

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:

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 specified in paragraph 4.
3. The specific legal disabilities to which the person with a developmental disability is subject to are: _____
_____.

4. The power and duties delegated to the guardian advocate are:

(____) to apply for governmental benefits;
(____) to determine residency;
(____) to consent to medical and mental health treatment;

(____) to make decisions about the social environment or other social aspects of life;
and

(____) to make decisions concerning education.

5. There are no alternatives to guardian advocacy, such as trust agreements, powers of attorney, designation of health care surrogate, or other advanced directive, known to petitioner that would sufficiently address the problems of the respondent in whole or in part. Thus, it is necessary that a guardian advocate be appointed to exercise some but not all of the rights of respondent.
6. Without first obtaining specific authority from the court, as stated in section 744.3725, Florida Statutes, the guardian advocate may not 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.

ADJUDGED:

_____ is qualified to serve as guardian advocate and is hereby appointed as guardian advocate of the person of _____.

The guardian advocate 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 specifically delegated to the guardian advocate.

ORDERED: _____

Judge