

# Instructions For **GUARDIAN AD LITEM**

## **WHEN TO USE THIS PACKET**

Use this packet if you are under 18 years old and have not been emancipated and are the parent of a child and you want to file paper work to establish paternity and/or get orders for custody, visitation and support for your child. You can also use this packet if you are asking for a restraining order on behalf of a minor.

## **STEPS IN PREPARING THE GUARDIAN AD LITEM:**

The forms in this packet can be used if you are a minor and the parent of a child. If you are a minor, you cannot represent yourself in a court action and need to have the court appoint you a Guardian Ad Litem. You can choose one of your parents or another adult to be your Guardian Ad Litem for the purpose of getting an order for custody, visitation and support of your child. This packet is completed along with the Petition to Establish Parental Relationship or to respond to a Governmental Summons and Complaint.

- 1. Complete the forms in this packet**
- 2. Have the Fresno Superior Court Self-Help Center review your completed documents**

**THE FRESNO SUPERIOR COURT SELF-HELP CENTER  
WILL GIVE YOU FURTHER INSTRUCTIONS**

## **FORMS NEEDED ARE AS FOLLOWS:**

- CIV-010/FL-935** APPLICATION FOR APPOINTMENT OF GUARDIAN AD LITEM-CIVIL AND FAMILY LAW
- CIV-011/FL-936** ORDER APPOINTING GUARDIAN AD LITEM-CIVIL AND FAMILY LAW



# **SAMPLE FORMS**



ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER:

NAME: **YOUR NAME**

FIRM NAME: **YOUR ADDRESS**

STREET ADDRESS: **CITY, STATE, ZIP CODE**

CITY: **YOUR TELEPHONE NUMBER**

TELEPHONE NO.:

EMAIL ADDRESS:

ATTORNEY FOR (name):

FOR COURT USE ONLY

**SAMPLE ONLY  
DO NOT  
WRITE ON  
THIS  
COPY!**

SUPERIOR COURT OF CALIFORNIA, COUNTY OF **FRESNO**

STREET ADDRESS: **1130 "O" STREET**

MAILING ADDRESS: **FRESNO, CA 93724-2220**

CITY AND ZIP CODE: **Central Division**

BRANCH NAME:

PLAINTIFF/PETITIONER: **PARTY WHO INITIALLY OPENED CASE**

DEFENDANT/RESPONDENT: **THE PARTY WHO THE CASE WAS FILED AGAINST**

OTHER PARENT/PARTY:

**APPLICATION FOR APPOINTMENT OF  
GUARDIAN AD LITEM—CIVIL AND FAMILY LAW**

EX PARTE

CASE NUMBER:

**COURT CASE NUMBER**

*This form is for use in a civil or family law proceeding in which a party is a minor, a person who lacks legal capacity to make decisions, or a person for whom a conservator has been appointed. A person who seeks the appointment of a guardian ad litem in a proceeding under the Probate Code—other than a proceeding under Probate Code sections 3500–3613 for approval of a compromise, settlement, or disposition of judgment proceeds—should use form DE-350/GC-100. NOTE: A person may not act as a guardian ad litem unless the person is represented by an attorney, is an attorney, or, in an action under the Uniform Parentage Act (Family Code, §§ 7600–7730), is an adult relative of a minor party.*

1. I (applicant's name): **WRITE YOUR NAME (MINOR PARENT)**  
am (check all that apply):

- a.  the parent of (name):
- b.  the guardian of (name):
- c.  the conservator of (name):
- d.  a party to the
- e.  the minor to b
- f.  another intere

**CHECK THIS BOX, IF YOU ARE 14 YEARS OF AGE OR OLDER AND YOU ARE THE MINOR PARENT**

2. I am asking the court to appoint the following person as guardian ad litem (name, address, phone number, and email address):

**WRITE THE NAME, ADDRESS, PHONE NUMBER AND EMAIL ADDRESS OF THE PERSON WHO IS APPLYING TO BE THE YOUR (MINOR PARENT) GUARDIAN**

3. The guardian ad litem will represent the interest of (name, address, and, if applicable, phone number and email address):

**WRITE YOUR (MINOR PARENT) NAME, ADDRESS, PHONE NUMBER AND EMAIL ADDRESS**

4. The person named in item 3 is a party and is (check all that apply):

- a.  a minor (date of birth): **CHECK THIS BOX AND WRITE YOUR (MINOR PARENT) DATE OF BIRTH**
- b.  a person who lacks lega

Continued on Attachment 4b.

a person for whom a conservator has been appointed (provide the details of the appointment):

Continued on Attachment 4c.

PLAINTIFF/PETITIONER: <b>PARTY WHO INITIALLY OPENED CASE</b>	CASE NUMBER:
DEFENDANT/RESPONDENT: <b>THE PARTY WHO THE CASE WAS FILED AGAINST</b>	<b>COURT CASE NUMBER</b>
OTHER PARENT/PARTY:	

5.  The person named in item 3 is a minor and is *(check one)*: **CHECK THE APPROPRIATE BOX**

a.  a plaintiff or petitioner in this action and the summons has not been issued.

b.  a defendant or respondent in this action. More than 10 days have passed since service of the summons, and no one has applied for the appointment of a guardian ad litem.

6. I am asking the court to appoint a guardian ad litem because the person named in item 3 *(check all that apply)*:

- a.  is a minor who is a party to an action under the Uniform Parentage Act (Family Code, §§ 7600–7730).
- b.  is a minor who is requesting or opposing a request for an injunction or restraining order described in Code of Civil Procedure sections 372(b)(1) and 374(a). *(If the minor is 12 years of age or older, check one of the following):*  
 The minor  does  does not object to the appointment of the person named in item 2.  
 I don't know whether the minor objects to the appointment of the person named in item 2.
- c.  has no guardian or conservator of the estate. **CHECK THE APPROPRIATE BOX(ES)**
- d.  has a guardian or conservator of the estate, but the  person's interest in this action or proceeding because *(explain)*:

Continued on Attachment 6d.

The guardian or conservator of the estate is *(name, address, telephone number, and email address)*:

*(After filing this application, you must give notice and a copy of the application to the guardian or conservator above.)*

7. The proposed guardian ad litem is fully competent and qualified to understand and protect the rights of the person named in item 3.

\_\_\_\_\_  
(TYPE OR PRINT NAME) ▶ \_\_\_\_\_  
(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: **TODAY'S DATE**

**PRINT APPLICANT'S NAME HERE**  
(TYPE OR PRINT NAME)

**SIGN YOUR NAME HERE**  
(SIGNATURE OF APPLICANT)

**DISCLOSURES AND CONSENT TO ACT AS GUARDIAN AD LITEM**

8. I have the following relationship with the person named in item 3 *(check one)*:

- a.  No relationship
- b.  A familial relationship *(specify)*:
- c.  An affiliate (nonfamilial) relationship *(specify)*:

**CHECK THE APPROPRIATE BOX**

9. I am *(check one)*:

- a.  not aware of any actual or potential conflicts of interest that would or might arise from the appointment.
- b.  aware of the following actual or potential conflicts that would or might arise from the appointment *(describe the actual or potential conflicts of interest and explain why the proposed guardian should still be appointed)*:

**CHECK THE APPROPRIATE BOX**

Continued on Attachment 9b.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. I consent to act as guardian ad litem in this action or proceeding. If I become aware that a potential conflict of interest has become an actual conflict, or that a new potential or actual conflict exists, I will promptly disclose the conflict of interest to the court.

Date: **TODAY'S DATE**

**PRINT PROPOSED GUARDIAN AD LITEM NAME HERE**  
(TYPE OR PRINT NAME)

**SIGN YOUR NAME HERE**  
(SIGNATURE OF PROPOSED GUARDIAN AD LITEM)

**APPLICATION FOR APPOINTMENT OF  
GUARDIAN AD LITEM—CIVIL AND FAMILY LAW**

For your protection and privacy, please press the Clear This Form button after you have printed the form.

**Print this form**

**Save this form**

**Clear this form**

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER:</p> <p>NAME: <b>YOUR NAME</b></p> <p>FIRM NAME: <b>YOUR ADDRESS</b></p> <p>STREET ADDRESS: <b>CITY, STATE, ZIP CODE</b></p> <p>CITY: <b>YOUR TELEPHONE NUMBER</b> CODE:</p> <p>TELEPHONE NUMBER:</p> <p>EMAIL ADDRESS:</p> <p>ATTORNEY FOR (name):</p> <p><b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO</b></p> <p>STREET ADDRESS: <b>1130 "O" STREET</b></p> <p>MAILING ADDRESS: <b>FRESNO, CA 93724-2220</b></p> <p>CITY AND ZIP CODE: <b>Central Division</b></p> <p>BRANCH NAME:</p> <p>PLAINTIFF/PETITIONER: <b>PARTY WHO INITIALLY OPENED CASE</b></p> <p>DEFENDANT/RESPONDENT: <b>THE PARTY WHO THE CASE WAS FILED AGAINST</b></p> <p>OTHER PARENT/PARTY:</p> <p><b>ORDER APPOINTING GUARDIAN AD LITEM—CIVIL AND FAMILY LAW</b></p> <p><input type="checkbox"/> <b>EX PARTE</b></p>	<p>FOR COURT USE ONLY</p> <div style="border: 1px solid black; padding: 20px; margin: 10px auto; width: 80%;"> <p><b>SAMPLE ONLY DO NOT WRITE ON THIS COPY!</b></p> </div> <p>CASE NUMBER:</p> <div style="border: 1px solid black; padding: 2px; margin: 5px auto; width: 80%;"> <p><b>COURT CASE NUMBER</b></p> </div>
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1. Applicant (name):  
seeks appointment of a guardian ad litem of (name):
2.  The application came on regularly for a hearing as follows:
  - a. Judicial officer (name):
  - b. Hearing date:
  - c. The following persons are to appear at the hearing:
    - (1)  Applicant
    - (2)  Attorney
    - (3)  Guardian ad litem
    - (4)  Attorney
    - (5)  Plaintiff/Petitioner
    - (6)  Attorney
    - (7)  Defendant/Respondent
    - (8)  Attorney
    - (9)  Other (name):

**STOP!**

**DO NOT COMPLETE 1-5  
OF THIS  
FORM (CIV-011/FL-936)**

**THE COURT FINDS**

3.  All notices required by the Code of Civil Procedure have been served on the person for whom the guardian ad litem is sought.
4. The person for whom the guardian ad litem is sought is:
  - a.  a minor (date of birth: \_\_\_\_\_)
  - b.  a person who is not a minor (date of birth: \_\_\_\_\_)
  - c.  a person for whom the guardian ad litem is sought is a minor (date of birth: \_\_\_\_\_)
5.  The person for whom the guardian ad litem is sought is a minor who:
  - a.  is a minor who is not a ward of the court.
  - b.  is a minor who is a ward of the court. The guardian ad litem is sought under the provisions of the Code of Civil Procedure section \_\_\_\_\_.
  - c.  does not have a guardian or conservator of the estate.
  - d.  has a guardian or conservator of the estate, but the guardian or conservator is inadequate to represent the person's interest and appointment of a guardian ad litem is expedient.

PLAINTIFF/PETITIONER: <b>PARTY WHO INITIALLY OPENED CASE</b>	CASE NUMBER:
DEFENDANT/RESPONDENT: <b>THE PARTY WHO THE CASE WAS FILED AGAINST</b>	<b>COURT CASE NUMBER</b>
OTHER PARENT/PARTY:	

**THE COURT ORDERS**

6. (Name):  
is appointed guardian ad litem of (name):

7. The guardian ad litem  
party without further order

8. The guardian ad litem may  
an actual conflict, as well

9.  Other (specify):

Continued on A

10. Number of pages attached

**STOP!**

**DO NOT COMPLETE  
6-10  
OF THIS  
FORM (CIV-011/FL-936)**

presented

that becomes  
presentation.



# **BLANK FORMS**

**(To be Completed)**



ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT: OTHER PARENT/PARTY:	
<b>APPLICATION FOR APPOINTMENT OF                  GUARDIAN AD LITEM—CIVIL AND FAMILY LAW</b> <input type="checkbox"/> EX PARTE	CASE NUMBER:

*This form is for use in a civil or family law proceeding in which a party is a minor, a person who lacks legal capacity to make decisions, or a person for whom a conservator has been appointed. A person who seeks the appointment of a guardian ad litem in a proceeding under the Probate Code—other than a proceeding under Probate Code sections 3500–3613 for approval of a compromise, settlement, or disposition of judgment proceeds—should use form DE-350/GC-100. NOTE: A person may not act as a guardian ad litem unless the person is represented by an attorney, is an attorney, or, in an action under the Uniform Parentage Act (Family Code, §§ 7600–7730), is an adult relative of a minor party.*

1. I (applicant name):  
 am (check all that apply):
  - a.  the parent of (name):
  - b.  the guardian of (name):
  - c.  the conservator of (name):
  - d.  a party to the suit.
  - e.  the minor to be represented (if the minor is 14 years of age or older).
  - f.  another interested person (specify capacity):
2. I am asking the court to appoint the following person as guardian ad litem (name, address, phone number, and email address):
  
3. The guardian ad litem will represent the interest of (name, address, and, if applicable, phone number and email address):
  
4. The person named in item 3 is a party and is (check all that apply):
  - a.  a minor (date of birth):
  - b.  a person who lacks legal capacity to make decisions (explain the basis for claiming lack of capacity):
  
  - Continued on Attachment 4b.
  - c.  a person for whom a conservator has been appointed (provide the details of the appointment):

Continued on Attachment 4c.

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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5.  The person named in item 3 is a minor and is (*check one*):
- a.  a plaintiff or petitioner in this action and the summons has not been issued.
  - b.  a defendant or respondent in this action. More than 10 days have passed since service of the summons, and no one has applied for the appointment of a guardian ad litem.
6. I am asking the court to appoint a guardian ad litem because the person named in item 3 (*check all that apply*):
- a.  is a minor who is a party to an action under the Uniform Parentage Act (Family Code, §§ 7600–7730).
  - b.  is a minor who is requesting or opposing a request for an injunction or restraining order described in Code of Civil Procedure sections 372(b)(1) and 374(a). (*If the minor is 12 years of age or older, check one of the following*):  
 The minor  does  does not object to the appointment of the person named in item 2.  
 I don't know whether the minor objects to the appointment of the person named in item 2.
  - c.  has no guardian or conservator of the estate.
  - d.  has a guardian or conservator of the estate, but the guardian or conservator is inadequate to represent the person's interest in this action or proceeding because (*explain*):

Continued on Attachment 6d.

The guardian or conservator of the estate is (*name, address, telephone number, and email address*):

(*After filing this application, you must give notice and a copy of the application to the guardian or conservator above.*)

7. The proposed guardian ad litem is fully competent and qualified to understand and protect the rights of the person named in item 3.

\_\_\_\_\_  
 (TYPE OR PRINT NAME) ▶ \_\_\_\_\_  
 (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: \_\_\_\_\_  
 \_\_\_\_\_  
 (TYPE OR PRINT NAME) ▶ \_\_\_\_\_  
 (SIGNATURE OF APPLICANT)

**DISCLOSURES AND CONSENT TO ACT AS GUARDIAN AD LITEM**

8. I have the following relationship with the person named in item 3 (*check one*):
- a.  No relationship
  - b.  A familial relationship (*specify*):
  - c.  An affiliate (nonfamilial) relationship (*specify*):
9. I am (*check one*):
- a.  not aware of any actual or potential conflicts of interest that would or might arise from the appointment.
  - b.  aware of the following actual or potential conflicts that would or might arise from the appointment (*describe the actual or potential conflicts of interest and explain why the proposed guardian should still be appointed*):

Continued on Attachment 9b.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. I consent to act as guardian ad litem in this action or proceeding. If I become aware that a potential conflict of interest has become an actual conflict, or that a new potential or actual conflict exists, I will promptly disclose the conflict of interest to the court.

Date: \_\_\_\_\_  
 \_\_\_\_\_  
 (TYPE OR PRINT NAME) ▶ \_\_\_\_\_  
 (SIGNATURE OF PROPOSED GUARDIAN AD LITEM)

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT: OTHER PARENT/PARTY:	
<b>ORDER APPOINTING GUARDIAN AD LITEM—CIVIL AND FAMILY LAW</b> <input type="checkbox"/> EX PARTE	CASE NUMBER:

1. Applicant (name):  
seeks appointment of a guardian ad litem of (name):
2.  The application came on regularly for a hearing as follows:
  - a. Judicial officer (name):
  - b. Hearing date: \_\_\_\_\_ Time: \_\_\_\_\_  Dept.: \_\_\_\_\_  Room: \_\_\_\_\_
  - c. The following persons were present at the hearing:
    - (1)  Applicant (name):
    - (2)  Attorney for applicant (name):
    - (3)  Guardian ad litem named in item 6.
    - (4)  Attorney for guardian ad litem (name):
    - (5)  Plaintiff/Petitioner (name):
    - (6)  Attorney for Plaintiff/Petitioner (name):
    - (7)  Defendant/Respondent (name):
    - (8)  Attorney for Defendant/Respondent (name):
    - (9)  Other (names):

**THE COURT FINDS**

3.  All notices required by law have been given.
4. The person for whom a guardian ad litem is to be appointed is a party who is
  - a.  a minor (date of birth):
  - b.  a person who lacks legal capacity to make decisions.
  - c.  a person for whom a conservator has been appointed.
5.  The person for whom a guardian ad litem is to be appointed
  - a.  is a minor who is a party to an action under the Uniform Parentage Act. (Family Code, §§ 7600–7730.)
  - b.  is a minor who is requesting or opposing a request for an injunction or restraining order described in Code of Civil Procedure sections 372(b) and 374(a).
  - c.  does not have a guardian or conservator of the estate.
  - d.  has a guardian or conservator of the estate, but the guardian or conservator is inadequate to represent the person's interest and appointment of a guardian ad litem is expedient.

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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**THE COURT ORDERS**

6. *(Name)*:  
is appointed guardian ad litem of *(name)*:
7. The guardian ad litem  is  is **not** authorized to waive or disclaim any substantive rights of the represented party without further order of this court.
8. The guardian ad litem must promptly report to the court any potential conflict of interest with the represented person that becomes an actual conflict, as well as any new potential or actual conflict of interest that arises during the course of the representation.
9.  Other *(specify)*:

Continued on Attachment 9.

10. Number of pages attached: \_\_\_\_\_



\_\_\_\_\_  
JUDICIAL OFFICER



SIGNATURE FOLLOWS LAST ATTACHMENT