

## SIXTH JUDICIAL CIRCUIT

### GUARDIANSHIP EXAMINING COMMITTEE MEMBERS AND DEVELOPMENTAL DISABILITIES EXAMINING COMMITTEE MEMBERS INFORMATION SHEET

- Committee Members (“Members”) who provide services under contract with the Sixth Circuit must be either a licensed gerontologist, physician, psychiatrist, psychologist, nurse practitioner, registered nurse, or social worker in good standing with the State of Florida, Department of Health, or other applicable licensing authority. Members are governed by section 744.331(3), Florida Statutes and must comply with Florida Rules of Court; the Code of Judicial Conduct; Sixth Judicial Circuit Administrative Orders; and any other subsequent or applicable rule, law, or Administrative Order.
- Members selected to serve must enter into a contract with the Court. Contracts are effective during the period between April 1 to March 31, with the possibility of renewals for up to three years.
- Members must complete an initial four hours of training within four months of their first appointment and two hours of continuing education every two years thereafter.
- **Compensation** is paid by the State of Florida at the rates set pursuant to AOSC17-12 and Administrative Order 2017-033. When a licensed physician, psychiatrist, or psychologist is appointed, the following amounts will be paid:
  - Evaluation \$350 flat fee
  - Failure of ward to appear for evaluation 40% of evaluation fee
  - In-court testimony (includes wait time, applies 2-hour cap) \$150 per hour
  - Periodic evaluation or a follow-up evaluation \$250 flat fee
  - Suggestion of Capacity proceeding \$350 flat fee

For all other professionals appointed, the following amounts will be paid:

- Evaluation \$175 flat fee
  - Failure of ward to appear for evaluation 40% of evaluation fee
  - In-court testimony (includes wait time, applies 2-hour cap) \$75 per hour
  - Periodic evaluation or a follow-up evaluation \$125 flat fee
- **Timeframe:** Within 5 days after a petition for determination of incapacity is filed, the Court shall appoint a three-member examining committee. Members must submit their report within 15 days of appointment. The hearing on the incapacity is set no later than 14 days after the filing of the committee reports.
  - **Composition of the Committee:** One member in each committee must be a psychiatrist or other physician. Remaining members must be either a Florida licensed psychologist; psychiatrist; physician; registered nurse; nurse practitioner;

licensed social worker; a person with an advanced degree in gerontology from an accredited institution of higher education; or other person, who by knowledge, skill, experience, training, or education may advise the Court with an expert opinion. One member must have knowledge of the type of incapacity alleged in the petition.

- **Conflict of Interest:** An attending or family physician of the alleged incapacitated person (AIP) may not serve on the Committee. Members may not serve in any particular case if they are related to or associated with another committee member, the AIP, the petitioner, the proposed guardian, or the attorney for the petitioner. Likewise, Members may not serve in a case if employed by a private or government agency that has custody or furnishes services/subsidies to the AIP or his family.
- **The Examination and Report:** Members must examine an AIP and provide a written opinion on whether or not the person is capable of exercising certain specified personal rights typically afforded to adults. See the examination report form for further information.
  - The examination of the AIP will include physical examination/observations, a mental health examination, and a functional assessment of the AIP. The omission of any of the three aspects of the examination noted above must be explained in the report.
  - Examinations normally consists of a visit to the AIP's home, whether a house, assisted living facility, or skilled nursing facility. Sometimes the AIP is hospitalized and, in that event, the examination would be conducted in the hospital rather than the AIP's normal residential environment. On rare occasions the AIP comes to a member's office for the examination. Members may call law enforcement to accompany them during an examination if a threatening condition exists. This is also a rare occurrence.
  - If the attending or family physician is available for consultation, the committee must consult with the physician.
  - Members may need to consult with available collateral sources, including friends, neighbors, or relatives, to determination the AIP's incapacities and capabilities.
  - Members may also need to consider any previous exams, habilitation plans, school records, and psychological and psychosocial reports.

**\*\*THE COURT IS CURRENTLY SOLICITING FOR MEDICAL DOCTORS TO SERVE ON THE COMMITTEES. ALL COMPLETED APPLICATIONS AND SUPPORTING DOCUMENTATION MUST BE RECEIVED BY THE OFFICE OF COURT COUNSEL AT**

**[SixthCircuitContracts@jud6.org](mailto:SixthCircuitContracts@jud6.org)\*\***