

GUARDIANSHIP OF <i>(name):</i> <div style="text-align: right;">(PROPOSED) DEPENDENT ADULT</div>	CASE NUMBER:
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h. other orders be granted. *(Specify in Attachment 11.)*

2. (Proposed) dependent adult is (name): *(Telephone):*
 (Current address):
 Tribal Affiliation:

3. a. **Jurisdictional facts** *(initial appointment only)* The proposed dependent adult has no guardian in California and is a
- (1) resident of California and
 - (a) a resident of this county.
 - (b) not a resident of this county, but commencement of the guardianship in this county is in the best interests of the proposed dependent adult for the reasons specified in Attachment 3a.
 - (2) nonresident of California but
 - (a) is temporarily living in this county, or
 - (b) has property in this county, or
 - (c) commencement of the guardianship in this county is in the best interest of the proposed dependent adult for the reasons specified in Attachment 3a.

b. **Petitioner** *(answer items (1) and (2) and check all other items that apply)*

- (1) is is not a **creditor** or an agent of a creditor of the (proposed) dependent adult.
- (2) is is not a **debtor** or an agent of a debtor of the (proposed) dependent adult.
- (3) is the proposed successor guardian
- (4) is the (proposed) dependent adult. (If this item is **not** checked, you must also complete item 3f.)
- (5) is the spouse of the (proposed) dependent adult. (You must also complete item 6.)
- (6) is the domestic partner or former domestic partner of the (proposed) dependent adult. (You must also complete item 7.)
- (7) is a relative of the (proposed) dependent adult as (specify relationship):
- (8) is an interested person or friend of the (proposed) dependent adult.
- (9) is a state or local public entity, officer, or employee.
- (10) is a bank is another entity authorized to conduct the business of a trust company.
- (11) is a professional fiduciary who is licensed by the Professional Fiduciaries Bureau of the Department of Consumer Affairs. Petitioner's license number is provided in item 1 on page 1 of the attached Professional Fiduciary Attachment. (Use form GC-210(A-PF)/GC-310(A-PF) for this attachment. You must also complete item 2 on page 2 of that form and item 3d below.

* See item 5b on page 4.

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3. c. **Proposed** **successor guardian** is *(check all that apply)*

- (1) a nominee. (Affix nomination as Attachment 3c(1).)
- (2) the spouse of the (proposed) dependent adult. (You must also complete item 6.)
- (3) the domestic partner or former domestic partner of the (proposed) dependent adult. (You must also complete item 7.)
- (4) a relative of the (proposed) dependent adult as (specify relationship
- (5) a bank. another entity authorized to conduct the business of a trust company.
- (6) a professional fiduciary. His or her statement concerning licensure or exemption is provided in item 1 on page 1 of the attached *Professional Fiduciary Attachment*. (Use form GC-210(A-PF)/GC-310(A-PF) for this attachment.

- (7) other(specify):

d. Engagement and prior relationship with petitioning professional fiduciary *(complete this item if petitioner is licensed by the Professional Fiduciaries Bureau.)*

- (1) Statements of who engaged petitioner, or how petitioner was engaged to file this petition, and a description of any prior relationship petitioner had with the (proposed) dependent adult or his or her family or friends, are provided in item 2 on page 2 of the attached *Professional Fiduciary Attachment*. (Use form GC-210(A-PF)/GC-310(A-PF) for this attachment.)
- (2) A petition for appointment of a temporary guardian is filed with this petition. That petition contains statements of who engaged petitioner, how petitioner was engaged to file this petition, and a description of any prior relationship petitioner had with the (proposed) dependent adult or his or her family and friends.

e. **Character and estimated value of the property of the estate** *(complete items (1) or (2) and (3), (4), and (5)):*

- (1) *(For appointment of successor guardian only, if complete Inventory and Appraisal filed by predecessor):*
 Personal property: \$ _____, per Inventory and Appraisal filed in this proceeding on
(specify dates of filing of all inventories and appraisals):

(2) Estimated value of personal property: \$ _____

(3) Annual gross income from

- (a) real property: \$ _____
- (b) personal property: \$ _____
- (c) pensions: \$ _____
- (d) wages: \$ _____
- (e) public assistance benefits: \$ _____
- (f) other: \$ _____

(4) **Total** of (1) or (2) and (3): \$ _____

(5) Real property: \$ _____

- (a) per Inventory and Appraisal identified in item (1).
- (b) estimated value.

f. Due diligence *(complete this item if the (proposed) dependent adult is not a petitioner):*

- (1) Efforts to find the (proposed) dependent adult's relatives or reasons why it is not feasible to contact any of them are described on Attachment 3f(1).
- (2) Statements of the (proposed) dependent adult's preferences concerning the appointment of any (successor) guardian and the appointment of the proposed (successor) guardian or reasons why it is not feasible to ascertain those preferences are contained on Attachment 3f(2).

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3. g. So far as known to petitioner, a guardianship or equivalent proceeding concerning the proposed dependent adult has not has been filed in another jurisdiction, including a court of a federally-recognized Indian tribe with jurisdiction.

(If you answered "has," identify the jurisdiction and state the date the case was filed):

4. (Proposed) dependent adult

a. is receiving or entitled to receive is neither receiving nor entitled to receive benefits from the U.S. Department of Veterans Affairs *(estimate amount of monthly benefit payable):*

b. is is not, so far as is known to petitioner, a member of a federally recognized Indian tribe.
(If you answered "is," complete items (1)–(4)):

(1) Name of tribe:

(2) Location of tribe *(if the tribe is located in more than one state, the state that is the tribe's principal location):*

(3) The proposed dependent adult does does not reside on tribal land.*

(4) So far as known to petitioner, the proposed dependent adult owns does not own property on tribal land.

5. a. Proposed dependent adult *(initial appointment of guardian only)*

(1) is an adult.

(2) will be an adult on the effective date of the order *(date):*

b. Vacancy in office of guardian *(appointment of successor guardian only).*

There is a vacancy in the office of conservator of the person estate for the reasons specified in Attachment 5b. specified below.

* "Tribal land" is land that is, with respect to a specific Indian tribe and the members of that tribe, "Indian country," as defined in 18 U.S.C. § 1151.

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5. c. **(Proposed) dependent adult** requires a guardian and is

(1) unable to properly provide for his or her personal needs for physical health, food, clothing, or shelter.
Supporting facts are specified in Attachment 5c(1) as follows:

(2) substantially unable to manage his or her financial resources or to resist fraud or undue influence.
Supporting facts are specified in Attachment 5c(2) as follows:

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5. d. (Proposed) dependent adult voluntarily requests the appointment of a successor guardian.
(Specify facts showing good cause in Attachment 5(d).)
- e. Confidential Supplemental Information (form GC-312) is filed with this petition. *(Initial appointment of guardian only. All petitioners must file this form except banks and other entities authorized to do business as a trust company.)*
- f. (Proposed) dependent adult does does not have a developmental disability as defined in Probate Code section 1420. *(Specify the nature and degree of the alleged disability in Attachment 5f).*
6. Petitioner or proposed successor guardian is the spouse of the (proposed) dependent adult.
(If this statement is true, you must answer a or b.)
- a. The (proposed) dependent adult's spouse is not a party to any action or proceeding against the (proposed) dependent adult for legal separation, dissolution of marriage, annulment, or adjudication of nullity of their marriage.
- b. Although the (proposed) dependent adult's spouse is a party to an action or proceeding against the (proposed) dependent adult for legal separation, dissolution, annulment, or adjudication of nullity of their marriage, or has obtained a judgment in one of these proceedings, it is in the best interest of the (proposed) dependent adult that:
- (1) a successor guardian be appointed.
- (2) the spouse be appointed as the successor guardian.
(If you checked item 6b(1) or (2) or both, specify the facts and reasons in Attachment 6b.)
7. Petitioner or proposed successor guardian is the domestic partner or former domestic partner of the (proposed) dependent adult. *(If this statement is true, you must answer a or b.)*
- a. The domestic partner of the (proposed) dependent adult has not terminated and does not intend to terminate the domestic partnership.
- b. Although the domestic partner or former domestic partner of the (proposed) dependent adult intends to terminate or has terminated the domestic partnership, it is in the best interest of the (proposed) dependent adult that:
- (1) a successor guardian be appointed.
- (2) the domestic partner or former domestic partner be appointed as the successor guardian.
(If you checked item 7b(1) or (2) or both, specify the facts and reasons in Attachment 7b.)
8. 7b.) (Proposed) dependent adult *(check all that apply)*
- a. will attend the hearing AND is the petitioner is not the petitioner AND has has not nominated the proposed successor guardian.
- b. *(initial appointment of guardian only)* is able but unwilling to attend the hearing AND does does not wish to contest the establishment of a guardianship, does does not object to the proposed guardian, AND does does not prefer that another person act as conservator.
- c. *(initial appointment of guardian only)*: is unable to attend the hearing because of medical inability. A *Capacity Declaration—Guardianship* (form GC-335), executed by a licensed medical practitioner or an accredited religious practitioner is filed with this petition. will be filed before the hearing.
- d. *(initial appointment of guardian only)* is not the petitioner, is out of state, and will not attend the hearing.
- e. *(appointment of successor guardian only)* will not attend the hearing.
9. Medical treatment of (proposed) dependent adult
- a. There is no form of medical treatment for which the (proposed) dependent adult has the capacity to give an informed consent.
- b. A *Capacity Declaration—Guardianship* (form GC-335) executed by a licensed physician or by a licensed psychologist acting within the scope of his or her licensure, stating that the (proposed) dependent adult lacks the capacity to give informed consent for any form of medical treatment and giving reasons and the factual basis for this conclusion, is filed with this petition. will be filed before the hearing. will not be filed for the reason stated in
- c. *(appointment of successor guardian only)* The dependent adult's incapacity to consent to any form of medical treatment was determined by order filed in this matter on *(date)*:
 That order has neither expired by its terms nor been revoked.

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10. **Temporary guardianship**

Filed with this petition is a *Petition for Appointment of Temporary Guardian* (form GC-111).

11. **(Proposed) dependent adult's relatives**

The names, residence addresses, and relationships of the spouse or registered domestic partner and the second-degree relatives of the (proposed) dependent adult (his or her parents, grandparents, children, grandchildren, and brothers and sisters), and all other persons required to receive notice under Section 10.18.260 of the Agua Caliente Tribal code, so far as known to petitioner, are

- a. listed below.
- b. not known, or no longer living, so the (proposed) dependent adult's deemed relatives under Probate Code section 1821(b)(1)–(4) are listed below.

	<u>Name and relationship to dependent adult</u>	<u>Residence address</u>
(1)		
(2)		
(3)		
(4)		
(5)		
(6)		
(7)		
(8)		
(9)		
(10)		
(11)		
(12)		
(13)		
(14)		
(15)		
(16)		

Continued on Attachment 11.

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12. **Confidential guardian screening form**

Submitted with this petition is a *Confidential Guardian Screening Form* (form GC-314) completed and signed by the proposed successor guardian. *(Required for all proposed guardians except banks and trust companies.)*

13. Number of pages attached:

Date:

(TYPE OR PRINT NAME OF ATTORNEY FOR PETITIONER)



(SIGNATURE OF ATTORNEY FOR PETITIONER)

(All petitioners must also sign)

I declare under penalty of perjury under the laws of the Agua Caliente Band of Cahuilla Indians that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME OF PETITIONER)



(SIGNATURE OF PETITIONER)

(TYPE OR PRINT NAME OF PETITIONER)



(SIGNATURE OF PETITIONER)