

IN THE CIRCUIT COURT OF THE  
17TH JUDICIAL CIRCUIT IN AND  
FOR BROWARD COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. IV-05-A-10

IN RE:

EMERGENCY TEMPORARY  
GUARDIANSHIP PROCEEDINGS

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In accordance with the authority vested in the Chief Judge by Fla. R. Jud. Admin. 2.050 it is hereby:

ORDERED that:

1. Petitions for the Appointment of an Emergency Temporary Guardian filed pursuant to §744.3031, Fla. Stat. are hereby referred to the General Magistrates of the Probate Division pursuant to Fla. R. Civ. Pro. 1.490. All Petitions for the Appointment of an Emergency Temporary Guardian and all other required pleadings or papers shall be filed a minimum of one (1) hour prior to the scheduled time for the hearing with the Clerk of Court.

2. Any interested person may object to the referral of the Petition for the Appointment of an Emergency Temporary Guardian at the time of the hearing before the General Magistrate. If the objection is raised at the time of the hearing, the General Magistrate shall notify the assigned judge's office of the objection and secure a time from the assigned judge to hear the matter the same day. In the event the assigned judge for a case is absent from the courthouse, the General Magistrate shall contact the Administrative Judge for the Division to secure a hearing time for the same day. In the event the assigned judge and Administrative Judge are absent from the courthouse, then the General Magistrate shall contact the Program Attorney for the Division who will locate an alternate circuit judge to hear the matter on the same day.

3. Each General Magistrate for the Probate Division shall set aside one (1) hour per week to hear Petitions for Appointment of an Emergency Temporary Guardian. Each General Magistrate shall post the day and time of her or his hearings for the appointment of an emergency temporary guardian and shall provide a copy to the Clerk of Court.

4. If the need arises for the appointment of an emergency temporary guardian, other than at the times previously established by the General Magistrate, the petitioner's attorney should contact the General Magistrates to secure a date and time for the hearing. In the event neither General Magistrate is able to hold a hearing within forty eight (48) hours of the request to her or him for the hearing then petitioner's attorney shall contact the assigned judge to secure a date and time for the hearing.

5. The Probate General Magistrate shall report her or his findings and recommendations to the judge assigned the case within twenty-four (24) hours of the hearing, excepting Saturdays, Sundays, and holidays.

6. In the event that the Probate General Magistrate determines that an emergency exists wherein any delay would place the alleged incapacitated person's health or assets in imminent danger, the General Magistrate will provide the attorney with an "URGENT SLIP" which, when accompanied by the file, will allow the attorney to bring the file to the appropriate judge to ratify the General Magistrate's recommendations.

7. Probate General Magistrates will NOT entertain any Petitions for the Appointment of an Emergency Temporary Guardian without the court file and a concurrently filed Petition to Determine Incapacity as to the Respondent in the proceedings. Attorneys can obtain the files from the Probate Clerk - Mental Health Division.

8. The appointment of counsel for the alleged incapacitated person and fees for court appointed counsel shall be governed by the Seventeenth Judicial Circuit, Article V Indigent Services Committee, Adoption of Court Appointed Attorney Registry, Attorney Qualification, Fees and Expenses dated September 23, 2004 and as may be amended from time to time.

9. This order supersedes Administrative Order IV-93-A-10.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida on this the 31st day of March, 2005.

/s/DALE ROSS  
DALE ROSS, Chief Judge