

**REQUIREMENTS FOR FILING GUARDIAN ADVOCATE CASES  
IN CHARLOTTE COUNTY**

*(person with developmental disabilities who lacks the capacity to do some, but not all, of the tasks necessary to care for his or her person, property, or estate under §393.12, F.S.<sup>1</sup>)*  
(effective November 13, 2018)

1. Petitioner E-files through the E-filing Portal a petition to appoint guardian advocate for person with developmental disabilities. Immediately after filing the petition the petitioner's counsel should send a copy of the petition to the Court's J.A. by E-mail to the [cha-guardianship@ca.cjis20.org](mailto:cha-guardianship@ca.cjis20.org) E-mail address.

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 and the name of the next attorney/elisor on the court appointed attorney list. The Clerk's E-mail should be sent to: [cha-guardianship@ca.cjis20.org](mailto:cha-guardianship@ca.cjis20.org) .

3. Upon receipt of the Clerk's E-mail the Court will prepare and E-file the order appointing attorney/elisor, and E-serve the Order to both attorneys of record.<sup>2</sup> Immediately upon receipt of these orders the attorneys for the petitioner and alleged developmental disabled person (A.D.D.P.) will begin coordinating a date and time for the hearing within the time period required by applicable laws and rules, using as a guide to available hearing time the Court's calendar which is available on the Internet at:

<https://www.ca.cjis20.org/schedules/docketjacsoptcha.asp?filterName=Judge%20P%20Alessandroni&type=1>

4. When the attorneys have agreed on a tentative date and time the petitioner's counsel will contact the Court's J.A. via E-mail to [patriciat@ca.cjis20.org](mailto:patriciat@ca.cjis20.org) , copying counsel for the A.D.D.P., to confirm the availability of the date and time. The Court's Judicial Assistant will

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<sup>1</sup> §744.3085, F.S., "A circuit court may appoint a guardian advocate, without an adjudication of incapacity, for a person with developmental disabilities *if the person lacks the capacity to do some, but not all, of the tasks necessary to care for his or her person, property, or estate*, or if the person has voluntarily petitioned for the appointment of a guardian advocate."

<sup>2</sup> "Within 3 days after a petition has been filed, the court must appoint an attorney to represent a person with a developmental disability who is the subject of a petition to appoint a guardian advocate. The person with a developmental disability may substitute his or her own attorney for the attorney appointed by the court." Rule 5.649(c), Fla. Prob. R.

respond to both attorneys confirming or rejecting the proposed date and time. ***NOTE: Failure to confirm the date with the Court will result in the hearing not being docketed on the Court's docket.***

5. After determination of a date and time for the hearing “notice of the filing of the petition must be given to the person with a developmental disability, both verbally and in writing, in the language of the person and in English. Notice must also be given to the person with a developmental disability’s next of kin, any designated health care surrogate, an attorney-in-fact designated in a durable power of attorney, and such other persons as the court may direct.”<sup>3</sup> “The notice must state that a hearing will be held to inquire into the capacity of the person with a developmental disability to exercise the rights enumerated in the petition. The notice must also state the date of the hearing on the petition.”<sup>4</sup> “The notice must state that the person with a developmental disability has the right to be represented by counsel of the person’s own choice and, the court must initially appoint counsel.”<sup>5</sup>

**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](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

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<sup>3</sup> Rule 5.649(b)(1), Fla. Prob. R.

<sup>4</sup> Rule 5.649(b)(2), Fla. Prob. R.

<sup>5</sup> Rule 5.649(b)(3), Fla. Prob. R.

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.