

INDIAN RIVER COUNTY
GUARDIANSHIP MEMORANDUM
VICTORIA L. GRIFFIN, CIRCUIT JUDGE
EFFECTIVE JANUARY 9, 2023

Judicial Assistant: Jylene Magdaleno
E-mail / E-Service Address: IRCJudge5@Circuit19.org
Indian River County Courthouse
2000 16th Avenue
Vero Beach, FL 32960
Courtroom 8
Telephone: (772) 226-3382



**PLEASE REVIEW THE FULL GUIDELINES AND PROCEDURES FOR PROBATE
& GUARDIANSHIP DIVISIONS LOCATED ON JUDGE GRIFFIN'S WEBPAGE
PRIOR TO CONTACTING THE JUDGE'S OFFICE.**

The email address for submitting ALL Guardianship petitions, proposed orders, and hearing packets is IRCJudge5@Circuit19.org.

**DO NOT SUBMIT GUARDIANSHIP MATTERS TO ProbateIRC@Circuit19.org.
DO NOT SUBMIT HARD COPIES OF PROPOSED ORDERS/LETTERS TO THE
JUDGE, OR SUBMIT PROPOSED ORDERS/LETTERS THROUGH THE E-PORTAL.**

PETITIONS TO DETERMINE INCAPACITY AND PETITIONS FOR GUARDIAN ADVOCACY:

Petitions and proposed orders must be submitted, via email, to IRCJudge5@Circuit19.org. The subject line of your email should contain the word "**EMERGENCY**" OR "**URGENT**" for quick processing.

*e.g. "Subject: **EMERGENCY**: Jane Doe 2023GA0000XX, Petition to Determine Incapacity"*

INDIGENCY STATUS AND APPOINTMENT OF COUNSEL:

In order for the Court to determine who shall be appointed to represent the AIP/DDA, an Application to Determine Indigency Status **MUST** be submitted to the Clerk of Court at the time of filing. Once a determination has been made, please submit the appropriate proposed order appointing counsel from the wheel (if not indigent) or proposed order appointing the Office of Regional Conflict Counsel (if found indigent). Both proposed orders are located on the Court's webpage under "FORMS."

If no application is filed at the time of filing, the Court will enter an Order Appointing the Office of Regional Conflict Counsel **FIRST**. If the AIP/DDA is found not indigent, a Motion to Withdraw must be filed and the Court will enter an Order Appointing Counsel from the registry wheel.

EX-PARTE COMMUNICATION: Please do not ask the Judicial Assistant or other Court personnel to communicate any message to the Judge as this is *ex-parte* communication. All communication with the Court shall be in open Court with all parties present, in writing or by email copied to opposing counsel/party, and/or filed with the Clerk.

Original documents and monies are not to be sent to the Judge's office, and the Judge's office takes no responsibility for such items.

All court filings and proposed orders MUST contain proper address certification—i.e. the FULL address of ALL parties or email address where the motion was served (or order will be served.) "I certify that a copy of the foregoing was emailed to all parties through the e-service portal" is NOT sufficient. Likewise, listing a party on the order "cc:" without listing the address is insufficient. If the party does not have an e-service address, then the moving party will be required to mail a copy of the court filing or order to that party.

GUARDIANSHIP DIVISION PROCEDURES:

- **INCAPACITY PROCEEDINGS:**

Submit the following in WORD format via e-mail to: IRCJudge5@circuit19.org:

1. Notice of Petition to Determine Incapacity with the Hearing date filled in;
2. Order Appointing Attorney/Elisor OR Order Appointing the Office of Regional Conflict Counsel; and
3. Order Appointing Examining Committee.

If there is information on the proposed orders that can be filled in by your office, please do so before submitting to the Court, including case number(s) and e-mail service addresses. Do not include Certificate of Service by the Clerk.

- **EXAMINING COMMITTEE FEES:**

Pursuant to Administrative Order 2017-06 in RE: Order for Compensation of Examining Committee, this office will only accept the Order for Compensation of Examining Committee posted under "Forms" on Judge Griffin's webpage on www.circuit19.org. This order must be sent within five (5) days after the hearing for incapacity is held. Concerning payment of Examining Committee Fees where the Ward has been found indigent, these fees are preset and must be as follows:

Physicians: \$325.00

Psychologists: \$225

Lay People: \$125

Submit checklists, petitions/motions, and proposed orders (in word format) to the following **via e-mail:** IRCJudge5@circuit19.org.