

INDIAN RIVER COUNTY
PROBATE MEMORANDUM
VICTORIA L. GRIFFIN, CIRCUIT JUDGE
EFFECTIVE JANUARY 9, 2023

Judicial Assistant: Jylene Magdaleno
E-mail / E-Service Address: IRCJudge5@Circuit19.org
Indian River County Courthouse
2000 16th Avenue
Vero Beach, FL 32960
Courtroom 8
Telephone: (772) 226-3382



**PLEASE REVIEW THIS MEMORANDUM AND THE INFORMATION PROVIDED ON JUDGE
GRIFFIN'S WEBPAGE PRIOR TO CONTACTING THE JUDGE'S OFFICE.**

EX-PARTE COMMUNICATION: Please do not ask the Judicial Assistant or other Court personnel to communicate any message to the Judge as this is *ex-parte* communication. All communication with the Court shall be in open Court with all parties present, in writing or by email copied to opposing counsel/party, and/or filed with the Clerk. ***This office can best respond to all communications via e-mail.***

The email address for submitting **ALL PROBATE (CP) checklists, petitions/motions, proposed orders, and letters of administration** is ProbateIRC@circuit19.org.

DO NOT SUBMIT GUARDIANSHIP MATTERS TO ProbateIRC@circuit19.org.

The probate case managers do not process guardianship matters.

Please review the GUARDIANSHIP MEMORANDUM FOR MORE INFORMATION.

Submissions are reviewed and processed by the probate case managers in the order received. You will be notified by the case managers when your submission has been sent to the judge for review. If additional information is needed, the case managers will follow up by e-mail. Please allow time for the case managers and the Court to review and finalize probate submissions. Currently, the probate division is experiencing a high volume of submissions.

When following up on the status of a submission/order, please contact the case managers at ProbateIRC@circuit19.org. Please respond to or forward the original submission to the case managers to avoid confusion. DO NOT RESUBMIT PLEADINGS IN A NEW E-MAIL UNLESS OTHERWISE ADVISED BY THE CASE MANAGERS TO DO SO.

DO NOT CALL THE JUDICIAL ASSISTANT TO CHECK ON THE STATUS OF YOUR ORDERS.

If a submission is urgent, please indicate "**EMERGENCY**" or "**URGENT**" in the subject line and include additional information as to the urgency. If urgency is not indicated in the subject line or body of the e-mail, the submission will be processed in the order it was received.

DO NOT SUBMIT HARD COPIES OF PROPOSED ORDERS/LETTERS TO THE JUDGE OR SUBMIT PROPOSED ORDERS/LETTERS THROUGH THE E-PORTAL. YOU MUST SUBMIT YOUR PLEADING(S) TO THE PROBATE CASE MANAGERS, VIA EMAIL, FOR PROCESSING.

HEARING REQUESTS must be submitted, via e-mail, to the Judicial Assistant at IRCJudge5@circuit19.org with a copy of your E-FILED motion/petition, amount of time needed, and include all parties involved in your case. *Available hearing dates will be provided by the judicial assistant. Please note that hearing requests are addressed in the order received.*

ALL HEARING PACKETS FOR SCHEDULED PROBATE HEARINGS MUST BE SUBMITTED TO IRCJUDGE5@CIRCUIT19.ORG. DO NOT SUBMIT HEARING PACKETS TO THE CASE MANAGERS. FAILURE TO SUBMIT THE HEARING PACKET BY THE SPECIFIED DATE WILL RESULT IN YOUR HEARING BEING STRICKEN FROM THE COURT'S DOCKET AND WILL NEED TO BE RESCHEDULED FOR A LATER DATE.

PRO SE/SELF-REPRESENTED PARTIES:

Petitioners and/or Respondents without an attorney are "pro se." All pro se cases are handled by a case manager. Pro se litigants may inquire as to the status of their case only by email at ProbatelRC@Circuit19.org. Please do not contact the Judge's office for pro se matters. ***You will be automatically referred to the probate case managers.***

PROBATE DIVISION PROCEDURES:

Checklists are required for both Opening and Closing Estates. The checklists are posted on Judge Griffin's web page under "FORMS" on www.circuit19.org. PLEASE NOTE THAT THERE IS NO CHECKLIST FOR HOMESTEAD PETITIONS.

1. Opening a Formal Estate;
2. Closing a Formal Estate (Discharge);
3. Summary Administration; and
4. Disposition of Personal Property with Administration

Attorneys must verify completion and correctness of the Checklists by personal signature. No signature stamps are allowed. Once the checklist is complete, the attorney's office shall submit via email only to the probate case managers at ProbatelRC@circuit19.org:

1. Completed checklist;
2. Proposed Order(s) and Letters in WORD format. All proposed orders must be filled out completely; and
3. A description of the documents being provided, as well as the action you wish to be taken.

WHEN A BOND IS REQUIRED: An appropriate bond will be required on all estates with a foreign personal representative regardless of waiver in the Will. Cash bonds may be deposited with the Clerk of Court with the applicable registry fee. Please contact the Clerk of Court, Probate Division for information. The original Surety Bond must be delivered to the Clerk of Court after your client has signed the Bond. The Clerk will forward the Bond to Judge Griffin for signature and e-filing. Your copy of Letters will be provided by eservice. Certified copies may be obtained from the Clerk of Court.

ORIGINAL DOCUMENTS AND MONIES ARE NOT TO BE SENT DIRECTLY TO THE JUDGE'S OFFICE, AND THE JUDGE'S OFFICE TAKES NO RESPONSIBILITY FOR SUCH ITEMS. DOCUMENTS ARE TO BE FILED WITH THE CLERK OF COURT, PROBATE AND GUARDIANSHIP DIVISION. Please visit the Clerk of Court webpage for more information: [Probate and Guardianship – Indian River Clerk of the Circuit Court & Comptroller](#)

All court filings and proposed orders MUST contain proper address certification—i.e. the FULL address of ALL parties or email address where the motion was served (or order will be served.) "I certify that a copy of the foregoing was emailed to all parties through the e- service portal" is NOT sufficient. Likewise, listing a party on the order "cc:" without listing the address is insufficient. If the party does not have an e-service address, then the moving party will be required to mail a copy of the court filing or order to that party.

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The e-mail address for submitting **ALL GUARDIANSHIP (GA)** motions/petitions, proposed orders, hearing requests, and hearing packets for scheduled hearings is IRCJudge5@Circuit19.org.

DO NOT SUBMIT GUARDIANSHIP MATTERS TO ProbateIRC@Circuit19.org.

The probate case managers do not process guardianship matters.

Submissions are processed in the order received. Orders are entered at the Court's earliest opportunity. If additional information is needed, the Court will follow up by e-mail. When following up on a submission, please respond to or forward the original submission to avoid confusion. DO NOT RE-SUBMIT PLEADINGS IN A NEW E-MAIL UNLESS OTHERWISE ADVISED BY THE COURT TO DO SO.

If a submission is urgent, please indicate "**EMERGENCY**" or "**URGENT**" in the subject line and include additional information as to the urgency. If urgency is not indicated in the subject line or body of the e-mail, the submission will be processed in the order it was received.

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HEARING REQUESTS must be submitted, via e-mail, to IRCJudge5@circuit19.org with a copy of your E-FILED motion/petition, amount of time needed, and include all parties involved in your case. *Available hearing dates will be provided by the judicial assistant. Please note that hearing requests are handled in the order they are received.* **ALL HEARING PACKETS MUST BE SUBMITTED TO IRCJUDGE5@CIRCUIT19.ORG.**

PETITIONS TO DETERMINE INCAPACITY AND PETITIONS FOR GUARDIAN ADVOCACY

Petitions and proposed orders must be submitted, via email, to IRCJudge5@circuit19.org. The subject line of your email should contain the word "**EMERGENCY**" OR "**URGENT**" for quick processing. (e.g. "*Subject: EMERGENCY: Jane Doe 2023GA0000XX, Petition to Determine Incapacity*"). **Proposed orders appointing counsel and appointing examining committee members are located on Judge Griffin's webpage under "FORMS".**

INDIGENCY STATUS AND APPOINTMENT OF COUNSEL

For the Court to determine who shall be appointed to represent the AIP/DDA, an Application to Determine Indigency Status MUST be submitted to the Clerk of Court at the time of filing. Once a determination has been made, please submit the appropriate proposed order appointing counsel from the wheel (if not indigent) or proposed order appointing the Office of Regional Conflict Counsel (if found indigent). Both proposed orders are located on the Court's webpage under "FORMS."

If no application is filed at the time of filing, the Court will enter an Order Appointing the Office of Regional Conflict Counsel FIRST. If the AIP/DDA is found not indigent, a Motion to Withdraw must be filed and the Court will enter an Order Appointing Counsel from the registry wheel.

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GUARDIANSHIP DIVISION PROCEDURES

- **INCAPACITY PROCEEDINGS:**

Submit the following in WORD format via e-mail to IRCJudge5@circuit19.org:

1. Notice of Petition to Determine Incapacity;
2. Order Appointing Attorney/Elisor OR¹
Order Appointing the Office of Regional Conflict Counsel; and
3. Order Appointing Examining Committee.²

If there is information on the proposed orders that can be filled in by your office, please do so before submitting them to the Court, including case number(s) and e-mail service addresses. Do not include Certificate of Service by the Clerk.

- **EXAMINING COMMITTEE FEES:**

Pursuant to Administrative Order 2017-06 in RE: Order for Compensation of Examining Committee, this office will only accept the Order for Compensation of Examining Committee posted under "Forms" on Judge Griffin's webpage on www.circuit19.org. This order must be sent within five (5) days after the hearing for incapacity is held. Concerning payment of Examining Committee Fees where the Ward has been found *indigent*, these fees are preset and must be as follows:

Physicians	\$350.00
Psychologists	\$250.00
Lay People	\$125.00

¹ See "Indigency status and appointment of counsel" to determine the appropriate order to submit to the Court.

² All committee members approved for the county are listed on the Order Appointing Examining Committee. The Court will appoint the examining committee members upon receipt of the proposed order.