Checklist for:

Guardianship – Petition for Emergency Temporary Guardianship

Statutory Requirements: FS 69.031, 744.3031, 744.334, 744.3371, 744.345, 744.351, 744.607

| Guardianship of: |
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|

| File #: |  | Date: |  |
| --- | --- | --- | --- |
| Attorney: |  |  |  |

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Relationship of proposed guardian to ward:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

| Docket# | Item# | Date |  |
| --- | --- | --- | --- |
|  |  |  | Verified petition [744.334(1), 5.020(e)] |
|  |  |  | Is the alleged incapacitated person a minor? [744.3371(2)]. |
|  |  |  | Is minor over the age of 14? If so, parents of the minor must be served with Petition by Formal Notice. |
|  |  |  | Separate Petition for incapacity has been filed [744.3031(1), 744.3201] |
|  |  |  | Separate Petition for Appointment of Plenary/Limited Guardian filed? |
|  |  |  | Counsel appointed for alleged incapacitated for this proceeding [744.3031(1)] |
|  |  |  | AIP’s apptd counsel request that proceeding is recorded and transcribed via Courtsmart? [744.3031(1)] |
|  |  |  | Is the AIP a Veteran? |
|  |  |  | Is the AIP Indigent? |
|  |  |  | Oath and designation of resident agent of emergency temporary guardian [744.3031(5), 5.110(b), 5.600] (use regular form) |
|  |  |  | Level 2 Background check and fingerprinting? |
|  |  | **ALLEGATIONS**: | petition requirements: see 744.3031 & rule 5.648 |
|  |  |  | 1. There appears to be imminent danger that the physical or mental health or safety of the person will be seriously impaired [744.3031(1)] OR
 |
|  |  |  | 1. The person’s property is in danger of being wasted, misappropriated or lost unless immediate action is taken [744.3031(1)]
 |
|  |  | **FINDINGS**:  | The court must specifically find that: |
|  |  |  | 1. There appears to be imminent danger that the physical or mental health or safety of the person will be seriously impaired [744.3031(1)] OR
 |
|  |  |  | 1. The person’s property is in danger of being wasted, misappropriated or lost unless immediate action is taken [744.3031(1)]
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|  |  | **ORDER**: |  |
|  |  |  | The powers and duties of the emergency temporary guardian must be specifically enumerated [744.3031(1)] |
|  |  |  | Authority expires 90 days after appointment or when a guardian is appointed whichever is occurs first [744.3031(3)] |
|  |  |  | Extension of authority is limited to a 90 additional days upon a showing that the emergency conditions still exist [744.3031(3)] |
|  |  |  | An injunction, restraining order or writ may be issued to protect the health or safety of the respondent [744.3031(4)] |
|  |  |  | Proposed Orders and letters, are submitted [*See* 744.3031(7)] |
|  |  |  | Is bond required? [*See* 744.3031(6)] \_\_\_\_\_\_ Value and nature of assets, if known, are  |
|  |  |  | Is the guardian required to place any property of the Ward in a restricted account in a financial institution designated [69.031]. |
|  |  |  | Shall the ETG exercise authority over a health care surrogate or not? [744.345] |

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| Comments: |
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