary Guardianship Letter
- 04-270sp Voluntary Guardianship Letter (Spanish)
- [JV-350](#) Guardianship Pamphlet (also, available in [Spanish](#), [Chinese](#), [Korean](#) and [Vietnamese](#))

Policy

When a Hotline SW or other SW receives a call requesting or inquiring about Probate guardianship, it will be evaluated as follows:

If...	Then...
<ul style="list-style-type: none">• There is no protective issue,• The child is not living with the parent, and• No other courts are involved	Refer the caller to Probate Court at (619) 844-2676 (M-F 8:30 am - 11:30 am) or www.sdcourt.ca.gov .
There is a protective issue	If received by the SW, complete the 04-184, CWS Suspected Child Abuse Report, and send it to the Hotline at CARCWS.HHSA@sdcounty.ca.gov If received by the Hotline, complete a referral and assign it according to the level of risk to appropriate region.

NOTE: Do not instruct relatives/petitioners to seek temporary guardianship if the child is **still in the physical custody of the parent**. A possible exception to this rule is children over the age of 12 who have valid reasons for wanting to live with the relatives/petitioners.

Hotline action

The following are examples of situations in which the Hotline might refer a caller for information about Probate guardianship:

- There is a history of general neglect referrals that does not warrant the services of Juvenile Court, and the **parent is willing to allow a Probate guardianship.**
- The **parent** has a history of substance abuse involvement that limits the parent's ability to provide adequate care for the child and the parent **is willing to allow a Probate guardianship.**
- The **parents** state they do not wish to, or are unable to, care for the child and are **willing for a specific person to assume a Probate guardianship.**

The following examples involve a potential protective issue, so the Hotline will create a referral and assign it for investigation. They will not be EO'd/referred to Probate Court:

- The child has been left with a relative or another person and the parent's whereabouts are unknown.
- The parent has a history of substance abuse involvement that limits the parent's ability to provide adequate care for the child and the parent is willing to allow a Probate guardianship.

NOTE: The relative must prove search efforts to locate the parents.

Procedure

The Hotline will follow this procedure to process a request for a Probate guardianship:

Step	Action
1	Refer the caller to: <ul style="list-style-type: none">• www.sdcourt.ca.gov (direct them to the Probate tab), OR• Probate Business Office Central Courthouse 1100 Union St. San Diego, CA 92101 (619) 844-2676, M-F 8:30 am - 11:30 am
2	Complete the 04-270, Voluntary Guardianship Letter, and include the SW's name and telephone number. If there is no assigned SW, use the Hotline SW's name and telephone number.
3	Mail the 04-270 and JV-350, Guardianship Pamphlet, to the caller.

Procedure (cont.)

Step	Action
4	<p>Advise the caller of the following resources:</p> <ul style="list-style-type: none"><li data-bbox="618 281 1474 422">• Office of the Family Law Facilitator Guardianship Assistance Program, which holds informational workshops on guardianships, and assists with completion of guardianship forms, filing objections, and terminating guardianships. <p data-bbox="667 459 1149 491">Guardianship Informational Workshops</p> <p data-bbox="667 495 1084 632">Thursdays 1:00 pm 1100 Union St. 4th Floor, Room 480 San Diego, CA 92101 Arrive early, as space is limited.</p> <ul style="list-style-type: none"><li data-bbox="618 674 1474 842">• San Diego Volunteer Lawyer Program conducts a Guardianship Clinic to assist relative and non-relative caretakers in obtaining legal guardianship of children. The program also helps with objections to guardianship, requesting termination of guardianship, seeking visitation orders and other concerns. <p data-bbox="667 884 824 915">SDVLP Office</p> <p data-bbox="667 919 979 1024">707 Broadway, Suite 1400 San Diego, CA 92101 (619) 235-5656 x104</p> <p data-bbox="667 1066 1003 1098">Walk-in Guardianship Clinic</p> <p data-bbox="667 1102 1474 1165">Tuesdays and Thursdays from 12 pm - 5pm except on court holidays at SDVLP office.</p> <ul style="list-style-type: none"><li data-bbox="618 1207 1450 1270">• Legal Aid Society, (877) 534-2524, may assist low-income families who need assistance with the required paperwork. <p data-bbox="570 1312 1377 1344">NOTE: SWs will not assist with the paperwork nor give legal advice.</p>

Alignment with SET

This policy supports the following SET Values:

- [Value 1](#): Relationships with Children, Youth, and Families Are the Foundation by partnering with families and their support systems.
- [Value 3](#): Helping Children and Youth Achieve Their Full Potential and Develop Lifelong Relationships by helping families keep kids safe with familial connections.
- [Value 4](#): Shared Responsibility with Community Partners through sharing community resources.
- [Value 5](#): A Strong Working Relationship with the Legal System by helping families find information to help them navigate the Probate Court system.