



# DECLARATION OF DUE DILIGENCE

## Guardianship / Conservatorship: Dispensing with Notice to a Missing Relative

This Guide includes instructions and sample forms. Links to download the fillable forms are at the end of this Guide.

## BACKGROUND

If you do not know the name or address of a person you need to serve or cannot locate the person, San Joaquin County Superior Court requires that you complete and file a Declaration of Due Diligence for each person you cannot locate. You must complete each section of the form, describing the efforts you made to identify and/or locate the person. Failure to complete the entire form can result in your guardianship or conservatorship hearing being continued or even dropped by the court.

## STEP-BY-STEP INSTRUCTIONS

### STEP 1: Complete the Required Forms

The Judicial Council and local San Joaquin County forms commonly used in this procedure are:

- Declaration of Due Diligence (Probate Guardianships and Conservatorships)
- Attachment to Judicial Council Form (MC-025)

Sample filled-in forms with instructions are available at the end of this Guide.

### STEP 2: Copying and Assembling

Make two copies of your Declaration of Due Diligence and any attachments. In the San Joaquin County Superior Court, because documents are scanned into a computer, the original document is left unstapled, while each copy is stapled.

### STEP 3: File Your Documents

Your Declaration of Due Diligence form must be filed at the Probate Counter on the 4<sup>th</sup> Floor of the Stockton ions Courthouse. The Court will keep the original and one copy and return one stamped "Endorsed/Filed" to you. Bring the endorsed copy to all of your Court hearings. There is no fee for filing your Declaration of Due Diligence form. Your request should be filed at least 1 week before your hearing to allow the court time to review your request prior to your hearing.

If the court is satisfied that you have taken all the reasonably necessary steps to locate the missing relative, the court may issue an order at the hearing to excuse notice to that relative.

**Disclaimer:** This Guide is intended as general information only. Your case may have factors requiring different procedures or forms. The information and instructions are provided for use in the San Joaquin County Superior Court. Please keep in mind that each court may have different requirements. If you need further assistance consult a lawyer.

## FOR HELP

### **San Joaquin County Public Law Library**

20 N. Sutter Street  
Stockton, CA 95202  
(209) 468-9968

<https://sjclawlibrary.org>

Monday-Friday 8:00 am – 4:30 pm

Services Provided: The San Joaquin County Public Law Library provides general information and basic assistance to self-represented litigants on a variety of civil legal issues, including assistance with responding to Probate Notes.

### **San Joaquin Superior Court Pro Per Clinic**

180 E. Weber Ave. Ste 105  
Stockton, CA 95202

MON, TUES, THURS, FRI – 8:00 am to 3:30 pm & WED – 8:00 am to 12:00 pm