

ADDITIONAL GUARDIANSHIP PROCEDURES VOLUSIA COUNTY - DIVISION 10

**Judge James R. Clayton
Circuit Judge**

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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 (2), (3) and (5)(a).
2. In an incapacity case, it is the petitioner counsel's responsibility to submit an Order Appointing Attorney for the Alleged Incapacitated Person and an Order Appointing Examining Committee. As to the Examining Committee, do not submit the Order Appointing Examining Committee until all proposed members have been contacted and agree to serve. When submitting the proposed Order Appointing Examining Committee, your email must state that you have complied with the requirement to verify each member's willingness to serve on the committee.
3. Every prospective guardian must file an application (Fla. Stat. §744.3125) and a credit history and criminal background screening (Fla. Stat. §744.3135); every proposed guardian advocate must also file an application (Fla. Stat. §744.3125) and a criminal background screening (Fla. Stat. §744.3135), but is not required to submit a credit history. 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.
4. 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 (please see [Admin. Order PB-2019-006-SC](#) for approved options for the education). 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.
5. For all other petition and motions after the adjudicatory hearing, please review and comply with the court's General Scheduling Procedures.