

DISTRICT COURT OF APPEAL OF FLORIDA, FOURTH DISTRICT

Carol Rudolph v. Lauren Richard Rosecan

Carol Rudolph v. Lauren Richard Rosecan, 163 So. 3d 1222 (Fla. 4th DCA 2014) (Fla. 4th DCA 2014) · No. 4D13-1440

SUMMARY

A mother of an adult ward is not an “interested person” under Florida guardianship law with standing to inspect annual accountings or other financial information when the incorporated parenting plan gives her no right to financial decisions and her status as next of kin alone does not confer such standing. The court applied the statutory definition requiring a person to be reasonably expected to be affected by the outcome of the particular proceeding, and emphasized that “interested person” status is fact-specific and does not automatically extend to next of kin for all aspects of a guardianship.

CASE DETAILS

COURT	District Court of Appeal of Florida, Fourth District
WRITING FOR THE COURT	May; Warner; Taylor
JURISDICTION	Florida
DOCKET	4D13-1440
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an order determining that the mother is not an 'interested person' for the purpose of inspecting guardianship reports and other financial information.
STANDARD OF REVIEW	de novo
PRECEDENTIAL VALUE	published
PARTIES	Carol Rudolph v. Lauren Richard Rosecan

TOPICS

- guardianship procedure
- standing
- probate procedure
- family law procedure

PRACTICE AREAS

- Guardianship
- Probate
- Appellate Practice

QUESTIONS PRESENTED

1. Whether the mother of an adult ward is an 'interested person' with standing to inspect annual guardianship accountings and other financial information under Florida guardianship statutes when the parenting plan incorporated into the guardianship order does not give her any right to, or interest in, financial decisions.

HOLDINGS

1. A mother of an adult ward is not an 'interested person' for purposes of annual accountings or other guardianship financial matters under Florida law when the parenting plan incorporated into the guardianship order does not give her any right to, or interest in, the financial decisions made for the ward, and her status as next of kin alone does not confer such standing.

KEY QUOTATIONS

“Under Florida law, a guardian has a statutory duty to file an annual guardianship report. See § 744.367, Fla. Stat. (2013). That report must contain an annual accounting of the ward’s property and an annual guardianship plan. See id. § 744.367(3).”

“The term 'interested person' is defined as 'any person who may reasonably be expected to be affected by the outcome of the particular proceeding involved.' § 731.201(23), Fla. Stat. (2013). But, its application varies with the facts of the case. See Hayes v. Guardianship of Thompson, 952 So. 2d 498, 508 (Fla. 2006).”

“A person’s status as an 'interested person' with standing in a guardianship proceeding is dependent upon whether the person would be affected by the outcome of the proceedings. Simply being next of kin does not confer 'interested person' status.”

FACTUAL BACKGROUND

The father was appointed plenary guardian of his 22-year-old autistic son's person and property. The appointment order incorporated a parenting plan giving the parents shared parental responsibility but granting the father ultimate authority over major decisions in specified areas such as education, medical care, and residential placement; the plan did not address financial decisions. After voluntarily providing the mother with annual accountings for several years, the guardian moved for an order declaring the mother not an 'interested person' for purposes of the annual accounting, alleging she filed frivolous objections and sought the father's personal estate-planning information.

PROCEDURAL HISTORY

The Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County, entered an order declaring that the mother of an autistic adult ward was not an 'interested person' entitled to annual accountings or other financial information in the guardianship. The mother appealed.

DISPOSITION

affirmed

CASES CITED

- Bivins v. Rogers, 147 So. 3d 549 (Fla. 4th DCA 2014)
- William F. Hayes, Jr., et al. v. Guardianship of Mae E. Thompson, etc., Hayes v. Guardianship of Thompson, 952 So. 2d 498 (Fla. 2006)
- In re Guardianship of Trost, 100 So. 3d 1205 (Fla. 2d DCA 2012)
- Bachinger v. Sunbank/South Florida, N.A., 675 So. 2d 186 (Fla. 4th DCA 1996)
- Brogdon v. Guardianship of Brogdon, 553 So. 2d 299 (Fla. 1st DCA 1989)

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