

A DEEP DIVE INTO GUARDIANSHIP
UNIVERSITY OF FLORIDA LEVIN COLLEGE OF
LAW
SPRING 2026 SYLLABUS – LAW 6930 – 1 CREDITS
JANUARY 12-15, 2026

Circuit Court Judge Natasha DePrimo - 17th Judicial Circuit ndeprimo@17th.flcourts.org

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Office Hours: 30 minutes before class and after class each day.

MEETING TIME: This is a compressed course. It meets from January 12-15. Specific times are listed below in the Course Schedule Section

LOCATION: TBD

COURSE DESCRIPTION AND OBJECTIVES:

This course should provide a full overview of Guardianship proceedings from initiation to discharge, inclusive of a Guardian's duties and responsibilities; the attorney's role; attorney's fees, Guardian Advocacy; and other interrelated litigation. This course will also include a synopsis of Incapacity proceedings, Emergency Temporary Guardianships, Exploitation of Vulnerable Adult Injunctions, and other mental health related proceedings, including but not limited to Marchman Act proceedings and Baker Act proceedings. Students will hear from varied guest speakers with expertise in a few selected topics included above, to provide more real world hands-on explanations of the intricacies of this specialized field of law.

STUDENT LEARNING OUTCOMES:

At the end of this course, students should be able to:

1. Understand an overview of Guardianship Law and related statutes, laws, case law and other legal authority
2. Identify and understand Emergency Temporary Guardianships and Petitions for Incapacity and relevant pleadings pertaining to such.
3. Understand an overview of Marchman and Baker Act statutes and other mental health related statutes
4. Understand the law regarding Exploitation of a Vulnerable Adults and identify scenarios where the statute is applicable.
5. Understand the difference between Guardianship and Guardian Advocacy
6. Understand fee petitions for both attorneys and guardians.
7. Understand the qualifications for a guardian and how guardians may properly (and improperly) perform their duties.
8. Apply least restrictive alternatives to Guardianship to appropriate cases.
9. Properly conclude a Guardianship upon the death of the Ward, or upon Restoration of Capacity.
10. Evaluate and apply proper requirements for discharge to discharge a guardian, terminate a guardianship and close a case.

REQUIRED READING MATERIALS:

Please be sure to register for the Canvas course and have any required materials with you in print or easily accessible electronic form in class. Reading materials are subject to change and will be reflected in canvas. You are responsible for checking your Canvas page and the e-mail connected to the page on a regular basis for any class announcements or adjustments.

- Florida Statute Chapter 744 - Guardianship
- Florida Statute Chapter 393 - Developmental Disabilities Florida Probate Rules - Part III - Rules 5.540-5.900 Chapters 13-15 - Florida Guardianship Practice
- *Lafrance v. Emile*, 401 So. 3d 379 (Fla. 4th DCA 2025)
- Governor signs measure to prioritize ‘supported decision-making’ when appointing guardians for people with developmental disabilities <https://www.floridabar.org/the-florida-bar-news/governor-signs-measure-to-prioritize-supported-decisionmaking-when-appointing-guardians-for-people-with-developmental-disabilities/>
- <https://www.flcourts.gov/Resources-Services/Office-of-Family-Courts/Family-Court-in-Florida/Guardianship>
- Overview: <https://www.floridabar.org/public/consumer/pamphlet030/#does>
- Florida Department of Elder Affairs-Section 2 (Options for Providing Decision-Making Assistance Other Than Guardian Advocacy) and Section 3 (Guardian Advocacy) https://elderaffairs.org/wp-content/uploads/LTW_FamilyManual2017-1.pdf
- *Is My Judgment in Your Best Interest?* Florida Bar Journal article: <https://www.floridabar.org/the-florida-bar-journal/is-my-judgment-in-your-best-interest-how-decisions-are-made-in-guardianships-and-a-suggested-reform/> [floridabar.org]
- RPOs: <https://www.flcourts.gov/Resources-Services/Office-of-Family-Courts/Family-Court-in-Florida/Guardianship>
- Vulnerable Adult New bill to protect vulnerable adults from Internet Scammers <https://www.floridabar.org/the-florida-bar-news/senate-approves-bill-to-protect-vulnerable-adults-from-internet-scammers/>
- Florida’s Elder Abuse Benchbook-Office of the State Court’s Administrator (we can pick segments to use from this) <https://flcourts-media.flcourts.gov/content/download/2456425/file/Elder%20Domestic%20Violence%20Benchbook%20Final%20-%202008.26.2025.pdf>

- Voluntary Guardianships-ABA Article
https://www.americanbar.org/groups/law_aging/publications/bifocal/vol-42/vol--42-issue-2--november-december-2020-/voluntary-guardianships--a-primer-on-states-guidance/
- 17th Circuit Handbook for Guardians:
<https://www.17th.flcourts.org/wp-content/uploads/2011/05/Guardian-Handbook.pdf>
- *The Mother Who Changed: A Story of Dementia*: <https://www.nytimes.com/2023/05/09/magazine/dementia-mother.html> [nytimes.com] (this isn't a legal article by any stretch of the imagination, but it's a great real-world case study of the types of issues that guardianship lawyers and judges confront)
- Guardianship of a Minor-Florida Statute 744.342
- Approvals of Minor Settlements <https://ninthcircuit.org/sites/default/files/Approval-Minors-Settlement.pdf>
- Proposed guardianship reform proposal draws scrutiny from Real Property, Probate and Trust Law Section <https://www.floridabar.org/the-florida-bar-news/proposed-guardianship-reform-proposal-draws-scrutiny-from-real-property-probate-and-trust-law-section/>
- ABA Article: Defending Against Guardianship: Early Lessons from Conversations with Practitioners
https://www.americanbar.org/groups/law_aging/publications/bifocal/vol44/bifocal-vol-44-issue3/defending-against-guardianship-early-lessons-from-conversation/

COURSE EXPECTATIONS AND GRADING EVALUATION:

Students are expected to be prepared and to participate throughout the week. Students will be graded based upon in-class participation and preparation along with the final exam. 50% of your grade will be based on class participation and preparation and 50% on the final exam.

The final exam will consist of 3-4 hypothetical scenarios with prompting questions on how the student would assess the case based on the applicable law, materials provided, and course discussions presented during the course of the class.

CLASS ATTENDANCE AND MAKEUP POLICY:

Attendance in class is required by both the ABA and the Law School. Attendance will be taken at each class meeting.

Students are permitted to be absent one hour of the entire 14 compressed course unless otherwise cleared and authorized by professor.

. Students are responsible for ensuring that they are not recorded as absent if they come in late. A student who fails to meet attendances requirements will be dropped from the course. The law school's policy on attendance can be found [here](#).

UF LEVIN COLLEGE OF LAW STANDARD SYLLABUS POLICIES:

Other information about UF Levin College of Law policies can be found at [this link](#).

UF ACADEMIC POLICIES AND RESOURCES:

Other information about UF academic policies and resources can be found at [this link](#).

ABA OUT-OF-CLASS HOURS REQUIREMENTS: ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every “classroom hour” of in-class instruction. You should expect to spend 2 hours for each hour of classroom instruction during the compressed course week preparing for class.

COURSE SCHEDULE OF TOPICS AND ASSIGNMENTS

This syllabus is offered as a guide to the direction of the course. Our pace will depend in part on the level of interest and the level of difficulty of each section and is subject to change.

Day One: (9am-12pm)(1pm-4pm)

- I. Overview: What is Guardianship law? How is a Guardianship proceeding initiated?
 - a. Incapacity Proceedings
 - 1. The Petition - Florida Statute Section 744.331 and Florida Probate Rule 5.550
 - 2. Who are the examining Committee Members and what do they do?
 - 3. What rights are delegable?
 - 4. What is the burden of proof and what findings should be made? (petitions, requirements, timeframes)
 - 5. Least Restrictive Alternatives (preneed guardian, POA, etc)
 - b. Emergency Temporary Guardianship - Florida Statute section 744.3031
 - c. Different Types of Guardianship
 - 1. Guardianship of the property
 - 2. Guardianship of the person
 - 3. Guardianship of person and property
 - d. What is the difference between a Guardian and a Guardian Advocate?
- II. The Life of Guardianship
 - a. Guardian qualifications - Florida Statute section 744.309
 - 1. Continuing requirements - Reporting - Annual Reports Florida Probate Rules 5.695 and 5.696
 - 2. Stand-by Guardianship - Florida Statute section 744.304

- b. Contempt Proceedings and Order to Show Cause
- c. Court Monitors - Florida Statute section 744.107 and Florida Probate Rule 5.720
 - 1. Emergency Court Monitor 5.725
 - 2. Department of Children and Family Services (DCF) Referrals - Mandatory Reporting

Day Two: (9am-12pm)

III. The Life of Guardianship cont.

- d. Restoration of Capacity - Florida Statute section 744.464
- e. Removal of Guardian - Florida Probate Rule 5.660 and Florida Statute section 744.474
- f. Termination of Guardianship - Florida Probate Rule 5.670; Rule 5.680
- g. Closure of Guardianship

IV. Mental Health Related Cases

- a. Baker Acts/Marchman Acts/Writs of Habeas Guest Speaker
 - 1. What is a Firearm Disability? - Florida Statute Section 790.065(2)(D)
- b. Vulnerable Adult Petitions Florida Statute section 825.1035
- c. Voluntary Guardianship - Florida Statute section 744.341
- d. RPOs

Day Three (9am-12pm)

V. Guardianship intersection with Family law (Day #3)

- a. Approval of Minor Settlements - Florida Statute 744.387
 - 1. Guardian Ad Litem
- b. Minor guardianships
 - a. Minor beneficiaries wills/trusts intersection with guardianship
 - b. When both parents deceased or terminate parental rights
- c. Guardian Advocacy
 - 1. What are the responsibilities and requirements of a Guardian Advocate?
 - 2. What is a developmental disability?

3. Guardian Advocate under the Florida Mental Health Act (otherwise known as the Baker Act)

Day Four (9:30-11:30am)

VI. Other guardianship issues (Day #4)

1. Attorney's fees - Guardianship versus Guardian Advocacy
2. Fee Petitions - Florida Statute section 744.108
 - Guardian Petitions
 - Attorney Fee Petitions
3. Guardianship issues/potential reform
4. Guardianship case law update

FINAL TAKE HOME EXAM