



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

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PETITION FOR APPROVAL OF MINOR'S SETTLEMENT

PETITIONS:			
ITEM	Petition for Approval of Minor's Settlement	Florida Statute	Probate Rule
1.	The Petition for Approval of a Settlement shall contain:		5.636(b)
2.	The initials, residence address, and year of birth of the minor;		5.636(b)(1)
3.	The name and address of any guardian appointed for the minor;		5.636(b)(2)
4.	The name and residence address of the natural guardians or other persons having legal custody of the minor;		5.636(b)(3)
5.	A statement disclosing the interests of any natural or court-appointed guardian whose interest may be in conflict with that of the minor;		5.636(b)(4)
6.	A description of the cause of action in which the minor's interest arises;		5.636(b)(5)
7.	A summary of the terms of the proposed settlement;		5.636(b)(6)
8.	Copies of all agreements, releases, or other documents to be executed on behalf of the minor;		5.636(b)(7)
9.	A legal guardianship shall be required when the amount of the net settlement to the ward exceeds \$15,000. When the amount of net settlement to the ward or judgment exceeds \$15,000 and no guardian has been appointed, the court shall require the appointment of a guardian for the property. *See Guardianship of a Minor Checklist if this is the case.	§744.387(2) §744.387(3)(b)	
ITEM	Petition to Appoint Attorney or Guardian Ad Litem (Optional)	Florida Statute	Probate Rule
1.	The court <i>may</i> appoint a guardian ad litem to represent the minor's interest before approving a settlement of the minor's portion of the claim in a case in which a minor has a claim for personal injury, property damage, wrongful death, or other cause of action in which the gross settlement of the claim exceeds \$15,000 if the court believes a guardian ad litem is necessary to protect the minor's interest	§744.3025(1)(a)	
2.	Except as provided in paragraph (e) the Court <i>shall</i> appoint a guardian ad litem to represent the minor's interest before approving a settlement of the minor's claim in a case in which the gross settlement involving a minor equals or exceeds \$50,000. A court need not appoint a guardian ad litem for the minor if a guardian of the minor has previously been appointed and that guardian has no potential adverse interest to the minor.	§744.3025(1)(b) §744.3025(1)(e)	5.636(d)
3.	A proposed settlement is deemed to exceed \$50,000 if the gross amount payable exceeds \$50,000, without reduction to reflect present value or fees and costs.		5.636(e)
4.	The Petition for Appointment of a Guardian Ad Litem shall state to the best of petitioner's information and belief:		5.120(b)
5.	The initials and residence address of each minor, and year of birth of each minor who has an interest in the proceedings;		5.120(b)(1)
6.	The name and address of any guardian appointed for each minor;		5.120(b)(2)

7.	The name and residence address of any living natural guardians or living natural guardian having legal custody of each minor;		5.120(b)(3)
8.	A description of the interest in the proceedings of each minor; and		5.120(b)(4)
9.	The facts showing the necessity for the appointment of a guardian ad litem.		5.120(b)(5)

NOTICE:			
ITEM	Description	Florida Statute	Probate Rule
1.	Notice of the Petition to Approve Minor Settlement shall be given to the court-appointed guardians for the minor, to the natural guardians or other persons with legal custody of the minor, to the minor if age 14 or older, and to the minor's next of kin if required by the court.		5.636(c)
2.	Within 10 days after appointment, the petitioner shall serve conformed copies of the Petition for Appointment of a Guardian Ad Litem and Order to any guardian, or if there is no guardian, to the living natural guardians or the living natural guardian having legal custody of the minor.		5.120(c)

ORDERS:			
ITEM	Description	Florida Statute	Probate Rule
1.	Order Approving Minor Settlement The order shall relieve the guardian from any further responsibility in connection with the claim or dispute when the settlement has been made in accordance with the order. The order authorizing the settlement may also determine whether an additional bond is required for guardian, and if so, shall fix the amount of it.	§744.387(1)	
2.	Order Appointing Guardian or Attorney Ad Litem	§744.3025	5.120(a) 5.636(d)
ITEM	Procedural Tips		
1.	Proposed orders shall be brought to the hearing. (Please do not eFile.)		

OTHER:			
ITEM	Bond	Florida Statute	Probate Rule
1.	The appointment of the guardian ad litem must be without the necessity of bond or notice	744.3025(1)(c)	
2.	The order authorizing the settlement may also determine whether an additional bond is required for guardian, and if so, shall fix the amount of it.	744.387(1)	
ITEM	Report of Guardian Ad Litem	Florida Statute	Probate Rule
1.	A Guardian Ad Litem appointed shall, no later than 5 days prior to the hearing on the Petition for Order Authorizing Minor's Settlement, file and serve a report indicating the Guardian Ad Litem's determination regarding whether the proposed settlement will be in the best interest of the minor. The Report shall include:		5.636(f)
2.	A statement of the facts of the minor's claim and the terms of the proposed settlement, including any benefits to any persons or parties with related claims;		5.636(f)(1)
3.	A list of the persons interviewed and documents reviewed by the guardian ad litem in evaluating the minor's claim and proposed settlement; and		5.636(f)(2)
4.	The Guardian Ad Litem's analysis of whether the proposed settlement will be in the best interest of the minor.		5.636(f)(3)
5.	A copy of the Report of Guardian Ad Litem shall be served on the court-appointed guardians for the minor, to the natural guardians or other persons with legal custody of the minor, to the minor if age 14 or older, and to the minor's next of kin if required by the court.		5.636(f)(3)
ITEM	Hearing	Florida Statute	Probate Rule
1.	A Hearing is required for the Petition for Approval of Minor's Settlement.		5.636