



TYPES OF GUARDIANSHIPS IN FLORIDA

Natural Guardianship

The parent of a minor child is their *Natural Guardian*. However, if the child receives more than \$15,000.00 because of a settlement, an inheritance or a gift, someone must be appointed by the court as the guardian of the minor's property.

Voluntary Guardianship

Any competent individual can request the circuit court to appoint a Voluntary Guardian. This is a guardianship over the individual's property **only** with no healthcare authority. The ward can request the dissolution of the guardianship at any time. Prior to the appointment of the guardian, a physician must state the person/ward is competent to make this decision.

Involuntary Guardianships

This is used when an individual lacks capacity. Mental capacity is defined in the Florida Statutes as "the ability to manage at least some of the property or to meet at least some of the essential health and safety requirements." An assessment of the person's mental capacity is made by *an examining committee* and a *Hearing to Determine Incapacity* is held to allow testimony regarding the individual's abilities, decide what *Rights* (if any) should be removed and to determine the need for a guardianship.

Limited Guardianship

When the court determines the individual is able to retain some but not all rights, a *Limited Guardian* is appointed.

Plenary Guardianship

When the court determines the individual is unable to retain any rights, a *Plenary Guardian* is appointed. This is the most restrictive type of guardianship (plenary is a legal term meaning complete or total.)

Pre-Need Guardian

Any competent adult may designate another individual as their *Pre-Need Guardian* in the event a guardianship is ever needed. The document may then be filed with the circuit court prior to incapacity, or at the time of incapacity.

Standby Guardian

The court may appoint a *Standby Guardian* in advance to take over should the current guardian no longer be able to carry out their duties.