

IN THE CIRCUIT COURT, EIGHTEENTH
JUDICIAL CIRCUIT IN AND FOR
BREVARD COUNTY, FLORIDA

Case No.: _____

IN RE: THE GUARDIAN ADVOCACY OF

Name of Person with a Developmental Disability

ORDER APPOINTING GUARDIAN ADVOCATE OF THE PERSON
(Form H)

Upon consideration of the Petition for the Appointment of Guardian Advocate(s) of the Person, the Court finds that _____, the person with a developmental disability, has a developmental disability of a nature which requires the appointment of a Guardian Advocate of the person based upon the following findings of fact and conclusions of law, as required by §393.12(8), Florida Statutes:

1. The nature and scope of the person's lack of decision-making ability are:

2. The exact areas in which the person lacks decision-making ability to make informed decisions about care and treatment services or to meet the essential requirements for his or her physical health and safety are:

- | | |
|---|---|
| <input type="checkbox"/> to marry | <input type="checkbox"/> to vote |
| <input type="checkbox"/> to travel | <input type="checkbox"/> to seek or retain employment |
| <input type="checkbox"/> to have a driver's license | |
| <input type="checkbox"/> to determine his or her residency | |
| <input type="checkbox"/> to consent to medical, dental, surgical care and mental health treatment | |
| <input type="checkbox"/> to apply for government benefits | |
| <input type="checkbox"/> to make decisions about his or her social environment or other social aspects of his or her life including but not limited to educational decisions. | |

3. The specific legal disability to which the person with a developmental disability is subject to is:

4. The powers and duties of the Guardian Advocate(s) are:

() to determine residence;

() to consent to medical, dental, and surgical care and mental health treatment;

() to make decisions about the social environment or other social aspects of the person with a developmental disability's life including decisions concerning education;

() to act as representative payee of government benefits or to seek such benefits;

() to apply for governmental benefits;

() to make decisions about the person with a developmental disability's right to seek or retain employment.

5. _____ (the person with a developmental disability) shall retain all legal rights except those which are specifically granted to the Guardian Advocate pursuant to court order.

6. The Petitioner(s) is selected as Guardian Advocate(s) because: _____

Without first obtaining specific authority from the Court, as stated in §744.3725, Florida Statutes, the Guardian Advocate(s) may not:

a) commit the person with a developmental disability to a facility, institution, or licensed service provider without formal placement proceedings, pursuant to Chapter 393, Florida Statutes;

b) consent to the participation of the person with a developmental disability in any experimental biomedical or behavior procedure, exam, study, or research;

c) consent to the performance of a sterilization or abortion procedure on the disabled person;

- d) consent to termination of life support systems provided for the person with a developmental disability;
- e) initiate a petition for dissolution of marriage for the person with developmental disability; or
- f) exercise any authority over any health care surrogate appointed by any valid advance directive executed by the disabled person, pursuant to Chapter 765, Florida Statutes, except upon further order of this Court.

CONSIDERED, ORDERED & ADJUDGED:

1. _____ (*Name of Guardian Advocate*) is qualified to serve as Guardian Advocate(s) of the person and is hereby appointed as Guardian Advocate(s) of the Person of _____, the person with a developmental disability.
2. The Guardian Advocate(s) shall exercise only the rights that the Court has found the disabled person incapable of exercising on his or her own behalf, as outlined herein above. Said rights are hereby removed from the person with a developmental disability and specifically delegated to the Guardian Advocate(s).
3. Upon taking and filing the prescribed oath, conditioned on the faithful performance of all duties by the Guardian Advocate(s), letters of Guardian Advocacy shall be issued.

DONE AND ORDERED i this ____ day of _____, 20__.

Circuit Judge

Copies furnished to:

- *Attorney appointed to represent person with a developmental disability*
- *Next of kin of the person with a developmental disability, if any*
- *Health Care Surrogate designated by the person with a developmental disability pursuant to advanced directives, if any*
- *Agent appointed by the person with a developmental disability under Durable Power of Attorney, if any*