

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO COUNTY, FLORIDA**

**CASE MAINTENANCE REFERENCE GUIDE
FOR GUARDIANSHIP INTERIMS/INITIAL REPORTS/ANNUAL REPORTS**

INITIAL GUARDIANSHIP REPORT F.S. 744.362 AND PROBATE RULE 5.690

- Initial Report was timely filed or if not was due on _____, however was filed on _____.
- Service on ward, unless under 14 years of age or totally incapacitated.
- Service on court-appointed attorney, if applicable.

INITIAL GUARDIANSHIP PLAN F.S. 744.363

- Reporting Period is correct, if incorrect should be _____ through _____.
- Provision of medical, mental, or personal care services for the welfare of the ward.
- Provision of social and personal services for the welfare of the ward.
- Place and type of residential setting best suited for the needs of the ward.
- Application of health and accident insurance and any other private or governmental benefits to which the ward may be entitled to meet any part of the costs of medical, mental health, or related services provided to the ward.
- Any physical and mental examinations necessary to determine the ward's medical and mental health treatment needs.
- Plan is based on the recommendations of the examining committee's examination, as incorporated into the order determining incapacity.
- Attestation that the guardian has consulted with the ward and, to the extent reasonable, has honored the ward's wishes consistent with the rights retained by the ward under the plan (unless the ward is under the age of 14 or totally incapacitated. To the maximum extent reasonable, the plan must be in accordance with the wishes of the ward.
- Signature of guardian(s).
- Signature of attorney.
- Attorney's, address, telephone number including area code and Florida Bar number, **Judicial Rule 2.060(d)**.

VERIFIED INVENTORY F.S. 744.365 AND INVENTORY RULE 5.620

- All property of the ward, real and personal, that has come into the guardian's possession or knowledge.
- Statement of all encumbrances, liens and other secured claims on any item.
- Any claims against the property.
- Any cause of action accruing to the ward.
- Location of the real and personal property in sufficient detail so that it may be clearly identified.
- Description of all sources of income, including, without limitation, social security benefits and pensions.
- Copy of the most current statement of all the ward's cash assets from all institutions where cash is on deposit (statement reflecting the balance at the time of the guardian's appointment).
- Safe Deposit Inventory, when applicable.
- Court Requirement: Appraisal of personal property.
- Signature of guardian(s).
- Signature of attorney.
- Attorney's address, telephone number including area code and Florida Bar number, **Judicial Rule 2.060(d)**.
- Service on Florida Department of Revenue.

DUTY TO FILE ANNUAL GUARDIANSHIP REPORT F.S. 744.367 AND ANNUAL GUARDIANSHIP REPORTS PROBATE RULE 5.695

- Annual Report was timely filed, if not was due on _____, however was filed on _____.
- Service on ward, unless minor under 14 years of age or totally incapacitated.

ANNUAL GUARDIANSHIP PLAN F.S. 744.3675

- Reporting Period is correct, if incorrect should be _____ through _____.
- Ward's residence at the time of filing the plan.

- Name and address of each place where the ward was maintained during the preceding year
- Length of stay of the ward at each place.
- Statement whether the current residential setting is best suited for the current needs of the ward.
- Plans for ensuring during the coming year that the ward is in the best residential setting to meet his or her needs.
- Resume of any professional medical treatment given to the ward during the preceding year.
- Report of physician, who examined the ward no more than 90 days before the beginning of the reporting period containing an evaluation of the ward's condition and a statement of the current level of capacity of the ward, unless a previous order was entered declaring the annual examination unnecessary.
- Plan for provision of medical, mental health and rehabilitative services in the coming year.
- Social and personal services currently utilized by the ward.
- Social skills of the ward, including a statement of how well the ward maintains interpersonal relationships with others.
- Description of the ward's activities at communication and visitation.
- Social needs of the ward.
- Summary social activities during the preceding year which were designed to increase the capacity of the ward.
- Statement of whether the ward can have any rights restored.
- Statement of whether restoration of any rights will be sought.
- Medical insurance information.
- Signature of guardian(s).
- Signature of attorney.
- Attorney's address, telephone number including area code and Florida Bar number, **Judicial Rule 2.060(d)**.

ANNUAL ACCOUNTING F.S. 744.3678 AND PROBATE RULE 5.696

- Reporting Period is correct, if incorrect should be through .
- Audit fee in the amount of \$.
- Full and correct account of the receipts and disbursements of all of the ward's property.
- Statement of the ward's property on hand at the end of the accounting period.
- A copy of the annual or year-end statement of all the ward's cash accounts from each of the institutions where the cash is deposited.
- Verify balances at banking institutions do not exceed FDIC insured requirements: (\$100,000 individual accounts) (\$200,000 joint accounts)
- Signature of guardian(s).
- Signature of attorney.
- Attorney's address, telephone number including area code and Florida Bar number, **Judicial Rule 2.060(d)**.

PETITION FOR AUTHORIZATION TO ACT F.S. 744.447, F.S. 744.451 AND PROBATE RULE 5.630

- Petition includes a Verified Statement.
- Expediency or necessity for the action.
- Description of property.
- Price and terms of any sale, mortgage, or other contract.
- Whether the ward has been adjudicated incapacitated to act with respect to the rights to be exercised.
- Whether the action requested conforms to the guardianship plan.
- Notice to the ward unless under 14 years of age or totally incapacitated.
- Notice to next of kin and persons who have filed requests for notices and copies.
- Signature of guardian(s).

- Signature of attorney.
- Attorney's address, telephone number including area code and Florida Bar number, **Judicial Rule 2.060(d)**.
- Proposed Order describes the permitted act and authorizes the guardian to perform or confirm the act.
- Proposed Order describes the sale or mortgage.
- Proposed Order fixes the price and terms of sale or states the sale shall be made to the highest bidder and that the Court reserves the right to reject all bids.

**SETTLEMENT OF CLAIMS F.S. 744.387 AND SETTLEMENT OF MINORS' CLAIMS
PROBATE RULE 5.636**

- Name/Residence/Date of birth of the minor.
- Name/Address of any guardian appointed for the minor.
- Name/Residence of the natural guardians or other person having legal custody of the minor.
- Statement disclosing interest of guardian whose interest may be in conflict with that of the minor.
- Description of the cause of action.
- Summary of the terms of the Proposed Settlement.
- Signature of petitioner(s)/guardian(s).
- Signature of attorney.
- Attorney's address, telephone number including area code and Florida Bar number, **Judicial Rule 2.060(d)**.
- Copies of all agreements, releases, or other documents to be executed on behalf of the minor.
- Notice to court-appointed guardian(s)/natural guardian(s)/persons with legal custody of the minor/minor if age 14 or older/minor's next of kin if required by the Court.
- Gross settlement over \$25,000.00.
(Will guardian ad litem be necessary?)
- Guardian Ad Litem's Report, when applicable.

- Net settlement of minor is over \$15,000.00. Guardianship is required.
- Civil Action filed. File Petition to Approve Settlement in civil action division.

GUARDIAN'S AND ATTORNEY'S FEES AND EXPENSES F.S. 744.108

- Itemized description of the services performed and expenses sought.
- Notice to the guardian, when applicable.
- Notice to ward, unless under 14 years of age or totally incapacitated.
- Period covered.
- Total amount of all prior fees paid or costs awarded in the guardianship proceeding currently before the Court.
- Signature of guardian(s), when applicable.
- Signature of attorney.
- Attorney's address, telephone number including area code and Florida Bar number, **Judicial Rule 2.060(d)**.

TERMINATION OF GUARDIANSHIP ON CHANGE OF DOMICILE OF RESIDENT WARD F.S. 744.524 AND RULE 5.670

- Petition for Discharge
- Final Report/Waiver of foreign guardian or interested parties.
- Appointment of a foreign guardian.
- Statement that guardian has fully administered the Florida guardianship.
- Amount of compensation to be paid to the guardian and to the attorneys, accountants, or other agents employed by the guardian.
- Signature of guardian(s).
- Signature of attorney.
- Attorney's address, telephone number including area code and Florida Bar number, **Judicial Rule 2.060(d)**.

- Notice
- Publication of the Notice.
- Name of ward.
- File number of guardianship.
- Designation and address of Court.
- Name and address of guardian/Name and address of guardian's attorney.
- Name and address of foreign guardian/Name and address of foreign guardian's attorney.
- Date of First Publication.
- Statement that a Petition for Discharge has been filed upon the grounds of change of domicile of the ward.
- Date guardian will apply for discharge.
- Statement that the jurisdiction of the ward will be transferred to the foreign jurisdiction.
- Statement that any objection shall be in writing and shall state with particularity each item to which the objection is directed and the grounds on which the objection is based.
- Statement that any objection to the Final Report or the Petition for Discharge shall be filed within the later of 30 days from the date of service of the Petition for Discharge or the date of First Publication of the Notice.
- Statement that within 90 days after filing of the objection, a Notice of Hearing thereon shall be served or the objection is abandoned.
- Service of Petition for Discharge and Notice of Petition for Discharge on foreign guardian.
- Objection, if applicable, sent to Florida guardian/foreign guardian.
- Signature of attorney.
- Attorney's address, telephone number including area code and Florida Bar number, **Judicial Rule 2.060(d)**.
- Final Report
- Receipts/Disbursements/Amounts reserved for unpaid and anticipated costs and fees.

- List of assets to be turned over to the foreign guardian.
- Signature of guardian(s).
- Signature of attorney.
- Attorney's address, telephone number including area code and Florida Bar number, Judicial Rule 2.060(d).

TERMINATION OF GUARDIANSHIP F.S. 744.521; FINAL REPORT AND APPLICATION FOR DISCHARGE; HEARING F.S. 744.527, DISCHARGE OF GUARDIAN NAMED AS PERSONAL REPRESENTATIVE F.S. 744.528, ORDER OF DISCHARGE F.S. 744.531, AND PROBATE RULE 5.680

- Petition for Discharge
- Death Certificate.
- Final Report/Waiver of interested parties.
- Appointment of personal representative.
- Receipt of personal representative/person(s) entitled to assets.
- Reason for termination of the guardianship.
- Statement that guardian has fully administered the guardianship.
- Amount of unpaid and anticipated costs and fees to be paid to the guardian and to the attorneys, accountants, or other agents employed by the guardian.
- Signature of guardian(s).
- Signature of attorney.
- Attorney's address, telephone number including area code and Florida Bar number, **Judicial Rule 2.060(d)**.
- Notice
- Statement that any objection shall be in writing and shall state with particularity each item to which the objection is directed and the grounds on which the objection is based.
- Statement that any objection to the Final Report or the Petition for Discharge shall be filed within the 30 days from the date of service of the Petition for Discharge.

- Statement that within 90 days after filing of the objection, a Notice of Hearing thereon shall be served or the objection is abandoned.
- Service of Petition for Discharge, Notice of Petition for Discharge and Final Report on the ward, on the personal representative of a deceased ward, on the known next of kin if there are no assets justifying qualification of a personal representative, or on all beneficiaries of the ward's estate if the guardian is subsequently appointed personal representative.
- Objection, if applicable, served on guardian.
- Signature of attorney.
- Attorney's address, telephone number including area code and Florida Bar number, **Judicial Rule 2.060(d)**.
- Final Report
- Receipts/Disbursements/Amounts reserved for unpaid and anticipated costs and fees.
- Lists of assets to be turned over to the persons entitled to them
- Signature of guardian(s).
- Signature of attorney.
- Attorney's address, telephone number including area code and Florida Bar number, **Judicial Rule 2.060(d)**.
- Other:**