Checklist for:

Guardianship – Settlement of Minor’s Claim (Guardian)

**Statutory Requirements\*\*\*See Eighth Judicial Circuit Admin. Order 6.100\*\*\***

See also FS 744.387 (settlement of claims), FPR 5.636 (settlement of minors claims), FS 744.3025 (claims of minors) FS 744.301 (natural guardians), FS 768.23 (Protection of minors and incompetents), FS 768.25 (Court approval of settlements.), FS 744.391 (Actions by and against guardian or ward), FS 744.441 (Powers of guardian upon court approval), FS 744.446 (Conflicts of interest; prohibited activities; court approval), FS 744.447 (Petition for authorization to act), FPR 5.610 (Execution by guardian), FPR 5.630 (Petition for approval of acts), *Maugeri v. Plourde*, 396 So. 2d 1215 (Fla. 3d DCA 1981), only court having jurisdiction to approve settlement of a minor's claim in a pending action is the court in which the action is pending.

**BRIEF DESCRIPTION**

Nature of claim: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Type of injuries: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Medicals: $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Policy limits: $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Proposed Settlement: $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Attorney Fees: $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Unpaid meds: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Attorney Fees/ gdnshp: $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Guardian Ad Litem fees: $ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Payment to parent or guardian $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Net to Minor: $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

| Docket# | Item# | Date |  |
| --- | --- | --- | --- |
|  |  |  | Doctors’ reports substantiating alleged prognosis |
|  |  |  | Incident reports / declaration sheets on insurance policies |
|  |  |  | Statement disclosing conflicts of interest of guardian [5.636(b)(4)] |
|  |  |  | Description of cause of action of minor's claim [5.636(b)(5)] |
|  |  |  | Summary of terms of proposed settlement [5.636(b)(6)] |
|  |  |  | Copies of agreements, releases, etc, to be executed for minor [5.636(b)(7)] |
|  |  |  | Copy of attorney fee contract (to substantiate fee) [Admin. Order 6.100] |
|  |  |  | Break down of attorney costs (to establish reasonableness) [Admin. Order 6.100] |
|  |  |  | Order provides specific distributions [Admin. Order 6.100] |
|  |  |  | Notice to guardians, parents, custodians & minor (if >=14) and next of kin. [5.636(c)] |
|  |  |  | Appointment of GAL necessary? 744.3025, 5.636(f), Admin Order 6.100 |
|  |  |  | Assets are paid to depository or are otherwise protected |
|  |  |  | Bond – necessity and amount \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|  |  |  | Gross value of settlement $ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
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| Comments: |
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