

**SETTLEMENTS ON BEHALF OF MINORS AND WARDS**

<b>MINORS - NO EXISTING GUARDIANSHIP IN PLACE</b>				
<b>Gross Settlement to All Parties</b>	<b>Net Settlement to Minor or Ward</b>	<b>Court Order Necessary to Approve Settlement?</b>	<b>Legal Guardianship Required?</b>	<b>Guardian Ad Litem Required?</b>
< \$15,000	< \$15,000	<p><b><u>Wrongful Death</u></b> Yes, if post-suit</p> <p><b><u>Other Cases Pre-suit</u></b> No</p> <p><b><u>Other Cases Post-Suit</u></b> 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><b><u>Wrongful Death</u></b> Yes, if post-suit</p> <p><b><u>Other Cases Pre-suit</u></b> Yes if ad litem appointed</p> <p><b><u>Other Cases Post-Suit</u></b> 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><b><u>Wrongful Death</u></b> Yes, if post-suit</p> <p><b><u>Other Cases Pre-suit</u></b> Yes</p> <p><b><u>Other Cases Post-Suit</u></b> 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.

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<b>PRESUIT – GUARDIANSHIP IN PLACE (MINOR OR ADULT WARD)</b>			
<b>Settlement Amount</b>	<b>Court Approval Required to Retain Attorney? <sup>1</sup></b>	<b>Court Order Necessary to Approve Settlement?</b>	<b>Guardian Ad Litem Required?</b>
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>
<b>POST SUIT - GUARDIANSHIP IN PLACE (MINOR OR ADULT WARD)</b>			
<b>Settlement Amount</b>	<b>Court Approval Required to Retain Attorney?</b>	<b>Court Order Necessary to Approve Settlement?</b>	<b>Guardian Ad Litem Required?</b>
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>

<sup>1</sup> When there is no guardianship in place, natural guardian or next of friend is not required to seek court approval for attorney contract. (*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)

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