



Clerk of the Circuit and County Courts
Orange County • Florida

Petition for Appointment of Guardian/Co-Guardian Advocate(s) of the Person

This packet should be filed by a parent, family member, or other interested person seeking appointment as Guardian Advocate for an individual with a qualifying developmental disability. The individual is typically approaching the age of 18 or is over the age of 18. It is designed for individuals with conditions such as autism, Down syndrome, cerebral palsy, spina bifida, Prader-Willi syndrome, Phelan-McDermid syndrome, or other developmental disabilities that began before age 18. Guardian Advocacy is intended to be a less restrictive alternative to full guardianship for eligible individuals.

Filing Fee \$235

The Clerk's Office accepts payments in cash, personal check, cashier's check, and money order payable to the Orange County Clerk of Court. Visa, Mastercard, American Express, and Discover are also accepted. A \$3.50 processing fee applies to credit card transactions.

Filing Options

- Online: [Florida Courts E-Filing Portal] (<https://www.myflcourtagency.com/>)
- In Person or by mail: Orange County Clerk of Courts, Probate Division, 425 N Orange Avenue, Suite 335, Orlando, FL 32801

Please ensure all sections are completed fully, accurately, and legibly so the Clerk's Office can properly process your request

For Your Information

Petitioner – The individual requesting appointment as Guardian Advocate.

Respondent - The individual with the developmental disability for whom Guardian Advocacy is requested.

Guardian Advocate – A person appointed by the Court to assist an individual with a developmental disability in exercising specific legal rights while allowing the individual to retain all rights not removed by the Court.

Co-Guardian Advocate – Two individuals appointed by the Court to serve together as Guardian Advocates.

Developmental Disability – A condition recognized under Florida law that began before age 18 and qualifies an individual for Guardian Advocacy.



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Contents of This Packet

- **Petition for Appointment of Guardian/Co-Guardian Advocate(s) of the Person** - This is the initiating document for the case. The petition is the document the Judge will review regarding the respondent's diagnosis. If there is only one guardian, this petition will have sections that will be left blank (In reference to a Co-Guardian Advocate). Incomplete or inaccurate petitions may result in delays, rejection by the Judiciary, or denial of the requested Guardian Advocacy.
- **Application for Appointment as Guardian/Co-Guardian Advocate(s)** – This Court form is completed by the person who wants to serve as the guardian or guardian advocate. The application provides the Court with background information so the Judge can determine whether the applicant is qualified to serve. A separate application must be completed for each guardian.
- **Guardian/Co-Guardian Advocate(s) Education and Background Check Requirements** – This form is signed by the proposed guardian(s) to acknowledge their understanding of the requirements to submit to a criminal history background screening done via fingerprint “Live Scan” and credit check. This is done **prior** to appointment as Guardian/Co-Guardian Advocate(s). Also, signing this form is acknowledgment of the requirement to attend the Guardian Education Course given by an approved provider within four months of being appointed to serve as Guardian/Co-Guardian Advocate(s).
- **Oath of Standby Guardian/Co-Guardian Advocate(s) and Designation/Acceptance as Resident Agent** - a sworn promise made to the Court by a person who is requesting to be appointed as a Guardian Advocate in Orange County. By signing the oath, the guardian advocate agrees to: Faithfully perform their duties, Act in the best interests of the person with a developmental disability, Follow Florida law and all Court orders and properly carry out the responsibilities granted by the court. This form must be notarized. It is not necessary to use the notary services at the Clerk’s Office. You may utilize your own, that is currently a commissioned notary public.
- **Formal Notice** – This document is used to notify any next of kin that the Petition for Appointment of Guardian Advocacy has been filed in Orange County. This document should be served to any next of kin of the protected person/Respondent along with a copy of the petition that was filed. This would need to be mailed or emailed to the next of kin. We do recommend using certified mail, so you receive the return receipt, showing that the next of kin received the formal notice. After receiving the receipt, it will be deposited with the Clerk’s Office as proof of service.
- **Notice of Confidential Information Within Court Filing** – This is to notify the Court that you are filing documents that contain confidential information, this document references the report of attending physician specifically. This entire document is confidential.
- **Report of Attending Physician** – This form is to be completed by the respondent’s attending physician. In lieu of this form, alternative documentation from a qualified medical professional will be accepted. Acceptable substitutes may include an Individualized Education Program (IEP) from a school or prior medical records that document the individual’s diagnoses.



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• <u>Mandatory Disclosure and Consents for All Non-Professional Guardians and Guardian Advocates</u> – This form is used to obtain information regarding the proposed guardian. One form must be completed, signed and submitted by each applicant. This form does not negate the requirement to undergo a Level Two LiveScan.
• <u>FDLE Acknowledgement</u> – Notice to applicants submitting fingerprints for a criminal history record check. This is to inform you that when fingerprints are submitted to Florida Department of Law Enforcement (FDLE) for the purpose of conducting a search for any Florida and national criminal history records that may pertain to you, the results of the search are returned to the authorized agency ORI indicated in the transaction.

<u>Required to File</u>
• Petition for Appointment
• Application
• Report of Attending Physician (or acceptable alternative)
• Mandatory Disclosure
• FDLE Acknowledgment
• Applicable filing fee

What to Expect After Filing

1. The Clerk's Office will review the filing for completeness.
2. Once all required documents have been received, the case will be submitted to the Judge.
3. The Judge may schedule a hearing if required.
4. If approved, the Judge will enter an Order appointing the Guardian Advocate.
5. Letters of Guardian Advocacy will be issued after all statutory requirements have been met.

Requirements After Filing

Do not complete the following requirements until the case has been established and a case number has been assigned.

1. Complete the required Guardian Education course and submit the certificate to the Clerk's Office either by mail, in person, or through the Florida Courts E-Filing Portal.
 - a. The training class is done with Seniors First, to register for the training class, please visit www.seniorsfirstinc.org/services/guardianship-program



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2. Complete a background check with LiveScan for FDLE.
 - a. LiveScan services are typically available through law enforcement agencies, such as the Orlando Police Department.
 - b. When completing the fingerprints with Livescan, you will need to provide them with the ORI number, it is as follows- FL048094Z

Appointment as Guardian Advocate is not automatic. Filing this packet does not guarantee appointment. The Court will review all required documentation and determine whether the statutory requirements for Guardian Advocacy have been met before granting



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