

PROCEDURE

Series:	Operating Procedures	COA: CFOP: N/A
Procedure Name:	Guardians for Youth Under Regis Little	
Procedure Number:	OP 1233	
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Applicable to:	All FPOCF Staff and Sub-Contracted Case Management Agencies	

PROCEDURE:

The Regis Little Act, referenced in Florida Statute 39.6251, requires the court at the permanency review hearing to review if there is a need for the youth to have a guardian or guardian advocate appointed prior to reaching the age of majority.

PURPOSE:

Young Adults exiting the foster care system that need long-term or lifelong decision-making assistance will be reviewed by a team of professionals, and findings from that review will be provided to the dependency court. The purpose of this procedure is to identify time frames and requirements for individuals and departments with the system of care.

Types of Guardians (Definitions)

1. In general, a guardian means a person who has been appointed by the court to act on behalf of a child/young adult/ward person or property, or both. It does not mean that the child/young adult/ward will live with the guardian.
2. Limited guardian means a guardian who has been appointed by the court to exercise the legal rights and powers specifically designated by court order entered after the court has found that the child/young adult/ward lacks the capacity to do some, but not all, of the tasks necessary to care for his or her person or property, or after the person has voluntarily petitioned for appointment of a limited guardian. This type of guardian must be represented by an attorney.
3. Plenary guardian means a person who has been appointed by the court to exercise all legal rights and powers of the ward after the court has found that the ward lacks the capacity to perform all the tasks necessary to care for his or her person or property. This type of guardian must be represented by an attorney.
4. Guardian advocate means a person appointed by a written order of the court to represent a person with developmental disabilities. A guardian advocate can be appointed for severely disabled individuals and exercise the authority granted to them by the court. This type of guardian does not need to be represented by an attorney.

A. Case Transfer

These activities should occur before a youth turns 16 years old or within 30 days if they enter foster care after the age of 16.

Assessment and Review

Within 45 days of receiving the Comprehensive Behavioral Health Assessment (CBHA) or case opening for services, case management is to review each youth's case file with the Family Partnerships of Central Florida Utilization Management Team (UM) and Family Partnerships of Central Florida Child Welfare Director to identify a youth that has disabilities that could qualify for a guardian or guardian advocate when they turn 18 years old.

1. Factors to review and consider by the team when determining if a youth requires a guardian or guardian advocate through the Regis Little Act:
 - a. Review the individual case (i.e., evaluations, reports, notes, school records, etc.)
 - b. Talk with people familiar with the youth and their situation to gather information about how the youth functions on a daily basis (i.e., caregivers, parents, GAL, mentors, CLS, etc.)
 - c. Talk to the youth to evaluate his/her abilities.
 - d. If a youth qualifies for services through the Agency for Persons with Disabilities (APD), they will need a guardian advocate.

****If after reviewing the case it is still not clear that a youth qualifies for the Regis Little Act when turning 18, case management will continue to review the possibility of whether the youth need a guardian or guardian advocate throughout the life of the case.**

Overview of Next Steps

A Regis Little Multidisciplinary Team Staffing (MDT) is required for any youth that may meet the requirements for appointment of a guardian pursuant to chapter 744, or a guardian advocate pursuant to s.393.12. This meeting is held with a team of people to review all information gathered and suggest what type of guardian is needed. The staffing is required to be set within 90 days of the youth's 17th birthday. The following provides an overview of the steps that will need to be taken for youth identified as needing a Regis Little MDT staffing:

1. The case is referred to the assigned county Youth Services Manager, who will work with the Director of Independent Living to schedule a Regis Little Staffing (RL MDT). Case Management provides contact information for all applicable parties listed below, who will be invited to participate in the MDT.
 - a. The youth (if appropriate)
 - b. The caregiver(s)
 - c. Guardian ad Litem

- d. Assigned CLS Attorney
 - e. Attorney ad Litem
 - f. Parent (if appropriate)
 - g. Therapist
2. Case Management will provide the Youth Services team with a copy of the child's most recent psychoeducation evaluation. If a psychoeducation evaluation has not been completed, or if it is older than 24 months, case management will work with the FPOCF Utilization Management team to schedule an evaluation. The Regis Little MDT can be conducted without a recent psychoeducational evaluation; however, if the evaluation provides any additional information on the youth diagnosis or level of functioning, a subsequent staffing should be held. Ideally, all parties providing a recommendation during the Regis Little MDT should have an opportunity to review the psychoeducational evaluation before making a recommendation.
3. The MDT team considers the youth's intellectual and/or developmental disability, mental health diagnosis, physical health concerns, substance abuse history and assets/property to make a recommendation on the level of support the youth will need once they turn 18.
4. The Regis Little MDT staffing form is filed with the court. If the recommendation is for the appointment of a full/limited guardian or guardian advocate, case management will request a Good Faith order at the next scheduled Judicial Review
5. If the dependency court agrees with the recommendation of the Regis Little MDT and enters a Good Faith order, case management will start to identify potential guardians through:
 - a. a family finder search;
 - b. an extensive family tree activity with the youth or close family member;
 - c. file mining
6. If no potential guardian is identified through the efforts listed above, a referral will be submitted to the local Office of Public Guardianship. This referral should be submitted to the public guardianship office that serves the county that the youth will be residing in as an adult.
7. Income and resources considerations – in addition to the actions listed above, for any youth who has been recommended for a guardian or guardian advocate, case management will work with Family Partnerships of Central Florida to ensure that complete, timely and error free applications for Social Security Disability (SSI) benefits and Agency for Persons with Disabilities (APD) are submitted.
8. The Youth Services team (Youth Services Manager and Director of IL) will assist with securing an attorney to help with filing the guardianship once a guardian/guardian advocate has been identified, and the Regis Little MDT has occurred.

Prior to the 17-year-old Judicial Review

An updated case plan is required when a youth is believed to need the appointment of some type of guardian/guardian advocate, prior to the 17-year-old Judicial Review (JR).

1. The DCM will develop an updated case plan in a face-to-face conference with the youth, if appropriate; the youth's attorney; any court-appointed guardian ad litem; the temporary custodian of the youth; and the parent, if the parent's rights have not been terminated.
 - a. This face-to-face conference will occur at a Youth Team Meeting set by the Youth Services Manager (YSM).
 - b. The updated case plan will include specific information related to the independent living skills that the child has acquired since the later of a child's 13th birthday or entry into care.
 - c. The updated transition plan and updated case plan will be submitted prior to the child's 17-year-old JR by the DCM.

B. At the 17-year-old Judicial Review

At the 17-year-old JR, the court must determine whether there is a good faith basis to believe that the child qualifies for appointment of some type of guardian/guardian advocate and that no less restrictive decision-making assistance will meet the child's needs.

1. The Court will determine that upon review of:
 - a. Judicial Review Report
 - b. Transition Plan
 - c. Tool Kit
 - d. Regis Little MDT Report
 - e. Updated Case Plan

*All of which should have been filed prior to the 17-year-old JR.

C. When No Guardian is identified through DCM Search

On some cases, despite efforts to locate appropriate relatives or other connections the youth may have, there may be a need to locate a volunteer or professional guardian.

1. After doing an extensive search including file mining, interviewing the youth or close caregiver, GAL, and completing diligent searches through Accurint and there is still no identified person to serve as guardian/guardian advocate then a request will need to be made to the Family Partnerships of Central Florida County YSM and Family Partnerships of Central Florida Director of IL to assist in locating an alternate guardian/guardian advocate.
2. The IL Director will review the youth case to determine if the youth is appropriate to refer to the office of public guardianship. If the case is appropriate, then a referral will be submitted.

3. If there are Family Partnerships of Central Florida volunteer guardians available that are a good match to the youth, the Director of IL will notify the DCM or IL Case Manager, and an introduction will be made to start the court process through Probate Court.
 - a. The Director of IL will consult with the APD Liaison to determine the priority level of the youth on the list compared to other youth waiting for a guardian/guardian advocate assignment.
 - Several factors will be considered to determine the order in which the youth will be matched with an alternate guardian/ guardian advocate including: the need of the youth, the age of the youth, where the youth is living, whether the youth is on the APD waiver, etc.
4. Family Partnerships of Central Florida has a relationship with Guardianship Attorneys that are committed to assisting volunteer guardians with the legal aspect of the guardianship if a guardian is found through natural connection or through a Family Partnerships of Central Florida volunteer.
 - a. If a new guardian/guardian advocate volunteer is available to Family Partnerships of Central Florida, the Director of IL and the APD Liaison will review the list of youth that have submitted a request to locate an alternate guardian/guardian advocate to determine which youth will be assigned the newly identified guardian/guardian advocate.

D. Assignment of Guardianship Attorney

Once a Guardian or Guardian Advocate is identified and matched with a youth, the YSM will request Family Partnerships of Central Florida approved guardianship attorney from the Director of IL. If the guardian/guardian advocate is chosen from the alternate guardian/guardian advocate referrals, the Director of IL will notify the DCM and YSM that the request has been sent to a Family Partnerships of Central Florida Guardianship Attorney.

1. The DCM should provide the YSM and the Director of IL with the following information once a guardian/guardian advocate is identified
 - a. All necessary documents from the Regis Little MDT report, including the evaluations completed within the past two years and the Transition Plan.
 - b. Demographics of prospective guardians.
2. The Guardianship Attorney that is assigned will make contact with the prospective Guardian/guardian advocates for signatures on court documents. The Guardianship Attorney will file those documents in the probate court.
3. The guardianship attorney will communicate with the Director of Independent Living on the status of the case and filing of the documents.
4. If a guardian advocate is requested, the guardianship attorney may assist the

petitioner with filing in the county where the youth reside if youth does not own property. If the youth does own property, the guardianship attorney must file for the prospective guardian.

E. Proceedings for Guardianship

1. Any proceedings seeking appointment of a guardian advocate or a determination of incapacity and the appointment of a guardian must be conducted in a separate proceeding in the court division with jurisdiction over guardianship matters and pursuant to chapter 744. The progress of this separate proceeding will need to be reported to the juvenile court.
2. Proceedings may be initiated within 180 days after the youth's 17th birthday for the appointment of a guardian advocate, plenary guardian, or limited guardian for the youth in a separate proceeding in the court division with jurisdiction over guardianship matters and pursuant to chapter 744. The Legislature encourages the use of pro bono representation to initiate proceedings under this section.
3. In the event another interested party or participant initiates proceedings for the appointment of a guardian advocate, plenary guardian, or limited guardian for the child, the department shall provide all necessary documentation and information to the petitioner to complete a petition under s.393.12 or chapter 744 within 45 days after the first judicial review hearing after the youth's 17th birthday.

Reference

*FL Statute 39.701 (3)(a): The department shall complete a multidisciplinary report which must include, but is not limited to, a psychosocial evaluation, and education report if such report has not been completed within the previous two years. (b) The department shall identify one or more individuals who are willing to serve as a guardian advocate pursuant to s. 393.12 or as a plenary or limited guardian pursuant to chapter 744. Any other **interested parties or participants** may make efforts to identify such a guardian advocate, limited guardian or plenary guardian.*

BY DIRECTION OF THE PRESIDENT AND
CHIEF EXECUTIVE OFFICER:



PHILIP J. SCARPELLI
President and Chief Executive Officer

Family Partnerships of Central Florida

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