

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

ADMINISTRATIVE ORDER NO. 6.101-06/2022\*

IN RE: PROBATE AND GUARDIANSHIP  
ASSIGNMENT CRITERIA EXCLUDING CASES  
HEARD BY GENERAL MAGISTRATES

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The Court is committed to providing judicial services consistent with the efficient and sound administration of justice. To enhance efficiencies, the Court is reorganizing the probate and guardianship divisions.

**NOW, THEREFORE**, pursuant to the authority conferred by Florida Rule of Judicial Administration 2.215, it is **ORDERED** as follows:

**A. ORGANIZATION OF PROBATE & GUARDIANSHIP DIVISIONS**

1. The Probate & Guardianship Division of the Circuit Court, Palm Beach County, Florida hears probate, guardianship, and other mental health matters as defined in Administrative Order 6.102.
2. The Probate & Guardianship Division of the Circuit Court, Palm Beach County, Florida, will now be divided into two divisions: IA and IZ. The Clerk of the Circuit Court and Comptroller (“Clerk”) is directed to create a new probate and guardianship division IA in its case maintenance system Showcase on or before July 5, 2022.
3. Divisions IH, II, IJ, IB, ID, IC, IX, and IY will be closed over time in the manner provided below.

**B. ASSIGNMENT OF CASES IN PROBATE & GUARDIANSHIP DIVISIONS**

1. The following proceedings will be assigned according to the terms of this Administrative Order (“Probate and Guardianship Proceedings”):
  - a. Florida Probate cases (Ch. 731-735, Florida Statutes);
  - b. Florida Guardianship cases, including all proceedings for determination of incapacity (Ch. 744, Florida Statutes);

- c. Conservatorships and Curatorships (Ch. 747, Florida Statutes);
  - d. Trust cases (complaints filed under Ch. 736 F.S. or Ch. 86 F.S. relating to the administration of, or rights of beneficiaries in trusts);
2. The following matters will be assigned according to the terms of Administrative Order 6.107 (“Mental Health/General Magistrate Proceedings”):
- a. Baker Act (Ch. 394 F.S.);
  - b. Hal S. Marchman Alcohol and Other Drug Services Act (Ch. 397 F.S.);
  - c. Adult Protective Services Act (Sec. 415.105 F.S.);
  - d. Compulsory Treatment and Commitment of Persons Afflicted with Tuberculosis (Sec. 392.55, 392.56, 392.57 F.S.)

**C. NEW FILINGS FOR PROBATE AND GUARDIANSHIP PROCEEDINGS**

1. Effective July 5, 2022, the Clerk of the Circuit Court & Comptroller (Clerk) will not assign any newly filed cases to Divisions IH, II, IJ, IB, ID, IC, IX, and IY.
2. After July 5, 2022, all Probate and Guardianship Proceedings as defined in Paragraph B.1 above shall be randomly and equitably assigned between Divisions IA and IZ, while taking into consideration related cases as defined below.
3. Identification and Assignment of Related Cases: The following provisions govern the identification and assignment of related cases. The Clerk shall enter the related case number(s) into the related case field in the Clerk’s case management system (Showcase) in newly filed and reopened cases.
  - a. Estate or Trust proceedings for a deceased ward are deemed related to the Guardianship case and shall be assigned to the same Judge for the Guardianship proceeding.
  - b. If assets of two (2) or more individuals adjudicated incapacitated are significantly interrelated so that one division should hear the guardianship proceedings for all individuals, the cases are deemed related and shall be assigned to the same judge. An example of such a situation is incapacitated spouses.
  - c. If minor guardianships proceedings are opened for siblings with the same guardian of the property, the cases are deemed related and shall be assigned to the same judge.
  - d. All Estate and Non-relief Trust matters filed relating to a decedent are deemed related to the Estate or Trust proceeding and shall be assigned to judge where the first case was opened.

- e. All Petitions to Determine Incapacity, Petitions to Appoint an Emergency Temporary Guardian, and Petitions to Appoint a Plenary or Limited Guardian for the same alleged incapacitated person shall be assigned to the same judge. If the cases in the above situations are not filed simultaneously, the cases shall be assigned to the judge where the first case was assigned.
- f. It is the responsibility of the attorney of record to notify the Clerk of the Circuit Court in writing that related cases exist.
  - i. If the related cases are filed by different attorneys, it is the responsibility of the attorney filing the later case to notify the Clerk in writing at the time of filing that related cases are pending before the Court.
  - ii. If there are related cases that do not fall into any of the above categories, it is the responsibility of the filing attorney to inform the Court of the related case.
- g. If there is a pending estate proceeding for a deceased parent or grandparent with minor beneficiaries and a guardianship of the property is necessary, the guardianship case(s) for the minors are deemed related and shall be assigned to the same judge.

**D. CASES IN A PENDING/REOPENED STATUS OR SCHEDULED FOR HEARING**

- 1. All cases in a pending or reopened status, as of the date of this Administrative Order, shall remain assigned to their current probate and guardianship divisions.

**E. ASSIGNMENT OF REOPENED, CLOSED CASES**

- 1. Closed cases assigned to Divisions IH, II, IJ, IB, ID, IC, IX, and IY that are reopened after the date of this Administrative Order shall be immediately randomly reassigned to either Division IA or IZ.
- 2. The Clerk shall issue a Notice of Reassignment, the Clerk's Notice will be served on the attorney of record or self-represented litigant. The issuance of the Notice of Reassignment shall effectuate the transfer of the case. The Clerk will update its case maintenance system at the time of issuing the Notice. The Notice of Reassignment shall be docketed and available for public viewing within one (1) business day of the reassignment.

**DONE and SIGNED** in Chambers at West Palm Beach, Palm Beach County, Florida, this 6<sup>th</sup> day of June, 2022.




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Glenn Kelley  
Chief Judge

\*Supersedes admin order 6.101-06/2021