

# MIAMI COUNTY PROBATE COURT

(www.co.miami.oh.us)

## GUARDIANSHIP OF INCOMPETENT CHECKLIST

- Forms must be typewritten or printed in ink
- There may be additional requirements based upon the specific circumstances in the case

### INITIAL FILINGS / REQUIREMENTS

- \_\_\_ Shall deposit with the Court for safekeeping any and all original Wills and Codicils of the ward (RC 2107.07, Local Rule 66.10)
- \_\_\_ Courts costs paid at time of filing (Local Rule 58.1) or **Affidavit of Poverty**
- \_\_\_ **Social Security Number Form**
- \_\_\_ **Authorization to Release Information**, (Local Rule 66.05 (A), SupR 66.05 (A)), criminal background check.
- \_\_\_ **Notice of Educational Requirement of Guardians**
- \_\_\_ **Form 17.0 - Application for Appointment of Guardian of Alleged Incompetent** (RC 2111.03)
  - \_\_\_ Ward must be a resident of/or has legal settlement in this county (RC 2111.021)
  - \_\_\_ Entire form / complete addresses and appropriate boxes must be completed
  - \_\_\_ Whole estate section completed including other annual income (specify)
- \_\_\_ **Form 15.0 - Next of Kin of Proposed Ward** (RC 2111.03)
- \_\_\_ **Form 15.01 - Judgment Entry Setting Hearing on Application for Appointment of Guardian**
- \_\_\_ **Form 15.1 - Waiver of Notice & Consent** (for those living in Ohio only) (RC 2111.04)
- \_\_\_ **Form 15.2 - Fiduciary Acceptance - Guardian** (RC 2109.02, 22111.14, 2111.15)
- \_\_\_ **Form 17.1 - Statement of Expert Evaluation** (RC 2111.49, SupR 66)
  - \_\_\_ Entire form / appropriate boxes must be completed
  - \_\_\_ Must be legible
- \_\_\_ **Form 17.3 - Notice to Prospective Ward of Application and Hearing** (RC 2111.04, 2111.041),
  - \_\_\_ If Ward is in a facility, notice needs to list Ward & Administrator
  - \_\_\_ Form 17.3 will be personally served by court investigator and facility administrator (CivR 4.2 (C), (E))
  - \_\_\_ Investigation Information Sheet
- \_\_\_ **Attention Adult Guardian Applicants** - to be filed if the prospective ward is physically located in another place other than their residence.
- \_\_\_ **Form 17.4 - Notice of Hearing for Appointment of Guardian of Alleged Incompetent Person** (to Spouse and Known Next of Kin (RC 2111.04)

### HEARING REQUIREMENTS: (Forms to be filed with Initial Filings)

- \_\_\_ **Guardianship Time Table**
- \_\_\_ **Form 15.3 - Guardian's Bond** (RC 2109.04)
- \_\_\_ **Form 15.9 - Oath of Guardian** (RC 2111.02)
- \_\_\_ **Form 17.5 - Judgment Entry - Appointment of Guardian for Incompetent Person** (RC 2111.02)
- \_\_\_ **Form 15.4 - Letters of Guardianship** (RC 2111.02)

## PROCEEDING GUARDIAN'S APPOINTMENT

### DEPOSIT OF LIST OF IMPORTANT LEGAL DOCUMENTS

#### List of Important Legal Documents, (RC 2107.07, Local Rule 66.08 (L))

- Within three months after appointment (may be filed with initial documents), Guardian shall file a list of all of the ward's important legal papers, including but not limited to estate planning documents, advance directives, and powers of attorney, and the location of such legal papers, if known at the time of filing.

### EDUCATIONAL REQUIREMENTS

#### Successfully complete a six-hour guardian fundamentals course, (Local Rule 66.06, SupR 66.06 (A),(B)) - To be completed at the time of appointment or within six months thereafter.

- File with the Court documentation of compliance for fundamentals course.
- Exempt from requirement those guardians who are related to the ward by consanguinity (a blood relationship) or affinity (kinship by marriage) and are not receiving compensation for being a guardian and at no time will receive compensation for being a guardian.

#### Successfully complete and annual guardian continuing education course, at least 3 hours in length, (Local Rule 66.07, SupR 66.07 (A), (B), (C))

- File with the Court on or before January 1st of each year, documentation of compliance with continuing education course.
- Exempt from requirement those guardians who are related to the ward by consanguinity (a blood relationship) or affinity (kinship by marriage) and are not receiving compensation for being a guardian and who at no time will receive compensation for being a guardian.

### ANNUAL PLAN

- Annual Guardianship Plan, (Local Rule 66.08, SupR 66.08 (G)) - Annually file a plan which states the guardian's goals for meeting the ward's personal and financial needs.
  - May be filed with initial documents

### CHANGE OF ADDRESS

- Guardianship - Change of Address Form, (Local Rule 66.08, SupR 66.08 (E) (1)) - to be filed whenever the ward or guardian has a change of address.
- Petition to Change the Ward's Residence, (Local Rule 66.08, SupR 66.08 (E)(1),(2)) - to be filed if the ward's move is out of county or to a more restrictive setting.

### ANNUAL REGISTRATION

- Multi-Guardian Annual Registration, (Local Rule 66.05(B), SupR 66.08 (H)) - to be filed if Guardian has 10 or more wards.

## GUARDIAN'S INVENTORY

- \_\_\_ **Form 15.5 - Guardian's Inventory**, due within 3 months after appointment (RC 2111.14)
  - \_\_\_ Signed by fiduciary(s)

## APPLICATION TO RELEASE / EXPEND FUNDS

- \_\_\_ **Form 15.6 - Application to Release Funds to Guardian / Order**
  - \_\_\_ Signed by fiduciary(s)
- \_\_\_ **Form 15.7 - Application for Authority to Expend Funds / Order**
  - \_\_\_ Signed by fiduciary(s)
  - \_\_\_ Inventory must be filed before expenditure will be approved (SupR 66)
- \_\_\_ Except as provided in RC 2111.131, no part of ward's estate shall be used for support, maintenance or education of ward unless ordered and approved by Court (RC 2111.13)

## GUARDIAN'S REPORT

- \_\_\_ Court costs to be paid (Local Rule 58.1)
- \_\_\_ **Form 17.7 - Guardian's Report** (Report is due two years after the date of the issuance of the guardian's letters of appointment and biennially (every two years) after that time (RC2111.49)
  - \_\_\_ Entire form / appropriate boxes must be completed
  - \_\_\_ Signed by fiduciary(s)
- \_\_\_ **Form 17.1 - Statement of Expert Evaluation** - to be attached to / filed simultaneously with Guardian's Report (SupR 66, RC 2111.49)
  - \_\_\_ Entire form / appropriate boxes must be completed
  - \_\_\_ Must be legible

## GUARDIAN'S ACCOUNT

- \_\_\_ **Form 15.8 - Guardian's Account**, due every 2 years, unless otherwise ordered by Court (RC 2109.302)
  - \_\_\_ Costs must be paid at the time of filing an account (Local Rule 58.1)
  - \_\_\_ All disbursements must list the approval date of the application to expend funds (Local Rule 64.1 (A))
  - \_\_\_ All disbursements shall be identified by consecutive numbers and all vouchers shall be presented in the same consecutive order (local Rule 64.1 A))
  - \_\_\_ All disbursements that are not self-explanatory shall identify what the expenditure is for
  - \_\_\_ Beginning balance from inventory or previous account
  - \_\_\_ Calculations / totals must be correct
  - \_\_\_ Must have signature of both Attorney and Guardian
- \_\_\_ **Form 45D - Confidential Disclosure of Personal Identifiers**
- \_\_\_ **Form 15.81 - Certified Bank Certificate** (RC 2109.302)
- \_\_\_ **Bond Sufficiency Form**
  - \_\_\_ Additional Bond to be filed, if required
- \_\_\_ **Guardian Fee Computation** (Local Rule 73.1)
  - \_\_\_ To be completed and signed, even if waived (Local Rule 64.1(D))

**COUNSEL / GUARDIAN FEES**

- \_\_\_ See guidelines on file in Court (Local Rule 73.1 (A))
- \_\_\_ Applications for approval of counsel fees and / or guardian fees in a guardianship shall be filed preceding or simultaneous with the filing of a Partial Account or Final Account, to ensure the frequency of the filing of an application at least every year or every two years.

**EXTENSION OF TIME**

- \_\_\_ Application to extend time to file inventory or account shall not be granted unless fiduciary(s) has signed the application (SupR 78)

**TERMINATION OF GUARDIANSHIP**

- \_\_\_ Courts costs paid at time of filing (Local Rule 58.1)
- \_\_\_ **Form 115.60 - Application to Terminate Guardianship** (RC 2111.47)
- \_\_\_ **Form 115.63 - Notice of Hearing on Application to Terminate Guardianship**
- \_\_\_ **Form 115.66 - Waiver of Notice of Hearing on Application to Terminate Guardianship**
- \_\_\_ **Form 115.62 - Entry Terminating Guardianship**
  - \_\_\_ Final Account due within 30 days of termination (RC 2109.32, see also SupR 64)
- \_\_\_ **Form 117.15 - Suggestion of Death of Ward**
- \_\_\_ Costs must be paid (Local Rule 58.1)

**SETTLEMENT OF A CLAIM**

- \_\_\_ A guardian shall seek approval from the Court before filing a suit for the ward (Local Rule 66.08, SupR 66.08 (F))
- \_\_\_ **Form 22.5 Application to Settle a Claim of an Adult Ward / Entry Setting Hearing and Ordering Notice** (RC 2111.18, SupR 69)
  - \_\_\_ All applicable attachments as indicated on Application must be attached when filed
  - \_\_\_ Notice of hearing and a copy of application to be served on anyone entitled to notice (SupR 69)
- \_\_\_ **Form 22.6 Entry Approving Settlement of a Claim of an Adult Ward**
- \_\_\_ **Form 22.7 Report of Distribution / Entry**
  - \_\_\_ To be filed within 30 days of filing of Entry Approving
  - \_\_\_ Receipts needed for all distributions

Notes \_\_\_\_\_

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Print Form