

Disbursement Of Funds By Guardian Of Minor

Guardianship of \_\_\_\_\_  
Case No.: \_\_\_\_\_  
Date: \_\_\_\_\_  
Attorney: \_\_\_\_\_

**LEGAL STANDARD:** F.S. 744.444 (8) permits the guardian to pay reasonable living expenses for the ward, taking into consideration the accustomed standard of living, age, etc, however, this subsection does not authorize the guardian of a minor to expend funds for the ward's living expenses if one or both of the ward's parents are alive. F.S. 744.441 (22) authorizes payment of minor=s support, health, maintenance and education expenses upon prior court approval. F.S. 744.397 (1) permits court to authorize the guardian to apply the ward's income to his care, support, etc. F.S. 744.397 (3) If the ward is a minor and his parents are able to care for the ward, the guardian of the minor shall not so use his ward's property unless directed or authorized to do so by the court. F.S. 744.447 requires notice to next-of-kin and to ward if ward is 14 or older. F.S. 744.446, conflicts - conflict created by 744.397, because parent must use their own funds. See *Ash v. Coconut Grove Bank*, 443 So. 2d 437 (Fla. 3d DCA 1984)F.S. 744.454, Guardian forbidden to borrow or purchase.

Age of ward: \_\_\_\_\_

Guardian's relationship to ward: \_\_\_\_\_

\_\_\_\_\_ Verified by Guardian [5.610(e), 5.630(a)]

\_\_\_\_\_ Notice to ward (if 14 or over and not totally incapacitated) and to next-of-kin [744.447(2), 5.630(b)]

Dollar amount requested [5.630(a)(3)]: \_\_\_\_\_

Purpose of disbursement [5.630(a)(1)]: \_\_\_\_\_

If a car, address insurance and how the vehicle will be titled. \_\_\_\_\_

Is proposed disbursement specific or general? If general, how will this be disbursed, who is responsible for refunding unspent funds, and how will the guardian account for the disbursements?

\_\_\_\_\_

Previous disbursements: \_\_\_\_\_

Value of Estate: \_\_\_\_\_

Accounting up to date? \_\_\_\_\_

All prior accountings approved? \_\_\_\_\_

Has guardian taken guardian ed course? \_\_\_\_\_

If for a household expense, who lives in the home and can they contribute to the expense?

\_\_\_\_\_

**Discussion:** Reason why disbursement must come from guardianship rather than from guardian, personally, if guardian is parent:

(1) Is this a disbursement that is the responsibility of the parent?  
\_\_\_\_\_

(2) Why parent cannot provide if it is a parental responsibility?  
\_\_\_\_\_

**Comments:** \_\_\_\_\_

**Recommendation:** \_\_\_\_\_

\_\_\_\_\_