

SETTLEMENTS ON BEHALF OF MINORS AND WARDS

MINORS - NO EXISTING GUARDIANSHIP IN PLACE				
Gross Settlement to All Parties	Net Settlement to Minor or Ward	Court Order Necessary to Approve Settlement?	Legal Guardianship Required?	Guardian Ad Litem Required?
< \$15,000	< \$15,000	<p><u>Wrongful Death</u> Yes, if post-suit</p> <p><u>Other Cases Pre-suit</u> No</p> <p><u>Other Cases Post-Suit</u> No</p> <p><i>Fla. Stat. 768.25</i> <i>Fla. Stat. 744.301</i> <i>Fla. Stat. 744.387(2)</i></p>	No	No
> \$15,000 & < \$50,000	< \$15,000	<p><u>Wrongful Death</u> Yes, if post-suit</p> <p><u>Other Cases Pre-suit</u> Yes if ad litem appointed</p> <p><u>Other Cases Post-Suit</u> Yes if ad litem appointed</p> <p><i>Fla. Stat. 768.25</i> <i>Fla. Stat. 744.301</i> <i>Fla. Stat. 744.387(2)</i> <i>Fla. Stat. 744.387(3)(a)</i></p>	No	Discretion of Court
> \$15,000 & < \$50,000	> \$15,000	<p>Yes</p> <p><i>Fla. Stat. 744.387</i> <i>Fla. Stat. 744.3025</i> <i>Fla. Stat. 768.25</i></p>	Yes	No, if Guardian has no potential adverse interest. Otherwise discretion of Court
≥ \$50,000	≤ \$15,000	<p><u>Wrongful Death</u> Yes, if post-suit</p> <p><u>Other Cases Pre-suit</u> Yes</p> <p><u>Other Cases Post-Suit</u> Yes</p> <p><i>Fla. Stat. 744.301</i> <i>Fla. Stat. 744.387(2)</i> <i>Fla. Stat. 768.25</i></p>	No	Yes
≥ \$50,000	> \$15,000	<p>Yes</p> <p><i>Fla. Stat. 744.387</i> <i>Fla. Stat. 744.3025</i> <i>Fla. Stat. 768.25</i></p>	Yes	No, if Guardian has no potential adverse interest. Otherwise discretion of Court.

PRESUIT – GUARDIANSHIP IN PLACE (MINOR OR ADULT WARD)			
Settlement Amount	Court Approval Required to Retain Attorney? ¹	Court Order Necessary to Approve Settlement?	Guardian Ad Litem Required?
All Amounts	Yes, Guardianship Court approval required for attorney contract <i>Fla. Stat. 744.441(1)</i>	Within discretion of Court <i>Fla. Stat. 744.387(1)</i>	Only if conflict of interest between guardian and ward <i>Fla. Stat. 744.3025</i>
POST SUIT - GUARDIANSHIP IN PLACE (MINOR OR ADULT WARD)			
Settlement Amount	Court Approval Required to Retain Attorney?	Court Order Necessary to Approve Settlement?	Guardian Ad Litem Required?
All Amounts	Yes, Guardianship Court approval required for attorney contract <i>Fla. Stat. 744.441(1)</i>	Yes, by Judge handling lawsuit <i>Fla. Stat. 744.387(3)(a)</i>	Only if conflict of interest between guardian and ward <i>Fla. Stat. 744.3025</i>

¹ When there is no guardianship in place, natural guardian or next of friend is not required to seek court approval for attorney contract. *Stinson v. Geico Ins. Co. (In re Deily)*, 37 So. 3d 277 (Fla. 2d DCA 2010); *see also* Fla. R. Civ. P. 1.210(b) (minor or incompetent person who does not have a duly appointed representative may sue by next friend or by a guardian ad litem)