

Why Might My Loved One Need a Guardian Advocate?



Guardian Advocates are often necessary when parents or caretakers need access to information needed to make decisions for their adult child or loved one that has a developmental disorder.

Upon becoming an adult, the parent or caretaker no longer has the right to make decisions for the person with the developmental disability.

A person with a developmental disability needs a Guardian Advocate if the person lacks the ability to make the decisions necessary for everyday life.



What free legal help is available?

If you reside in Pinellas, Pasco, Sarasota, Manatee, or Hillsborough Counties,

**please call the
Legal Aid Line at
1-800-625-2257**

If you are eligible for services, you will be given free legal advice over the telephone and will then be referred to the appropriate legal aid organization for further assistance.



**Community
Law
Program**



**Guardian
Advocacy
Project for
Persons with
Developmental
Disabilities**

What is Guardian Advocacy?

Guardian Advocacy is a process for families, caregivers, and friends of individuals with developmental disorders to obtain guardianship without declaring the individual incompetent. The appointment of a Guardian Advocate allows the guardian to make decisions for the person with a developmental disability.



Do I Need an Attorney for this Process?

The process of becoming a Guardian Advocate does not require an attorney unless the individual with the developmental disability owns property.

Although an attorney is not needed, it is recommended that one consult with an attorney prior to starting the process to find out if there are alternatives, to get answers to specific questions about the process, and/or to get help reviewing and completing the forms.

What are the Qualifications of a Guardian Advocate?



The Guardian Advocate must be 18 years of age and is only responsible for the duties approved by the Judge and listed in the Court Order. The Court shall give appointment preference to:

- people who are related by blood or marriage to the person with the developmental disability;
- persons who have relevant educational, business or professional training;
- persons who have the capacity to manage the financial resources involved.

The Court will also consider the wishes of the person with developmental disability.



Disqualifiers for becoming a Guardian Advocate:

- Persons who have been convicted of a felony
- Persons who have been judicially determined of having committed abuse, abandonment, or neglect against a child
- Persons who have pled no contest or guilty to certain drugs or sex crimes
- Persons who are incapable of performing the duties of guardian, due to illness, incapacity, or any other reason

How Does the Law Define Developmental Disability?

To qualify under Florida Law, the person must have a disorder or syndrome that is attributable to intellectual disability, cerebral palsy, autism, spina bifida, or Prader-Willi syndrome; that manifests before the age of 18, and that constitutes a substantial handicap that can reasonably be expected to continue indefinitely.