

GUARDIAN'S HANDBOOK



SUMMIT COUNTY PROBATE COURT
JUDGE ELINORE MARSH STORMER

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Summit County Probate Court

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Dear Probate Court Guardian:

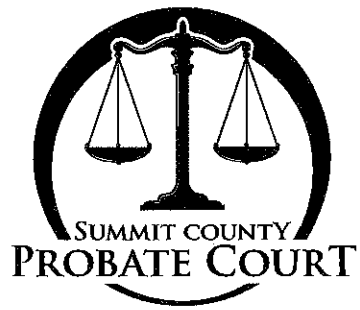
Congratulations on your decision to serve as Guardian for a Ward of the Summit County Probate Court. Your help will make a real difference to someone facing a real challenge.

You will find the Probate Court Guardian's Handbook a valuable resource to help you fulfill your duties as Guardian. While each Ward is unique, this handbook provides you with an overview of the guardianship process and your obligations to your Ward and this Court. It also contains information that will help you care for your Ward.

I invite you to access the information provided by the Court, here, on our website or in person. I take my role as "superior guardian," very seriously. As your Probate Judge, I work every day to protect those who cannot care for themselves. Your Court is dedicated to ensuring that all guardians have support and accountability. Please contact us with any questions regarding guardianship duties and responsibilities to your Ward.

Sincerely,

Elinore Marsh Stormer,
Judge, Probate Court



GUARDIAN OF THE PERSON

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GUARDIAN OF THE PERSON

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I. INTRODUCTION

A. USING THE HANDBOOK

You have been appointed Guardian because someone needs help and you are willing to lend a hand. This handbook has been written to help you carry out your duties. ***It is not a law book and should not be considered as legal authority. If you have questions about guardianship law, consult an attorney.***

B. WHAT IS A GUARDIAN?

A guardian is an individual appointed by the Probate Court to protect, make decisions for, and act for a person in need of a guardian. The person who needs a guardian is known as a ward. The reasons for a guardianship vary considerably from person to person but they generally involve physical and mental conditions that impair a person's ability to make decisions on behalf of him or herself.

A guardian of an adult ward receives Letters of Guardianship to act as a guardian after the Probate Court has determined that:

1. the proposed ward is incompetent, that is, "so mentally impaired that the person is incapable of taking proper care of the person's self or his property"; and
2. the proposed guardian is a suitable person for appointment as guardian.

C. DIFFERENCE BETWEEN A GUARDIAN AND CONSERVATOR

A guardian and conservator may be distinguished by the fact that a conservatee (the person subject to conservatorship) must be mentally competent but physically infirm, and *must consent to the need for conservator*, while a ward *need not consent*, but must be found to be incompetent and in need of a guardian.

Unless limited by the conservatee, the powers and duties of a guardian and conservator are the same. Due to this lack of difference in powers or duties, for convenience, the remainder of this *handbook refers only to guardians*. However, when referring to guardians, unless noted otherwise, the provision also applies to conservators.



D. DIFFERENCE BETWEEN A GUARDIAN AND AN AGENT UNDER A DURABLE POWER OF ATTORNEY

A person who is competent may designate someone to be his power of attorney when he becomes incompetent. If a person is deemed incompetent, he cannot appoint a power of attorney and the court must appoint someone to serve as guardian. The guardian has no authority to revoke a power of attorney. If a guardian is appointed, the guardian may seek an order from the Court to revoke the power of attorney.

II. TYPES OF GUARDIANS

The appointment and other procedures pertaining to the following guardians are the same—the difference is the authority exercised, or type of decisions made, on behalf of the ward.

A. PERSON ONLY

A guardian of the *Person Only* makes decisions of a personal nature, and provides for the personal needs of a ward. Such decisions may include living arrangements, medical decisions, and issues related to end-of-life planning.

B. ESTATE ONLY

A guardian of the *Estate Only* makes decisions of a financial nature, and manages the ward's estate. (The ward's estate includes any real property, personal property, monies, etc.) Examples would be payment of bills, taxes, and investment of a ward's excess income.

C. PERSON AND ESTATE

Quite often, decisions of the person and estate overlap. Therefore, a guardian's job is more easily managed when one person is named as guardian of both the *Person and Estate*.



D. LIMITED

A *Limited Guardian* may be appointed to perform specific duties for either a definite or an indefinite period of time. In such cases, the guardian's authority is limited to those duties only, and the ward retains full control over all other aspects of his life.

E. EMERGENCY

An Emergency Guardian may be appointed if an emergency exists in which significant injury to a prospective ward may occur unless immediate action is taken. An Emergency Guardianship lasts for 72 hours and may be extended by the Court for a period of 30 days.

III. GUARDIAN EDUCATION

Success as a guardian directly relates to a thorough understanding of a guardian's individual responsibilities. For a guardianship of the person, all guardians are required to attend a training session at the beginning of their guardianship duties. For a guardianship of the estate, you will be required to attend a training session on accounting procedures. Unless exempted by the Court, the following Pre-Appointment Education and Continuing Education requirements must be fulfilled by the guardian.

A. PRE-APPOINTMENT EDUCATION

The Court will not appoint an individual as guardian unless, at the time of appointment or within 6 months thereafter, the individual has successfully completed a six-hour guardian fundamentals course provided by the Supreme Court or another court approved provider.

Any guardian serving on June 1, 2015, or who has served as a guardian during the five years immediately prior to that date, shall have one year to complete the six-hour fundamentals course. The Court, however, may extend the time for completing the fundamentals course, or excuse the guardian from completing the course for good cause.



B. CONTINUING EDUCATION

A guardian appointed by the Court has an annual obligation to attend a three hour continuing education course by the Supreme Court or another court approved provider.

Failure to comply with the continuing education requirements will bar any new appointments and may lead to citation and removal as guardian.

IV. RESPONSIBILITIES OF GUARDIANS

As a guardian, you have a challenging duty which involves a variety of responsibilities to the Court and to the ward. The source of those responsibilities is found in Ohio law, the Rules of Superintendence, and the Local Rules of Probate Court. The following is a list of some of the guardian's most significant responsibilities, and guidelines for carrying out those responsibilities.

A. OBEY ORDERS OF THE PROBATE COURT

The Probate Court is the superior guardian of a ward. As superior guardian, the Court delegates power over the ward to the guardian. The guardian has a duty and responsibility to the Court for the exercise and use of that power. The guardian must obey all orders of the probate court establishing the guardianship and shall perform duties in accordance with local rules and state and federal law governing guardianships.

B. PROFESSIONALISM, CHARACTER, AND INTEGRITY

A guardian shall act in a manner above reproach, including but not limited to avoiding financial exploitation, sexual exploitation, and any other activity that is not in the best interest of the ward.

C. AVOID CONFLICT OF INTEREST

A guardian shall avoid actual or apparent conflicts of interest regarding a ward's personal or business affairs. A guardian shall report to the Probate Court all actual or apparent conflicts of interest for review and determination as to whether a waiver of the conflict of interest is in the best interest of the ward.



D. REPORTING ABUSE, NEGLECT, OR EXPLOITATION

A guardian must immediately report any appropriate allegations of abuse, neglect, or exploitation, of a ward to the court and to adult protective services when applicable.

E. PRE-APPOINTMENT MEETING

Unless otherwise determined by the Probate Court, an applicant for guardianship must meet with the proposed ward at least once prior to appearing before the Court for the guardianship appointment.

F. MAKE DECISIONS FOR A WARD THAT ARE IN THE WARD'S BEST INTEREST

Making decisions for a ward is a fundamental part of being a guardian. When making decisions for a ward, a guardian should:

- Base the decision on what is in the best interest of the ward.
- “Best interest” means the course of action that maximizes what is best for a ward, including consideration of the least intrusive, most normalizing, and least restrictive course of action possible given the needs of the ward.
- Never base the decision on reasons that are for the advantage or gain of the guardian or guardian’s family. Any transfer of assets to the guardian, without approval of the Court, may be considered theft and a basis for criminal prosecution.
- When making major decisions for a ward, either medical or financial, if possible, inform and discuss the decision with the ward and the ward’s family.

G. EXERCISING DUE DILIGENCE

A guardian shall exercise due diligence in making decisions that are in the best interest of a ward, including but not limited to communicating with the ward and being fully informed about the implication of the decisions.



H. LEAST RESTRICTIVE ALTERNATIVE

A guardian has a duty to make a choice or decision for a ward that best meets the needs of the ward while imposing the least limitations on the ward's rights, freedoms, or ability to control the ward's environment, unless otherwise approved by the court.

To determine the least restrictive alternative, a guardian may seek and consider an independent assessment of the ward's functional ability, health status, and care needs.

I. PERSON-CENTERED PLANNING

A guardian shall advocate for services focused on a ward's wishes and needs to reach the ward's full potential. A guardian shall strive to balance a ward's maximum independence and self-reliance with the ward's best interest.

J. WARD'S SUPPORT SYSTEM

A guardian shall strive to foster and preserve positive relationships in the ward's life unless such relationships are substantially harmful to the ward. A guardian shall be prepared to explain the reasons a particular relationship is severed and not in the ward's best interest.

K. VISITATION AND COMMUNICATION WITH YOUR WARD

A guardian shall strive to know a ward's preferences and belief system by seeking information from the ward and the ward's family and friends. Without visiting or communicating with the ward, and someone who is in close contact with the ward, a guardian will not have the knowledge necessary to diligently perform the duties and act as guardian. Frequent contact and involvement is important for a successful guardianship.

A GUARDIAN SHALL DO ALL OF THE FOLLOWING:

- Meet with the ward as needed, but not less than quarterly or as determined by the Probate Court;
- Communicate privately with the ward;

- Assess the ward's physical and mental conditions and limitations;
- Assess the appropriateness of the ward's current living conditions;
- Assess the need for additional services;
- Notify the Court if the ward's level of care is not being met; and
- Document any complaints made by the ward and assess the need to report the complaints to the Probate Court.

1. HELPFUL HINTS FOR VISITING YOUR WARD

It is often difficult to see someone you care about go through the changes that aging sometimes brings—forgetfulness, anxiety, infirmity, and agitation, to name a few. As the guardian, you need to remember that it is still important to visit and communicate with your ward as much as possible. In order to help make these visits easier and more enjoyable, we have compiled some suggestions to put both you and your ward at ease.

Most of the following suggestions are directed to those adults who are residing in an extended care facility; however, many of the suggestions will help with visits for adults who are living in the community.

2. ARRANGING VISITS

Here are a few hints that might help on arranging your visit to see your ward in an extended care facility:

- Call ahead of time and find out when is the best time to visit.
- Do not hesitate to just “pop in” for a visit. That is often the best way to assure that your ward is receiving proper care.
- Bring a smile and a positive attitude. If you are supportive, it can help the ward. If something is amiss, do not dwell on it, but report it promptly to the staff so it can be corrected.

- Plan a short visit. A visit of 30 minutes or less is fine. It is not the length of time you stay, but the fact that you visit.
- Bring something to share or do to help pass the time. If your ward likes to garden, bring a book or magazine of flowers. If your ward enjoys cars or sports, bring the latest issue of a popular magazine to share and talk about.
- Consider visiting at lunch time. Bring your lunch and eat with your ward. If the ward is not on a restricted diet, bring in lunch for your ward. It always makes you feel better to have some “comfort food.” Share it with your ward, but consult the staff first to assure that it will not interfere with the ward’s dietary needs.

3. CONVERSATION STARTERS

It is often difficult to know what to talk about, especially if your ward has communication problems. However, there are many ways to have a great visit.

- Before the visit, call a friend or family member of the ward and find out what they have been doing and share the updated information with your ward.
- Talk about children in the family, how they are doing in school, and their accomplishments or events.
- Reminisce about past family events.
- Ask about favorite foods, music, holidays, restaurants, actors, or places.
- Talk about recent events in the news, “feel good stories,” or what you watched on television.

The visit is important, the conversation is good, but it can be a good visit to just sit together and enjoy the moment.

4. WHEN YOU VISIT

When you are just stopping by to say hello and do not have time for a longer visit, these are some suggestions for 15 to 30 minute visits:

- Read a story from the newspaper

- Share a snack (make sure it is allowed in their diet)
- Recap the news of the day
- Take the ward to visit another friend in the facility
- Assist the person in phoning a friend or sending a note

If you visit your ward often, you may want to make a special bag to take with you to the facility. This can help you prepare for the visit and provide fun activities for your time together. Some items that can be carried in this bag are: snacks, a photo album, magazine, books, games, a deck of cards, music or books on tape, hand lotion, a craft item, cards or stationery, and something for you to do if you are waiting for the person to finish an activity.

5. TAKING THE WARD OUT OF THE FACILITY FOR A VISIT

If the ward is physically able, it is often beneficial to have a visit away from the facility. You know how you feel after being cooped up for several days in your home. The ward feels the same way. However, there are some procedures you should be aware of before taking your ward from the facility.

Before leaving the building with the ward, it is your responsibility to know any dietary restrictions, safety precautions, special assistance needed and medications that need to be taken while out of the facility. Make sure the weather conditions are favorable and know the person's endurance level. Make sure they are signed out and signed back in when you return. Have a plan and phone numbers in case an emergency arises. Keep the visit simple—go for a meal or a scenic drive.

6. COMMUNICATION AND MEMORY IMPAIRMENTS

Many of the wards will have communication and memory impairments. Remember to keep it simple when communicating. Try asking questions that require only a yes or no answer, a nod or a hand squeeze. You can talk about subjects that interest the ward and include the ward in the conversation. If the ward is confused and has difficulty understanding, try some of the following suggestions:

- Be patient
- When you come to visit, say “Hi, it’s _____”

- Visit in a quiet area
- Utilize simple vocabulary and short sentences—avoid “baby talk”
- Be aware and sensitive to their body language and facial expressions
- Give instructions one step at a time
- Ask yes/no questions
- Ask simple choice questions
- Allow enough time for the person to respond, even if it takes a few minutes
- If they are having difficulty with word recall, encourage them to point to or describe the object
- Do not change conversation topics too frequently
- Use gestures to help them understand what you are saying
- If you cannot understand what they are trying to communicate, make a caring comment such as: “I wish I could understand what you said” or “Let’s try again later” or “This must be frustrating for you.”

7. VISITING A WARD WHO HAS LIMITED OR NO RESPONSE

It can be difficult to visit with a ward who is unable to communicate or move about during the visit. You may be visiting with a person who remains in bed or in a reclined chair most of the day. Your time with them is still important. You can simply talk about your day, tell a story that they would appreciate, play some music, or read familiar books.

8. GIVING GIFTS TO THE WARD

In many care facilities, secure storage space is at a premium and personal items can be misplaced. Here are some ideas for simple gifts to bring to brighten up the ward’s day:



- Special pillow
- Lap blanket, throw, or handmade quilt
- Something comforting to hold
- Subscription to local newspaper or magazine
- Book of word puzzles
- Addressed, postage-paid stationery or post cards to family and friends
- Crafts made by the grandchildren
- Bag for the wheelchair or walker to carry personal items
- Picture frames for displaying photos

L. INFORMATION A GUARDIAN MUST REPORT TO PROBATE COURT

A guardian must keep the Court informed as to the progress of the ward and guardianship. To fulfill that responsibility, a guardian must provide the Court, *on a timely basis*, all reports, accountings, and other required information necessary for the Court to monitor the guardianship.

All Guardians:

- GUARDIAN'S REPORT – *due each year not later than the anniversary of the date of appointment of the guardian. (See Form 17.7 for Sample Report)*
- ANNUAL PLAN – *due each year as an addendum to the Guardian's Report. (See Form 17.8 for Sample Annual Plan)*
- STATEMENT OF EXPERT EVALUATION – *due each year not later than the anniversary date of appointment of guardian, unless dispensed with by the Court. (See Form 17.1 for Sample Statement)*

1. GUARDIAN'S REPORT

The guardian's report provides a current summary of the condition of your ward.



The Court monitors how often the guardian is meeting with the ward and determines if the guardianship is still necessary and whether a proper continuing care plan is being followed.

2. ANNUAL PLAN

A guardian is required to prepare an annual guardianship plan stating the guardian's goals for meeting the ward's personal and financial needs. This is filed as an addendum to the Guardian's Report.

3. WHEN TO FILE

All guardians are required to file an annual Guardian's Report and an annual plan with the Court. **The report and annual plan are due every year on or before the anniversary date of your appointment as guardian.**

4. STATEMENT OF EXPERT EVALUATION

A Statement of Expert Evaluation (**See Form 17.1 for Sample Statement Report**) must be submitted with the Guardian's Report. This form may be completed by a licensed physician, licensed clinical psychologist, licensed social worker, or a Developmental Disability team member.

At the bottom of the Statement of Expert Evaluation is a Guardian's Report Addendum. If the Addendum is completed by a licensed physician or licensed clinical psychologist, and it certifies that the mental capacity of the ward will not improve, the Court will dispense with future Statements of Expert Evaluation. **THE GUARDIAN MUST STILL SUBMIT THE YEARLY GUARDIAN'S REPORT AND ANNUAL PLAN. The Addendum may not be completed or signed by a social worker or the Developmental Disability team.**

5. SEPARATE GUARDIAN FOR PERSON AND ESTATE

If there are two guardians, one for the Person and one for the Estate, only the Guardian of the Person need file the Guardian's Report and the Statement of Expert Evaluation, if not dispensed with. Both the Guardian of the Person and the Guardian of the Estate will need to file an Annual Plan.



6. FILING PROCEDURE

- **Mail to, or File with, Court**

Once completed, the Guardian's Report, Annual Plan, and Statement of Expert Evaluation should be mailed or delivered to the Summit County Probate Court for filings. A statutory filing fee will be charged to file the Guardian's Report. Current filing fees are listed on the Probate Court website.

- **When Represented by an Attorney**

When necessary, Guardians who are represented by an attorney should consult with that person for guidance in completing and filing the Guardian's Report, Annual Plan, and Statement of Expert Evaluation.

7. COMPLETING THE REPORT FORMS

- Fill in all blanks and provide the requested information. Your ward's current location (hospital, nursing home, etc.) may be different from the legal residence or home address.
- Signatures:
 - A. Attorney's signature – required if he/she assisted you with this report.
 - B. Guardian's signature – if there are co-guardians of the person, both signatures are required. Please include a telephone number where you can be reached during the hours of 8:00 a.m. to 4:00 p.m.

8. IF YOU CANNOT FILE ON TIME

- Seek advice and counsel through your attorney.
- Contact the assigned Court Investigator or Magistrate in reference to difficulties you may be experiencing in filing timely Reports. The Clerk's Office can assist you in filing an extension.



**9. CONTINUANCE – FAILURE TO FILE
(REPORT – INVENTORY – ACCOUNTING)**

CONTINUANCE

The Court expects any type of report, that is, a Guardian's Report, Inventory, or Accounting, to be timely filed. However, you may need additional time to file. *If you have not been cited for failure to file*, you may request a continuance by submitting an Application for Automatic Extension to File. (See Form EGT.1 for Sample)

CONTINUANCE DOES NOT EXTEND PERIOD OF ACCOUNTING OR REPORT

When an Application for Automatic Extension to File is granted, the time period covered by the Accounting or Report remains the same—12 months. **Please Note: Your next Accounting or Report is due on the next anniversary date of your appointment as guardian, not the anniversary date of your last filing.**

FAILURE TO FILE

If you fail to file a timely Guardian's Report, Inventory, or Accounting, the Court will issue a Citation and you must appear in open court to explain why you have not filed on time.

Costs of the hearing and notification will be assessed against you. At the hearing, the Court may order any of the following:

- Levy a fine
- Continue the matter to allow for filing
- Remove the guardian
- Deny guardian's fees
- Place the guardian in the County Jail until the Report, Inventory, or Accounting is filed

Note: If a guardian fails to appear at the hearing, the Court may issue a warrant for his/her arrest.

REMEMBER—KEEP TRACK OF FILING DATES. If you cannot file on time, file an



Application for Automatic Extension to File with the Court. A continuance means avoiding a costly Citation Appearance before the Court.

- If you fail to file your Report, you will receive a 90-day notice from the Court directing you to file the Report. There is a statutory fee for this notice.
- Failure to file a Report on time is considered a serious infraction, and may result in a citation to appear in court and/or removal as guardian.

M. CHANGE OF RESIDENCE

A guardian shall notify the probate court in every instance a ward changes residence and the reason for that change. The guardian must notify the probate court no later than 10 days before the proposed change, except in situations where prior notification is impractical.

A ward's change of residence to a more restrictive setting in or outside of the county of the guardian's appointment is subject to the court's approval unless a delay in authorizing the change would affect the health and safety of the ward.

N. DIRECT SERVICES

"Direct services" means services typically provided by home and community-based care and institutionally-based care providers, including medical and nursing care, care or case management services, care coordination, speech therapy, occupational therapy, psychological services, counseling, residential, legal representation, job training and any other similar services. The term "direct services" does not include services of a guardian.

A guardian shall not provide any direct services to a ward, unless otherwise approved by the Probate Court.

O. MONITOR AND COORDINATE SERVICES AND BENEFITS

A guardian shall monitor and coordinate all services and benefits provided to a ward, including doing all of the following as necessary to perform those duties:

- Having regular contact with all service providers;



- Assessing services to determine that they are appropriate and continue to be in the ward's best interest;
- Maintaining eligibility for all benefits; and
- Where the guardian of the person and the guardian of the estate are different individuals, consulting regularly with each other.

P. PRESERVE THE WARD'S LEGAL DOCUMENTS

Within three months of appointment, in addition to filing the inventory, if applicable, a guardian must file with the court a list of the ward's important legal papers, including but not limited to estate planning documents, advance directives, and powers of attorney, and their location, if known at the time of filing.

Q. DUTY OF CONFIDENTIALITY

A guardian shall keep the ward's personal and financial information confidential, except when disclosure is in the best interest of the ward or upon order of the probate court.

R. PROVIDE FOR THE WARD'S PERSONAL NEEDS

As Guardian of the Person, you are responsible for the ward's personal needs. These needs include provisions for adequate and suitable:

1. LIVING ARRANGEMENTS

One of your most important duties as Guardian of the Person is to decide where the ward should live. Wherever the ward lives, you are responsible for seeing that the ward's living arrangements are safe, comfortable, and allow the ward as much independence as possible.

2. ALLOW THE WARD TO LIVE AT HOME

If physically and financially possible, the first choice should be to maintain the ward in his or her own home. Living in his or her own home offers the ward the security of familiar surroundings, neighbors and friends close by, as well as his or her own belongings and memories. The following are suggestions you should consider in helping to maintain the ward in his or her present home or residence:

- You may wish to have the ward evaluated by health care professionals to determine the level of care the ward requires.
- Hire in-home health services to assist the ward in completing activities of daily living.
- Review the need for interior and exterior home maintenance.
- Remove fire hazards, and assess the home for working fire extinguishers and smoke detectors.
- Make sure that exterior door locks are in working order.
- Contact the gas, electric, water, garbage, and telephone companies to continue service.
- If the ward is a renter, ask the landlord to make needed repairs.
- Arrange for nearby family members, friends, and neighbors to look in on the ward, help with shopping, and take the ward to medical and dental appointments or on recreational outings.

3. WHEN THE WARD CAN NO LONGER LIVE AT HOME

At some point, it may no longer be physically or financially possible for the ward to continue to live in his or her own residence. You, as Guardian of the Person, have the power to make this decision, as well as the responsibility of selecting a new residence. This is a drastic step, and should not be taken simply for the convenience of others. This decision must be based on the ward's needs, preferences, and best interests. Avoid making last-minute decisions by thinking through this possibility in advance.

Remember, you must notify the Court whenever you change the residence of the ward for anything other than a temporary period of time. You cannot move the residence of the ward to a place outside of Ohio without prior Court approval.

4. EXAMINING PLACEMENT ALTERNATIVES

If you decide that the ward can no longer live at home, discuss the ward's needs with the ward, the ward's family, and his or her physician. Figure out how much the ward can afford to pay for care, housing, and other living expenses, then decide which type of facility can best take care of the needs you have identified.

Placement alternatives include:

- Retirement Communities
- Licensed Foster Care Homes and Group Homes
- Assisted Living Residences
- Intermediate Care and Skilled Nursing Facilities

5. PLACEMENT ASSISTANCE

- Each State Agency on Aging is required by Federal law to have an **Office of Long-Term Care Ombudsman**. Their job is to provide help and information on long-term care facilities to consumers and their families. They also receive, investigate, and attempt to resolve complaints on behalf of nursing home residents. Ombudsmen visit facilities regularly and can provide a general understanding of what goes on. They can provide information such as the latest state survey report on the facility and information regarding the number of complaints filed against the facility and how these issues have been resolved. Contact the Ombudsman through the Direction Home Akron/Canton Area Agency on Aging at 330-896-9172 or 1-877-770-5558.
- **InfoLine 330-376-6660**
Maintains a list of care facilities, and can direct you to the Long-Term Care Ombudsman Program, which has specific information on facilities in Summit County.
- **Direction Home Akron/Canton Area Agency on Aging**
330-896-9172 or 1-877-770-5558
www.services4aging.org
1550 Corporate Woods Parkway, Suite 100, Uniontown, Ohio 44685
Offers nursing home placement assistance for Portage, Stark, Summit and Wayne counties, and also assistance for alternate care programs. They have several useful and informative pamphlets available for the asking.



- **Summit County Department of Jobs and Family Services**
330-643-8200 or 1-800-573-8080
Provides assistance with medical coverage, in-home services and nursing home care for eligible individuals through the need based Ohio Medicaid Program.
- **The Summit County Veterans Services Commission**
330-643-2830
1060 Waterloo Road, Akron, Ohio 44306
Provides assistance to veterans and can help in determining if a veteran is eligible for financial benefits and medical care. This agency also provides information regarding community based programs, and residential and nursing home care for qualified veterans.
- Helpful information regarding nursing home care is also available on the internet at **www.It.ohio.org** and **www.Medicare.gov**.

6. SELECTING A NURSING CARE FACILITY

Contact the facility administrator and arrange a tour to determine if the facility is suitable to meet the needs of the ward. Observe the surroundings and ask questions for gathering information, such as:

- Does the facility have the required current license from the state, or letter of approval from a licensing agency?
- Is the facility licensed and certified to participate in Medicaid and Medicare programs?
- Does the facility offer specialized services, such as dental and hearing care? Do they offer a specialized unit for a resident with dementia, ventilator care, or rehabilitation needs?
- How many residents per aid, staff or nurse?
- Is the facility reasonably free of overwhelming or unpleasant odors?
- Is there telephone access?
- Are snacks or special foods available? Obtain food menus for review.
- What activities are available?
- Will the ward see their own physician? If not, who will the new physician be?

- Will the facility assume the responsibility for taking the ward to medical appointments?
- Do the residents appear clean? Are they properly dressed?
- How much personal property can the ward bring to the facility?
- What types of religious opportunities are available at the facility?

Also, review a copy of the nursing home contract to better understand its content. Visit again on your own at a different time of the day and observe the attitude of the staff, the quality of the food, and the activities occurring. Remember, wherever the ward lives, you are responsible for seeing that the home is safe, comfortable, and allows the ward as much independence as possible.

7. VISITING YOUR WARD AT AN EXTENDED CARE FACILITY

Many wards come to a point where they need to be cared for in a long-term care facility. Sometimes it is not comfortable to see the person you care for in these surroundings. Here are some items you should know if your ward resides in an extended care facility and suggestions to make you more comfortable in visiting your ward. Also, Appendix K provides some helpful advice on communicating with your ward.

- **The Facility Staff**

The staff members at the facility are the people who get to know your ward best. Consider the staff as a part of your team with the goal of improving the quality of life for the ward. The facility social worker can assist in coordinating services for the ward or help with handling problems that may arise. Sharing information about the ward with the nursing staff and aides will assist them in getting to know the ward and help them in providing care.
- **What You May See**

When you enter a long-term care facility, you should register as a Visitor at the reception desk. As you walk through the facility, you may encounter residents with various levels of functioning. Some may be in wheelchairs; others may be using canes or walkers. You may see oxygen tanks or other medical devices. Some of the residents may look healthy, but have memory problems or difficulty with communication, hearing, or vision.
- **What You May Hear**

The noises you hear will be different from what one would hear at home or even in a hospital. These sounds may include bells and beepers, machine noises, loud televisions,

laughter, and people calling out. This can often be disturbing to a Visitor, but it can also be disturbing to the ward. Make the ward as comfortable as possible and report any unusual noises to the staff.

- **What You May Smell**

The smells of a long-term care facility are often the first thing a person notices when entering the facility. Just as everyone's home can have its own smell, each facility will be different and may vary from time of day or from one facility to another. Some of these may be unpleasant body odors, air fresheners, cleaning solutions and food scents. Odors, beyond what you believe are reasonable, should be brought to the attention of the facility staff.

Depending on the ward's physical and mental capacities, the following are possible ways to enhance the ward's quality of life at home or in a care facility:

- Arrange a network of visitors. The more people who show concern, the happier the ward will be. Care facility staff members often provide the best possible care to a resident who receives frequent visitors.
- If the ward had been active in a church or synagogue, arrange for the congregation members or clergy to visit on a regular schedule.
- Decorate the area around the ward's bed with familiar objects. Put up photos showing family and friends with the ward. Care facility residents have the right to have personal belongings from home in their rooms.
- Encourage family and friends to write letters and cards. Post them on the bulletin board, and help the ward write back.
- Encourage the ward to participate in activities offered at the facility.
- Provide a radio or television if not provided by the facility.
- Arrange for a telephone if not provided by the facility.
- Arrange to celebrate the ward's birthday and other special occasions.
- Periodically thank the ward's caregivers.
- Nearby family members, friends, and neighbors often are willing to look in on the ward and help with shopping, appointments, or recreational outings.

8. MEDICAL TREATMENT

As Guardian of the Person, you have the authority to consent to medical treatment for your ward. As with all guardian decisions, consent for medical treatment should be given only when the treatment is in the best interest of the ward. The following guidelines will help you make medical decisions that are in the best interest of your ward.

- *Check to see if your ward has a written document such as a Durable Health Care Power of Attorney or a Living Will.* If there is such a document, and if it is valid, you must follow your ward's instructions as found in the document, especially when making life-sustaining decisions.
- *When possible, before making a decision, discuss your decision with your ward and your ward's family.* It may not be feasible due to time, capacity, or the condition of your ward, but if possible, you should discuss with, and allow for input of, your ward and the ward's family. Such discussions will help your ward and the ward's family accept your treatment decisions.
- *Make sure that consent to your ward's medical treatment is informed.* Before making treatment decisions, get the facts. Talk to your ward's doctor and find out what the benefits of treatment are, the chance of success, and alternatives. Don't be afraid to ask questions. You may want a second opinion. Remember, an informed decision is what you would expect if someone were making a decision for you.
- *To facilitate decisions involving extraordinary medical issues a guardian shall seek ethical, legal, and medical advice, as appropriate. A guardian shall further strive to honor the ward's preferences and belief system concerning extraordinary medical issues.*

9. ORDERS NOT TO RESUSCITATE

As the guardian, you may be called upon to decide whether the ward should not receive further medical treatment. These are called Do NOT Resuscitate Orders (DNRs). DNR Orders should be written based on the specific individual's current medical condition, not as a standard for everyone. As guardian, the pros and cons should, when possible, be discussed with the ward and the treating physician. ***There are two types of DNR Orders:***

- **Level One: "Do Not Resuscitate/Comfort Care"** is for comfort care only, and is generally appropriate for an individual with a terminal illness, short life expectancy, or little

chance of surviving CPR. This means they want suctioning, oxygen, pain medications, and emotional support, but not CPR.

- **Level Two: “Do Not Resuscitate/Comfort Care—Arrest”** permits the use of all resuscitative therapies before an “arrest” but not during or after an arrest. This means do everything until an arrest has been diagnosed.

10. END OF LIFE DECISIONS

These decisions may be the most difficult, but also the most important, decisions you will make for your ward. The key to making these decisions is open and clear communication with your ward if possible, and with their loved ones. The communication starts with the ward. To the extent that they have left instructions, completed advance directives, or otherwise shared their wishes, the guardian must honor their choices. Some wards may be able to have a conversation about how they feel and about their quality of life and what treatment would mean.

There are many ways to address the needs of your ward if he or she is truly not in a position to benefit from further medical treatment designed to save or prolong life. Hospice and “palliative care” units are available. Hospice care provides services in the nursing home setting and brings much added quality to the ward’s life in their last few weeks or months.

11. UNIFORM RIGHTS OF THE TERMINALLY ILL

There are circumstances in which it is legally and ethically justifiable to consent to the withholding or withdrawal of life-sustaining treatment, including nutrition and hydration, on behalf of the ward.

A. Withholding or withdrawal of life-sustaining treatment

A guardian may give written consent to the withholding or withdrawal of life sustaining treatment for a ward if all of the following apply:

- (1) The attending physician and one other physician who examines the ward determine, in good faith, to a reasonable degree of medical certainty, that the ward is in a terminal condition or currently is or for at least the immediately preceding twelve months has been in a permanently unconscious state. The attending physician must additionally determine that the ward is no longer able to make informed decisions regarding the administration of life-sustaining treatment and that there is no reasonable possibility that the ward will regain such capacity.



- (2) The ward does not have a declaration that addresses the ward's intent should the ward be determined to be in a terminal condition or in a permanently unconscious state, or a Durable Power of Attorney for health care.
- (3) The consent is given after consultation with the ward's attending physician and after receipt of information that is sufficient to satisfy the requirements of informed consent.

A decision to consent to the use or continuation, or the withholding or withdrawal, of life-sustaining treatment for a ward shall be made in good faith.

If the ward previously expressed an intention with respect to the use or continuation, or the withholding or withdrawal, of life-sustaining treatment should he or she subsequently be in a terminal condition or in a permanently unconscious state, and no longer able to make informed decisions, the consent given is valid only if it is consistent with that previously expressed intention.

If the ward did not previously express an intention with respect to the use or continuation, or the withholding or withdrawal of life-sustaining treatment should he or she subsequently be in a terminal condition or in a permanently unconscious state, and no longer able to make informed decisions, the consent given is valid only if it is consistent with the type of informed consent decision that the ward would have made, as inferred from the lifestyle and character of the ward, and from any other evidence of the desires of the ward, prior to the ward becoming no longer able to make informed decisions regarding the administration of life-sustaining treatment.

Any spouse, adult child, parent, or adult sibling of the ward who objects to the guardian's consent to the use or continuation, or withholding or withdrawal of life-sustaining treatment has to advise the treating physician of the grounds for the objection within forty-eight hours of such consent being given. Within two business days after the objection is communicated the objecting individual must file a complaint in the probate court for the issuance of an order reversing the consent of the guardian. If the objecting individual fails to file a complaint, the individual's objections are considered to be void.

B. Withholding or withdrawal of nutrition or hydration

Prior to the withholding or withdrawal of nutrition and hydration in connection with a ward, the guardian consenting to the withholding or withdrawal of the nutrition and hydration shall apply to the probate court for the issuance of an order that authorizes the attending physician of the ward to commence the withholding or withdrawal of the nutrition and hydration in connection with the ward.



The Court will issue an order authorizing the ward's attending physician to commence the withholding or withdrawal of nutrition and hydration in connection with the ward only if the guardian establishes, by clear and convincing evidence, to a reasonable degree of medical certainty, and in accordance with medical standards, all of the following:

- (1) The ward currently is and for at least the immediately preceding twelve months has been in a permanently unconscious state.
- (2) The ward is no longer able to make informed decisions regarding the administration of life-sustaining treatment.
- (3) There is no reasonable possibility that the ward will regain the capacity to make informed decisions regarding the administration of life-sustaining treatment.
- (4) Written consent to the withholding or withdrawal of life-sustaining treatment has been given by the guardian.
- (5) A probate court has not reversed the consent to the withholding or withdrawal of life-sustaining treatment in connection with the ward.
- (6) The attending physician of the ward and one other physician who examines the ward determine, in good faith, to a reasonable degree of medical certainty, and in accordance with reasonable medical standards, that nutrition and hydration will not or no longer will provide comfort or alleviate pain in connection with the ward.
- (7) Written consent to the withholding or withdrawal of nutrition and hydration in connection with the ward, witnessed by two individuals, is given to the attending physician by the guardian.

The guardian's written consent to the withholding or withdrawal of nutrition and hydration in connection with the ward shall be made in good faith and in accordance with the following:

- (1) If the ward previously expressed an intention with respect to the use or continuation, or the withholding or withdrawal, of nutrition and hydration should the ward subsequently be in a permanently unconscious state and no longer able to make informed decisions regarding the administration of nutrition and hydration, the consent is valid only if it is consistent with that previously expressed intention.



- (2) If the ward did not previously express an intention with respect to the use or continuation, or the withholding or withdrawal, of nutrition and hydration should the ward subsequently be in a permanently unconscious state and no longer able to make informed decisions regarding the administration of nutrition and hydration, the consent is valid only if it is consistent with the type of informed consent decision that the ward would have made as inferred from the lifestyle and character of the ward, and from any other evidence of the desires of the ward, prior to the ward becoming no longer able to make informed decisions regarding the administration of nutrition and hydration.

S. PRE-NEED FUNERAL PLANNING

As guardian, pre-planning of your ward's funeral is an important responsibility. If no funeral arrangements have been made prior to your appointment, begin the conversation with your ward. Ask him or her about their preferences, about their specific religious beliefs, and where other family members might be buried. If your ward is unable to communicate, talk with other family members who may be able to provide you with helpful information.

If the ward resides in a nursing facility, ask a staff member to check the ward's file to see if a preferred funeral home and their religious preference are listed. Consult the facility's social worker or clergy representative to see what options are available to you and the ward in the event no pre-planned arrangements have been made.

T. VETERAN'S BENEFITS

Your ward may be entitled to VA benefits, either through their own military service, or through the service of a family member such as a spouse. The Summit County Veterans' Service Commission is a valuable resource for exploring potential benefits.

If the ward is a veteran, served during active duty and was honorably discharged from the military, they may be eligible for burial assistance through the Veterans' Administration. The guardian may wish to contact Summit County Veterans' Service Commission for information and assistance in securing these benefits. The Veterans' Service Commission can be reached on-line at www.vscsummitoh.com or by calling 330-643-2830.



V. SEEKING HELP

When a guardian has a question or a problem, the following are suggested persons or organizations that may be of assistance.

A. ATTORNEY AT LAW

If you do not have an attorney, or wish a new attorney, the Akron Bar Association has a referral service that will give you the names of attorneys. Be sure to obtain an attorney who is experienced in guardianship law. Attorney fees may be paid from guardianship funds. However, the fees must be approved by, and be within the guidelines of, the Probate Court.

B. PROBATE COURT

The Probate Court has a number of court personnel who may be of help depending on the specific problem. Contact the Court Investigator assigned to your case or call the Probate Court Help Desk. However, if possible, the matter should be referred to your attorney before contacting the Court. Court employees are not permitted to give you legal advice.

IMPORTANT PROBATE COURT PHONE NUMBERS

Clerk's Office	330-643-2350
Court Investigators	330-643-8771
Accounts Department	330-643-2338
Help Desk	330-643-2323

Each guardianship case is assigned a Magistrate and Court Investigator who have primary responsibility for that case. To determine the name and telephone number of the assigned Magistrate or Court Investigator, call 330-643-8771. You can also obtain information on the Probate Court website at www.summitohioprobate.com.

C. COMMUNITY SERVICES IN SUMMIT COUNTY

Many services exist throughout the community to address the needs of the affected older adult, persons with developmental disabilities and/or mental illness, and their families. Selecting the



right service requires a reasonable amount of time and attention. The selection process includes:

1. Communicating information about the ward. It is important to give an accurate and comprehensive picture of the ward's condition and situation; and
2. Outlining your own expectations. State your wishes and instructions clearly at the outset.

A guardian's responsibilities can be very demanding, and you are encouraged to be aware of, and care for, your own needs as well as the needs of the ward. As a caregiver and guardian, your duties may be especially difficult if you are a close family member. Therefore, it is important to have an effective support system in place in the event your situation becomes overwhelming.

If you are not sure what help you or your ward need, or who can best provide help, call **InfoLine** at **330-376-6660** or **330-376-6211**. InfoLine's trained counselors offer 24-hour information and referral services from a comprehensive and extensive list of resources.

VI. RIGHTS OF THE WARD

Rights of the ward under guardianship:

- A. A ward is afforded the right to personal dignity and respect.
- B. Wards can petition the Court to review the actions of the guardian and determine the best course of action if he/she believes that the guardian is not acting in their best interest.
- C. A ward may petition the Court to determine the continued necessity of the guardianship.
- D. In seeking to terminate the guardianship, the ward is entitled to representation by an attorney of his or her choice. If the ward cannot afford an attorney, one will be appointed at Court expense.
- E. In seeking to terminate the guardianship, the ward has the right to request an independent expert evaluation.
- F. Wards have the right to pursue all less restrictive alternatives to guardianship regardless of when those alternatives arise.
- G. Wards have the right to privacy consistent with their living arrangements, including

visits from family and friends, unless such visits (or communications) are not in the ward's best interest.

- H. Wards have the right to privacy with regards to their health care and finances. Guardians often believe that because they have to freely discuss these issues with the court and with care providers, that the same is public knowledge and available to be discussed with anyone. A guardian should not disclose private medical or financial information to third parties or even other family members against the wishes of the individual being served.
- I. A ward is entitled to appropriate living arrangements in the least restrictive environment possible. This requires investigation and knowledge in terms of the options available to the individual you are serving. For example, if the ward does not need the level of care provided by a nursing home, then the ward should not be in a nursing home. The ward has a right to be safe and to have his or her basic needs met in the manner that imposes the least restrictions on his or her independence.
- J. A guardian of the person may authorize medical, health, or other professional services for the ward. The ward, or a party to the guardianship, may file an objection with the Probate Court.
- K. Guardianship does not terminate a ward's right to vote unless the Probate Court specifically finds and rules otherwise.
- L. If there is a question about the ward's capacity to drive, and he or she wishes to do so, the guardian should consult with the ward's physician. A physician may make a referral to the Bureau of Motor Vehicles requesting that an individual's license be reevaluated or suspended due to the ward's infirmities. Also, some private driver's training companies offer driving evaluations for older adults.
- M. The ward has the right to choose his or her preferred religious practice.

COMMENT:

While certain fundamental rights retained by the ward seem obvious, such as the right to be treated with dignity and respect, the topic of what rights the ward retains can quickly become confusing and leave a guardian feeling uncertain about what a guardian can or cannot do. The Rules of Superintendence place an emphasis on giving the ward as much independence and involvement in the decision-making process as possible. A guardian's decision-making process is guided by making decisions that are in the best interest of the ward, exercising due diligence in making those decisions, and making a decision for the ward that best meets the needs of the ward while imposing the least limitations on

the ward's rights, freedom, or ability to control the ward's environment. Furthermore, a guardian is required to balance the ward's maximum independence and self-reliance with the ward's best interest. Every situation that arises must be viewed on a case-by-case individualized basis. A Guardian must avoid arbitrarily imposing restrictions on the ward's right to make decisions even if the ward is making decisions different from those the guardian would make. If the ward's actions pose a risk of harm or legal sanction, then the guardian should intervene.

Guardians also need to understand that imposing rights restrictions may lead to problems and disputes with residential and health care providers. While guardians are accountable to the Probate Court, most health care providers are licensed and regulated by various federal and state entities. Nursing homes are regulated by the Ohio Department of Health. Nursing homes face sanctions up to and including closure if they impose restrictions or restraints upon an individual against his or her will. This includes individuals who have been deemed incompetent. Likewise, the Ohio Department of Developmental Disabilities regulates Intermediate Care Facilities and Community Based Providers. They have the Behavior Support Rule which provides that a provider faces sanctions up to and including revocation of licensure if they impose a restriction on someone's rights that is not supported by an imminent threat of harm to the individual or alternatively legal sanctions. Guardians must recognize that these rules can foster disputes between Guardians and providers.

VII. LIMITATION OR TERMINATION OF THE GUARDIANSHIP

A. ORDER OF THE COURT

1. On Request of Guardian:

A guardian shall seek to limit or terminate the guardianship authority and promptly notify the Probate Court if a ward's ability to make decisions and function independently has improved, less restrictive alternatives are available, or a full guardianship is no longer in the best interest of the ward. The guardian should constantly evaluate the ward's condition. If at any time the guardian realizes, and a physician agrees, that the ward no longer needs the protection of a guardianship, or a full guardianship, the guardian should ask the Court to end or limit the guardianship.



2. On Request of Ward or Other Interested Party:

120 days after the date of the guardian's appointment, and every calendar year thereafter, a written request for termination may be filed. If the ward states he is competent, the burden is on the guardian to prove that the ward is incompetent and that the guardianship is necessary.

NOTE: The procedure for termination of a conservatorship is different from that of a guardianship. Either an attorney or the Court should be consulted for information on termination of a conservatorship.

B. DEATH OF THE WARD

The guardian must, within 90 days, file a written notice of the death with the Court. Due to recent changes in the law, the Guardian of the Person now has the authority to consent to an autopsy and to do burial planning, provided there is not a guardian of the estate, or a need for the ward's estate to go through probate. The nursing home, the hospital, or in some cases the coroner, will want direction from you as to what to do with your ward's body. This will be less stressful if you've given some thought to it ahead of time, and the Court can offer direction.

VIII. SAMPLE FORMS

- A. Guardian's Report (17.7)
- B. Annual Plan for Guardianship (17.8)
- C. Statement of Expert Evaluation (17.1)
- D. Application/Judgment Entry to Extend Time to File (EGT.1)

PROBATE COURT OF SUMMIT COUNTY, OHIO

GUARDIANSHIP OF: Jane Doe

CASE NO. 2010 GA 001

GUARDIAN'S REPORT
(R.C. 2111.49)

NOTE: If allotted space is inadequate to respond, write "See Exhibit" in the space and add appropriate exhibit letter sequence, then attach exhibit containing information requested for that space.

1. This is the (circle one): 1st, 2nd, 3rd, 4th, 5th, 6th, or _____, Guardian's Report.

2. Ward's present address: 100 Somewhere Lane
City Akron State OH
Zip 44300 Telephone (330) 555-5555
Include Area Code

3. Ward's living arrangements at the above address are best described as:

- a. His or her own apartment or home (includes assisted living facilities).
- b. Private home or apartment of:
 - (1) the ward's guardian
 - (2) a relative of the ward, whose name is _____ and relationship is _____
 - (3) a non-relative, whose name is _____
- c. A foster, group, or boarding home.
- d. A nursing home.
- e. A medical facility or state institution.
- f. Other (describe): _____
- g. If c, d, e, or f is checked, complete the following:
 - (1) The name of the home, facility or institution Best Care Nursing Home
 - (2) The name of an individual at the home, facility or institution who has knowledge and is authorized to give information to the Court about the ward.
Name Ann Smith, Social Services
Telephone Number _____
Include Area Code

4. The ward will be at the address given in item 2:

- a. Indefinitely.
- b. Temporarily. The new address and telephone number is:
 - (1) Unknown. I will provide this information when known.
 - (2) _____
City _____ State _____
Zip _____ Telephone _____
Include Area Code

5. Guardian's contact with the ward:
- a. Approximate number of times the guardian had contact with the ward during the period covered by this report: Approximately 50
 - b. The nature of those contacts (phone, personal, or other): Personal and telephone
 - c. Date the ward was last seen by the guardian: January 15, 20XX
6. Have you observed any major change in the ward's physical or mental condition during the period covered by this report? Yes No
If "Yes" is checked, briefly describe the changes. _____
7. The care given to the ward is Adequate Not Adequate
If "Not Adequate" is checked, explain. _____
8. The guardianship should be Continued Not Continued
If "Not Continued" is checked, explain. _____
9. During the period covered by this report, the ward Has Has Not
been seen by a physician. If the ward has been seen, the last date was December 2, 20XX
and for the purpose of monthly check-up

Attached is a statement by a licensed physician, a licensed clinical psychologist, a licensed social worker, or a mental retardation team, that has evaluated or examined the ward within three months prior to the date of this report regarding the need for continuing the guardianship. (R.C.2111.49 (A)(1)(i)) (Form 17.1)

If an attorney has been consulted on this report:

Date January 15, 2014

Attorney for Guardian

Guardian Signature

Typed or Printed Name

Mary Doe

Typed or Printed Name

Address

777 Garden Lane

Address

City State Zip

Akron OH 44300

City State Zip

Phone Number (Include Area Code)

(330) 111-1111

Phone Number (Include Area Code)

Supreme Court Registration Number

(KNOWINGLY GIVING FALSE INFORMATION ON A PROBATE DOCUMENT IS A CRIMINAL OFFENSE)
(R.C. 2921.13 (A)(11))

PROBATE COURT OF SUMMIT COUNTY, OHIO
ELINORE MARSH STORMER, JUDGE

GUARDIANSHIP OF Jane Doe

CASE NO. 2010 GA 001

ANNUAL PLAN FOR GUARDIANSHIP

1. Do you plan to change the Primary Care Physician listed on the Guardian's Report?
 YES NO

If yes, please list the reason why: _____

New Physician Name: _____

Address: _____

Telephone Number: _____

2. Is there a plan to change or add agencies/providers listed on the Guardian's Report involved with the ward's care?
 YES NO

If yes, please list the reason why: _____

Please provide the contact information of any new agencies: _____

3. Is there a plan to change the ward's placement?
 YES NO

If yes, why the change? The ward is in need of a locked memory care unit.

When will the change occur? Within the next 30 days.

Placement Facility Name and location: Loving Care Assisted Living

500 Somewhere Lane, Akron, OH 44400

4. Please describe the ward's participation in the following activities:

Social/Recreational: Bingo every Tuesday and Thursday at the facility, a senior exercise class on Monday, Wednesday and Friday, and a craft class on Saturday morning.

Employment: N/A

Other: _____

If the ward is **not** involved in activities please explain why: _____

5. Please describe how the ward's financial needs will be met in the coming year:

The facility receives Medicaid and the ward's social security to pay for the ward's nursing home care.

Guardian's Signature

January 15, 2014

Date

Mary Doe

Guardians Typed or Printed Name

(330) 111-1111

Telephone Number (include area code)

777 Garden Lane

Guardian's Address

Akron, OH 44300

City State Zip

Guardian's Email Address (if available)

PROBATE COURT OF SUMMIT COUNTY, OHIO

GUARDIANSHIP OF Jane Doe

CASE NO. 2010 GA 001

STATEMENT OF EXPERT EVALUATION

Definition of Incompetent (R.C. 2111.01 (D)): "Incompetent means any person who is so mentally impaired as a result of a physical or mental illness or disability, or retardation, or as a result of chronic substance abuse, that he is incapable of taking proper care of himself or his property or fails to provide for his family or other persons for whom he is charged by law to provide, or any person confined to a penal institution within this State."

The Statement of Evaluation does not declare the prospective ward competent or incompetent, but is evidence to be considered by the Court.

The fee for completing this evaluation WILL NOT be paid by the Court. Each evaluator should secure payment from the Applicant/Guardian.

1. This Statement of Evaluation is for:

- Guardianship Application. (To be completed by a Licensed Physician or Licensed Clinical Psychologist, and attached to the Application).
Guardian's Report. (Evaluation and Statement by a Licensed Physician, Licensed Clinical Psychologist, Licensed Social Worker, or Mental Retardation Team to be completed within three months of date of the report. R.C. 2111.49(A)(1)(i).)

2. Statement completed by: (Please type or print full name and address).

Name: Dr. Drew Smith
Address: 888 Hospital Lane, Akron OH 44300
Phone: (330) 999-9999

- Who is a: Licensed Physician, Licensed Clinical Psychologist, Licensed Social Worker, Mental Retardation Team

3. Following is my diagnosis/assessment of the mental and physical capacity, and the functioning level of the prospective ward.

Blank lines for diagnosis/assessment.

4. Is the prospective ward mentally impaired? Yes No

5. A. Is there observed or reported evidence of mental impairment? Yes No

Describe: Due to Ms. Doe's dementia she is confused as to time, place and person.

B. If reported, name source:

6. If the prospective ward is mentally impaired, what is the cause? Dementia

7. A. Is there observed or reported evidence of physical impairment?

Yes No Describe: Ms. Doe requires assistance with transfer and ambulation

B. If reported, name source: _____

8. Can the prospective ward conduct business affairs without the aid of a guardian?

Yes No Comments: _____

9. Can the prospective ward properly care for him/herself without the aid of a guardian?

Yes No Comments: _____

10. (TO BE COMPLETED IF SUBMITTED WITH A GUARDIAN'S REPORT)

In my opinion, the guardianship should be:

Continued ✓
Terminated _____

11. (TO BE COMPLETED IF SUBMITTED WITH AN APPLICATION FOR GUARDIANSHIP)

In my opinion, the application for guardianship:

Should be granted _____
Should not be granted _____

ADDITIONAL COMMENTS

I certify that I have evaluated Jane Doe for the purpose of guardianship.

December 2, 2010
Date of Evaluation

Evaluator's signature

GUARDIAN'S REPORT ADDENDUM
(Not to be used with initial Application)

It is my opinion, based upon a reasonable degree of medical or psychological certainty that the mental capacity of this ward will not improve.

December 2, 2010
Date

Signature-Licensed Physician/Clinical Psychologist

PROBATE COURT OF SUMMIT COUNTY, OHIO
ELINORE MARSH STORMER, JUDGE

IN THE MATTER OF Jane Doe

CASE NO. 2010 GA 001

APPLICATION FOR AUTOMATIC EXTENSION TO FILE

Now comes the Fiduciary/Trustee/Guardian, Mary Doe
and pursuant to Local Rule 78 takes a sixty-day (60) extension until the 15th* day of,
March 20 15 for filing of the:

Inventory Accounting Guardian's Report Certificate of Service

The Fiduciary/Trustee/Guardian, Mary Doe
certifies that there are no prior extensions.

Date

Fiduciary/Trustee/Guardian Signature

Fiduciary/Trustee/Guardian Printed Name

APPROVED:

Attorney Signature

Attorney Printed Name

JOURNAL ENTRY

Upon application of the Fiduciary/Trustee/Guardian, the sixty-day (60) extension is hereby granted. No further extensions shall be granted absent extraordinary circumstances, which must be specified by separate motion.

* Comment: Your 60 day extension starts from your **original** due date. For example, if your original due date was May 3rd, you may extend 60 days from May 3rd.



GUARDIAN OF THE ESTATE

SUMMIT COUNTY PROBATE COURT
JUDGE ELINORE MARSH STORMER

209 S. High Street, Akron, Ohio 44308
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GUARDIAN OF THE ESTATE

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I. DUTIES OF GUARDIAN

A. GENERAL RESPONSIBILITIES

As a guardian of the estate, you have a challenging duty which involves a variety of responsibilities to the Court and to the ward. The source of those responsibilities is found in Ohio law, the Rules of Superintendence, and the Local Rules of Probate Court. The following is a list of some of the most important responsibilities.

1. OBEY ORDERS OF THE PROBATE COURT.

The Probate Court is the superior guardian of a ward. As superior guardian, the Court delegates power over the ward to the guardian. The guardian has a duty and responsibility to the Court for the exercise and use of that power. The guardian must obey all orders of the probate court establishing the guardianship and shall perform duties in accordance with local rules and state and federal law governing guardianships.

2. PROFESSIONALISM, CHARACTER, AND INTEGRITY.

A guardian shall act in a manner above reproach, including but not limited to avoiding financial exploitation, sexual exploitation, and any other activity that is not in the best interest of the ward.

3. AVOID CONFLICT OF INTEREST.

A guardian shall avoid actual or apparent conflicts of interest regarding a ward's personal or business affairs. A guardian shall report to the Probate Court all actual or apparent conflicts of interest for review and determination as to whether a waiver of the conflict of interest is in the best interest of the ward.

COMMENT:

A conflict of interest is any situation in which an individual is in a position to exploit their official capacity in some way for their own personal benefit. For example, it would be a conflict of interest for a guardian to sell a ward's automobile to the guardian's spouse for a price below market value.



4. REPORTING ABUSE, NEGLECT, OR EXPLOITATION.

A guardian must immediately report any appropriate allegations of abuse, neglect, or exploitation of a ward to the court and to adult protective services when applicable.

5. PRE-APPOINTMENT MEETING.

Unless otherwise determined by the Probate Court, an applicant for guardianship must meet with the proposed ward at least once prior to appearing before the Court for the guardianship appointment.

6. MAKE DECISIONS IN THE BEST INTEREST OF THE WARD.

Making decisions for a ward is a fundamental part of being a guardian. When making decisions for a ward, a guardian should:

- Base the decision on what is in the best interest of the ward.
- “Best interest” means the course of action that maximizes what is best for a ward, including consideration of the least intrusive, most normalizing, and least restrictive course of action possible given the needs of the ward.
- Never base the decision on reasons that are for the advantage or gain of the guardian or guardian’s family. Any transfer of assets to the guardian, without approval of the Court, may be considered theft and a basis for criminal prosecution.
- When making major decisions for a ward, either medical or financial, if possible, inform and discuss the decision with the ward and the ward’s family.

7. EXERCISING DUE DILIGENCE.

A guardian shall exercise due diligence in making decisions that are in the best interest of a ward, including but not limited to communicating with the ward and being fully informed about the implication of the decisions.

8. DIRECT SERVICES.

“Direct services” means services typically provided by home and community-based care and institutionally-based care providers, including medical and nursing care, care or case management services, care coordination, speech therapy, occupational therapy,



psychological services, counseling, residential, legal representation, job training and any other similar services. The term “direct services” does not include services of a guardian.

A guardian shall not provide any direct services to a ward, unless otherwise approved by the Probate Court.

9. LIMITS ON GUARDIAN’S COMPENSATION.

A guardian’s compensation is subject to Superintendence Rule 73. A guardian who is in receipt of fees other than through the guardianship of the estate shall report to the Probate Court the source and entity which reviewed and authorized payment. A guardian shall not receive incentives or compensation from any direct service provider providing services to a ward.

10. ANNUAL REGISTRATION.

A guardian with a caseload of ten (10) or more wards must annually register with the Probate Court and provide such information as the court may require, including but not limited to a fee schedule that differentiates guardianship services from legal or other direct services.

11. COURT APPROVAL OF LEGAL PROCEEDINGS.

A guardian must obtain the Court’s approval prior to filing any legal proceedings on behalf of the ward.

12. PRESERVE THE WARD’S LEGAL DOCUMENTS.

Within three months of appointment, in addition to filing the inventory, if applicable, a guardian must file with the court a list of the ward’s important legal papers, including but not limited to estate planning documents, advance directives, and powers of attorney, and their location, if known at the time of filing.

13. DUTY OF CONFIDENTIALITY

A guardian shall keep the ward’s personal and financial information confidential, except when disclosure is in the best interest of the ward or upon order of the Probate Court.



B. MANAGE THE WARD'S ESTATE

A Guardian of an estate must safeguard the ward's assets and income. This duty includes payment of the expenses, taxes, and costs of the guardianship, such as bond premiums, attorney's and guardian's fees, and investment of excess income. When managing a ward's estate, the guardian must:

1. Have approval of the Court before using guardianship funds, paying guardian's or attorney's fees, selling the ward's property, investing, or making gifts from the ward's income or assets.
2. Maintain complete and verifiable written records of the ward's finances and all money received or expended on behalf of the ward. You must have receipts for all expenditures.
3. Cancel all credit card accounts unless express permission has been obtained from the Court to keep an account open. It is advisable that Letters of Guardianship be delivered to the three credit reporting agencies with instructions that no credit can be approved without the specific authorization of the Court.
4. File income tax returns for a ward, and pay any tax debts of the ward.
5. Keep the ward's funds separate from your own personal funds. The guardian has a duty to place the ward's funds in guardianship accounts, either checking or savings or both.
6. Secure a bond. A bond is an insurance policy which protects the ward from any misuse of the assets. The bond amount will be set at the time of the hearing or upon the filing of the inventory. The law requires that the bond amount be at least double the amount of the ward's personal property or income, whichever is greater. Real property or funds in a sequestered account is not subject to bonding and may reduce the amount of the bond. Sequestering assets means that a special account is established which cannot be accessed without prior Court approval.

The Court will always require the posting of bond for a guardianship of the estate, even if all the assets are exempt assets. This is called a minimum bond. Because the bond is a benefit to the ward, the premiums paid to obtain the bond may be charged to the guardianship. The bond must be renewed annually. The amount of the bond can be changed upon the order of the Court.

7. Safely invest the ward's funds. The guardian may place the ward's funds in only those financial institutions and investments authorized by law. Check with an attorney or the magistrate assigned to the case as to which institutions are approved. Remember, prior approval must be obtained before investing. The guardian cannot speculate with the



ward's funds, or personally benefit from the investment of the ward's assets. The law specifically prohibits "self-dealing"; that is, you, as a guardian, cannot buy from, or sell to, yourself.

8. The ward may make a gift(s) of their personal property, but **only** when those gifts are made in compliance with Ohio law and prior Probate Court approval.
9. Sign a contract or bill for the ward using the words "guardian for" and the ward's name next to the guardian's signature. By including the words "guardian for" and the ward's name, the guardian will not be personally liable for the ward's bills should the ward's assets be depleted. A guardian is, however, personally liable to account to his or her ward for any part of the ward's estate lost or wasted through failure of the guardian to exercise reasonable care.
10. Decide if a payment for services is warranted. A guardian is entitled to be paid from the ward's estate for work performed for the ward's benefit. Court approval must be obtained before the guardian takes any compensation for performing his or her duties.

II. COLLECTING AND PRESERVING GUARDIANSHIP ASSETS

One of the most important functions of a guardian of an estate is to collect and preserve the assets of the ward. The following are suggestions that may be helpful in collecting and preserving the ward's assets.

A. USE LETTERS OF GUARDIANSHIP

The Court has issued Letters of Guardianship which states that you are a guardian and have the power to collect and control the assets of your ward. As proof of your authority, Letters of Guardianship should be displayed when a question arises as to your power to receive, control or manage assets of your ward.

If you should lose or need additional copies of the Letters of Guardianship, you may request it from the Court.

B. ESTABLISH GUARDIAN'S ACCOUNTS

1. Types of Guardian's Accounts

- Checking

You will need a guardian's checking account to pay recurring and small bills or debts of the guardianship. Remember, Court approval must be obtained before expending guardianship funds. This rule includes expenditures from your guardian's checking account.

- Sequestered Accounts

A Guardian's Sequestered Account (sometimes also referred to as a Custodial Account) represents funds of the ward-guardianship which are not needed to pay for routine or minor expenses. (Those expenses are paid from a guardian's checking account.) Because the guardianship does not have an immediate need for those funds, the Court requires those funds to be impounded and placed in a sequestered account. A sequestered account may be a savings or investment account with a bank or other financial institution. The most important aspect of a sequestered account for you to remember is that the *bank or financial institution will not release funds from a sequestered account without a Court Order.*

2. Procedure for Establishing Accounts

- Inform the Magistrate, at the time of the Magistrate's hearing, of the name of the bank or financial institution you intend to use for your guardian's accounts. Make sure the bank you choose will accept a guardian's account.
- Determine the bank(s) or financial institution(s) in which your ward has deposits.
- Send copies of your Letters of Guardianship to the bank(s) or financial institution(s), and request specific information (account number and balance) of the ward's account(s).
- File with the Court:
 - a. Motion for Creation of Guardian's Account
(See sample Form GA.7)



b. Application for Authority to Release Ward's Funds
(See sample Form 15.6)

- Certified copies, if approved, of both the Application and Motion will be returned to you.
- Submit a certified copy of the Application to Release Ward's Funds to the ward's bank(s) or financial institution(s), and transfer the funds to your custodial bank.
- Submit a certified copy of the Motion and Order for Creation of Guardian's Account and a Verification of Deposit Form to the custodial bank or institution. The bank will verify the deposit(s), and you must file the Verification Form with the Court.
(See sample Form GA.8)

C. AUTOMATIC DEPOSITS AND WITHDRAWALS

Your ward's bank account may have numerous automatic deposits and withdrawals for such items as Social Security, pensions, interest payments, and utility and insurance bills. It may take several weeks to get automatic transactions identified and redirected. It is advisable to keep the ward's account open for a period of time so valuable income won't be lost.

D. INVENTORY WARD'S ASSETS

So that you can manage the guardianship assets, you must have an accurate idea of what property the ward possesses, and the value of that property. To accomplish this task, you must personally inventory and list for the Court all of the ward's property. Remember, a report of the results of your inventory is to be filed with the Court within 90 days of the date of appointment.

Assets to Look For

- Cash
- Uncashed checks and refunds
- Bank accounts (checking, savings, certificates of deposit)
- Stocks



- Bonds
- Promissory notes
- Partnerships
- Other business interests
- Life insurance policies
- Real estate
- Furniture
- Antiques
- Artwork
- Jewelry
- Valuable collections
- Vehicles

E. CHANGE OF MAILING ADDRESS

The best way to find out what is going on with your ward is to have the mail sent directly to you. Statements from banks and other financial institutions are essential in developing an accurate inventory of your ward's property. In addition, bills and invoices for your ward are invaluable in establishing a monthly budget. Remember that a forwarding order expires in six months, so the institutions must be informed to direct the mail to you. You will get **all** of the ward's mail. This is sometimes upsetting for the ward, and burdensome for the guardian. Once important information has been redirected to you, delivery of magazine subscriptions and the like can then be resumed directly to the ward.

F. WHEN NECESSARY, INCREASE GUARDIAN'S BOND

Funds that are sequestered (custodial accounts) will not require a guardian's bond. Those funds that are not sequestered (as an example, funds in your guardian's checking account) require a guardian's bond. The amount of your guardian's bond has been set by the Court. If,



at some future point, there is a significant increase in the guardianship's non-custodial funds or property, the Court may increase the guardian's bond. Since the guardian's bond protects you and the ward in case of misappropriation of funds, bring to the Court's attention any large or significant increase in non-custodial funds or property so that the guardian's bond may be increased.

G. DEVISE A PLAN TO PRESERVE GUARDIANSHIP ASSETS

Once you have completed an inventory of the ward's assets, you must devise a plan to manage and preserve those assets. Consider seeking professional advice if the ward's estate contains stock, bonds, or other valuable property. Before you can invest, remember that the types of investments are specified and controlled by statute, and you must have Court approval.

H. DO NOT CO-MINGLE YOUR ASSETS WITH WARD'S ASSETS

It is a breach of duty to co-mingle (mix) your assets or funds with those of your ward. This means you must maintain a separate savings and checking account for guardianship funds. Do not deposit your own funds into those accounts, and only pay bills of the guardianship from those accounts.

I. EFFECT OF GUARDIANSHIP ON POWERS OF ATTORNEY FOR FINANCIAL TRANSACTIONS

After the appointment of a guardian, an agent under a ward's previously executed Power of Attorney is accountable to the guardian, as well as to the ward. A ward's previously executed Power of Attorney is not terminated by the appointment of a guardian. The agent's authority under the Power of Attorney continues unless limited or terminated by the Court after notice to the agent and a finding that it is in the best interest of the ward.

J. WAYS TO PROTECT THE WARD'S VALUABLE POSSESSIONS

- You may wish to take an inventory of all valuables in the home and document each item. Keep this information in a secure place. Periodically review the inventory for updates and to assure safekeeping of the assets.

- Insure valuables. Valuables can be added to homeowners' or tenants' policies. Individually list and describe these items for future reference.
- If you directly hire an aide for home health care, be sure to check references. All prospective candidates should carry a personal bond and insurance.
- If you hire an aide for home health care through an agency, review the agency's procedures for screening, bonding, and insuring its employees. In addition, check the applicant's personal references.

K. REAL ESTATE

Your ward's real estate can present many challenges. It is important to protect and preserve what may be your ward's most valuable asset. Keep the property insured, maintained, and protected, especially if it is vacant. If property remains vacant through cold weather, winterizing the property will prevent extensive damage. Make sure that the real estate tax bills are sent to you, as they are due only twice a year.

III. SAMPLE INVENTORY

A. COLLECTION AND CONTROL OF WARD'S ASSETS

Upon your appointment as guardian, it is your duty to take steps to locate and take control of the ward's assets. When you have located the ward's assets, you must file an inventory.

B. WHAT IS AN INVENTORY?

An inventory is a document prepared by the guardian, and filed with the Court, that lists all the assets owned by the ward on the date the guardian of the estate was appointed. The inventory must also include the value of all assets.

In addition, an inventory lists the yearly rent collected from any real property owned by the ward, lists whether the ward has a safe deposit box and/or a Last Will and Testament, and lists their locations.



C. WHEN IS AN INVENTORY DUE?

An inventory must be filed with 90 days of the date of the appointment of a guardian of the estate.

D. WHAT FORMS DO YOU USE IN PREPARING AND SUBMITTING AN INVENTORY?

There are two forms:

Guardian's Inventory
(Form 15.5, page 1)

Schedule of Inventory Assets
(Form 15.5, page 2)

The Schedule of Inventory Assets form is attached to the Guardian's Inventory form. If the ward has a large number of assets, more than one Schedule of Inventory Assets form may be used.

E. PREPARING AN INVENTORY

Schedule of Inventory Assets

- Once you have collected the ward's property, place a value on that property as of the date of appointment as guardian. Real property should be appraised using the county auditor's current tax value. You may obtain the current tax value of real property at www.fiscaloffice.summitoh.net. If you cannot determine the value of the ward's real property, consult a licensed appraiser to determine its value. The value for savings bonds may be obtained at www.treasurydirect.gov/bc/sbcprice. The value for motor vehicles may be obtained at any approved site such www.kbb.com or www.nadaguides.com. For items of valuable personal property, an appraiser should be hired to determine the value.
- When you have determined the values of the ward's assets, list all assets with their values on a Schedule of Inventory Assets form. (See **Sample Form 15.5, page 2**)
- Remember to list on the Schedule uncashed checks received prior to, or on, the day of appointment of the guardian. Do not list checks received after the appointment date. Those checks should be listed as income on the first Accounting filed. (See sample – Inventory and Accounting)



- Real and personal property should be entered and totaled separately on the Schedule of Inventory Assets form. (See Sample Form 15.5)
- When submitting any financial information to Probate Court, all but the last four (4) digits of the account number should be redacted.

Guardian's Inventory – Form 15.5

- Add the figures representing the total real property and personal property together, and enter the total on the Schedule of Inventory Assets under “REAL AND PERSONAL ESTATE OF WARD” on Guardian's Inventory. (See Sample Form 15.5)
- If any of the ward's real property (real estate) is being rented, enter the value of that rent for one year on the Guardian's Inventory form under “YEARLY RENT”.
- Check the correct boxes on the Guardian's Inventory form to indicate the type of inventory, and if the ward has a safe deposit box and/or a Last Will and Testament, list their locations.
- Sign and date the Guardian's Inventory form and attach the Schedule of Inventory Assets form. **NOTE: Expenditures will not be approved if an Inventory has not been filed.**

F. PROPERTY DISCOVERED AFTER AN INVENTORY IS FILED

You must file a Supplemental Inventory if you find, or are given, assets after the Guardian's Inventory is filed. List newly-discovered assets, along with the assets listed on the original Inventory, on the Supplemental Inventory. Discovery of stock held in the ward's name after the Inventory is filed would be an example of property reported on a Supplemental Inventory. However, a dividend check (or any check representing income—such as Social Security) received after the date of appointment is not reported on an Inventory, but rather as income on an Accounting filed by the guardian.



IV. SPENDING MONEY

A. EXPENDING FUNDS

*Court approval must be obtained **prior** to spending any money of the ward. The amount requested must be supported by quotes, bills, or receipts. In addition, the guardian must include the Household Resource Worksheet (Form GA-M.13) and associated documentation.*

B. PROCEDURE

Expenditures from Checking Account or Non-Custodial Funds:

- File with Court Application for Authority to Expend Funds
(See **Sample Form 15.7**)

Expenditure or Transfer of Funds from a Custodial Account:

- File with Court Application for Authority to Expend Funds
(See **Sample Form 15.7**)

OR

- File with Court Application to Transfer Funds from Guardian's Custodial Account to Non-Custodial Account,
(See **Sample Form GA.3**)
(See Types of Accounts for explanation of a Custodial Account)

AND

- Application for Authority to Release Funds
(See **Sample Form 15.6**)

NOTE: Expenditures will not be approved if an Inventory has not been filed.

C. RECURRING EXPENDITURE

If you have recurring expenditures, to avoid filing multiple Applications for Authority to Expend Funds, you should file one Application for continuing authority to pay for those recurring expenses. Examples of recurring expenses would be the need to pay monthly rent,



utility bills, or nursing home bills. Once the Application for Authority to Expend Funds is approved, it will operate as a budget for the guardianship. The budget must be updated and approved **annually** by the Court. (See Sample Form 15.7)

D. EXPENDITURES FOR MEDICAID ELIGIBILITY

Your ward may need to apply for Medicaid for nursing home or in-home services. Medicaid and Medicare are two entirely different programs that cover different expenses. Medicaid is need based, meaning that it applies to those persons with little or no property. Medicaid eligibility requirements can be confusing and complicated. However, it is your responsibility to ensure that Medicaid regulations have been complied with when spending down your ward's assets. It is best to consult an attorney familiar with Medicaid rules and regulations.

E. GIFTS

Court approval must be obtained before any gift may be made of a ward's funds or assets to the ward's family, friends, or charities. A hearing may be scheduled before the Magistrate assigned to the case. ***No gift will be approved by the Court if the gift impairs the financial ability of the ward's estate to provide for the foreseeable needs for maintenance and care of the ward. See R.C. 2111.50(D).***

V. SALE OF WARD'S PROPERTY

It may be necessary, because of debts or other reasons, to sell the ward's property. When selling the ward's property, you must secure the best price obtainable. *You must have the Court's approval before you can sell any property belonging to the ward.*

The procedure for obtaining the Court's approval depends on the type of property, either personal (car, furniture, stocks, etc.) or real (land, house, buildings).

A. PROCEDURES FOR OBTAINING COURT APPROVAL

Personal Property:

1. Guardian's Application to Sell Personal Property:

To obtain the Court's approval, submit Guardian's Application to Sell Personal Property



(See **Sample Form GA.4**). If approval is granted, a copy will be returned to you with the Court's consent. If an item is specifically bequeathed under the Last Will and Testament of the ward, that information should be included in an Application to Sell.

2. *Guardian's Report of Sale of Personal Property:*

When you have sold the item approved for sale, enter the inventory value and the price the item sold for on the Guardian's Report of Sale of Personal Property form. If the price received was less than the inventory amount, enter on the Report the reasons for the reduced price (See **Sample Form GA.5**). Return the Guardian's Report of Sale of Personal Property to the Court.

Real Property:

Ohio law requires the filing of a "land sale action" before real property in a guardianship may be sold. This means that a civil action or complaint will have to be filed with the Court to obtain approval. Since a civil action can be complicated, it is suggested that you seek the advice of an attorney to assist in filing the action.

B. SELF-DEALING – SELLING TO A RELATIVE

Remember, guardians cannot enrich themselves at the expense of their wards. If a guardian violates this rule, he or she may be removed and/or criminally prosecuted.

This rule applies to the sale of the ward's property. A guardian may not purchase his ward's property. A guardian should be particularly careful in selling property to his family, or to relatives of the ward. If a relative wishes to purchase property, he or she must be charged the same price as a non-relative, and cannot receive a reduced price because they are related. *You must have Court approval for all sales.*

VI. SAMPLE ACCOUNTING

A. WHAT IS AN ACCOUNTING?

An Accounting is a report filed with the Court by a Guardian of the Estate, outlining the income and the expenditures of guardianship funds and property during the accounting period and funds and property on hand at the end of that period.



In other words, an Accounting is a report of the guardian's handling of guardianship property, income, and expenses during a given period of time.

B. WHAT IS THE PURPOSE OF AN ACCOUNTING?

- To cause the guardian to maintain and keep records of financial activities
- To provide the Court with information that will allow it to supervise and monitor the management of guardianship assets

C. WHAT ARE THE TYPES OF ACCOUNTINGS?

There are three types of Accountings.

- Annual – An Accounting that is filed each year
- Final – An Accounting filed on termination of the guardianship
- On Order of the Court – An Accounting, other than an Annual or Final, that is specifically ordered by the Court

Ohio law requires every Guardian of the Estate to file Annual Accountings and, on termination of the guardianship, a Final Accounting.

D. WHEN ARE ACCOUNTINGS DUE?

- Annual – One year from the date of appointment, and annually thereafter on the date of the appointment ***The date of appointment can be found on the Guardian's Letter of Authority***
- Final – 90 Days after the termination of the guardianship
- On Order of the Court – The Order to account will state the date the accounting is due

E. WHAT FORMS ARE USED TO FILE AN ACCOUNTING?

There are eight standard forms that Summit County Probate Court uses when filing a



Guardian's Accounting:

1. Summary of Account (**Form 15.8**)
2. Schedule A – Gain on Value of Assets
3. Schedule B – Receipts
4. Schedule C – Disbursements
5. Schedule D – Loss on Value of Assets
6. Schedule E-1 – Monies on Deposit
7. Schedule E-2 – Other Assets
8. Application-Computation of Guardians Fees (**Form GA.1**)

A Guardian's Account Packet containing the eight standard forms can be found on the Court's website www.summitohioprobate.com.

Note: All Schedules must be filed and attached to the Summary of Account. If no activity has occurred requiring the use of a particular Schedule, then enter "0" on the Schedule. This will indicate no activity. As an example, if there was no sale of property during the accounting period, you would enter a "0" on both Schedules A and D, Gain or Loss on Value of Assets.

F. TIPS ON FILING AN ACCOUNTING

- Keep good records. If you have kept good records, it will be much easier when the time comes to prepare an Accounting. Store all the records in one place as you receive them. This will save you time and money. Keep copies of all canceled checks.
- Your Accounting must be **typed or neatly printed**. Filings that are not legible, that is, readable, will be rejected.
- All disbursements must be approved by the Court. **Disbursements, that is, the expenditure of guardianship funds, cannot be made without prior Court approval.** When an Accounting is reviewed by the Court, and if no Order approving the expenditure of funds is on file, the Accounting will be rejected until an Order approving the expenditure is submitted and approved. Expenditures not approved will be disallowed on the Accounting.



- Each disbursement or expenditure of funds must be supported by documentation to prove payment. At the time your Accounting is presented to the Accounts Clerk, you will be required to provide evidence that each disbursement listed under Schedule C has actually been paid. **The account must be accompanied with bank statements for the entire accounting period for all accounts, as well as all receipts and canceled checks or check images for each disbursement.** ACH withdrawals showing recipient, amount, and date of transaction on the bank statement are also accepted forms of documentation. The clerk will return all documentation to you when the Accounting has been accepted.
- Banks have not returned canceled checks for many years; however, they are almost always available on-line and can be printed off the banks' website. Copies of these checks are acceptable to the Court, but they are available on the bank's website only for a limited period of time. If you fail to timely print out the checks, the cost of retrieving old checks is very expensive.
- Attach to either Schedule A or D (Gain or Loss on Assets) a copy of the settlement-closing statement when guardianship REAL PROPERTY has been sold.
- Refunds are reported as income on Schedule B – Receipts.
- Unless specifically instructed to do so by the Court on Schedules A and D (Gain or Loss of Value of Assets), do not list appreciation or depreciation of property. The only time you would report a gain or loss in value would be when the actual asset is sold.
- Schedule E-1, the Bank Certification, must be signed by a bank employee with authorization to sign, along with an imprint of the bank stamp. A copy of your current bank statement may be substituted and filed in place of the Bank Certification.
- On the Summary of Account, the amount entered as "Total Charges" must equal, that is, must be the same as, the amount or figure entered as "Total Credits". The two figures must balance. If they do not, a mistake has been made on the Accounting and it should be reviewed to correct the mistake.
- When submitting any financial information to the Court, all but the last four (4) digits of the account number should be redacted.
- As Guardian, you **must** sign the Summary of Account.
- All current Court costs must be paid before an Accounting will be accepted. Before filing



an account, contact the Court to determine if there are, and the amount of, any outstanding Court costs. Remember to include Court costs of filing the Accounting.

G. ANNUAL PLAN

A Guardian of the Estate is required to prepare an annual guardianship plan stating the guardian's goals for meeting the ward's financial needs.

If you are Guardian of the Person and Estate, the Annual Plan for Guardianship (See sample form 17.8) is due each year as is the addendum to the Guardian's Report. If you are Guardian of the Estate only, the Annual Plan for Guardianship is due each year at the time of the filing of the accounting.

VII. RIGHTS OF THE WARD

Rights of the ward under guardianship:

- A. A ward is afforded the right to personal dignity and respect.
- B. Wards can petition the Court to review the actions of the guardian and determine the best course of action if he/she believes that the guardian is not acting in their best interest.
- C. A ward may petition the Court to determine the continued necessity of the guardianship.
- D. In seeking to terminate the guardianship, the ward is entitled to representation by an attorney of his or her choice. If the ward cannot afford an attorney, one will be appointed at Court expense.
- E. In seeking to terminate the guardianship, the ward has the right to request an independent expert evaluation.
- F. Wards have the right to pursue all less restrictive alternatives to guardianship regardless of when those alternatives arise.
- G. Wards have the right to privacy consistent with their living arrangements, including visits from family and friends, unless such visits (or communications) are not in the ward's best interest.
- H. Wards have the right to privacy with regards to their health care and finances. Guardians often believe that because they have to freely discuss these issues with the court and with

care providers, that the same is public knowledge and available to be discussed with anyone. A guardian should not disclose private medical or financial information to third parties or even other family members against the wishes of the individual being served.

- I. A ward is entitled to appropriate living arrangements in the least restrictive environment possible. This requires investigation and knowledge in terms of the options available to the individual you are serving. For example, if the ward does not need the level of care provided by a nursing home, then the ward should not be in a nursing home. The ward has a right to be safe and to have his or her basic needs met in the manner that imposes the least restrictions on his or her independence.
- J. A guardian of the person may authorize medical, health, or other professional services for the ward. The ward, or a party to the guardianship, may file an objection with the Probate Court.
- K. Guardianship does not terminate a ward's right to vote unless the Probate Court specifically finds and rules otherwise.
- L. If there is a question about the ward's capacity to drive, and he or she wishes to do so, the guardian should consult with the ward's physician. A physician may make a referral to the Bureau of Motor Vehicles requesting that an individual's license be reevaluated or suspended due to the ward's infirmities. Also, some private driver's training companies offer driving evaluations for older adults.
- M. The ward has the right to choose his or her preferred religious practice.

COMMENT:

While certain fundamental rights retained by the ward seem obvious, such as the right to be treated with dignity and respect, the topic of what rights the ward retains can quickly become confusing and leave a guardian feeling uncertain about what a guardian can or cannot do. The Rules of Superintendence place an emphasis on giving the ward as much independence and involvement in the decision-making process as possible. A guardian's decision-making process is guided by making decisions that are in the best interest of the ward, exercising due diligence in making those decisions, and making a decision for the ward that best meets the needs of the ward while imposing the least limitations on the ward's rights, freedom, or ability to control the ward's environment. Furthermore, a guardian is required to balance the ward's maximum independence and self-reliance with the ward's best interest. Every situation that arises must be viewed on a case-by-case individualized basis. A guardian must avoid arbitrarily imposing



restrictions on the ward's right to make decisions even if the ward is making decisions different from those the guardian would make. If the ward's actions pose a risk of harm or legal sanction, then the guardian should intervene.

Guardians also need to understand that imposing rights restrictions may lead to problems and disputes with residential and health care providers. While guardians are accountable to the Probate Court, most health care providers are licensed and regulated by various federal and state entities. Nursing homes are regulated by the Ohio Department of Health. Nursing homes face sanctions up to and including closure if they impose restrictions or restraints upon an individual against his or her will. This includes individuals who have been deemed incompetent. Likewise, the Ohio Department of Developmental Disabilities regulates Intermediate Care Facilities and Community Based Providers. They have the Behavior Support Rule which provides that a provider faces sanctions up to and including revocation of licensure if they impose a restriction on someone's rights that is not supported by an imminent threat of harm to the individual or alternatively legal sanctions. Guardians must recognize that these rules can foster disputes between Guardians and providers.

VIII. TERMINATION OF THE GUARDIANSHIP

A. ORDER OF THE COURT

- On Request of Guardian:

A guardian shall seek to limit or terminate the guardianship authority and promptly notify the Probate Court if a ward's ability to make decisions and function independently has improved, less restrictive alternatives are available, or a full guardianship is no longer in the best interest of the ward. The guardian should constantly evaluate the ward's condition. If at any time the guardian realizes, and a physician agrees, that the ward no longer needs the protection of a guardianship, or a full guardianship, the guardian should ask the Court to end or limit the guardianship.

- Ward's Principal Income:

A guardian shall inform the court and apply to close the guardianship of the estate if the ward's income changes so that the ward's principal income is from governmental entities, a payee for that income is identified, and no other significant assets or income exist.



- On Request of Ward or Other Interested Party:

120 days after the date of the guardian's appointment, and every calendar year thereafter, a written request for termination may be filed. If the ward states he is competent, the burden is on the guardian to prove that the ward is incompetent and that the guardianship is necessary.

NOTE: The procedure for termination of a conservatorship is different from that of a guardianship. Either an attorney or the Court should be consulted for information on termination of a conservatorship.

B. DEATH OF THE WARD

The guardian must, within 90 days, file a written notice of the death with the Court. Due to recent changes in the law, the Guardian of the Person now has the authority to consent to an autopsy and to do burial planning, provided there is not a guardian of the estate, or a need for the ward's estate to go through probate. The nursing home, the hospital, or in some cases the coroner, will want direction from you as to what to do with your ward's body. This will be less stressful if you've given some thought to it ahead of time, and the Court can offer direction.



IX. SAMPLE FORMS

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PROBATE COURT OF SUMMIT COUNTY, OHIO
ELINORE MARSH STORMER, JUDGE

GUARDIANSHIP OF Jane Doe

CASE NO. 2010 GA 001

MOTION FOR CREATION OF GUARDIAN'S ACCOUNT

Now comes the guardian and moves the Court of an Order allowing the creation of accounts, investments, and deposit of funds in said accounts with the custodial depository.

APPROVED:

Attorney for Guardian Signature

Mary Doe
Guardian Signature

Attorney for Guardian Print Name

Mary Doe
Guardian Print Name

JUDGMENT ORDER CREATING GUARDIAN'S ACCOUNT

Upon Motion of the Guardian, the Court hereby makes the following Orders:

1. The Court has appointed First Bank as custodial depository.
2. The Guardian is authorized to create a checking account with an initial deposit of \$ 50.00 , and other interest-bearing accounts, specifically:

ACCOUNT

AMOUNT

*List any additional guardianship accounts you may need to create.

_____	_____
_____	_____
_____	_____
_____	_____

EXCEPT FOR FUNDS IN THE CHECKING ACCOUNT, THE CUSTODIAL DEPOSITORY SHALL HOLD ALL OTHER FUNDS UNTIL FURTHER NOTICE OF THE COURT.

PROBATE COURT OF SUMMIT COUNTY, OHIO

GUARDIANSHIP OF: Jane Doe

CASE NO. 2010 GA 001

APPLICATION FOR AUTHORITY TO RELEASE WARD'S FUNDS

Now comes the guardian of the above-named ward, and makes application for authority to secure the release of the following funds of the ward:

Proceeds from Savings Account No. 1111 and Checking Account No. 2222, both in the name of Jane Doe and deposited with Central Bank, 123 S. Main Street, Akron Ohio, to be released to First Bank 456 S. Main Street, Akron Ohio, as Guardian's Custodial Bank.

The applicant further states that it is for the best interest of the ward that this authority be granted.

Mary Doe
Guardian

ORDER AUTHORIZING RELEASE OF FUNDS

This _____ day of _____, 20 _____,
this cause came on to be heard upon the application of the guardian of the above-named ward and the evidence, and the Court being fully advised in the premises, hereby authorizes the release of the above funds to First Bank
Account or Individual

IT IS SO ORDERED.

APPROVED:

Attorney

JUDGE ELINORE MARSH STORMER

PROBATE COURT OF SUMMIT COUNTY, OHIO

GUARDIANSHIP OF: Jane Doe

CASE NO. 2010 GA 001

VERIFICATION OF DEPOSIT BY CUSTODIAN

WHEREAS, the Probate Court of Summit County, Ohio, by Order, directed the guardian of this estate to deposit with the undersigned the following assets belonging to the estate:

<u>INSTITUTION</u>	<u>ACCOUNT NO.</u>	<u>BALANCE</u>	<u>MATURITY</u>
<u>Central Bank</u>	<u>Savings Account 1111</u>	<u>10,000.00</u>	<u></u>
<u>Central Bank</u>	<u>Checking Account 2222</u>	<u>1,500.00</u>	<u></u>
<u>Pension Check</u>	<u></u>	<u>800.00</u>	<u></u>
<u>Cash found in home</u>	<u></u>	<u>300.00</u>	<u></u>
<u></u>	<u></u>	<u></u>	<u></u>

WHEREAS, the guardian has presented the assets for such deposit, together with a certified copy of the Judgment Order for Creation of Guardian's Account, and creation of the following accounts have been established in the name of the guardian:

	<u>ACCOUNT NUMBER</u>	<u>AMOUNT</u>
<u>CHECKING ACCOUNT</u>	<u>4444</u>	<u>1,000.00</u>
<u>TIME DEPOSITS</u>	<u>Savings Account</u>	<u>11,600.00</u>
<u>OTHER DEPOSITS</u>	<u></u>	<u></u>
	<u></u>	<u></u>

WHEREAS, the undersigned hereby acknowledges the deposit and receipt of the above assets, and agrees it will hold the same in accordance with said Order, and subject to the further Orders of the Court.

First Bank
Custodial Depository

James Smith
Authorized Officer (Signature)

February 19, 2011
Date

James Smith
Typed or Printed Name

PROBATE COURT OF SUMMIT COUNTY, OHIO

GUARDIANSHIP OF: Jane Doe

CASE NO. 2010 GA 001

GUARDIAN'S INVENTORY

(R.C. 2111.14(A))

of the real and personal estate of the ward with its value and the value of the yearly rent of the real estate.

THE GUARDIAN DOES SUBMIT, AND SAY TO THE COURT, THAT:

TYPE OF INVENTORY

- This is the first inventory of the ward's assets.
- The guardian has previously submitted an inventory, and this is a supplemental inventory.

SAFETY DEPOSIT BOX AND WILL

- The ward has no safety deposit box.
- The ward has a safety deposit box located at Central Bank, 123 S. Main Street, Akron OH.
- The ward has no Last Will and Testament.
- The ward has a Last Will and Testament located at Previously deposited with the court for safekeeping.

YEARLY RENT

The value of yearly monies from rent of real property of the ward is\$ 0

REAL AND PERSONAL ESTATE OF WARD

The total value of all real and personal property of the ward, as contained in the attached Schedule of Inventory Assets, is \$ 124,600.00

(NOTE: When filing an Account, "the total value of all real and personal property of the ward" is reported on Summary of Account, Form 15.8, under Charges: Inventory).

CHARGE

I, as guardian, represent that I have made diligent efforts to collect the assets of my ward, and as a result of those efforts, I have collected and do charge myself with the assets of this inventory.

Date

Mary Doe

Guardian

SCHEDULE OF INVENTORY ASSETS

(To complete this form, list the values of ward's real and personal assets, and totals, separately; then add those totals, and list that final total on this Schedule and on the the Guardian's Inventory, Form 15.5).

Real property:

Residence located at 789 West Street, Akron OH 44333..... \$97,000.00

Personal Property:

2005 Buick Regal VIN #1GHRG2CB123456..... \$7,000.00
Stock – Goodyear Tire and Rubber Co. – 32 shares..... 2,500.00
Balance Savings Account Central Bank #1111..... 10,000.00
Balance Checking Account #2222..... 1,500.00
Uncashed pension check STRS..... 800.00
Cash found at 789 West Street, Akron OH..... 300.00
Antique diamond ring (3 carats)..... 5,000.00
Miscellaneous Household goods..... 500.00

PROBATE COURT OF SUMMIT COUNTY, OHIO
ELINORE MARSH STORMER, JUDGE

GUARDIANSHIP OF _____

CASE NO. _____

HOUSEHOLD RESOURCE WORKSHEET

[R.C. 3103.03, Sup. R. 66(C)]

Mother's Name	Age	Occupation/Source of Income	Monthly Income
			\$
Father's Name	Age	Occupation/Source of Income	Monthly Income
			\$
Others in Household	Age	Occupation/Source of Income	Monthly Income
			\$
			\$

List Monthly Expenses: (Please provide documentation)

Rent/Mortgage	\$	Gas	\$
Electric	\$	Telephone	\$
Water	\$	Groceries	\$
Cable	\$	Automobile	\$

Other: (Please use additional sheets if necessary)

I swear or affirm the above information is true and complete to the best of my knowledge.

 Applicant Signature

 Date

 Applicant's Typed or Printed Name

PROBATE COURT OF SUMMIT COUNTY, OHIO

GUARDIANSHIP OF: Jane Doe

CASE NO. 2010 GA 001

APPLICATION FOR AUTHORITY TO EXPEND FUNDS

Now comes the undersigned, guardian of the _____ person _____ estate person and estate of the above- named ward, and makes application for authority to expend funds for the best interest of the ward as follows: (State amount requested, nature of expenditure, and the frequency and duration of authority requested. Attach additional explanation, documentation, or estimates as needed.)

- 1. Pay Best Care Nursing Home, \$4,000.00 every month for ward's care
- 2. Birthday gift to Sue Doe, granddaughter of ward - \$50.00.
Jane Doe has given a gift to Sue Doe, her only granddaughter every year for the past five years.
Jane Doe has stated her desire to give the gift and it will not impair her finances.
- 3. Expend \$389.00 for a television for the ward (receipt attached.)

Mary Doe
Guardian

ORDER AUTHORIZING EXPENDITURE OF FUNDS

This _____ day of _____, 20_____, this cause came on to be heard upon the application of the guardian of the _____ person _____ estate _____ person and estate of the above-named ward and the evidence, and the Court being fully advised in the premises, hereby authorizes the guardian to expend funds, **AS ABOVE REQUESTED.**

IT IS SO ORDERED.

APPROVED:

Attorney

JUDGE ELINORE MARSH STORMER

PROBATE COURT OF SUMMIT COUNTY, OHIO

GUARDIANSHIP OF: Jane Doe

CASE NO. 2010 GA 001

GUARDIAN'S APPLICATION TO SELL PERSONAL PROPERTY

The Guardian represents to the Court that it is necessary and in the best interest of the ward to sell the ward's personal property. The Guardian asks the Court to authorize the sale of the ward's personal property, as listed herein, at a private sale for the best price obtainable, or for a set price, or at public auction, and for cash or on terms.

SCHEDULE OF PERSONAL PROPERTY FOR SALE

Item	Inventory Value
2005 Buick Regal VIN #1GHRG21CB123456	\$7,000.00
Miscellaneous Household Goods	500.00
Stock, Goodyear Tire and Rubber Company	2,500.00

The Guardian further says (include method of sale; state if property is specifically bequeathed in the ward's Will; and list any special allegations or information here):

- Item 1. 2005 Buick to be advertised in newspaper at book value. To be sold for best offer.
- Item 2. Miscellaneous household items to be sold at tag sale for best obtainable price.
- Item 3. Stock to be sold by broker on stock market

Date _____

Mary Doe
Guardian

CASE NO. _____

ENTRY AUTHORIZING SALE OF PERSONAL PROPERTY

The Court finds that the sale of certain personal property of ward, pursuant to the above application and schedule, is in the best interests of the ward.

The Court therefore authorizes such sale.

IT IS SO ORDERED.

JUDGE ELINORE MARSH STORMER

PROBATE COURT OF SUMMIT COUNTY, OHIO

GUARDIANSHIP OF: Jane Doe

CASE NO. 2010 GA 001

GUARDIAN'S REPORT OF SALE OF PERSONAL PROPERTY

The Guardian reports that, pursuant to the Court's Order of Sale, the following items were sold for the prices stated:

Item	Inventory Value	Sale Price
1. 2005 Buick Regal VIN #1GHRG21CB123456	7,000.00	6,000.00
2. Household furnishings	500.00	650.00
3. 32 Shares common stock Goodyear Tire and Rubber Co.	2,500.00	2,700.00

If any item was sold for less than the inventory price, state the reason(s) for the loss on sale:

Item 1. The 2005 Buick Regal was sold for \$6,000 which was the best and only offer after two weeks of advertising in the newspaper. The car's extremely high mileage accounted for the low sale price.

Date

Mary Doe
Guardian

PROBATE COURT OF SUMMIT COUNTY, OHIO

GUARDIANSHIP OF: Jane Doe

CASE NO. 2010 GA 001

GUARDIAN'S ACCOUNT
(R.C. 2109.302)

Annual Account. (Annual or Final)

Page 1 of

This Account covers the period from January 15, 2010 to January 15, 2011

SUMMARY OF ACCOUNT
(Recapitulation)

CHARGES:

Table with 2 columns: Description and Amount. Rows include Inventory or Assets on Hand from last Accounting (\$97,895.00), Gain on Value of Assets - (Schedule A) (10,250.87), Receipts - (Schedule B) (14,148.95), and TOTAL CHARGES (\$122,294.82).

CREDITS:

Table with 2 columns: Description and Amount. Rows include Disbursements - (Schedule C) (\$50,048.86), Loss on Value of Assets - (Schedule D) (1,000.00), Assets on Hand: Total Deposits - Schedule E-1 (65,529.98), All Other Assets - Schedule E-2 (5,715.98), Total Assets on Hand (71,245.96), and TOTAL CREDITS (\$122,294.82).

The account contains a full statement, as evidenced by the above summary and the attached Schedules, of all charges against me and of all credits to which I am entitled in the estate during the accounting period.

Date January 15, 2011
(Use this date on all attachments)

Guardian Mary Doe

SCHEDULE A - GAIN ON VALUE OF ASSETS
(Including Gain(s) on Sale(s))

Date January 15, 2011
(As shown on Summary of Account)

Page of .

1.	<u>DESCRIPTION OF ITEM SOLD</u>	<u>Residence</u>	
	SOLD FOR	\$ <u>82,000.00</u>	
	VALUE ON INVENTORY	\$ <u>72,000.00</u>	
	NET GAIN ON SALE		\$ <u>10,000.00</u>

2.	<u>DESCRIPTION OF ITEM SOLD</u>	<u>Miscellaneous Household Items</u>	
	SOLD FOR	\$ <u>2,150.87</u>	
	VALUE ON INVENTORY	\$ <u>2,000.00</u>	
	NET GAIN ON SALE		\$ <u>150.87</u>

3.	<u>DESCRIPTION OF ITEM SOLD</u>	<u>32 Shares Common Stock</u>	
	SOLD FOR	\$ <u>1,700.00</u>	
	VALUE ON INVENTORY	\$ <u>1,600.00</u>	
	NET GAIN ON SALE		\$ <u>100.00</u>

4.	<u>DESCRIPTION OF ITEM SOLD</u>		
	SOLD FOR	\$ <u> </u>	
	VALUE ON INVENTORY	\$ <u> </u>	
	NET GAIN ON SALE		\$ <u> </u>

5.	<u>DESCRIPTION OF ITEM SOLD</u>		
	SOLD FOR	\$ <u> </u>	
	VALUE ON INVENTORY	\$ <u> </u>	
	NET GAIN ON SALE		\$ <u> </u>

TOTAL GAIN - THIS PAGE (Insert on Form 15.8, Page 1)	\$ <u>10,250.87</u>
---	---------------------

SCHEDULE B - RECEIPTS

(Please type or print)

Date January 15, 2011
(As shown on Summary of Account)

Page of .

DATE OF RECEIPT	SOURCE OF RECEIPTS	AMOUNT
SOCIAL SECURITY		
2/4/94 to 7/4/94	6 months at \$395.00	\$2,370.00
8/4/94 to 1/4/95	6 months at \$427.00	<u>2,562.00</u>
		\$4,932.00

STATE TEACHERS RETIREMENT PENSION		
2/1/94		\$554.47
3/1/94		554.47
4/1/94		604.47
5/1/94		554.47
6/1/94		554.47
7/1/94		604.47
8/1/94		554.47
9/1/94		554.47
10/1/94		604.47
11/1/94		554.47
12/1/94		554.47
1/1/9		<u>593.28</u>
		\$6,842.45

GOODYEAR STOCK DIVIDEND		
4/3/94		\$32.00
7/4/94		<u>37.50</u>
		\$69.50

SCHEDULE B - RECEIPTS
(Please type or print)

Date January 15, 2011
(As shown on Summary of Account)

Page of .

DATE OF RECEIPT	SOURCE OF RECEIPTS	AMOUNT
INTEREST INCOME		
1/16/94 to 1/13/95	FIRST BANK – Savings Account	\$2,150.00
1/16/94 to 1/13/95	FIRST BANK – Checking Account	<u>65.00</u>
		\$2,215.00
MISCELLANEOUS RECEIPTS		
* 7/21/94	Car Insurance Refund (Car sold 3/1/94)	\$55.00
* 9/27/94	American Health Insurance Co. – Health Insurance Reimbursement for Prescription Drugs	<u>35.00</u>
		\$90.00
TOTAL RECEIPTS		\$14,148.95

* NOTE: Refunds are not income. However, for accounting purposes, they are listed under "Receipts". For computation of Guardian Fees, they are not included as income. See page 64, Sample Application-Computation of Guardian Fees. (\$90.00 is subtracted from Total Receipts of \$14,148.95 to arrive at income \$14,058.95 for computation of fees.)

SCHEDULE C - DISBURSEMENTS

(Please type or print)

Date January 15, 2011
(As shown on Summary of Account)

Page of .

DATE PAID	TO WHOM/FOR WHAT	VOUCHER NO.	AMOUNT
INTEREST INCOME			
1/25/94	TO: U.S. Ambulance	1	\$42.90
	FOR: Transportation to nursing home		
1/29/94	TO: Dr. H.C. Smith	2	72.00
	FOR: Medical Care		
2/1/94	TO: Summit County Treasurer	3	456.00
	FOR: Payment of Property Taxes		
2/3/94	TO: Best Care Nursing Home (4 months)	4	12,000.00
	FOR: Care of Ward		
2/5/94	TO: M.R. Wade	5	250.00
	FOR: Attorney fees for filing guardianship		
2/25/94	TO: Ace Insurance	6	215.00
	FOR: Car Insurance – 1 year premium		
3/15/94	TO: Kauffman's	7	61.98
	FOR: 2 pairs of shoes for ward		
4/3/94	TO: Ohio Edison	8	50.00
	FOR: Electric Bill for residence		
4/30/94	TO: H.G. Mill Co.	9	75.00
	FOR: Repair of furnace at residence		
7/3/94	TO: Best Care Nursing Home (4 months)	10	12,000.00
	FOR: Care of ward		

SCHEDULE D - LOSS ON VALUE OF ASSETS
(Including Loss(es) on Sale(s))

Date January 15, 2011
(As shown on Summary of Account)

Page of

1. **DESCRIPTION OF ITEM SOLD** 1995 Buick Regal

VALUE ON INVENTORY	\$	<u>5,200.00</u>	
SOLD FOR	\$	<u>4,200.00</u>	
NET LOSS ON SALE			\$ <u>1,000.00</u>

2. **DESCRIPTION OF ITEM SOLD** _____

VALUE ON INVENTORY	\$	_____	
SOLD FOR	\$	_____	
NET LOSS ON SALE			\$ _____

3. **DESCRIPTION OF ITEM SOLD** _____

VALUE ON INVENTORY	\$	_____	
SOLD FOR	\$	_____	
NET LOSS ON SALE			\$ _____

4. **DESCRIPTION OF ITEM SOLD** _____

VALUE ON INVENTORY	\$	_____	
SOLD FOR	\$	_____	
NET LOSS ON SALE			\$ _____

5. **DESCRIPTION OF ITEM SOLD** _____

VALUE ON INVENTORY	\$	_____	
SOLD FOR	\$	_____	
NET LOSS ON SALE			\$ _____

TOTAL LOSS - THIS PAGE (Insert on Form 15.8, Page 1) \$ 1,000.00

PROBATE COURT OF SUMMIT COUNTY, OHIO

GUARDIANSHIP OF: Mary Doe

CASE NO. 2010 GA 001

APPLICATION-COMPUTATION OF GUARDIAN FEES

ACCOUNTING PERIOD OF January 15 20 10 TO January 15 20 11

I.	INCOME FOR ACCOUNTING PERIOD	\$	<u>14,058.95</u>	
	5% of first \$100,000		<u>702.95</u>	
	3% of balance			
	Total			\$ <u>702.95</u>
II.	AUTHORIZED EXPENDITURES	\$	<u>50,048.86</u>	
	5% of first \$100,000		<u>2,502.44</u>	
	3% of balance			
	Total			\$ <u>2,502.44</u>
III.	TOTAL ORDINARY FEES			\$ <u>3,205.39</u>
IV.	EXTRAORDINARY FEES (Itemize and attach time records)			\$ _____
V.	TOTAL FEES REQUIRED			\$ <u>3,205.39</u>
VI.	MINIMUM ANNUAL FEE			\$ <u>300.00</u>
VII.	GREATER OF "V" OR "VI"			\$ <u>3,205.39</u>
VIII.	TOTAL FEES REQUESTED			\$ <u>3,205.39</u>

NOTE: Approved fees taken on next accounting and not included as expense in calculating fees in subsequent years

I have read and understand the above computation of fees, and submit they are necessary and reasonable for the administration of the guardianship for which I am guardian. I, therefore, request the Court's approval of payment of those fees from the assets of the said guardianship.

Attorney for Guardian

Guardian

MAGISTRATE

DISPOSITION

PROBATE COURT OF SUMMIT COUNTY, OHIO
ELINORE MARSH STORMER, JUDGE

GUARDIANSHIP OF Jane Doe

CASE NO. 2010 GA 001

ANNUAL PLAN FOR GUARDIANSHIP

1. Do you plan to change the Primary Care Physician listed on the Guardian's Report?

YES NO

If yes, please list the reason why: _____

New Physician Name: _____

Address: _____

Telephone Number: _____

2. Is there a plan to change or add agencies/providers listed on the Guardian's Report involved with the ward's care?

YES NO

If yes, please list the reason why: _____

Please provide the contact information of any new agencies: _____

3. Is there a plan to change the ward's placement?

YES NO

If yes, why the change? The ward is in need of a locked memory care unit.

When will the change occur? Within the next 30 days.

Placement Facility Name and location: Loving Care Assisted Living

500 Somewhere Lane, Akron, OH 44400

4. Please describe the ward's participation in the following activities:

Social/Recreational: Bingo every Tuesday and Thursday at the facility, a senior exercise class on Monday, Wednesday and Friday, and a craft class on Saturday morning.

Employment: N/A

Other: _____

If the ward is **not** involved in activities please explain why: _____

5. Please describe how the ward's financial needs will be met in the coming year:

The facility receives Medicaid and the ward's social security to pay for the ward's nursing home care.

Guardian's Signature

January 15, 2014

Date

Mary Doe

Guardians Typed or Printed Name

(330) 111-1111

Telephone Number (include area code)

777 Garden Lane

Guardian's Address

Akron, OH 44300

City State Zip

Guardian's Email Address (if available)

PROBATE COURT OF SUMMIT COUNTY, OHIO
ELINORE MARSH STORMER, JUDGE

IN THE MATTER OF _____

CASE NO. _____

APPLICATION TO SETTLE A CLAIM OF AN ADULT WARD

[R.C. 2111.18, Sup.R. 69]

[Check applicable boxes, complete applicable blanks, strike inapplicable language, and attach supporting documentation.]

The applicant states that: _____, is an adult ward residing at _____ in this county who on or about _____, suffered personal injury and/or damage to property by wrongful act, neglect, or default that entitles this person to maintain an action to recover damages.

Attached is a narrative statement in support of the proffered settlement setting forth a description of the occurrence, the injury or damage, the treatment progress and current prognosis by the treating physicians, and other proposed or actual settlements resulting from the same occurrence being paid to the persons other than this ward. Counsel will advise at the hearing as to liability and collectability.

- There is a (full) (partial) settlement offer of \$ _____ without suit being filed.
- There is a (full) (partial) settlement offer of \$ _____ after suit was filed; the style of the case, court, and case number being _____.
- The proffered settlement should be approved.
- Unreimbursed medical and other expenses of \$ _____ have been incurred. Attached is a list of such expenses and proposed payees.
- A reasonable attorney fee for the attorney's services is \$ _____ and reimbursement to the attorney for suit expenses is \$ _____. A copy of the attorney's fee contract that has (has not) received prior approval of this Court, subject to modification, and an itemization of suit expenses are attached.
- This is a structured settlement. All necessary documents, including a statement of the present value of the settlement, are filed herewith.

Applicant requests that:

- The Court authorize the applicant to execute a release which shall be effective upon payment of the settlement.
- The Court order payment of the above expenses and order that the net amount of \$_____ for the benefit of the ward be:
 - Deposited in the name of the ward with _____, a financial institution, in a restricted account and not be released without written order of this Court.
 - Delivered to guardian of the estate.
 - Structured as set forth in the attached documents.
 - Other: _____
- Supplemental forms required by local rule of Court are attached.

Attorney for Applicant Signature

Applicant Signature

Attorney for Applicant Printed Name

Applicant Printed Name

Address

Address

Phone Number (include area code)

Phone Number (include area code)

Attorney Registration No.

ENTRY SETTING HEARING AND ORDERING NOTICE

The Court sets _____, at _____ o'clock ____m. as the date and time for hearing the above application and orders notice to be given by the applicant, as provided in the Rules of Civil Procedure, to all interested parties.

JUDGE ELINORE MARSH STORMER

PROBATE COURT OF SUMMIT COUNTY, OHIO
ELINORE MARSH STORMER, JUDGE

IN THE MATTER OF _____

CASE NO. _____

ENTRY APPROVING SETTLEMENT OF A CLAIM OF AN ADULT WARD

Upon hearing the application to approve and distribute the settlement of the claim of the adult ward, the Court: [check whichever of the following are applicable.]

- Approves the proffered settlement of \$_____;
- Orders payment of \$_____ for medical and other expenses, as follows:

- Orders payment of \$_____ for attorney fees for service rendered and \$_____ to the attorney for reimbursement of suit expenses with respect to this matter;
- Authorizes the applicant to execute a release which shall be effective upon payment of the settlement;
- Orders that the net amount of \$_____, for the benefit of the ward be:
 - Deposited in the name of the ward with _____, a financial institution, in a restrictive account and not be released without written order of this Court with Form GA.8 - Verification Of Deposit By Custodian filed with the Court;
 - Delivered to the guardian of the estate;
 - Structured as set forth in the documents attached to the application;
 - Other: _____.
- Orders the applicant and the attorney to report on their distribution of the proceeds within thirty days of the date of this entry;
- Further orders _____.

Date _____

JUDGE ELINORE MARSH STORMER

PROBATE COURT OF SUMMIT COUNTY, OHIO
ELINORE MARSH STORMER, JUDGE

IN THE MATTER OF _____

CASE NO. _____

REPORT OF DISTRIBUTION

Pursuant to the Entry filed on _____, 20____, the proceeds have been paid as shown below and on the accompanying vouchers.

Gross Proceeds	\$ _____
Less:	
Medical expenses	\$ _____
Reimbursement of suit expenses to _____	\$ _____
Attorney fees to _____	\$ _____
Other: _____	\$ _____
Total	\$ _____

Net Proceeds

<input type="checkbox"/> Deposited pursuant to R.C. 2109.13 Form GA.8 - Verification Of Deposit By Custodian attached	\$ _____
<input type="checkbox"/> Delivered to _____ legal guardian of the estate	\$ _____
<input type="checkbox"/> Structured - see documents previously filed	\$ _____
<input type="checkbox"/> Other: _____	\$ _____
Balance	\$ _____

Attorney for Applicant Signature

Attorney for Applicant Printed Name

Attorney Registration No.

Applicant Signature

Applicant Printed Name

ENTRY

The above report of distribution is hereby approved.

Date _____

JUDGE ELINORE MARSH STORMER

PROBATE COURT OF SUMMIT COUNTY, OHIO
ELINORE MARSH STORMER, JUDGE

IN THE MATTER OF Jane Doe

CASE NO. 2010 GA 001

APPLICATION FOR AUTOMATIC EXTENSION TO FILE

Now comes the Fiduciary/Trustee/Guardian, Mary Doe
and pursuant to Local Rule 78 takes a sixty- day (60) extension until the 15th* day of,
March 20, 15 for filing of the:

Inventory Accounting Guardian's Report Certificate of Service

The Fiduciary/Trustee/Guardian, Mary Doe
certifies that there are no prior extensions.

Date

Fiduciary/Trustee/Guardian Signature

Fiduciary/Trustee/Guardian Printed Name

APPROVED:

Attorney Signature

Attorney Printed Name

JOURNAL ENTRY

Upon application of the Fiduciary/Trustee/Guardian, the sixty-day (60) extension is hereby granted. No further extensions shall be granted absent extraordinary circumstances, which must be specified by separate motion.

* Comment: Your 60 day extension starts from your **original** due date. For example, if your original due date was May 3rd, you may extend 60 days from May 3rd.

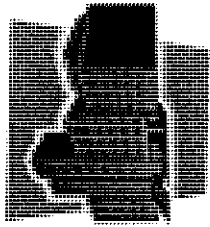


GUARDIANSHIP AT PROBATE COURT

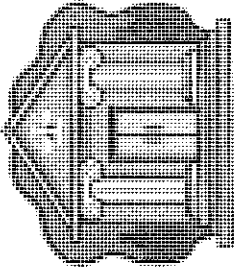
SUMMIT COUNTY PROBATE COURT
JUDGE ELINORE MARSH STORMER

209 S. High Street, Akron, Ohio 44308
Phone 330-643-2350 | *Fax* 330-643-2393 | www.summitohioprobate.com

STEPS FOR HANDLING A GUARDIANSHIP CASE



Guardianship Referral Form Received by Court



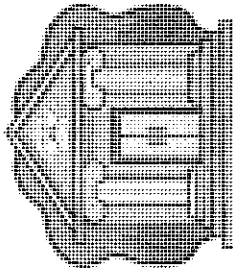
Court Investigator Reviews Referral



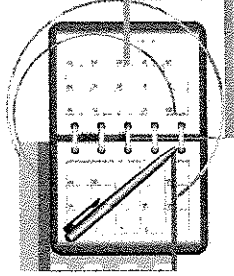
Guardian is Identified



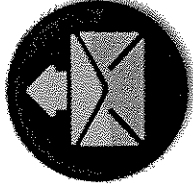
Guardian Completes Application for Appointment of Guardian



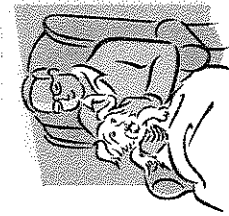
Completed Paperwork is Filed with Probate Court



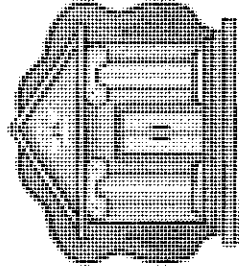
Hearing is Set with Magistrate



Applicant and Next of Kin Notified by Mail of Hearing



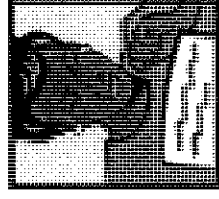
Court Investigator Personally Serves Proposed Ward



Hearing is Held with Magistrate for Appointment of Guardian



Guardian Fulfills Duties as Established by Probate Court



Guardian Submits Annual Report to Probate Court



I. GUARDIANSHIP AT PROBATE COURT

Guardianship is the most restrictive alternative when someone is determined to be unable to make decisions or care for themselves. Understanding the process of how cases are handled at the Court will help to assist you in your duties as Guardian. The steps for handling a guardianship ensures that each individual's legal rights are protected at all times with the goal that all will be cared for with dignity and respect.

A. STEPS FOR HANDLING A GUARDIANSHIP CASE

1. Guardianship Referral Form Received by Court

An agency, nursing home or hospital that is providing care for a person can make a referral to the Court if they believe the person is in need of a guardian due to mental impairment. The mental impairment may be the result of a cognitive dysfunction, dementia, a mental illness, mental retardation or a developmental disability.

The Guardianship Referral Form includes a detailed account of the person's personal information, their medical and mental health status, placement details, financial information, and the names and contact information of all known family members and/or relevant friends. The referral requires a Statement of Expert Evaluation, completed by a licensed physician or licensed clinical psychologist, finding that the person (proposed ward) is incompetent and in need of a guardian.

2. Court Investigator Reviews Referral Form

The Probate Court Investigator reviews the referral to ensure that the information is complete and that the person has no involved family or friends willing to become their guardian. The investigator will contact the person submitting the form for more information.

3. Guardian is Identified

Once the Court Investigator has determined that the person is in need of a guardian, a prospective guardian is identified.

4. Guardian Completes Application for Appointment of Guardian

The prospective guardian completes the Application for Appointment of Guardian. This application includes the personal, medical and financial information of the



prospective ward. The application also includes a Next of Kin form for the names and addresses of all known next of kin. The original Statement of Expert Evaluation form will also be required at the time the application is filed.

5. Completed Paperwork is Filed with Probate Court

The prospective guardian files the Application for Guardianship, along with background check and the Guardian's Credibility Application, with Probate Court to request that a guardian be appointed.

6. Hearing is Set with Magistrate

Once the Application for Guardianship is filed, the Court will schedule a hearing for the appointment of a guardian.

7. Applicant and Next of Kin Notified by Mail of Hearing

The applicant is notified by regular mail and the next of kin of the proposed ward are notified by certified mail of the hearing for appointment of a guardian.

8. Court Investigator Personally Serves Proposed Ward

The Court Investigator must serve the prospective ward at least 7 days prior to the date of the hearing. As part of the match process, the prospective volunteer guardian can accompany the Court Investigator on this visit.

The investigator must inform the prospective ward about the guardianship hearing and inform them of their rights. These rights include:

- a) The right to be present at the hearing;
- b) The right to contest the application for guardianship;
- c) The right to be represented by an attorney;
- d) The right to have a friend or family member present at the hearing;
- e) The right to have an independent expert evaluation, completed at Court expense, introduced at the hearing.

The Court Investigator completes and files a report, which includes a recommendation concerning the necessity of guardianship, with the Court.



9. Hearing is Held with Magistrate for the Appointment of the Guardian

If the proposed ward is consenting to the guardianship, an informal hearing will be held with the Magistrate for the appointment of the applicant as guardian.

If the proposed ward is not consenting to the guardianship, or if a competing second application is filed, the Court will schedule an evidentiary hearing to determine whether the person is in need of a guardian and who is best suited to serve as guardian.

10. Guardian Fulfills Duties as Established by Probate Court

The newly appointed Guardian of the Person will receive Letters of Guardianship, which officially appoints that person as Guardian. Copies of the Letters of Guardianship should be provided to any agency or health care providers involved in the care of the ward.

The Guardian of the Person is responsible to ensure that the basic needs of the ward are being met. This may include the following:

- a) Placement needs of the ward;
- b) Arranging for medical care or other treatment;
- c) Signing releases of information;
- d) Attending care conferences;
- e) Making end-of-life decisions.

11. Guardian Files Annual Report to Probate Court

All guardians must submit three documents to the Summit County Probate Court: an annual Guardian's Report, an Annual Plan for Guardianship, and an original Statement of Expert Evaluation (completed within the last 90 days).