



**State of Florida  
Counties of Brevard and Seminole  
Circuit Court Eighteenth Judicial Circuit**

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**GUARDIANSHIP OF MINOR CHECKLIST**

| <b>PROCEDURAL TIPS:</b> |  |                        |                    |
|-------------------------|--|------------------------|--------------------|
| <b>ITEM</b>             | <b>Petition for Appointment of Guardian of Minor<br/>(person and/or property)</b>  | <b>Florida Statute</b> | <b>Admin Order</b> |
| 1.                      | Administrative Order 04-27-B states "In those cases in which Petitions for Appointment of a Guardian are filed for more than one member of the same family, a separate petition shall be required for each prospective ward and a separate guardianship file shall be opened for each prospective ward." |                        | AO 04-27-B         |
| 2.                      | You may coordinate hearings in such separately filed cases so that common issues to such cases within a single family can be heard and resolved in a single hearing  |                        | AO 04-27-B         |

| <b>PETITIONS:</b> |   |                        |                     |
|-------------------|---|------------------------|---------------------|
| <b>ITEM</b>       | <b>Petition for Appointment of Guardian of Minor<br/>(person and/or property)</b>   | <b>Florida Statute</b> | <b>Probate Rule</b> |
| 1.                | The petition shall be verified by the petitioner and shall state:   |                        | 5.555(c)            |
| 2.                | The facts to establish venue;   |                        | 5.555(c)(1)         |
| 3.                | The petitioner's residence and post office address;   |                        | 5.555(c)(2)         |
| 4.                | The name, age, and residence and post office address of the minor;  |                        | 5.555(c)(3)         |
| 5.                | The names and addresses of the parents of the minor and if none, the next of kin known to the petitioner;   |                        | 5.555(c)(4)         |
| 6.                | 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;  |                        | 5.555(c)(5)         |
| 7.                | The proposed guardian's relationship to and any previous association with the minor;  |                        | 5.555(c)(6)         |
| 8.                | The reasons why the proposed guardian should be appointed; and  |                        | 5.555(c)(7)         |
| 9.                | The nature and value of the property subject to the guardianship.   |                        | 5.555(c)(8)         |
| <b>ITEM</b>       | <b>Petition to Designate Restricted Depository<br/>(Optional use only if property of the minor is involved)</b>   | <b>Florida Statute</b> | <b>Probate Rule</b> |
| 1.                | Petition to Designate Restricted Depository   | §69.031                |                     |
| 2.                | An Acceptance or a Rejection of the Designation for Restricted Depository must be filed with the court making the designation within 15 days after actual knowledge of the designation comes to the attention of the financial institution. | §69.031(4)             |                     |
| 3.                | If the Restricted Depository accepts the designation a receipt of assets must be filed by the financial institution.  | §69.031(1)             |                     |

| <b>NOTICE:</b> |   |                        |                     |
|----------------|---|------------------------|---------------------|
| <b>ITEM</b>    | <b>Description</b>  | <b>Florida Statute</b> | <b>Probate Rule</b> |
| 1.             | Formal Notice of the Petition for Appointment of Guardian of a Minor shall be served on any parent who is not a petitioner or, if there is no parent, on the persons with whom the minor resides and on such other persons as the court may direct. | §744.3371(2)           | 5.555(d)            |
| 2.             | If the petitioner has custody of the minor and the petition alleges that, after   | §744.3371(2)           |                     |

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|    | diligent search, the parents cannot be found, the parents may be served by informal notice, delivered to their last known address or addresses.                                   |              |          |
| 3. | When a parent petitions for appointment as guardian for his or her minor child, no notice is necessary unless the other parent is living and does not consent to the appointment. | §744.3371(2) |          |
| 4. | Proof of Service of Formal Notice is required if Formal Notice is served.   |              | 5.040(4) |

| ORDERS: |  |  |              |
|---------|--|--|--------------|
| ITEM    | Description  | Florida Statute                                      | Probate Rule |
| 1.      | Order Appointing Attorney upon Court's discretion  | §744.3021(3)   |              |
| 2.      | Order Designating Restricted Depository  | §69.031  |              |
| 3.      | Order Appointing Guardian of Minor<br>_The Order appointing must state the nature of the guardianship<br>_The Order must specify the amount of the bond to be given by the guardian and must state specifically whether the guardian must place all, or part, of the property of the ward in a restricted account in a financial institution designated pursuant to s. <a href="#">69.031</a> .<br>_A plenary guardian shall exercise all delegable rights and powers of the incapacitated person. | §744.2005(2)<br><br>§744.2005(3)<br><br>§744.2005(6) |              |
| 4.      | Letters of Guardianship of Minor<br>Shall specify whether the guardianship pertains to person or property or both.<br>_The letters must state the powers and duties of the guardian.   | §744.345   |              |
| ITEM    | Procedural Tips  |  |              |
| 1.      | Proposed orders shall be submitted through the e-portal. Please submit all proposed orders prior to scheduling a hearing/ex parte.   |  |              |

| OTHER: |   |                  |                    |
|--------|---|------------------|--------------------|
| ITEM   | Oaths   | Florida Statute  | Probate Rule       |
| 1.     | <b>Every</b> guardian shall take an oath that he or she will faithfully perform his or her duties as guardian.  | §744.347         | 5.600              |
| ITEM   | Applications  | Florida Statute  | Probate Rule       |
| 1.     | Individual Applicants:<br><b>Every prospective guardian</b> must complete an application for appointment as guardian.   | §744.3125(1),(2) | 5.590(a)(1)(A),(B) |
| 2.     | The application for appointment shall be filed and served a reasonable time before the hearing on the appointment of a guardian.  |                  | 5.590(a)(2)        |
| ITEM   | Bond  | Florida Statute  | Probate Rule       |
| 1.     | Before exercising his or her authority as guardian, every person appointed a guardian of the property of a ward in this state shall file a bond with surety as prescribed in s. 45.011 to be approved by the clerk. When the petitioner or guardian presents compelling reasons, the court may waive a bond or require the use of a designated financial institution as defined in s. 655.005(1). | §744.351(1)      |                    |
| 2.     | Financial institutions as defined in s. <a href="#">744.309</a> (4) and public guardians authorized by law to be guardians shall not be required to file bonds.   | §744.351(5)      |                    |
| 3.     | The court may order, in lieu of a bond or in addition to a lesser bond, that the guardian place all or part of the property of the ward in a designated financial institution under the same conditions and limitations as are contained in s. <a href="#">69.031</a> .   | §744.351(6)      |                    |
| ITEM   | Background Check  | Florida Statute  | Probate Rule       |
| 1.     | The court shall require all guardians seeking appointment by the court, and all employees of a professional guardian, other than corporate guardians, who have a fiduciary duty to a ward, to submit, at their own expense, a credit history investigation and to undergo level 2 background screening as required under §435.04.   | §744.3135(1)     |                    |
| 2.     | On petition by any interested person or on the court's own motion, the court may  | §744.3135(1)     |                    |

|             |  |                              |                     |
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|             | waive the requirement of a credit history investigation or a level 2 background screening, or both.                        |                              |                     |
| <b>ITEM</b> | <b>Hearing</b>   | <b>Florida Statute</b>       | <b>Probate Rule</b> |
| 1.          | A Hearing is required for the Petition for Appointment of Guardian of Minor; however, the minor is not required to attend. | §744.3371(1)<br>§744.3021(2) |                     |

**Comments:**

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