

DEPARTMENT OF SOCIAL SERVICES

744 "P" Street
Sacramento, CA 95814



October 1, 1980

ALL-COUNTY LETTER NO. 80-59

TO: All County Welfare Directors

SUBJECT: Probate Code Section 1440 - Required Report on Guardianship
Petitioners

The purpose of this letter is to remind counties of the requirements of Probate Section 1440.1 regarding filing a specified report with the court on petitioners for guardianship. Probate Code 1440.1 requires that the local agency designated by the Board of Supervisors to provide public social services shall file a report with respect to the petitioner for guardianship. The Probate Code also requires that the report be of the same character as reports required for foster family home licensure.

The Department of Social Services advises counties that the following information is pertinent to this report and should be included:

1. Identifying Information:
 - a. Identifying information on the petitioner(s) and all other persons residing in the home;
 - b. Any past foster family care history;
 - c. Any criminal record history (The agency completing the report shall recommend to the court that a CII report should be requested and reviewed by the court); and
 - d. Current medical reports.
2. There should be at least two interviews with the petitioner(s), at least one of which is to take place in the petitioner's home. In addition, there should be at least one interview with the child who is the object of the petition. These interviews should include discussion of:
 - a. Rights and responsibilities of guardianship;
 - b. Factors motivating the guardianship petition; and
 - c. Past involvement and personal relationship between petitioner(s) and child.

3. The report submitted to the court should include:
 - a. All identifying information;
 - b. An assessment of the capabilities of the petitioner(s) as guardian of the child; and
 - c. A recommendation of any need for possible service intervention or annual court reports.

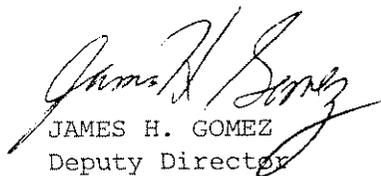
4. If the petitioner's home has not been licensed as a foster family home, an on-site evaluation should be made of the home which includes:
 - a. Verification that the home has no safety defects which could present a hazard to the child; and
 - b. Verification that adequate physical accommodations exist for the entire family.

This report should be filed three working days before the court hearing on the appointment of the guardian. All necessary action should be taken by the county welfare department to insure the report is filed prior to the hearing. If the report cannot be completed and filed prior to the court hearing, the county welfare department should so inform the court and request the court to postpone the hearing until the report can be filed.

These County Welfare Department activities are considered part of Child Welfare Services (Title IV-B).

If questions arise regarding the above guidelines, please refer them to Nancy Remley of the Family and Children's Services Policy Bureau at (916) 322-6333.

Sincerely,


JAMES H. GOMEZ
Deputy Director

cc: CWDA