

## GENERAL MAGISTRATE PROBATE REFERRAL PROCEDURES

### ORDER OF REFERRAL TO THE MAGISTRATE

***\*All Indigent incapacity /guardianship and guardian advocate cases will be referred to the General Magistrate.***

○ The Order of Referral to the General Magistrate will be filed for all guardian advocate and guardianship cases. A hearing will not be set until the referral has been filed. If you do not want the matter heard by the General Magistrate, you must file a written objection to the referral prior to the commencement of the hearing.

### REQUESTS FOR HEARINGS

○ **GUARDIAN ADVOCACY:** Attorneys should contact the Magistrate's Office via email ([LNewton@coj.net](mailto:LNewton@coj.net)) for the next available date and time based on the specific division. Attorneys must prepare and file the Notice of Hearing. The Zoom Meeting ID will be provided by the Magistrate's Assistant upon confirmation of the date and time.

○ **INCAPACITY/GUARDIANSHIP:** The Magistrate's Assistant will set the hearing and file the Memo to Set hearing with the Clerk's Office once the Order of Referral, Order Appointing Civil Regional Counsel, & Order Appointing Examining Committee have been filed.

○ **PRO SE CASES-** The Magistrate's Office will set a hearing date and prepare the Notice of Hearing.

### FINAL HEARINGS- (are set 6 weeks out from entry of Order of Referral)

○ Mental health cases also have a corresponding guardian case and will be heard simultaneously.

○ Once hearing has concluded, depending on the type of case heard (*either mental health/guardianship or guardian advocacy*) the Magistrate will request attorneys to prepare and forward to the Magistrate Assistant via email (Word format), [LNewton@coj.net](mailto:LNewton@coj.net) the following proposed Orders:

- a. Order Determining Incapacity (*new format updated on website [Jud4.org](http://Jud4.org) - Duval Judges*)
- b. Order Appointing Guardian Advocate of the Person/Property
- c. Letters of Guardianship/Guardian Advocacy of the Person/Property

\*Attorneys may also submit additional orders to waive certain requirements (*i.e. accounting, education, bond*).

○ Attorneys should submit Orders within 14 days after hearing has concluded.

**\*\*Emergency petitions are handled on an expedited basis on the following Monday/Tuesday or next available date depending on the division.**

**\*\*DO NOT SEND PROPOSED ORDERS BEFORE A HEARING**

○ The Magistrate will prepare a Report and Recommendation. If exceptions are waived, the Magistrate will forward the Report and Recommendation for the Judge's review and signature along with the following Orders:

- d. Order Adopting the Report and Recommendation
- e. Order Determining Incapacity
- f. Order Appointing Guardianship/Guardian Advocate of the Person/Property
- g. Letters of Guardianship/Guardian Advocacy of the Person/Property
- h. Order for Compensation to Examining Committee

○ If exceptions *are not waived*, the Magistrate will prepare and file a Report and Recommendation. Parties may serve exceptions within 10 days from the time the Report and Recommendation was served on them. If no exceptions are filed, the Court shall take appropriate action on the report.

Please reach out to the Magistrate's Assistant should you need assistance, 904-255-1214/  
[LNewton@coj.net](mailto:LNewton@coj.net).