

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. 6.201 – 3/22*

IN RE: PROBATE AND GUARDIANSHIP PROCEDURES
FOR FILING AND REVIEW OF PETITIONS

_____:

Pursuant to Article V, section 2(d) of the Florida Constitution, and section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice. Florida Rule of General Practice and Judicial Administration 2.215(b)(3) states the chief judge “shall, considering available resources, ensure the efficient and proper administration of all courts within [this] circuit.”

The establishment of uniform procedures for the filing of petitions in the probate and guardianship divisions of the court will facilitate the efficient and timely review, processing and resolution of matters brought before the court. These procedures shall include: 1) the utilization of checklists to aid attorneys and to ensure compliance with statutory filing requirements; and 2) review of petitions by case managers or other qualified court personnel.

NOW, THEREFORE, effective March 23, 2022, pursuant to the authority conferred by Florida Rule of General Practice and Judicial Administration 2.215, it is **ORDERED** as follows:

A. REQUIRED FILING OF CHECKLISTS

The following checklists are established for use in the probate/guardianship divisions of the court:

1. Petition for Summary Administration of Testate Estate.
2. Petition for Formal Administration of Testate Estate.
3. Petition for Formal Administration of Intestate Estate.
4. Petition for Summary Ancillary Administration.
5. Petition for Summary Administration of Intestate Estate.
6. Petition for Formal Ancillary Administration.
7. Petition to Sell Real Property.
8. Petition for Appointment of Guardian.

9. Petition to Determine Homestead.
10. Petition for Discharge

A completed and signed checklist, must be e-filed contemporaneous with the petition. Failure to e-file an accurate and completed checklist shall result in a rejection of the petition with leave to refile. Approved checklists can be found at: <https://www.15thcircuit.com/services/probate-division>.

B. INITIAL REVIEW BY CASE MANAGERS

The following uncontested petitions for relief and/or matters shall be reviewed by a case manager, staff attorney or other qualified court personnel before submittal to a divisional judge:

1. Petitions for Administration.
2. Petitions for Summary Administration.
3. Petitions for Disposition of Personal Property without Administration.
4. Petitions to Authorize Sale of Real Property.
5. Petitions to Extend Time.
6. Petitions to Reopen Case.
7. Petitions for Further Administration.
8. Petitions to Determine Heirs.
9. Petitions to Strike Claim.
10. Petitions to Determine Homestead.
11. Petitions for Distribution.
12. Petitions for Discharge.
13. Petitions for Foreign Guardian to Manage Property on Non- Resident Ward.
14. Petitions to Appoint Guardian of Minor Property.
15. Petitions to Establish Monthly Budget.
16. Petitions to Establish Restricted Depository.
17. Petitions for Approval of Annual Guardianship Plan/Accounting.
18. Administrative Closing for Cases Pending Beyond Time Standards.
19. Petition to Appoint Voluntary Guardian.

Nothing herein shall preclude a judge from independently reviewing, considering and ruling on any petition or other matter filed with the court.

C. REVIEW BY DIVISIONAL JUDGE

The following matters shall be reviewed and considered by the assigned divisional judge without initial review by case managers:

1. Contested matters heard at UMC, or at a specially set hearing.
2. Emergency petitions including Petitions to Appoint Emergency Temporary Guardian.
3. Petitions to Determine Incapacity.
4. Petition for Appointment of Guardian.
5. Petitions related to Guardian Advocacy.
6. Petitions for Restoration of Rights/Suggestion of Capacity.
7. Petitions or request for trust modifications or complaints filed under Chapter 736 or Chapter 86 relating to the administration of, or rights of beneficiaries in trusts.
8. Discovery motions.
9. Agreed orders unless the subject matter of the order relates to a petition reviewable pursuant to Section B (Review by Case Managers) of this Administrative Order.
10. Any matters related to fees (Personal Representative, Attorney, or Guardian Fees).
11. Motions to Withdraw Counsel of Record.
12. Motions or Petitions relating to “Do Not Resuscitate Orders.”
13. Injunctions for Protection against Exploration of a Vulnerable Adult.
14. Will contests.
15. Objections to guardianship annual plans or accountings.
16. Minor Settlements.
17. All other matters not otherwise specified above which are assigned to the Probate and Guardianship Division per Administrative Order 6.102-9/08.

Nothing herein shall prevent a judge from seeking a legal opinion, memorandum or proposed order from a staff attorney or law clerk on any matter set forth in this Administrative Order.

DONE and SIGNED in Chambers at West Palm Beach, Palm Beach County, Florida, this 14th day of March, 2022.



THE
15TH JUDICIAL CIRCUIT
FLORIDA
ADMINISTRATIVE OFFICE OF THE COURT

Glenn D. Kelley, Chief Judge

***Supersedes admin order 6.201 – 9/08**