

**IN THE CIRCUIT COURT, SIXTH JUDICIAL CIRCUIT,
IN AND FOR PINELLAS COUNTY, FLORIDA
PROBATE DIVISION**

{{PRIMARYNAME}}

UCN: {{UNIFORMCASENO}}

REF: {{CASE_NUM}}

**ORDER TO FILE ON
PETITION FOR APPOINTMENT OF MINOR GUARDIAN**

THIS CAUSE coming before the Court upon its own motion and the Court finding from an examination of the file and records of the above-referenced case that the following required documents are not filed:

PETITION FOR SETTLEMENT OF MINOR'S CLAIM

**F.S. 744.301; 744.3025; 744.387; AND FLORIDA RULES OF COURT –
PROBATE RULE 5.610; 5.636; AND JUDICIAL RULE 2.515**

- 1. File an amended Petition to Approve Settlement that conforms with Probate Rule 5.636(b), Probate Rule 5.610(e), and Judicial Rule 2.515(a)(b). The amended petition shall contain:**
 - a. The name, residence address, and date of birth of the minor
 - b. The name and address of any guardian appointed for the minor
 - c. The name and residence address of the natural guardians or other persons having legal custody of the minor
 - d. A statement disclosing the interests of any natural or court-appointed guardian whose interest may be in conflict with that of the minor
 - e. A description of the cause of action in which the minor's interest arises
 - f. A summary of the terms of the proposed settlement
 - g. Copies of all agreements, released, or other documents to be executed on behalf of the minor
 - h. Signature of the petitioner(s)
 - i. Signature of the attorney of record, including the address, telephone number, primary e-mail address and secondary e-mail address, if any, and Florida Bar number, per Judicial Rule 2.515(a)

- 2. Per Probate Rule 5.636(c), file Certificate of Service or Consents to the Petition for Settlement of Minor's Claim for the following:**
 - a. Court-appointed guardians for the minor
 - b. Natural guardians or other persons with legal custody of the minor
 - c. The minor, if age 14 or older

- 3. Per F.S. 744.3025 and Probate Rule 5.636(d)(e), a Guardian Ad Litem is required, as the gross settlement exceeds \$50,000. File the following documents to appoint a Guardian Ad Litem:**
 - a. Petition to Appoint Guardian Ad Litem
 - b. Oath of Guardian Ad Litem
 - c. Proposed Order to Appoint Guardian Ad Litem

- 4. Per F.S. 744.38(2)(3)(b), a Guardianship will be required, as the net settlement exceeds \$15,000. File a Petition to Appoint Guardian of Minor with other supporting documentation.**

GUARDIANSHIP OF MINORS

F.S. 744.3021; 744.309; 744.334; 744.3371; and Florida Rules of
Court – Probate Rule 5.020; 5.030; and Judicial Rule 2.515

- 5. File an amended Petition for Appointment of Guardian that conforms with F.S. 744.334; Probate Rule 5.555(c); 5.020(e); 5.030(a); and Judicial Rule 2.515(a)(b). The amended petition shall contain:**
- a. Statement of the facts to establish venue
 - b. Petitioner's residence and post office address
 - c. Name, age, and residence and post office address of the minor
 - d. Names and addresses of the parent(s) of the minor and, if none, the next of kin known to the petitioner
 - e. Name and residence and post office address of the proposed guardian and that the proposed guardian is qualified to serve; or that a willing and qualified guardian has not been located
 - f. The proposed guardian's relationship to and any previous association with the minor
 - g. The reasons why the proposed guardian should be appointed
 - h. Nature and value of the property subject to the guardianship
 - i. Statement that the proposed guardian is a professional guardian
 - j. Verified signature of the petitioner(s)
 - k. Signature of the attorney of record, including the address, telephone number, primary e-mail address and secondary e-mail address, if any, and Florida Bar number

- 6. The proposed guardian is not qualified per F.S. 744.309(1)(2)(3). File the following documents to appoint a qualified guardian:**
 - a. Amended Petition for Appointment of Guardian that conforms with F.S. 744.334(2), Probate Rule 5.555(c), Probate Rule 5.020(e), Probate Rule 5.030(a), and Judicial Rule 2.515(a)(b)
 - b. Application to Appoint Guardian
 - c. Checklist for Guardian Application
 - d. Oath of Guardian, Designation of Resident Agent, and Acceptance of Resident Agent
 - e. Bond
- 7. Per F.S. 744.3371(2) and Probate Rule 5.555(d), file Formal Notice or Consents for the following:**
 - a. Any parent who is not a petitioner
 - b. If there is no parent, the persons with whom the minor resides
- 8. The Petition to Appoint Successor Guardian indicates that the current guardian has been removed. Per Probate Rule 5.025(a)(d) file Formal Notice to the current guardian.**
- 9. The Petition to Appoint Successor Guardian indicates that the current guardian has resigned. File a Resignation from the current guardian.**
- 10. The Petition to Appoint Successor Guardian indicates that the current guardian has passed away. File a death certificate of the current guardian.**

VOLUNTARY GUARDIANSHIP

F.S. 744.334; 744.341; 744.619

11. File an amended Petition for Appointment of Guardian that conforms with F.S. 744.334. The amended petition shall contain:

- a. The name, age, residence, and post office address of the alleged incapacitated person or minor
- b. The nature of her or his incapacity, if any
- c. The extent of guardianship desired, either plenary or limited
- d. The residence and post office address of the petitioner
- e. The names and addresses of the next of kin of the incapacitated person or minor, if known to the petitioner
- f. The name of the proposed guardian
- g. The relationship and previous relationship of the proposed guardian to the ward
- h. The nature and value of property subject to the guardianship
- i. The reasons why this person should be appointed guardian
- j. If a willing and qualified guardian cannot be located, including a statement that a willing and qualified guardian cannot be located
- k. If the petitioner is a professional guardian, including a statement that the petitioner is a professional guardian
- l. Verified signature of the petitioner(s)
- m. Signature of the ward
- n. Signature of the attorney of record, including the address, telephone number, and Florida Bar number per Judicial Rule 2.060(d)

12. A certificate of a licensed physician stating that she/he has examined the subject of the guardianship and that the subject is competent to understand the nature of the guardianship and his/her delegation of authority to the proposed guardian

VETERANS ADMINISTRATION GUARDIANSHIP

F.S. 744.613; 744.616; 744.617; 744.618; 744.619

13. File an amended Petition for Appointment of Guardian that conforms to F.S. 744.613, 744.616, 744.617, 744.618, 744.619. The amended petition shall contain:

- a. The name, age, and place of residence of the ward
- b. The names and places of residence of the nearest relative, if known
- c. The fact that the ward is entitled to receive moneys payable by or through the United States Department of Veterans Affairs
- d. The amount of moneys then due and the amount of probably future payments
- e. The name and address of the person or institution, if any, having actual custody of the ward
- f. The name, age, relationship, if any, occupation, and address of the proposed guardian
- g. Verified statement by the petitioner
- h. Signature of the attorney of record, include the address, telephone number, and Florida Bar number per Judicial Rule 2.060(d)
- i. In the case of a mentally incompetent ward, statements showing that the ward has been found incompetent on examination by the United States Department of Veterans Affairs, in accordance with the laws and regulations governing the United States Department of Veterans Affairs.

14. Consent to or Formal Notice of the Petition to:

- a. US Department of Veterans Administration

FOREIGN GUARDIANSHIP

F.S. 744.306; 744.334; and Florida Probate Rules of Court – Probate Rule 5.560

15. File an amended Petition for Appointment of Guardian that conforms to F.S. 744.306; 744.334; and Probate Rule 5.560.

- a. Including the facts to establish venue
- b. Including the petitioner's residence and post office address
- c. Including the name, age, and residence and post office address of the alleged incapacitated person
- d. Including the nature of the incapacity, the extent of the guardianship, either limited or plenary, requested for the alleged incapacitated person, and the nature and value of property subject to the guardianship
- e. Including the names and addresses of the next of kin of the alleged incapacitated person known to the petitioner
- f. Including the name and residence and post office address of the proposed guardian, and that the proposed guardian is qualified to serve, or that a willing and qualified guardian has not been located
- g. Including the proposed guardian's relationship to and any previous association with the alleged incapacitated person
- h. Including the reasons why the proposed guardian should be appointed
- i. Including whether there are alternatives to guardianship known to the petitioner that may sufficiently address the problems of the alleged incapacitated person in whole or in part
- j. If the proposed guardian is a professional guardian, including a statement that the proposed guardian has complied with the registration requirements of F.S. 744.1083
- k. If the petitioner requests appointment of the public guardian, a Certificate of Service showing service of the Petition for Appointment of Guardian on the public guardian
- l. Signature of the petitioner(s)
- m. Signature of the attorney of record, including the address, telephone number, and Florida Bar number per Judicial Rule 2.060(d)
- n. Authenticated copies of an Order or Letters of his/her appointment

FOREIGN GUARDIANSHIP

F.S. 744.307 FOREIGN GUARDIAN MAY MANAGE THE PROPERTY OF NONRESIDENT WARD

**16. File an amended Petition for Appointment of Guardian that conforms to
F.S. 744.307. The amended Petition shall contain:**

- a. Including the facts to establish venue;
- b. Including a description of property/estimated value/indebthness;
- c. Signature of petitioner(s)
- d. Signature of attorney of record, including the address, telephone number,
and Florida Bar number per Judicial Rule 2.060(d)
- e. Designation of resident agent, as required by the Florida Probate Rules
- f. Authenticated copies of Letters or other authority and bond or other
security

SUCCESSOR INCAPACITY GUARDIANSHIP

**F.S. 744.309; 744.3215; 744.334; 744.471; Florida Rules of Court –
Probate Rule 5.020; 5.025; 5.030; 5.560; and Judicial Rule 2.515**

17. File an amended Petition for Appointment of Successor Guardian that conforms to F.S. 744.334; Probate Rule 5.020(e); 5.030(a); 5.560(a); and Judicial Rule 2.515(a)(b). The amended petition shall contain:

- a. Facts to establish venue
- b. Petitioner's residence and post office address
- c. Name, age, residence, and post office address of the alleged incapacitated person
- d. The nature of the incapacity, extent of guardianship, either limited or plenary, and the nature and value of property subject to the guardianship
- e. The names and addresses of the next of kin of the incapacitated person known to the petitioner;
- f. Name and residence and post office address of the proposed guardian, and that the proposed guardian is qualified to serve or, that a willing and qualified guardian has not been located
- g. Proposed guardian's relationship and previous relationship of the proposed guardian to the incapacitated person
- h. Reasons why the proposed guardian should be appointed
- i. If the proposed guardian is a professional, a statement that the proposed guardian has complied with the registration requirements of section 744.1083, Florida Statutes
- j. Verified signature of the petitioner(s)
- k. Signature of the attorney of record, including the address, telephone number, primary e-mail address and secondary e-mail address, if any, and Florida Bar number

18. The proposed guardian is not qualified per F.S. 744.309(1)(2)(3). File the following documents to appoint a qualified guardian:

- a. Amended Petition for Appointment of Guardian that conforms with F.S. 744.334; 744.471; Probate Rule 5.020; 5.030; and Judicial Rule 2.515
- b. Application to Appoint Guardian
- c. Checklist for Guardian Application
- d. Oath of Guardian, Designation of Resident Agent, and Acceptance of Resident Agent
- e. Bond

19. The Petition indicates that the current guardian has been removed. Per Probate Rule 5.025(a)(d) file Formal Notice to the current guardian.

20. The Petition indicates that the current guardian has resigned. File a Resignation from the current guardian.

21. The Petition indicates that the current guardian has passed away. File a death certificate of the current guardian.

22. Per F.S. 744.3215(1)(n) and Probate Rule 5.560(c), file Notice to the following:

- a. Ward
- b. Public Guardian

APPLICATION OF GUARDIAN

F.S. 744.3125; FLORIDA RULES OF COURT – PROBATE RULE
5.590; AND SIXTH JUDICIAL CIRCUIT ADMINISTRATIVE ORDER
NO. 2009-036 PA/PI-CIR

23. File a completed Checklist for Guardianship Applications, per A.O. No. 2009-036 PA/PI-CIR. *(The form is available at the Sixth Circuit website, www.jud6.org.)*

24. File an amended Application for Appointment of Guardian that conforms with F.S. 744.3125 and Probate Rule 5.590(a). The amended application shall contain:

- a. The applicant's qualifications to serve as a guardian
- b. Information regarding wards for whom the applicant is then acting as guardian:
 - i. Name(s)
 - ii. The court file number and circuit court in which each case is pending
 - iii. Statement as to whether the applicant is acting as a limited or plenary guardian of the person or property, or both, of each ward.

OATH OF GUARDIAN AND
DESIGNATION OF RESIDENT AGENT AND ACCEPTANCE

F.S. 744.347; AND FLORIDA RULES OF COURT – PROBATE

RULE 5.110; 5.600

25. File an amended Oath of Guardian that conforms with F.S. 744.347 and Probate Rule 5.600. The amended oath shall contain:

- a. Name and residence and mailing address of the proposed guardian
- b. Statement that the proposed guardian will faithfully perform his or her duties
- c. Notarized signature of the proposed guardian

26. File an amended Designation of Resident Agent and Acceptance that conforms with Probate Rule 5.110(a)(b)(c)(d). The amended designation and acceptance shall contain:

- a. Designation of qualified resident agent, including name and residence and mailing address
- b. Signed acceptance of the resident agent

27. The designated resident agent is not qualified per Probate Rule 5.110(c). File an amended Designation of Resident Agent and Acceptance that conforms with Probate Rule 5.110(a)(b)(c)(d). The amended designation and acceptance shall contain:

- a. Designation of qualified resident agent, including name and residence and mailing address
- b. Signed acceptance of the resident agent

BOND

F.S. 744.351

28. File a bond in the amount of \$

29. File an amended Bond of Guardian that conforms to F.S. 744.351. The bond shall contain:

- a. Statement that the bond is payable to the Governor of the state and the Governor's successors in office, binding both the principal and surety
- b. Value not less than the ward's liquid assets and not to exceed the limit designated by the power of attorney
- c. Attached power of attorney
- d. Affixed corporate seal of the surety company
- e. Signature of the principal
- f. Signature of the attorney-in-fact, as designated by the power of attorney

GUARDIAN REQUIREMENTS

F.S. 744.1083; 744.3135; AND SIXTH JUDICIAL CIRCUIT
ADMINISTRATIVE ORDER NO. 2009-036 PA/PI-CIR

30. File proof of registration of the professional guardian with the Statewide Public Guardianship Office pursuant to F.S. 744.1083

31. File proof of payment of the professional guardian maintenance fee of \$7.50 to the Clerk of the Circuit Court pursuant to F.S. 744.3135

32. File proof of payment of the investigation fee of \$27.50 to the Clerk of the Circuit Court pursuant to Administrative Order No. 2009-036 PA/PI-CIR

33. The proposed guardian(s) shall file proof of submission of electronic fingerprints pursuant to F.S. 744.3135

REQUIRED SUPPORTING DOCUMENTATION

- 34. Death certificate of
- 35. Documentation of legal adoption or custody of the minor
- 36. Birth certificate or minor showing unknown father
- 37. Proposed Order Designating Depository
- 38. Proposed Order to Approve Minor Settlement
- 39. Proposed Order Appointing Guardian(s)
- 40. Proposed Letters of Guardianship
- 41. File proof of service of formal notice to return receipt by the U.S. Post Office (file the signed certified)
- 42.
 A hearing will be required.

DONE AND ORDERED in Chambers _____

CIRCUIT JUDGE

Copies to:
Attorney of Record:
{{ATTORNEY}}
{{ATTADDRESS}}
{{ATTCITY}}, {{ATTSTATE}} {{ATTZIP}}

Proposed Guardian:

Interested Party: