

## General Guardianship Procedures

1. Strict compliance with Fla. Stat. §744.331 will be required in order to proceed with a petition to determine incapacity. See specifically, Fla. Stat. §744.331(5)(a) and (2). Please refer to [the Court's Memorandum to All Counsel in Guardianship Matters dated May 23, 2016](#).
2. Every prospective guardian must file an application (Fla. Stat. §744.3125) and a credit history and criminal background screening (Fla. Stat. §744.3135). Any waiver of the credit history and criminal background screening must be addressed prior to appointment as guardian. Such waiver must be based upon good cause.
3. Every guardian appointed shall be required to file an oath before letters of guardianship will be issued. Fla. Stat. §744.347. All appointed guardians must receive the guardian education required by Fla. Stat. §744.3145. Any waiver of the education requirement must be addressed at the hearing appointing the guardian and the court will require a showing of good cause to so waive.
4. For all other petitions or motions beyond the adjudicatory hearing.
5. All Hearings must be coordinated with opposing counsel and also must be set through the Judicial Assistant. For a hearing over 1 hour, you must call the Judicial Assistant at 386-822-5073 and schedule the hearing. "Emergency" hearings are rarely granted, and must be requested in writing, giving reasons.
6. Notice of Hearing: the location must be in the Notice of Hearing (courthouse and court room/ hearing room #); name of the petition or motion you are calling up for hearing and the clerk's docket #. A copy of the Notice of Hearing must be e-mailed to the Judicial Assistant at [bmccormick@circuit7.org](mailto:bmccormick@circuit7.org). Do not notice additional matter(s) for hearing at the time reserved by another party, unless consent has been obtained from that other party and the Judicial Assistant is notified.

7. Phone appearances will be permitted in compliance with Court Call Telephonic Hearing Procedures. Telephone appearances is not permitted, absent court order, for:
  - a) Evidentiary hearings on any issue
  - b) Trials
  - c) Any other matters where the Court specifically requires personal attendance (i.e., Order to Show Cause).
8. Cancellation of Hearings: The Judicial Assistant should be advised of any hearing cancellations **immediately**; if advised in advance, the Judicial Assistant can make the time available to other parties.
9. Proposed Orders:
  - a) All proposed orders should be emailed to [division10@circuit7.org](mailto:division10@circuit7.org) in an up-to-date WORD format. PDF orders will be rejected and the subject line should state "case # and case style" and be properly circulated between the parties BEFORE submitting the proposed order. [Division10@circuit7.org](mailto:Division10@circuit7.org) is solely for the purpose of submitting PROPOSED ORDERS, so please do NOT submit other pleadings or requests via this email address.
  - b) It is extremely helpful if proposed orders are accompanied by a letter or memo stating: the proposed order is agreed to by all affected parties; or, the proposed order is in accordance with the ruling announced by the court on\_\_\_\_(date); or, other basis on which the court should enter the proposed order.
  - c) Place a title on all proposed orders: i.e., Order Dismissing Complaint, Order Extending Time, Order Determining Homestead; not simply "Order".
  - d) An order granting a motion should grant the relief requested instead of merely reciting that the motion is granted (for example, an order granting a motion to dismiss does not, without more, dismiss the complaint). Similarly, an order approving a stipulation should also, at a minimum, order the parties to comply with its terms. An order denying a motion may merely recite that the motion is denied, unless other orders/directives are necessary because of the denial.
  - e) Format proposed orders so that the date and Circuit Judge are not on a separate page by themselves without substantive text. Circuit Judge needs to be right aligned and no signature line is required.