

PROBATE PROCEEDINGS

This section, Probate Proceedings, covers the reporting do's and don'ts that should be followed when completing the monthly Probate SRS form. For ease of following the SRS form, this section is divided into the major sections indicated on the form. The Probate SRS reporting form is located in the section entitled, SRS Forms. Each ✓ and ✗ indicates guidelines and directions that should be followed when completing the specific section of the SRS form.

Note: The section entitled, Category Definitions, provides casetype and category definitions.

FILINGS

Number of Filings

Please refer to the section of the SRS form that reports information associated with the number of filings during the specified reporting period.

- ✓ Report, in the appropriate casetype category, the number of petitions filed during the reporting period.
- ✓ Report cases transferred to the reporting court from another court.
- ✓ Report subsequent substance abuse and involuntary commitment cases which are submitted to the court only if the individual has completed treatment.
- ✓ Report petitions for expedited judicial intervention concerning medical treatment procedures filed under Rule 5.900, Florida Probate Rules and Section 765.105, Florida Statutes.
- ✓ Report petitions for involuntary examination/assessment under the appropriate casetype category. When a petition for involuntary placement/treatment is subsequently filed, the petition is considered a continuation of the case and is not reported as another filing.
- ✓ Report, in the appropriate casetype category, the number of petitions for involuntary placement/treatment filed if a petition for initial involuntary examination/assessment has not been previously filed.

FILINGS

The following items identify common reporting mistakes. Please check these items to ensure that the SRS report **does not** include these same reporting errors.

- ✘ **DO NOT** report deposited wills or caveats.
- ✘ **DO NOT** report petitions to open a safe deposit box. **Report the case when a formal, family, or summary administration petition is filed.**
- ✘ **DO NOT** report written declarations filed with the clerk of court concerning preneed guardians pursuant to Sections 744.3045 and 744.3046, Florida Statutes.
- ✘ **DO NOT** report petitions for extraordinary authority filed under Rule 5.635, Florida Probate Rules. If a guardian has been appointed then the petition should be reported as a reopened case. (See Number of Reopened Cases, page 5-7.)
- ✘ **DO NOT** report annual judicial reviews of guardianship accountings and plans. (See Number of Reopened Cases, page 5-7.)
- ✘ **DO NOT** report cases which were previously reported as disposed but are resubmitted to the court. (See Number of Reopened Cases, page 5-7.)

DISPOSITIONS

Number of Dispositions

Please refer to the section of the SRS form that reports information associated with the number of dispositions during the specified reporting period.

- ✓ Report, in the appropriate category, the number of cases disposed during the reporting period.
- ✓ Report probate/estate cases as disposed after the final judicial decision which terminates the proceeding by an order of discharge entered by the court.
- ✓ Report guardianship cases as disposed after the final judicial decision which terminates the proceeding by ~~an order of discharge entered by the court.~~
****Modified by SRS Technical Memo. See Memo Titled "Action 09-10-95" . Change Effective January 1996****
- ✓ Report trust cases as disposed when a **trustee is appointed or removed by the court.**
- ✓ Report **Florida Mental Health Act** or **Baker Act** cases as defined in Section 394.463, Florida Statutes (involuntary examinations) as disposed after the final judicial decision which terminates the proceeding by an order which recommends or denies examination.

<p>DO NOT include the case as disposed if a petition for involuntary placement is being subsequently filed. Report the case as disposed once the court reaches a final judicial decision regarding the involuntary placement.</p>
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- ✓ Report **Florida Mental Health Act** or **Baker Act** cases as defined in Section 394.467, Florida Statutes (involuntary placement) as disposed after the final judicial decision which terminates the proceeding by an order which recommends or denies placement.
- ✓ Report **Hal S. Marchman Alcohol and Other Drug Services Act** or **substance abuse** cases as defined in Section 397.6811, Florida Statutes (involuntary assessment and stabilization) as disposed after the final judicial decision which terminates the proceeding by an order which recommends or denies assessment.

DISPOSITIONS

Note: DO NOT include the case as disposed if a petition for involuntary treatment is subsequently being filed. Report the case as disposed once the court reaches a final judicial decision regarding the involuntary treatment.

DISPOSITIONS

- ✓ Report *Hal S. Marchman Alcohol and Other Drug Services Act* or **substance abuse** cases as defined in Section 397.693, Florida Statutes (involuntary treatment) as disposed after the final judicial decision which terminates the proceeding by an order which recommends or denies treatment.
- ✓ Report **tuberculosis control** cases as defined in Sections 392.55, 392.56, and 392.57, Florida Statutes as disposed after the final judicial decision which terminates the proceeding.

Note: If multiple petitions are filed relating to the specific cited sections above, do not report the case as disposed until a final decision is reached for each petition.

- ✓ Report **developmental disability** cases as defined in Section 393.11, Florida Statutes as disposed after the final judicial decision which terminates the proceeding.

The following item is a common reporting mistake. Please check this item to ensure that the SRS report **does not** include the same reporting error.

- ✗ **DO NOT** report the dispositions of reopened cases.

REOPENED CASES

Number of Reopened Cases

Please refer to the section of the SRS form that reports information associated with the number of reopened cases during the specified reporting period.

- ✓ Report, in the appropriate casetype, the number of cases previously reported as disposed which are reactivated or resubmitted to the court for action.
- ✓ Report rehearings and all formal motions and petitions filed in cases previously reported as disposed **which may require judicial involvement**.
- ✓ Report the enforcement and modification of previous judgments or decisions.
- ✓ Report substance abuse and involuntary commitment cases which are returned to the court if the individual is still in treatment.
- ✓ Examples of reopened cases include but are not limited to the following:
 - motion for rehearing;
 - modification of final order;
 - motion for attorney's fees;
 - motion to seal file;
 - motion to amend or vacate order;
 - suggestion of capacity;
 - order to show cause;