

CIVIL ACTIONS TO APPROVE MINOR SETTLEMENTS

NET SETTLEMENT MORE THAN \$15,000

As required by F.S. 744.387, if the net settlement payable to the minor exceeds \$15,000, a separate guardianship proceeding must be opened to accept the minor's settlement proceeds. Even if the settlement distribution contemplates that the minor's share will be used to purchase an annuity with no money paid until the minor reaches the age of majority, a separate guardianship must be opened and the annuity must be held by the guardian. (Without a guardianship, parents have the ability to sell or cash in the annuity before the minor becomes an adult.)

As required by F.S. 744.3025, if the gross settlement (and not just the minor's proposed share) is \$50,000 or more, a guardian ad litem must be appointed for the minor. If the gross settlement (and not just the minor's proposed net share) is \$15,000 or more, as a matter of discretion, the court will require the appointment of a guardian ad litem.

The matter can be heard on the court's Uniform Motion Calendar if no one is objecting to the proposed settlement or proposed distribution of the settlement.

NET SETTLEMENT \$15,000 OR LESS

The court will not require a separate guardianship to be opened, and the court will not require the appointment of a guardian ad litem, but the court will require the net proceeds payable to the minor to be deposited into a restricted depository account requiring court approval before distributions can be made prior to the minor's 18th birthday.

The matter can be heard on the court's Uniform Motion Calendar if no one is objecting to the proposed settlement or proposed distribution of the settlement.