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| IN THE CIRCUIT COURT FOR COLLIER COUNTY,  FLORIDA PROBATE DIVISION | |  |
| IN RE: GUARDIANSHIP OF |  |  |
| \_\_\_\_\_\_\_\_\_\_\_[NAME], | File No. \_\_-GA-\_\_\_\_\_\_ |  |
|  |  |
| an alleged incapacitated person. |  |  |
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**ORDER DETERMINING INCAPACITY**

On the Petition to Determine Incapacity with respect to \_\_\_\_\_\_\_\_\_\_\_\_\_(the Ward), and the Court having taken testimony, having considered the reports of the Examining Committee, having considered all alternatives to guardianship and being fully advised in the premises, finds, based on the clear and convincing evidence presented, as follows:

1. The nature and scope of the Ward's incapacities are \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_such that he/she lacks the ability to exercise certain rights as indicated below by this Court.

2. The following facts demonstrate that the Ward is without capacity to care for the Ward's person or property as initialed below:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_is a \_\_\_year old female/male who has \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_[brief description of incapacity] and can no longer care for [himself/herself].

The Ward totally lacks capacity to make informed decisions about care and treatment or to meet the essential requirements for the Ward’s physical or mental health or safety; is subject to total legal disability; is incapable of exercising any rights; and a Guardian must exercise all delegable rights of the Ward and have full powers and duties with respect to the Ward and the Ward’s person and property.

3. After consideration of reasonable alternatives to guardianship, the Court finds that no alternative will sufficiently address the problems and needs of the Ward.

4. It is in the Ward’s best interest that a [plenary/limited] Guardian of the property and person of the Ward be appointed; accordingly, it is

ORDERED AND ADJUDGED as follows:

A. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [WARD’S NAME] is hereby determined to be incapacitated and that a plenary Guardian should be appointed to provide for the welfare and safety of the Ward.

B. The Ward is incapable of exercising the following rights, which shall henceforth be the duty and authority of the appointed Guardian:

1. To sue and defend lawsuits.
2. To apply for and retain government benefits.
3. To make decisions regarding the right to contract.
4. To determine his residence.
5. To consent to medical treatment and mental health treatment.
6. To manage his assets, including bank accounts.
7. To make decisions about his social environment or other social aspects of his life.

1. The Ward is incapable of exercising the following non-delegable rights:
2. To marry.
3. To have a driver’s license.
4. To travel.
5. To seek or retain employment.
6. To vote
7. The Ward shall retain the following rights:

a. None.

1. A copy of this Order shall be served on the Ward by the clerk of this Court and a certificate attesting to said service shall be promptly filed in this proceeding.
2. The Ward shall retain those rights set forth in section 744.3215(1) of the Florida

Statutes and all those rights except those the Court has herein above adjudged that the Ward is incapable of exercising.

DONE AND ORDERED, in Chambers, at the Collier County Courthouse, Naples, Collier County, Florida, on this the day of , 20\_\_.

Honorable \_\_\_\_\_\_\_\_\_\_\_\_\_\_

Circuit Court Judge

Copies to: \_\_\_\_\_\_\_\_\_\_\_, Esquire, via Clerk’s E-Service

\_\_\_\_\_\_\_\_\_\_\_, Esquire, via Clerk’s E-Service