



# GUARDIANSHIP

## CASE MANAGEMENT PRACTICES & PRINCIPLES



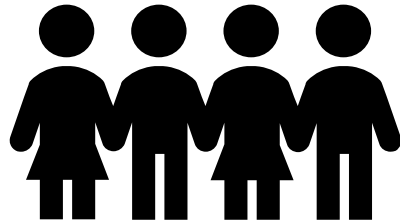
# Collier County Probate Bar – Brownbag Meeting Nov. 5, 2025

## AGENDA

1. Introductions
2. Case Management
3. Local Rules
4. Q & A
5. Set Next Meeting
6. Adjourn



# Court Team



- Judge Krier – Guardianship Judge
  - Shelby Jordan – Judicial Assistant
- Debbie Mravic – Civil & Family Div. Director
- Maria Dente – General Magistrate
  - Sherry Lucas – Magistrate Assistant
- Mandy Allen – Case Manager

# Case Management

- History – From no or very little to extensive case management
- Purpose – Ensure that guardianship cases are processed efficiently and expeditiously
- Principles and Best Practices
  - Court takes control of cases early
  - Data is collected and used to measure performance
  - Local Rules, e.g. continuance policies, filing of proposed orders, etc.
  - Monitoring
  - Time Standards



# EARLY CONTROL

- Triage Cases Based on Type – ETG, Minors, etc.
- Ensuring Cases are Set for Hearing – Prevent loss of movement.
- Ensuring Productive Hearings are Held – Make every hearing count!
- Granting Request for Continuance Only if Necessary – Be prepared!
- Ensuring Cases are Ready for Hearing – Court and Parties/Attys

# DATA COLLECTION

- Case Types – Guardianship of Minor, Guardian Advocate, etc.
  - Future Use of Guardianship Cover Sheets
- Use of Proper Docket Codes – Combining Petitions/Orders (Don't)
- Use of Proper Hearing Codes
- Ensuring Cases are in the Proper Status (Pending, Dispo'd, Reopen)

# MONITORING

- Judge
- Clerk's Auditor's Office
- Court Clerks
- Case Manager
- Court Admin/Management
- Supreme Court
- Parties and Counsel

# Trends We Are Seeing

- Initial and Annual Reports – Not Timely
- Attorney Oversight – If you're of record, you need to sign documents and reports
- Proposed Orders – If you are seeking relief, please provide an order
- Changes Involving the Ward – Moving out of Collier
- Failure to File Discharge Documents – Petition, Final Accounting, etc.
- Payment to Examining Committee Members
- Forgetting the Physician's Report With Annual Reports



# Report Dates

- Initial Guardianship Report/Verified Inventory – 60 days from letters
- Initial Guardianship Plan – 60 days from letters
- Annual Accounting/Annual Plan/Simplified Acctg – 90 days after the last day of the anniversary month.
- Receipt for Deposit into Designated Account – Due immediately upon receipt. File with the Court.

# Report Dates Continued

- Education Requirement – 4 months from letters.
- Bond of Guardian – By Order of the Court.
- Credit and Criminal Reports – By Order of the Court.
- Simplified Accounting Only If: All property is in designated account and the only transactions are interest accrual, deposits from settlement or service charges. (744.3679) Or, if the Court approves a petition to substitute simplified for annual.

# Guardians Need...

- Copies of each type of report that needs to be filed and when to file.
- To be represented by an attorney unless they are Guardian Advocate or if they are Guardian of Property and able to file Simplified Accounting.
- A list of dates the reports are due to the attorney for review so that they may be timely filed.
- Provide the Clerk of Court with guardian's email address.
- If you want to withdraw, a discussion about the requirement for attorney representation in certain types of cases. They say they didn't know they needed an attorney.
- Information about how to keep detailed records.
- Informational list about what they can and cannot do without Court Order, such as selling real property, pay daily expenses, etc.

# LOCAL RULES

- Should be reduced to writing, provided to bar members and posted on the Court's website. Any changes to rules should be widely communicated. The Court is working on this.
- You MUST file a proposed order when you are filing any motion or petition, or when directed by the judge, with a few exceptions.
- The record should be fully documented for all who use it. It is difficult to document a telephone call. File a motion/order.
- Use of standardized forms is always encouraged.

# Q & A



# NEXT MEETING



**IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT  
IN AND FOR COLLIER COUNTY, FLORIDA  
PROBATE DIVISION**

IN RE THE INCAPACITY/GUARDIANSHIP OF

\_\_\_\_\_, Case No. \_\_\_\_\_  
AIP/Ward.  
\_\_\_\_\_ /

**GUARDIANSHIP COVER SHEET<sup>1</sup>**

This coversheet and the information contained herein does not replace or supplement the filing and services of pleadings or other papers as required by law. This form shall be filed by the petitioner for the use of the Clerk of Court for the purpose of reporting judicial workload data.

**I. Parties**

Petitioner: \_\_\_\_\_ Attorney: \_\_\_\_\_  
Petitioner: \_\_\_\_\_ Attorney: \_\_\_\_\_  
Ward: \_\_\_\_\_ DOB: \_\_\_\_\_  
Resident Agent: \_\_\_\_\_  
Proposed Guardian (if different than Petitioner): \_\_\_\_\_ Atty: \_\_\_\_\_  
Proposed Guardian (if different than Petitioner): \_\_\_\_\_ Atty: \_\_\_\_\_

**II. TYPE OF CASE**

- ☐ Guardian Advocacy (FS 393.063, et seq.)
- ☐ Guardian of Minor (FS 744.301, et seq.) – Check all that apply.
- ☐ Person
- ☐ Property
- ☐ Personal Injury Settlement ☐ Inheritance
- ☐ Guardian of Adult (FS 744.301, et seq.) Check all that apply.
- ☐ Emergency Guardian
- ☐ Person
- ☐ Property

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<sup>1</sup> Use this coversheet for any guardianship case type filed pursuant to Chapters 393 or 744 of the Florida Probate Statutes.

☐ Limited

☐ Foreign Guardianship from: County/State: \_\_\_\_\_

☐ Conservatorship (FS 747)

☐ Veterans' Guardianship (FS 744.602, et seq.)

☐ Exploitation of Elderly and Disabled Adults (FS 825.1035, et seq.)

### **III. GUARDIAN TYPE**

☐ Private

☐ Public

☐ Professional

### **IV. GUARDIANSHIP SCOPE**

☐ Plenary

☐ Limited

### **V. FINANCIAL**

☐ Ward is indigent pursuant to Chapter 57 and a request for indigency determination is filed herewith.

☐ Approximate Value of Ward's Assets: \$ \_\_\_\_\_

☐ Value of Ward's Estate is Unknown<sup>2</sup>

### **VI. PRE-FILING CHECKLIST**

☐ Ward has preneed guardian filing in \_\_\_\_\_ County, Florida, Case No. \_\_\_\_\_

☐ The standby guardian is: Name: \_\_\_\_\_

Address: \_\_\_\_\_

☐ Petition for incapacity determination filed.

I CERTIFY that the information provided is accurate to the best of my knowledge and belief.

Signature: \_\_\_\_\_  
Attorney or Party

Fla. Bar # \_\_\_\_\_

\_\_\_\_\_  
(type or print name)

Date: \_\_\_\_\_

<sup>2</sup> The Petitioner or Counsel for Petitioner shall make reasonable effort to determine value and report to Court within 30 days of filing of case.



DRAFT

**IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR  
COLLIER COUNTY, FLORIDA**

**GUARDIANSHIP DIVISION**

IN RE: GUARDIANSHIP OF

\_\_\_\_\_,

Case Number:

Ward.

/

**ACKNOWLEDGMENT OF RESPONSIBILITIES OF GUARDIAN**

To be appointed as Guardian or to continue in the position of Guardian in the above captioned case, I understand that I must agree to be bound by the provisions of Florida Law governing the conduct of a Guardian. I hereby acknowledge and agree to comply with the following legal responsibilities as a Florida Guardian:

1. I will maintain the employment of an attorney at all times to represent me in my position as Guardian.
2. Unless there is an order from this Court excusing me from doing so, I will file timely, complete, and accurate annual reports of the person and/or property including complete and appropriate supporting documents (financial documents, physician's reports, etc.). I understand that each annual report should be an original report on the subject matter of the report. I further understand that pursuant to Rule 2.515(a), of the Florida Rules of General Practice and Judicial Administration, my attorney will sign every report prior to filing with the Court. I understand that if my attorney does not sign the reports submitted, they may be disapproved.

I understand my Initial Guardianship Report with Verified Inventory is due on or before: \_\_\_\_\_ (no more than 60 days after letters are issued).

I understand my Initial Guardianship Plan is due on or before: \_\_\_\_\_, (no more than 60 days after letters are issued).

I understand that my: (Check all that apply)

\_\_\_\_\_ Annual Guardianship Report

\_\_\_\_\_ Annual Accounting

\_\_\_\_\_ Annual Guardianship Plan

\_\_\_\_\_ Simplified Accounting (only available in rare instances)

is due each and every year on or before \_(month)\_\_\_\_\_, \_(day)\_, which represents 90 days following the last day of my anniversary month. For example, if I am appointed on January 1, my annual reports are due on or before April 30 each year.

3. I understand that if I am a public or professional guardian, I must register annually with the Office of Public and Professional Guardians pursuant to F.S. §744.2002, and must comply with all requirements Florida Probate Rules and Part II of Chapter 744 of the Florida Statutes.
4. I will not permanently relocate the Ward's residence, to Lee County, Hendry County, Charlotte County, or Glades County locations (20<sup>th</sup> Judicial Circuit) without providing written notice to the Court, my attorney and the Court Guardianship Monitor within fifteen (15) days of the relocation. Written notice shall contain the reason for the relocation, how long and Ward will reside in the new County, and the address of the new residence, and any changes to telephone numbers. See F.S. §744.1098(2)
5. I will not permanently relocate the Ward's residence to a county outside of the 20<sup>th</sup> Judicial Circuit without an order of this Court, granting permission for such relocation, pursuant to F.S. §744.1098(1). Further, if I am requesting to move the Ward to another state, I will comply with all statutes and rules governing procedures for foreign guardianships.
6. I understand that relocation of any kind outside of Collier County requires my attorney to file a Motion for Change of Venue, pursuant to F.S. §744.1097(4).
7. I will keep the Court, my attorney, and if one is appointed, the Court Guardianship Monitor, apprised of my residential address, telephone number and E-mail address, at all times. I will include my name, mailing address, E-mail address and telephone number on all reports and other pleadings that are filed with the Court. I agree that Court staff may send correspondence to me via E-mail address.
8. I agree to respond promptly to written and verbal communications, including text messages, emails, fax transmissions, telephone calls and Court Orders, received by my attorney, the Court, the Court Guardianship Monitor, and all other interested parties and their attorneys.
9. If the Court gives me the authority to use the financial assets of the Ward for the benefit of the Ward, I will strictly comply with any limitations the Court places on the use of said funds. I also agree to keep all written records necessary to provide accountings that are required by law. If the Ward's assets are placed into a restricted account, I will not attempt to gain access to the funds in said account unless the Court authorizes me, in writing, to withdraw said funds to pay expenses of the Ward, or the Court authorizes me to be reimbursed for the Ward's expenses that I had previously paid with my own funds.

10. I acknowledge that willful failure to comply with the above requirements (which specifically includes the failure to comply in a timely fashion) may subject me to penalties for contempt of Court, and may result in my removal as guardian and the imposition of other sanctions that are provided for by law.

11. **I acknowledge that if I fail to appear for a mandatory Court appearance, I may be subject to sanctions, including finding of contempt or the issuance of a bench warrant for my arrest, and I may be held in custody until a bond may be set. I acknowledge that if I am arrested, I may be held in jail up to 48 hours before a hearing is held. I also acknowledge that my failure to appear may result in additional sanctions. I further acknowledge that if I am removed as Guardian, I must file the final accounting within twenty (20) days of removal, and remaining final reports within forty-five (45) days of removal.**

12. **I will comply with the requirements of F.S. §744.441, entitled “Powers of guardian upon court approval” and I understand that the actions below require an Order of this Court before I may act. If I have questions, I will contact my attorney for guidance.**

**Powers of guardian upon court approval.**—*After obtaining approval of the court pursuant to a petition for authorization to act*, a plenary guardian of the property, or a limited guardian of the property within the powers granted by the order appointing the guardian or an approved annual or amended guardianship report may:

(1) Perform, compromise, or refuse performance of a ward’s contracts that continue as obligations of the estate, as he or she may determine under the circumstances.

(2) Execute, exercise, or release any powers as trustee, personal representative, custodian for minors, conservator, or done of any power of appointment or other power that the ward might have lawfully exercised, consummated, or executed if not incapacitated, if the best interest of the ward requires such execution, exercise, or release.

(3) Make ordinary or extraordinary repairs or alterations in buildings or other structures; demolish any improvements; or raze existing, or erect new, party walls or buildings.

(4) Subdivide, develop, or dedicate land to public use; make or obtain the vacation of plats and adjust boundaries; adjust differences in valuation on exchange or partition by giving or receiving consideration; or dedicate easements to public use without consideration.

(5) Enter into a lease as lessor or lessee for any purpose, with or without option to purchase or renew, for a term within, or extending beyond, the period of guardianship.

(6) Enter into a lease or arrangement for exploration and removal of minerals or other natural resources or enter into a pooling or unitization agreement.

(7) Abandon property when, in the opinion of the guardian, it is valueless or is so encumbered or in such condition that it is of no benefit to the estate.

(8) Pay calls, assessments, and other sums chargeable or accruing against, or on account of, securities.

(9) Borrow money, with or without security, to be repaid from the property or otherwise and advance money for the protection of the estate.

(10) Effect a fair and reasonable compromise with any debtor or obligor or extend, renew, or in any manner modify the terms of any obligation owing to the estate.

(11) Prosecute or defend claims or proceedings in any jurisdiction for the protection of the estate and of the guardian in the performance of his or her duties. Before authorizing a guardian to bring an action described in s. 736.0207, the court shall first find that the action appears to be in the ward's best interests during the ward's probable lifetime. There shall be a rebuttable presumption that an action challenging the ward's revocation of all or part of a trust is not in the ward's best interests if the revocation relates solely to a devise. This subsection does not preclude a challenge after the ward's death. If the court denies a request that a guardian be authorized to bring an action described in s. 736.0207, the court must review the continued need for a guardian and the extent of the need for delegation of the ward's rights.

(12) Sell, mortgage, or lease any real or personal property of the estate, including homestead property, or any interest therein for cash or credit, or for part cash and part credit, and with or without security for unpaid balances.

(13) Continue any unincorporated business or venture in which the ward was engaged.

(14) Purchase the entire fee simple title to real estate in this state in which the guardian has no interest, but the purchase may be made only for a home for the ward, to protect the home of the ward or the ward's interest, or as a home for the ward's dependent family. If the ward is a married person and the home of the ward or of the dependent family of the ward is owned by the ward and spouse as an estate by the entirety and the home is sold pursuant to the authority of subsection (12), the court may authorize the investment of any part or all of the proceeds from the sale toward the purchase of a fee simple title to real estate in this state for a home for the ward or the dependent family of the ward as an estate by the entirety owned by the ward and spouse. If the guardian is authorized to acquire title to real estate for the ward or dependent family of the ward as an estate by the entirety in accordance with the preceding provisions, the conveyance must be in the name of the ward and spouse and be effective to create an estate by the entirety in the ward and spouse.

(15) Exercise any option contained in any policy of insurance payable to, or insuring to the benefit of, the ward.

(16) Pay reasonable funeral, interment, and grave marker expenses for the ward from the ward's estate.

(17) Make gifts of the ward's property to members of the ward's family in estate and income tax planning procedures.

(18) When the ward's will evinces an objective to obtain a United States estate tax charitable deduction by use of a split interest trust (as that term is defined in s. 736.1201), but the maximum charitable deduction otherwise allowable will not be achieved in whole or in part, execute a codicil on the ward's behalf amending said will to obtain the maximum charitable deduction allowable without diminishing the aggregate value of the benefits of any beneficiary under such will.

(19) Create or amend revocable trusts or create irrevocable trusts of property of the ward's estate which may extend beyond the disability or life of the ward in connection with estate, gift, income, or other tax planning or in connection with estate planning. The court shall retain oversight of the assets transferred to a trust, unless otherwise ordered by the court.

(20) Renounce or disclaim any interest by testate or intestate succession or by inter vivos transfer.

(21) Enter into contracts that are appropriate for, and in the best interest of, the ward.

(22) As to a minor ward, pay expenses of the ward's support, health, maintenance, and education, if the ward's parents, or either of them, are alive.

**By signing below, I acknowledge receipt of these Responsibilities of Guardian and agree to be bound by them and all responsibilities of a Guardian that are provided for by law.**

\_\_\_\_\_  
Guardian

\_\_\_\_\_  
Date

\_\_\_\_\_  
Attorney for the Guardian

\_\_\_\_\_  
Date

**IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT**  
**IN AND FOR COLLIER COUNTY, FLORIDA**  
**PROBATE DIVISION**

IN RE THE INCAPACITY/GUARDIANSHIP OF:

\_\_\_\_\_ Case No.  
AIP/Ward.  
\_\_\_\_\_ /

**ACKNOWLEDGEMENT OF RESPONSIBILITIES**  
**(Guardian Advocates and Guardians Filing Simplified Accounting)**

I, \_\_\_\_\_, acknowledge that I was appointed as the Guardian Advocate/Guardian for \_\_\_\_\_, on \_\_\_\_\_, 20\_\_\_\_, and I understand that I must sign this form and provide it to the court. I agree to comply with statutory and court requirements and understand that I am responsible for preparing reports and/or plans. I will ensure that they are filed with the court and that copies are provided to all interested persons.

**Acknowledgment of Responsibilities:**

1. I am responsible for providing the court with any changes in my mailing address, email address and telephone number by filing a Notice of Change of Contact Information within five (5) business days of said change.
2. I am responsible for maintaining support documentation for all receipts into the accounts and all disbursements out of the accounts under my control for the entire duration of my appointment as Guardian Advocate/Guardian. Support documentation includes bank statements and check copies, credit card statements and receipts, sales receipts, and other such forms of proof that supports my reports. I understand that the court or any interested person may request copies at any time.
3. If funds must be placed into a restricted account, I understand that any withdrawals require a court order **before** I make any withdrawals.  
( ) a. Acknowledgement of deposit of funds must be filed with the court as documentation that the funds were deposited, within 45 days or by \_\_\_\_\_.  
( ) b. All requests for withdrawal must be made in writing by submitting a Petition to Withdraw funds **before** I withdraw funds.  
( ) c. A reporting of funds is due on \_\_\_\_\_ and every year thereafter on such day and month, unless I am notified by the court that I do not have to do so.
4. I understand that the following reports and/or plans are due on \_\_\_\_\_.  
( ) a. Initial Inventory

( ) b. Initial Guardianship Plan

5. I understand that the following reports are due on \_\_\_\_\_ and every year thereafter on such day and month, unless I am notified by the court:

( ) a. Annual Guardianship Plan (Minor/Adult) with Physician Report

( ) b. Annual Accounting

( ) c. Simplified Accounting

6. I understand that all reports must be filed on the most current version of the form and that the standardized forms are available at the clerk's website:

<https://www.collierclerk.com/court-divisions/court-guardianship/guardianship-forms/>

If I am represented by an attorney, my attorney must also sign the forms before they are filed with the court.

My signature below indicates that I have read and understand my responsibilities as a newly appointed Guardian Advocate or Guardian.

I declare under penalty of perjury that the foregoing is true and correct.

This \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Guardian Advocate/Guardian

\_\_\_\_\_  
Attorney for Guardian



IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT  
IN AND FOR COLLIER COUNTY, FLORIDA

IN RE: THE GUARDIANSHIP OF

Case No: -GA / -MH-  
Division: Guardianship

,  
Alleged Incapacitated Person.  
\_\_\_\_\_ /

**NOTICE OF PETITIONS TO DETERMINE INCAPACITY  
AND FOR THE APPOINTMENT OF GUARDIAN**

TO: AIP and all next of kin

YOU ARE HEREBY NOTIFIED that Petitions have been filed seeking a determination that you, the Respondent, are incapacitated and to seek the appointment of a guardian over your person and/or property. Copies of the Petition to Determine Incapacity and the Petition for Appointment of Guardian are attached to this notice. Pursuant to Rule 5.550, Fla.Prob.R., this Notice and a copy of the Petition to Determine Incapacity shall be personally served by the attorney/elisor appointed by the court, who may be the court appointed counsel for the alleged incapacitated person. The attorney/elisor shall read this Notice to the alleged incapacitated person, but need not read the Petition. A return of service shall be filed by the attorney/elisor certifying that the Notice and Petition have been served on and the Notice read to the alleged incapacitated person. No responsive pleading is required and no default may be entered for failure to file a responsive pleading. The allegations of the Petition are deemed denied. In addition, a copy of the Petition and the notice shall also be served on counsel for the alleged incapacitated person, and on all next of kin of the alleged incapacitated person.

**NOTICE OF HEARING VIA ZOOM**

There will be a hearing on the Petition to Determine Incapacity before Magistrate Maria Dente of the above Court, via zoom

**Meeting ID: 291 797 1812**  
**Passcode: 075142**

on \_\_\_\_\_, 202\_\_ at \_\_\_\_\_ A.M./P.M.

The reason for this hearing is to inquire into your capacity and to determine whether a guardian is to be appointed over your person or property or both.

You have the right to attend this hearing and to present whatever evidence is appropriate. An attorney has been appointed to represent you. The name, address, telephone number and E-mail address of the attorney are:

\_\_\_\_\_, Esquire,  
\_\_\_\_\_, (address)  
\_\_\_\_\_, (tel no.)  
\_\_\_\_\_, (email)

You have the right to substitute your own attorney for the attorney appointed by the court.

If you are determined to be incapable of exercising any of the rights enumerated in the Petition to Determine Incapacity, a guardian may be appointed to exercise those rights on your behalf. If a guardian is appointed, the guardian may have full or partial control of your real estate and personal property, may have the care and custody of your person, and may have the right to regulate certain or all of your activities.

Dated \_\_\_\_\_, 202\_\_.

\_\_\_\_\_  
Esquire  
Attorney for Petitioner  
Florida Bar No.  
  
Naples, FL 34109  
Telephone: (239) -  
Facsimile: (239) --  
\_\_\_\_\_.com

**Certificate of Service**

I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice has been provided to:  
\_\_\_\_\_, Esquire at \_\_\_\_\_ (email) this \_\_\_\_ day of \_\_\_\_\_, 202\_\_.

\_\_\_\_\_  
Esquire  
Attorney for Petitioner  
Florida Bar No.  
  
Naples, FL 34109  
Telephone: (239) -  
Facsimile: (239) --  
\_\_\_\_\_.com

**If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Jon Embury, Administrative Services Manager, whose office is located at 350 E. Marion Avenue, Punta Gorda, Florida 33950, and whose telephone number is (941) 637-2110, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.**