

PETITION FOR EMERGENCY, TEMPORARY GUARDIAN

Guardianship of _____
Case No.: _____
Petitioner=s Attorney: _____
Attorney Ad Litem: _____
Hearing Date/ Time: _____

FS 744.3031, 744.334, 744.3371, 744.345, 744.351

- ___ Separate petition for incapacity has been filed [744.3031(1), 744.3201]
- ___ Counsel appointed for alleged incapacitated for this proceeding [744.3031(1)]
- ___ If requested by counsel, proceeding is recorded and transcribed [744.3031(1)]
- ___ Verified petition [744.334(1), 5.020(e)]
- ___ Oath and designation of resident agent of emergency temporary gdn [744.3031(5), 5.110(b), 5.600]
(Oath of regular guardian, not emergency guardian, is filed)

ALLEGATIONS: petition requirements: see 744.3031 & rule 5.6648

- ___ There appears to be imminent danger that the physical or mental health or safety of the person will be seriously impaired [744.3031(1)] OR
- ___ The person=s property is in danger of being wasted, misappropriated or lost unless immediate action is taken [744.3031(1)]

FINDINGS:

The court must specifically find that:

- ___ There appears to be imminent danger that the physical or mental health or safety of the person will be seriously impaired [744.3031(1)] OR
- ___ The person=s property is in danger of being wasted, misappropriated or lost unless immediate action is taken [744.3031(1)]

ORDER:

- ___ The powers and duties of the emergency temporary guardian must be specifically enumerated [744.3031(1)]
- ___ Authority expires 90 days after appointment or when a guardian is appointed whichever is occurs first [744.3031(3)]
- ___ Extension of authority is limited to an 90 additional days upon a showing that the emergency conditions still exist [744.3031(3)]
- ___ An injunction, restraining order or writ may be issued to protect the health or safety of the respondent [744.3031(4)]
- ___ Proposed letters are submitted [See 744.3031(7)]
- ___ Assets are protected.
- ___ Is bond req=d? [See 744.3031(6)] _____
- ___ Value and nature of assets are _____

COMMENTS: _____
