



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

2825 Judge Fran Jamieson Way
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GUARDIANSHIP OF MINOR CHECKLIST

PROCEDURAL TIPS:			
ITEM	Petition for Appointment of Guardian of Minor (person and/or property)		Admin Order
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

PETITIONS:			
ITEM	Petition for Appointment of Guardian of Minor (person and/or property)	Florida Statute	Probate Rule
		§744.3021, §744.342	
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.	§744.102(14)	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, including listing any activities designated in section 744.446(3), Florida Statutes.		5.555(c)(6)
8.	The reasons why the proposed guardian should be appointed.		5.555(c)(7)
9.	The nature and value of the property subject to the guardianship.		5.555(c)(8)
10.	Whether there are possible alternatives to guardianship known to the petitioner, including but not limited to, trust agreements, powers of attorney, surrogates, guardian advocate under section 744.3085, Florida Statutes, or advance directive and why those possible alternatives are insufficient to meet the needs of the minor.		5.555(c)(9)
ITEM	Petition to Designate Restricted Depository (Optional use only if property of the minor is involved)	Florida Statute	Probate Rule
1.	Petition to Designate Restricted Depository	§69.031	

NOTICE:			
ITEM	Description	Florida Statute	Probate Rule
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 diligent search, the parents cannot be found, the parents may be served by informal notice, delivered to their last known address or addresses.	§744.3371(2)	
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(6)

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		
4.	Letters of Guardianship of Minor		
ITEM	Procedural Information		
1.	All proposed orders are required to be brought to the hearing. (Please do not eFile.)		

OTHER:			
ITEM	Oaths	Florida Statute	Probate Rule
1.	Every 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: Every prospective guardian must complete an application for appointment as guardian.	§744.3125	5.590(a)
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. <u>45.011</u> to be approved by the clerk. The bond shall be payable to the Governor of the state and the Governor's successors in office, conditioned on the faithful performance of all duties by the guardian. In form the bond shall be joint and several. 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. <u>655.005(1)</u> .	§744.351(1)	
2.	Financial institutions as defined in s. <u>744.309(4)</u> , other than a trust company operating under chapter 662 which is not a licensed family trust company or foreign licensed family trust company, and public guardians authorized by law to be guardians are not required to file bonds.	§744.351(5)	
ITEM	Background Check	Florida Statute	Probate Rule
1.	The court shall require all guardians who are seeking appointment by the court, other than a corporate guardian as described in s. <u>744.309(4)</u> , and all employees of a professional guardian, other than a corporate guardian as described in s. <u>744.309(4)</u> , who have a fiduciary responsibility to a ward, to submit, at their own expense, to a credit history investigation and to undergo level 2 background	§744.3135	

	screening as required under s. <u>435.04</u> . On petition by any interested person or on the court's own motion, the court may waive the requirement of a credit history investigation or a level 2 background screening, or both.		
ITEM	Hearing	Florida Statute	Probate Rule
1.	A minor is not required to attend the hearing on the petition for appointment of a guardian, unless otherwise directed by the court.	§744.3021(2)	

REV 12.21.2023