

**REQUIREMENTS FOR FILING EMERGENCY
TEMPORARY GUARDIANSHIP PETITIONS
IN CHARLOTTE COUNTY**
(effective November 13, 2018)

1. After a petition for determination of incapacity has been filed (and after the order appointing attorney/executor for the A.I.P. has been filed) petitioner E-files through the E-filing Portal a petition for appointment of emergency temporary guardian.¹

2. When the Clerk receives the petition the Clerk will promptly send an E-mail to the Court's Judicial Assistant providing the case number of the case in which the petition is filed. The Clerk's E-mail should be sent to: cha-guardianship@ca.cjis20.org . The Clerk should alert the Court to the emergency nature of the petition by including in the subject line of the E-mail language such as "***EMERGENCY PETITION FOR ETG***".

3. Immediately after filing the petition for appointment of emergency temporary guardian the petitioner's counsel will send a copy of the petition to the Court's Judicial Assistant by E-mail to the cha-guardianship@ca.cjis20.org email address. The subject line of the E-mail should include language such as "***EMERGENCY PETITION FOR ETG***".

4. Upon receipt of the petition the Court's J.A. will contact the Petitioner's counsel via E-mail to provide possible dates and times for the hearing on the petition.

5. The petitioner's counsel will serve on the A.I.P. and the A.I.P.'s counsel notice of filing of the petition for appointment of an emergency temporary guardian and notice of the hearing on the petition. "Notice of filing of the petition for appointment of an emergency temporary guardian and a hearing on the petition must be served on the alleged incapacitated person and on the alleged incapacitated person's attorney at least 24 hours before the hearing on the petition is commenced, unless the petitioner demonstrates that substantial harm to the alleged incapacitated person would occur if the 24-hour notice is given."²

6. Petitioner's counsel shall promptly send via E-mail to the Court's J.A. (to

¹ §744.3031, F.S., Petition for ETG may be filed "prior to appointment of a guardian but after a petition for determination of incapacity has been filed".

² §744.3031(2), F.S., "Notice of filing of the petition for appointment of an emergency temporary guardian and a hearing on the petition must be served on the alleged incapacitated person and on the alleged incapacitated person's attorney at least 24 hours before the hearing on the petition is commenced, unless the petitioner demonstrates that substantial harm to the alleged incapacitated person would occur if the 24-hour notice is given."

patriciat@ca.cjis20.org) an electronic copy of the notice of filing petition for appointment of emergency temporary guardian and notice of hearing on the petition. ***Failure to confirm with the Court the date and time of the hearing in this manner will result in the hearing not being docketed on the Court's calendar.***

**PROPOSED ORDERS FOLLOWING INCAPACITY/GUARDIANSHIP, EMERGENCY
TEMPORARY GUARDIAN, GUARDIAN ADVOCATE AND MINOR GUARDIAN
HEARINGS IN CHARLOTTE COUNTY**

1. Proposed orders that are entered after the incapacity and guardianship hearings including orders determining incapacity, orders appointing guardians, and other related orders and letters, may no longer be handed in hard copy form to the Court or Clerk at the time of the hearing. These proposed orders must be submitted electronically to the Court with copies via E-mail to counsel for the A.I.P. at least 24 hours prior to the hearing as provided for the following instructions at the Court's web page here:

https://www.ca.cjis20.org/pdf/Charlotte/ElectronicSubmissionOrders_GeneralProbateGuardianshipProcedures.pdf

2. Counsel shall ensure that the subject line of the E-mail is flagged so that the Court's Judicial Assistant can bring the proposed order(s) to the Court's attention prior to the hearing. Use all caps language and include the date and time of the upcoming hearing such as "***UPCOMING HEARING ON XX/XX/XXXX at YYYY a.m./p.m.***". Also include the normal case description that must be placed in the subject line of the E-mail. ***The proposed orders should be sent to both of the following E-mail addresses:***

cha-guardianship@ca.cjis20.org

patriciat@ca.cjis20.org

Following the hearing the Court will promptly E-sign and E-file the orders after making any edits required as a result of the hearing.