Checklist for:

Guardian Advocate

Statutory requirements: Florida Statutes §393.12, Ch. 744 as needed (744.3085) – A circuit court may appoint a guardian advocate for a person with developmental disabilities (DD). If the person lacks the decision making ability to do some, but not all, of the decision making tasks necessary to care for his or her person or property [393.12(2)(a)].

**APPOINTMENT:**

Ο Yes Ο No Is attorney for guardian advocate required? [393.12(2)(b)] (attorney for guardian advocate is required if guardian advocate is delegated rights regarding property other than the right to be representative payee for government benefits or if required by court.)

| Guardianship of: |
| --- |
| | File #: |  | Date: | |  | | --- | --- | --- | --- | --- | | Attorney: |  | |  |  | |

| Docket# | Item# | Date |  |
| --- | --- | --- | --- |
|  |  |  | **PETITON:** |
|  |  |  | Petition Verified [393.12(d); 744.104] |
|  |  |  | Petitioner: Age/Relationship/Residence [393.12(3)(a)]:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|  |  |  | Person w/DD [393.12(3)(b); 744.202(2)]: Age:\_\_\_\_\_\_  County of Residence:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|  |  |  | Allegation of need for Guardian Advocate AND \_\_\_\_\_Factual info on which need is based [ 393.12(3)(c)] OR \_\_\_\_\_Statutory DD [393.063(9)] (retardation, cerebral palsy, autism, spina bifida, or Prader Willi) |
|  |  |  | Exact areas where person lacks the decision making ability regarding care and treatment services or to meet essential requirements for his or her physical health or safety [393.12(3)(d)]. |
|  |  |  | Legal Disabilities Specified [393.12(3)(e); 744.3215(2)-(3)]. |
|  |  |  | Guardian Advocate: Relationship/Reason [393.12(3)(f) |
|  |  |  | **NOTICE:** |
|  |  |  | Notice to Person w/DD [393.1(4)(a)] (verbally & in writing) copy of petition must be served w/ notice |
|  |  |  | Notice to Next of Kin, and any Health Care Surrogate or Attorney in Fact [393.12(4)(a)] |
|  |  |  | **OTHER REQUIREMENTS:** |
|  |  |  | Application for Appointment [744.3125; 5.590] |
|  |  |  | Oath and designation of resident agent [744.347; 5.600; 5.110] |
|  |  |  | Level 2 Criminal Background Check & Credit History Investigation [744.3135] |
|  |  |  | Report of Attorney Ad Litem |
|  |  |  | At or before the hearing, all reports filed relevant to person’s disabilities (family or support plan, education plan, and other professional reports documenting the condition and needs) [393.12(6)(d)]. |
|  |  |  | **PROPOSED ORDERS:** |
|  |  |  | Appointing Attorney Ad Litem [393.12(5)] Appointed w/in 3 days after petition filed. Attorney **initially appointed must be on attorney registry** compiled pursuant to §27.40, Fla. Stat. Person w/DD may substitute his/her own attorney for court appointed attorney. |
|  |  |  | **If person w/DD is indigent, appoint Regional Counsel.** §27.,511(6)(a), Fla. Stat. (Need Clerk of Court’s determination of indigent status) |
|  |  |  | Order Appointing Guardian Advocate [393.12(8)]. Order Contains: |
|  |  |  | 1. Nature and scope of the person’s lack of decision making ability; |
|  |  |  | 1. Exact areas in which the individual lacks decision making ability to make informed decisions about care and treatment services or to meet requirements for health and safety; |
|  |  |  | 1. Specific legal disabilities to which the person with developmental disability is subject; |
|  |  |  | 1. Name of person selected as guardian advocate and reasons for the court’s selection; and |
|  |  |  | 1. Powers, duties, and responsibilities of the guardian advocate, including bond [744.351]. |
|  |  |  | FDLE findings pursuant to Admin Order 6.962 (Aliases, Date of Birth, Sex of person w/DD). |
|  |  |  | Letters of Guardian Advocacy [744.345] |

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| Comments: |
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