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

2026 MS 00031

**ADMINISTRATIVE ORDER REGARDING RULE REFERENCES**

Effective July 1, 2026, the Supreme Court of Ohio renumbered and restructured the Rules of Superintendence. In doing so, they moved several rules for probate courts from the Rules of Superintendence to the Ohio Rules for Civil Procedure. At the time this change occurred, this Court was in the process of updating many of its Local Rules, working closely with a committee of practitioners from the Akron Bar Association's Estate Planning, Probate & Elder Law Section.

This Court will proceed to publish the Section's proposed changes to the Court's Local Rules, albeit such changes will correspond to now-outdated rule references. The Court has decided to proceed with publication to not delay recommendations from the Section, which this Court solicited over many months and meetings before the Supreme Court's changes.

This Court is actively working to update the rule numbers referenced in our forms, Local Rules, website, and internal documents. Until those updates are complete, all outdated rule references in the current rules and newly published proposed rules shall be construed as referencing the correct current Rule of Superintendence or Rule of Civil Procedure, as applicable. Tables explaining the correct rule references are included below as Exhibits A and B, respectively, for reference.

**IT IS SO ORDERED.**

Elinore Marsh Stormer

**JUDGE ELINORE MARSH STORMER**

PROBATE COURT
COUNTY OF SUMMIT, OH
FILED

OCT 28 2026

JUDGE ELINORE MARSH STORMER

**Exhibit A: Renumbered Superintendence Rules, July 2026**

| Former Rule Number | New Rule Number | Rule Topic/Title |
|---|---|---|
| Sup.R.45 | Sup.R. 11.10–11.14 | Presumption of Public Access |
| Sup.R. 66 | Sup.R. 8.31 | Guardianships |
| Sup.R. 66.01 | Sup.R. 8.30 | Definitions |
| Sup.R. 66.02 | Sup.R. 8.32 | Application of Rules |
| Sup.R. 66.03 | Sup.R. 8.33 | Local Guardianship Rule |
| Sup.R. 66.04 | Sup.R. 8.34 | Establishment of Guardianship |
| Sup.R. 66.05 | Sup.R. 8.35 | Responsibilities of Court Establishing Guardianships |
| Sup.R. 66.06 | Sup.R. 8.36 | Guardian Pre-Appointment Education |
| Sup.R. 66.07 | Sup.R. 8.37 | Guardian Continuing Education |
| Sup.R. 66.08 | Sup.R. 8.38 | General Responsibilities of Guardian |
| Sup.R. 66.09 | Sup.R. 8.39 | Responsibilities of Guardian to Ward |
| Sup.R. 79.01 | Sup.R. 8.25 | Assisted Outpatient Treatment Programs |

**Exhibit B: Superintendence Rules Adopted as New Civil Rules, July 2026**

| Former Sup. Rule | New Civ. Rule | Rule Topic/Title |
|---|---|---|
| Sup.R. 50 | Civ.R. 73.1 | Definitions (Probate) |
| Sup.R. 51 | Civ.R. 73.2 | Standard Probate Forms |
| Sup.R. 52 | Civ.R. 73.3 | Specifications for Printing Probate Forms |
| Sup.R. 53 | Civ.R. 73.4 | Hours of the Court |
| Sup.R. 54 | Civ.R. 73.5 | Conduct of the Court |
| Sup.R. 55 | Civ.R. 73.6 | Examination of Probate Records |
| Sup.R. 56 | Civ.R. 73.7 | Continuances |
| Sup.R. 57 | Civ.R. 73.8 | Filings and Judgment Entries |
| Sup.R. 58 | Civ.R. 73.9 | Deposit for Court Costs |
| Sup.R. 59 | Civ.R. 73.10 | Wills |
| Sup.R. 60 | Civ.R. 73.11 | Application for Letters of Authority to Administer Estate and Notice of Appointment |
| Sup.R. 61 | Civ.R. 73.12 | Appraisers |
| Sup.R. 62 | Civ.R. 73.13 | Claims Against Estate |
| Sup.R. 63 | Civ.R. 73.14 | Application to Sell Personalty |
| Sup.R. 64 | Civ.R. 73.15 | Accounts |
| Sup.R. 65 | Civ.R. 73.16 | Land Sales – R.C. Chapter 2127 |
| Sup.R. 67 | Civ.R. 73.17 | Estates of Minors of Not More Than $25,000 |
| Sup.R. 68 | Civ.R. 73.18 | Settlement of Injury Claims of Minors |
| Sup.R. 69 | Civ.R. 73.19 | Settlement of Claims of or Against Adult Wards |
| Sup.R. 70 | Civ.R. 73.20 | Settlement of Wrongful Death and Survival Claims |
| Sup.R. 71 | Civ.R. 73.21 | Counsel Fees |
| Sup.R. 72 | Civ.R. 73.22 | Executor's and Administrator's Commissions |
| Sup.R. 73 | Civ.R. 73.23 | Guardian's Compensation |
| Sup.R. 74 | Civ.R. 73.24 | Trustee's Compensation |
| Sup.R. 75 | Civ.R. 73.25 | Local Rules |
| Sup.R. 76 | Civ.R. 73.26 | Exception to the Rules |
| Sup.R. 77 | Civ.R. 73.27 | Compliance |
| Sup.R. 78 | Civ.R. 73.28 | In Decedent's Estates, Guardianship, and Trusts |
| Sup.R. 79 | Civ.R. 73.29 | Dispute Resolution |

# SUMMIT COUNTY PROBATE COURT

# LOCAL RULES OF COURT

*[Effective January 1, 2014,*
*with Amendments through _____, 2026]*

# TABLE OF RULES


| | |
|---|---|
| **RULE 5.1** | **REPORTING TO LAW ENFORCEMENT AND COMPLIANCE** |
| **RULE 8.1** | **COURT APPOINTMENTS** |
| **RULE 9.1** | **COURT SECURITY PLAN** |
| **RULE 11.1** | **RECORDINGS OF PROCEEDINGS** |
| **RULE 11.2** | **REMOTE APPEARANCES** |
| **RULE 16.1** | **MEDIATION** |
| **RULE 26.1** | **RECORD RETENTION** |
| **RULE 26.1** | **DISPOSITION OF EXHIBITS** |
| **RULE 26.2** | **REPRODUCTION OF HOSPITAL RECORDS** |
| **RULE 45.1** | **OMISSION OF PERSONAL IDENTIFIERS PRIOR TO FILING** |
| **RULE 51.1** | **STANDARD PROBATE FORMS AVAILABILITY** |
| **RULE 52.1** | **COMPUTER GENERATED FORMS** |
| **RULE 53.1** | **HOURS OF THE COURT** |
| **RULE 55.1** | **WITHDRAWAL OF FILES** |
| **RULE 56.1** | **LEAVES TO PLEAD** |
| **RULE 57.1** | **FILINGS AND JUDGMENT ENTRIES** |
| **RULE 57.2** | **FORWARDING COPIES** |
| **RULE 57.3** | **ELECTRONIC TRANSMISSION FILINGS** |
| **RULE 57.4** | **SERVICE OF PROCESS** |
| **RULE 58.1** | **DEPOSIT FOR COURT COSTS** |
| **RULE 58.2** | **CREDIT CARDS** |
| **RULE 60.1** | **APPLICATION FOR LETTERS OF AUTHORITY TO ADMINISTER ESTATE AND NOTICE OF APPOINTMENT** |

| | |
|---|---|
| **RULE 61.1** | **APPRAISER FEES/COMPENSATION** |
| **RULE 64.1** | **ACCOUNTS** |
| **RULE 65.1** | **LAND SALES** |
| **RULE 66.1** | **GUARDIANSHIPS** |
| **RULE 71.1** | **COUNSEL FEES** |
| **RULE 71.2** | **ATTORNEY SERVING AS FIDUCIARY** |
| **RULE 73.1** | **GUARDIAN'S COMPENSATION** |
| **RULE 74.1** | **TRUSTEE'S COMPENSATION (NON-LAWYERS)** |
| **RULE 78.1** | **CASE MANAGEMENT PROCEDURE** |
| **RULE 78.2** | **RELEASE FROM ADMINISTRATION** |
| **RULE 78.3** | **REAL ESTATE TRANSFER ONLY** |
| **RULE 78.4** | **MOTION TO ABANDON REAL PROPERTY** |
| **RULE 78.5** | **INVENTORY** |
| **RULE 78.6** | **INVENTORY/SCHEDULE OF ASSETS** |
| **RULE 78.7** | **NOTICE OF INTENT TO DISCLAIM** |
| **RULE 79.1** | **ASSISTED OUTPATIENT COMMITMENT (AOT)** |
| **RULE 93.1** | **CHANGE OF NAME** |
| **RULE 94.1** | **ADOPTIONS** |
| **RULE 97.1** | **APPROPRIATION OF PROPERTY** |

# APPENDICES


APPENDIX A **DEPOSITS FOR COURT COSTS**
- Estates/Releases
- Guardianships/Trusts
- Civil Actions
- Subpoenas
- Miscellaneous

APPENDIX B **ADOPTION FEES**

APPENDIX C **APPLICATION-COMPUTATION OF GUARDIAN FEES**

APPENDIX D **APPLICATION-COMPUTATION OF ADMINISTRATOR/EXECUTOR FEES**

APPENDIX E **APPLICATION FOR ATTORNEY FEES**

APPENDIX F **NOTICE OF ATTORNEY FEES**

APPENDIX G **APPLICATION FOR ATTORNEY FEES IN LAND SALE PROCEEDINGS**

APPENDIX H **FILING INFORMATION REAL ESTATE ONLY**

APPENDIX I **ELECTRONIC FILING COVER PAGE**

APPENDIX J **ELECTRONIC EVIDENCE**

## LOCAL RULE 5.1 REPORTING TO LAW ENFORCEMENT AND COMPLIANCE

(A) Authority

This Rule is adopted pursuant to R.C. 5122.311, R.C. 5122.15, Sup. R. 5 (F). 18 U.S.C.922 (g), and applicable provisions of the state law requiring the Court to ensure timely and accurate reporting of individuals who are subject to a court order of mental illness to the Bureau of Criminal Identification and Investigation (BCI). This reporting is necessary to comply with state and federal firearm disqualification requirements. This reporting shall occur with persons involved in the Court's Assisted Outpatient Treatment Program, as established by Local Rule and Sup. R. 79.01.

(B) Applicability

This Rule applies to all proceedings in which the Court issues an order:

(1) Adjudicating an individual as a "person with mental illness subject to court order."

(2) Ordering involuntary hospitalization or outpatient treatment under Chapter 5122 of the Revised Code.

(C) Clerk's Duties

(1) The Clerk of the Court shall prepare and transmit to BCI the required notice of adjudication or order within seven (7) days of the Court's judgment entry.

(2) The notice shall contain the individuals identifying information as required by the statute.

(3) The Clerk shall maintain a record of all notices transmitted to BCI, including the date of submission.

(D) Judge's Duties

(1) At the time of issuing any order that requires reporting, the Judge shall ensure the judgment entry clearly states that order is subject to BCI notification under applicable law.

(2) The Judge may direct the Clerk to prepare the necessary BCI reporting form concurrently with the entry.

(E) Confidentiality

All records maintained by the Court transmitted to BCI shall be handled in accordance with R.C. 5122.311, federal law and applicable court confidentiality rules. They may be produced consistent with such laws in the event of an audit by the Federal Bureau of Investigation, BCI, state or local auditors.

(F) Effective Date

This rule shall take effect on 12/01/2025 and shall apply to all qualifying cases thereafter.

## LOCAL RULE 8.1 COURT APPOINTMENTS

The Court follows Sup. R. 8 for Court Appointments, expanding on the Rule as noted below.

(A) Persons appointed by the Court pursuant to constitutional or statutory authority, rule of court, or the inherent authority of the Court, shall be selected from lists maintained by the Court.

(B) Appointments will be made from such lists taking into consideration the qualifications, skill, expertise and case load of the appointee in addition to the type, complexity and requirements of the case.

(C) Court appointees will be paid a reasonable fee with consideration given to the factors contained in Prof. Cond. Rule 1.5, the Ohio Revised Code, and the Local Rules of Court relating to fees.

(D) The Court will review Court appointment lists periodically to ensure the equitable distribution of appointments.

(E) Guardian Ad Litem.

(1) Qualifications.

A guardian ad litem shall be an attorney who is not associated with an attorney of record for the proceeding in which the guardian ad litem has been appointed.

(2) Appointment.

(a) A guardian ad litem will be appointed upon motion of the necessity for appointment.

(b) Upon application and entry, a fee based on a reasonable hourly rate for time expended shall be paid from the ward's or decedent's estate, or paid out of the indigent guardianship fund.

## LOCAL RULE 9.1 SECURITY PLAN

As required by Rule 9 of the Rules of Superintendence for Courts of Common Pleas, the Probate Division has adopted and implemented a local Security Policy and Procedures Plan. The plan shall be maintained as confidential and not a matter of public record.

**Sup. R. 9. Court Security Plans.**

(A) Court Security Plan

For purposes of ensuring security in court facilities, each court shall develop and implement a court security plan. If more than one (1) court occupies a court facility, the courts shall collectively develop and implement a single court security plan. In addition to any other provisions necessary to satisfy the purposes of this rule, the plan shall address the provisions of the Ohio Court Security Standards adopted by the Supreme Court and as set forth in Appendix C to this rule.

(B) Public Access

For purposes of ensuring security in court facilities, a court security plan, including any security policy and procedures manual, emergency preparedness manual, and continuity of operations manual adopted as part of the court security plan, shall not be available for public access.

## LOCAL RULE 11.1 RECORDING OF PROCEEDINGS

(A) The Court may make a digital audio/electronic recording of the proceedings as the record of the Court without a court reporter. Any party, at the party's own expense, may provide a professional court reporter for any hearing upon 24 hours written notice to the Court and all parties.

(B) If a hearing was recorded, any person may request the digital audio/electronic recording using the Court's Praecipe for Record of Hearing, Form MISC.01. If the proceeding was closed to the public by applicable law or order, the recording may only be requested by a party to the case. The person or party requesting the digital audio/electronic recording will be required to pay for the copy at the time of filing the Praecipe. Each copy costs $10.

(C) The original digital audio/electronic recording of the proceedings shall be maintained by the Court consistent with its record retention policy, as described in Sup. R. 26.04.

(D) A person or party cannot use the contents of a recorded hearing in subsequent pleadings filed with the Court or in argument before the Court unless a transcript of the entire hearing is filed with the Court. All such transcripts shall be made by a professional court reporter.

(E) Upon filing an Objection to a Magistrate's Decision or a Notice of Appeal, an objector or appellant who is required or desires to file a transcript of a hearing must contact a professional court reporting service to have the transcript prepared. A transcript of the record shall be made at the expense of the person or party requesting it unless otherwise ordered by the Court. The objector or appellant must file the completed transcript in this Court within the time limits of the Local Rules of Court, Rules of Civil Procedure, or the Rules of Appellate Procedure. When the transcript is filed by an appellant, this Court will certify the transcript to the Court of Appeals.

## LOCAL RULE 11.2 REMOTE APPEARANCES

(A) Video Conferencing.

The Court on its own motion, or upon the request of any party, may conduct conferences, hearings, and proceedings using a two-way video and audio conferencing platform for both attorneys and unrepresented parties. All interested parties and counsel shall provide accurate and active email addresses to the Court so that links for hearings may be emailed.

(1) The Court may conduct its proceedings by video at the following conferences, hearings, and proceedings:
   (a) Case management/scheduling and status conferences/review hearings;
   (b) Non-evidentiary motion hearings;
   (c) All uncontested hearings;
   (d) Pre-trial hearings; and
   (e) Any hearing approved in advance by the Court for appearance by video.

(2) The court may require a personal appearance at a hearing, conference, or proceeding, if the court determines that a personal appearance would materially assist in the determination of the proceedings or in the effective management or resolution of any particular case.

(3) If at any time during a hearing, conference, or proceeding conducted by video conference the court determines that a personal appearance is necessary, the Court may continue the matter and require a personal appearance.

(4) No party may forward a Zoom link to any other individual or non-party without prior Court approval.

(5) A party who wishes to request video conferencing must file a motion requesting same at least 14 days prior to the hearing. The moving party shall indicate if approval from the other interested party or parties was obtained prior to the filing. If a party objects to video conferencing, the objection shall be filed at least 7 days prior to the hearing.

(B) In conducting video conference hearings,

(1) The court shall recite the date, time, case name, case number, names of parties and counsel, and the type of hearing.

(2) All evidentiary proceedings involving video conference appearances must be recorded and reported to the same extent as if the participants had appeared in person.

(C) Production of Exhibits.

Unless the Order for the video conference hearing states otherwise, all exhibits shall be pre-marked and produced to every party and the Court at least 7 days prior to the hearing. Production may be electronically (in a pdf format), on paper, or any other means approved by the Court. No party shall introduce a large volume of exhibits with the expectation that the Court will search for pertinent information. Exhibits should be limited to those that are relevant and probative.

(D) Witnesses.

In any matter, a non-party witness may testify via telephone or video conference. If the hearing is a contested matter, a motion shall be filed by the party requesting a witness to appear via video at least 14 days prior to the hearing setting forth the grounds for the request. The moving party shall indicate if approval from other parties was obtained prior to the filing. If a party objects to a witness appearing via video, the objections shall be filed at least 7 days prior to the hearing.

(E) Technical Standards and Equipment.

(1) The equipment and platform used in any hearing or proceeding conducted under this rule must conform to the following minimum requirements:

(a) All participants must be able to see and/or hear and communicate with each other simultaneously.
(b) All participants must be able to see, hear, or otherwise observe any documents, physical evidence, or exhibits presented during the proceedings, either by video, facsimile, or other method.
(c) A verbatim record of the proceeding will be made and maintained by the Court when the nature of the proceeding so requires.
(d) The use of telephonic or audiovisual technology in conducting hearings and proceedings shall in no way abridge any right of the public.
(e) The telephonic or audiovisual technology must be able to be used by people with disabilities to accommodate their disabilities under the Americans with Disabilities Act.

(F) Decorum.

(1) Hearings conducted via video conferencing are court proceedings and should be respected as such. Every person appearing via video shall be appropriately dressed and conduct themselves as if they were physically present in the courtroom. All parties and witnesses shall ensure that they are in a quiet environment with no distractions. No parties or witnesses will be permitted to operate a motor vehicle during a video appearance.

(2) If a party does not comply with any part of this rule the Court may, at its own discretion, remove them from the hearing and require that they attend any future hearings in person. Removal of a party or a witness for failing to comply does not automatically continue the hearing.

## LOCAL RULE 16.1 MEDIATION

(A) Uniform Mediation Act and Definitions

R.C. §2710 "Uniform Mediation Act" (UMA), including all definitions found in R.C. §2710.01 are incorporated by reference and adopted by this court through this local rule.

(B) Cases Eligible for Mediation

(1) General. At any time, any action or proceeding under the jurisdiction of this Court may be referred to mediation by the Judge or Magistrate or upon motion of all parties.

(2) If a dispute involves a matter under the jurisdiction of the Probate Court, including a client with mental health, or developmental disability, or aging adult issues, but a guardianship case has not been filed, an agency may file a motion with the Court to refer the matter to mediation.

(3) Exceptions. Mediation is prohibited as an alternative to resolving any issues involving domestic violence or protection orders.

(C) Procedure

(1) A mediator will be assigned by the Court to conduct the mediation and submit an agreement or report.

(2) The parties shall set a mediation date with the Mediation Coordinator.

(3) Parties shall prepare a Mediation Statement and submit it to the mediator at least 48 hours prior to the mediation session.

(4) Parties are required to participate in mediation in person unless excused fourteen (14) days prior to the mediation, and if the parties wish, their attorneys and other individuals they designate may accompany them and participate in mediation.

(5) At the conclusion of the mediation and in compliance with R.C. §2710.06, the Court shall be informed of the status of the mediation including all of the following:

(a) whether the mediation occurred or was terminated;
(b) whether a settlement was reached on some, all, or none of the issues;
(c) future mediation session(s), including date and time; and
(d) further action required by the Court.

(D) Continuances

Continuances of mediation will only be granted in exceptional circumstances.

(E) Stay of Proceedings

If a case is set for mediation, all hearings are held in abeyance until mediation is complete. All Court orders shall remain in effect during the mediation process unless stayed by the Court.

(F) Confidentiality

All mediation communications related to or made during the mediation process are subject to, and governed by the UMA, R.C. §2710.01 to §2710.10, the Rules of Evidence, and any other applicable judicial rule(s).

If an agreement is reached, the agreement may be filed under seal upon the request of the parties and the approval of the Court.

(G) Costs

Fees for the mediator shall be set by the Court. The Court absorbs the costs for the first three (3) hours of Mediation. Thereafter, the parties are responsible for the mediator's fees and unless otherwise agreed, shall be shared equally by the parties.

## LOCAL RULE 26.1 DISPOSITION OF EXHIBITS

All exhibits offered for admission during a hearing or trial shall be labeled by a party name and item identification. In a proceeding recorded by a Court stenographer, custody of exhibits admitted or proffered shall be given to the stenographer, unless otherwise ordered by the Court. If the proceeding is electronically recorded, exhibits shall be filed in the Court case file, unless otherwise ordered by the Court. All admitted exhibits will be scanned and docketed, unless sealing is ordered.

Upon agreement of the parties or by Order of the Court, copies may be substituted for the original exhibit.

Disposal of exhibits shall be pursuant to Sup. R. 26.

See Appendix J for the Court's rules for electronic evidence.

## LOCAL RULE 26.2 REPRODUCTION OF HOSPITAL RECORDS

(A) Upon motion of any party showing good cause and upon notice to all other parties and the individual who is the subject of the reports, the Court may order any hospital by any agent competent to act in its behalf, to reproduce all or any portion of designated hospital records, not privileged, which constitute or contain evidence pertinent to an action pending in this Court. The Order shall direct the hospital to describe by cover letter the portion or portions of the records reproduced and any omissions and specify the usual and reasonable charges. The Order shall designate the person(s) to whom such reproductions shall be delivered or made available.

(B) Objections to the admissibility of such reproduced hospital records on the grounds of materiality or competency shall be deemed reserved for ruling at the time of trial without specific reservation in the Order to reproduce. Reproductions made pursuant to this procedure may be admitted into evidence without further identification or authentication but subject to rulings or objections impliedly or specifically reserved unless the Order expressly provides otherwise.

(C) Charges for reproduction of its records shall be paid directly to the hospital by the movant(s).

(D) Where original records are produced in Court and reproductions subsequently substituted by agreement of the parties or by order of the Court, the movant(s) shall be responsible for the cost. Unless otherwise ordered by the Court, all original records shall be returned by the court reporter to the hospital upon entry of judgment in this Court.

## LOCAL RULE 45.1 COURT RECORDS – PUBLIC ACCESS

The Court follows Sup. R. 44-47's definitions and rules for restricting direct and remote access to Court documents and information contained therein.

(A) Removal of Personal Identifiers:

(1) When submitting a document to the Court for filing, the filer shall remove personal identifiers from the document. "Personal identifiers" means social security numbers, except for the last four digits; financial account numbers, including but not limited to debit card, charge card, and credit card numbers, except for the last four digits; employer and employee identification numbers, and dates of birth.

(2) When personal identifiers are removed from a case document filed with this Court, the filer shall submit or file the identifying information on a separate form. The filer shall use Standard Probate Court Confidential Disclosure of Personal Identifiers form, Form 45, to provide the Court with this information. The form is available on the Court's website.

(B) Restricting Access to Information and Case Documents

(1) Any party or other person who is the subject of information in a case document may, by written motion to the Court, with such motion served on all parties, request that the Court seal or restrict public access to the information or, if necessary, the entire document. If the motion is filed simultaneously with the information or document that is the subject of the motion, then the subject information or document shall be restricted from public access pending the Court's ruling on the motion. Additionally, the Court may seal or restrict public access to the information or entire document, upon its own motion.

(2) Any person, by written motion to the Court, with such motion served on all parties, may request access to information or documents which have been sealed or restricted by the Court. The Court may schedule a hearing on the motion.

(3) The Court decides whether to restrict, seal, or to grant access to, information and documents on a case-by-case basis in accordance with Sup. R. 45, after considering public policy, whether any state, federal, or law exempts the information or document from disclosure, risk of injury to persons, individual privacy rights and interests, fairness to the adjudicatory process, public safety, and whether propriety information is involved.

(4) The Court generally manages its paper file the same as its electronic file. The Court will not restrict access to one such file-type without restricting access to the other unless required to by law, Court order, or due to personal identifiers being present.

(5) The Court restricts public access to several documents pursuant to law or Court policy. This includes all case documents for mental illness proceedings, adoption proceedings, records involving minors, Statements of Expert Evaluation for guardianship cases, and certain documents prepared by Court Investigators, including home studies, reports, and inquiries for a variety of cases. Documents prepared by Court Investigators often contain personal identifiers, sensitive medical information, and/or include collateral source documents which contain sensitive information. Any party, by written motion, with the motion served on all parties, may request access to the Court Investigator's home study, report, or inquiry. The Court may schedule a hearing on the motion.

## LOCAL RULE 51.1 STANDARD PROBATE FORMS AVAILABILITY

Standard Probate forms as promulgated by the Rules of Superintendence for the Courts of Ohio and by the Summit County Probate Court are available on the Court's website. Attorneys are encouraged to use these forms.

## LOCAL RULE 52.1 COMPUTER GENERATED FORMS

When standard forms are generated by computer, they shall conform to all specifications for standard forms stated in Sup. R. 52. The Court will accept for filing nonstandard computer generated forms for the receipts and disbursements attached to a standard account form or the schedule of assets attached to a standard inventory and appraisal form.

## LOCAL RULE 53.1 HOURS OF THE COURT

The Probate Court shall be open for business daily from 8:00 A.M. to 4:00 P.M., except Saturdays, Sundays, and legal holidays observed by the Court. The Court may close periodically for staff training.

COMMENT: Electronic court filing is available 24/7, but the court itself is not open 24 hours a day. Documents efiled after 3 P.M. or outside of regular business hours will not be deemed received or "filed" on the same calendar day; they will be processed on the next business day. See Local Rule 57.3 for more information.

## LOCAL RULE 55.1 WITHDRAWAL OF FILES

(A) Court records shall not be removed from the Court.

(B) Copies of public records may be obtained from the Court at a per page cost established in the Court's costs and fee schedule. Court personnel shall not be responsible for making such copies, but may assist the public in operating court copying equipment.

(C) The Court website provides access to all non-confidential documents. Copies may be made from the website.

**LOCAL RULE 56.1 LEAVES TO PLEAD/CONTINUANCES**

(A) The following procedures are applicable:

(1) Leaves to Plead shall be by written application to the Court. The application shall set forth the number of Leaves to Plead previously obtained, and the total days of such Leaves, and shall be served upon opposing counsel or upon the adverse party if not represented by counsel.

(2) Leaves Granted Without Order of Court

Unless the Court has, on its own Motion, limited Leaves to Plead, the following for Leaves to Plead are granted, without Order of the Court, for a period of twenty-one (21) days.

(a) First Leave to Plead: When a certification is filed that no previous Leave to Plead has been taken.

(b) Additional Leave to Plead with Consent

(B) If the only Leave to Plead taken by a party is under the provision of Paragraph (A)(2)(a), an additional Leave may be taken by that party upon the filing of the written consent of opposing counsel.

(C) Motions for Continuances shall be submitted in writing and served on all interested parties/counsel. Movant shall also submit a Proposed Order.

## LOCAL RULE 57.1 FILINGS AND JUDGMENT ENTRIES

(A) Requirements for Acceptance: (Except as modified by Electronic Filing Rule 57.3)

(1) All filings must contain original signatures. At least one (1) fiduciary must sign the filing when multiple fiduciaries have been appointed. Any signature must be followed by the printed name of the person signing.

(2) Notwithstanding Civil Rule 11 and the standard probate forms, the appointed fiduciary(ies) must sign any receipt and expenditure of funds, resignation of fiduciary, or any applications or motions, except as set forth in (4) below.

(3) Upon the initial filing of any matter captioned in the name of a deceased person, the applicant shall submit a certified copy of the deceased person's death certificate. The Clerk will inspect and copy the original and return it. The record will be kept in the confidential file.

(4) An attorney may sign Form EGT.1 on behalf of the fiduciary or fiduciaries by signing the attorney's name on the signature line. The attorney shall obtain prior written authorization from such fiduciary or fiduciaries before signing and filing Form EGT.1. The attorney shall attach to Form EGT.1 the document setting forth the written authority granted to the attorney. The attorney shall provide a written copy of the extension to the fiduciary or fiduciaries within two days of its filing. Such authority set forth in (A)(4) may be granted by e-mail, fax, or original signature of the fiduciary(s).

(5) If a fiduciary/applicant is a person entitled to receive notice of a pleading or document, their signature upon the document shall be deemed a waiver of notice by the signatory and shall constitute full consent to the action requested.

(B) Approval by Attorney of Fiduciary Filings.

(1) Each document presented to the Court for filing on behalf of a fiduciary, shall be approved by the fiduciary's attorney, if applicable, in the following form:

Approved:

_____
Attorney for Fiduciary

(2) The signature of an attorney constitutes a certification that the attorney has read the pleadings; that to the attorney's best knowledge, information, and belief, there is good ground to support it; and that it is not interposed for delay.

(C) Motions.

(1) Unless an oral hearing is requested, all Motions shall be submitted by Memorandum or Brief. Requests for hearing must be in writing, and filed with the Motion. A statement of the grounds upon which the Motion is based shall be presented in the Memorandum or Brief. All Motions shall be submitted with a proposed Order approved by the attorney of record. All motions shall be served upon all relevant parties or persons and contain a certificate of service. A party in adversarial litigation or motion practice need not be served if they are in default pursuant Civ. R. 5(A) unless the motion or pleading asserts new or additional claims for relief of for additional damages against them.

(2) Within fourteen (14) days after the receipt of a copy of a Motion, opposing counsel shall prepare and file a reply to the Motion, setting forth written statements of opposition to the Motion.

(3) Any Motion may be ruled upon at any time after fourteen (14) days from the date of filing the Motion.

(D) Successive Motions, Adversarial Motions and Motions Created Using Artificial Intelligence

(1) There is no right to file multiple adversarial motions until the Court has ruled on the first motion. The Court will not accept multiple adversarial filings within the same case by the same filer without leave of Court. The Court reserves the right to charge additional fees for successive, multiple, or artificial intelligence generated motions.

(2) A filing fee of $10 must be paid for each adversarial motion filed in any case in the Court. If the Movant has no funds on deposit, the fee will be collected before the Motion is docketed.

(3) Any AI-generated evidence or pleadings shall include a statement from the party using and/or filing said evidence or pleadings informing the Court and all parties that the document(s) is AI-generated. If the document includes any citation, legal or otherwise, the filing/using party shall also submit to the Court at the time of filing/use a notarized statement that the accuracy of all citations has been verified.

## LOCAL RULE 57.2 FORWARDING COPIES

(A) The Court will serve file-stamped copies of its Orders via email when possible. Each attorney of record must supply the Court with a valid email address.

(B) The Court will not return file-stamped copies by mail unless submitted with a return, self-addressed, stamped envelope.

## LOCAL RULE 57.3 ELECTRONIC TRANSMISSION FILINGS

(A) Definitions in the Rule shall be as follows:

(1) **Source document:** The document to be filed. This document shall be transmitted to the court by e-mail in PDF format unless it is a Proposed Order which shall be submitted in WORD format.

(2) **Original document:** the e-mail copy of the source document received by the Court and maintained as the "original" document in the Court's file. A document filed by e-mail shall be accepted as the original filing if the sender complies with all of the requirements set forth in this Local Rule. The sender need not file any source document with the Court.

(B) **Filings Not Accepted:** The following documents may NOT be filed by e-mail transmission:

(1) Any pleading or document necessary to commence a proceeding for which the Court must collect an initial case deposit or a filing fee and/or for which the Court is required to effectuate service of summons; or

(2) Any document filed by e-mail that requires a fee at the time of filing unless the filer has on deposit sufficient funds for the payment of costs; or

(3) Any proceedings deemed confidential pursuant to Ohio Law.

(C) **Electronic Cover Page:** All filings by e-mail shall be accompanied by a Court Approved cover page as set forth in Appendix "I", setting forth:

(1) Date of transmission;

(2) Name, address, e-mail address, telephone number, and fax number of the sender;

(3) Case number and caption of the case in which the document is to be filed;

(4) Title of the document(s) to be filed; and

(5) Number of pages being transmitted.

(D) **E-Mail:** The e-mail address available for receiving filings for the Court is efiling@summitohioprobate.com. This e-mail address is available twenty-four (24) hours per day seven (7) days per week for e-mail filings ONLY. E-mails sent to any other address are not covered by or permitted under this Local Rule and will not be considered filed. All email filings shall state the Case Number and Case Caption in the subject line.

(E) **Document Restrictions:** An e-mail transmission may contain more than one document but may not apply to more than one case number per transmission. Motions and other filings making reference to or incorporating other documents attached to the motion or other filing as an exhibit thereof shall be considered as part of a single filing for purposes of this rule.

(F) **Fees:** There are no specific costs related to Electronic Filings except to the extent that the filings are taxed as costs to any case. **Filings in excess of ten pages shall be assessed a copying**

**charge at the rate of ten cents a page.** It is the sender's responsibility to ensure that there is sufficient funds deposited with the Court with which to satisfy the cost relating to the filing.

(G) **Filing:** Acceptance or Rejection. The Court is authorized to reject any electronic filing if it fails to comply with any of the requirements of this rule. The Court shall notify sender of said rejection.

(H) **Date and Time:** For purposes of this rule and for entering such filings into the electronic Case Docket system, electronically transmitted documents may be received during the regular business hours of the Court. **Any documents received after 3 pm on a regular business day shall be filed and docketed the following business day. Any documents received on weekends or other legal holidays shall be filed and docketed the next business day.**

(I) **Signatures:** Any signature on documents transmitted by e-mail shall be considered as that of the attorney or other person that it purports to be for all purposes. If it is established that the documents were transmitted without authority, the Court may order the filing stricken. Any electronic filings shall contain a signature and must be followed by the printed name of the person signing the source document.

(J) **Verification of Receipt for e-mail filings:** The Court shall send a Delivery Receipt. Once the document has been filed the Court shall confirm said filing via email by returning to sender the time stamped documents.

COMMENT: E-mail Filings: Under Civil Rule 5(E), pleadings, motions, applications and other filings may be filed with the Court by e-mail transmission subject to conditions in the rule. This Local Rule is adopted for the convenience of those filing documents with the Court but the Court does not assume any new or additional responsibilities, obligations or liabilities by virtue of this Rule. The filer remains responsible for any requirements pertaining to time, costs or otherwise when using this method of filing. **In making copies, the Court will attempt to keep necessary copying of attachments to a minimum to reduce expenses for parties.**

This Local Rule pertains only to the method of filing and does not change any other requirements in the Local or Civil Rules or Ohio Statutes such as obtaining the consent of parties or counsel or obtaining signatures or the authorization to sign for opposing counsel.

## LOCAL RULE 57.4 SERVICE OF PROCESS

(A) GENERAL: Service of Process shall be made pursuant to Ohio Rules of Civil Procedure Rule 4.1 through 4.7.

(1) Unless otherwise instructed by praecipe, the clerk will make service of any process using the commercial carrier, Federal Express (FedEx) following Rule 4.1(A)(1)(b).

(2) The costs for service will be charged to the case.

COMMENT: The rule is amended to reflect changes to the Ohio Rules of Civil Procedure. The Court's case management system can only process FedEx as the commercial carrier for service.

(B) MOTIONS: All motions shall be served upon all relevant parties and contain a certificate of service.

(C) ESTATES: The Court has specific rules and forms for proof of service for estate inventories and accountings (See Local Rule 64.1 and Local Rule 78.5, respectively) and may, from time to time, order the fiduciary to give notice to interested persons using particular methods, as required by law or at its discretion.

COMMENT: There are a variety of proceedings in estate administration with unique notice requirements. Examples include notice of a hearing on an application to admit to probate a lost or spoliated will (See R.C. 2107.27), notice of hearing on any representation of insolvency (See R.C. 2117.17), and notice of hearing on any fiduciary claim against the estate (See R.C. 2117.02). The Court will include any specific requirement for notice by a fiduciary to interested persons in its Order setting the hearing.

## LOCAL RULE 58.1 DEPOSIT FOR COURT COSTS

The Court may require a deposit sufficient to cover the anticipated costs except when otherwise directed by law or the Court.

When required, Court costs are due and payable at the time of filing.

A schedule of Court costs is available on the Court's website and the Appendix to these Rules.

## LOCAL RULE 58.2 CREDIT CARDS

The Court will accept payment for costs and fees via Visa, MasterCard, and Discover. Any fees associated with payments by credit cards will be assessed against the credit card holder.

**LOCAL RULE 60.1 APPLICATION FOR LETTERS OF AUTHORITY TO ADMINISTER ESTATE AND NOTICE OF APPOINTMENT**

**(**A) Estate Administration.

Appointment of Non-resident Fiduciaries

An applicant to be appointed fiduciary of a decedent's estate or trust, who is not a resident of this state, must comply with Section 2109.21 O.R.C. and employ an attorney of record licensed to practice law in Ohio. To assure the assets remain in Summit County, Ohio, during the administration of the estate or trust, the applicant shall meet one or more of the following criteria as the Court may require:

(1) Place a substantial amount of the decedent's personal assets in a custodial depository in this county, pursuant to Section 2109.13 O.R.C.;

(2) Have a co-fiduciary who is a resident of this State;

(3) Post a bond in compliance with Section 2109.04 O.R.C.

In cases where a trustee named in the Will is a non-resident of this state, the Court reserves the right to appoint a local resident co-trustee, with or without bond, who will insure that all assets pertaining to said trust remain in this county until distribution, or until the Court determines that the property may be removed from the county in accordance with R.C. 2109.21.

(B) Notice of Application/Stepparent.

If a surviving spouse files an application to be appointed as administrator of an intestate estate, and is:

(1) Not the natural parent of the decedent's child or children, and is,

(2) Entitled to a priority of appointment under R.C. 2113.06, the surviving spouse shall, in accordance with Rule 73 of the Ohio Rules of Civil Procedure, serve all competent adult next of kin of the decedent who reside in the State of Ohio a notice containing the following:

(a) That an application has been filed for the appointment of the spouse as administrator, and

(b) Time and place of the hearing for the application. Notice may be waived, in writing, by the next of kin.

(C) Notice to Spouse.

The Probate Court shall serve by certified mail or FedEx the spousal citation and summary of rights required by R.C. 2106.02 to the surviving spouse within seven (7) days of the initial appointment of the administrator or executor, unless a different time is established by Order of the Court. FedEx is preferred for service.

(D) Status Report by Fiduciary.

The fiduciary of an estate, or the attorney of record, shall file an annual report with the Court on the anniversary date of the fiduciary's appointment, explaining the status of the estate and why the case is not closed.

(E) Bond.

(1) Dispensing with Bond with Consent: If next of kin, beneficiaries under a Will, attorney, or other person is applying to dispense with the requirement of bond, bond may be dispensed with if all next of kin or beneficiaries' consent and/or at the Court's discretion.

(2) Litigation Only Estates: If the estate is opened for litigation, only, and there are no assets subject to probate at the time of opening the estate, upon application, bond may be dispensed with at the Court's discretion. This includes wrongful death, product liability, personal injury, or other tort cases. Form ES.3 on the Court's website is applicable for litigation-only cases.

## LOCAL RULE 61.1 APPRAISER FEES/COMPENSATION

Summit County Probate Court follows Court Rule of Superintendence 61.

If the amount of compensation cannot be agreed upon, the Executor or Administrator shall file an application for allowance of compensation to each appraiser. Otherwise, no Court Order is necessary, and credit may be taken for payment in the next regular account as provided by law, subject to all exceptions which may be thereafter filed.

In the event the appraiser's fee exceeds Five Hundred Dollars ($500.00), approval must be obtained upon proper application to the Court.

## LOCAL RULE 64.1 ACCOUNTS

(A) General Rules for Accountings.

(1) All accounts must be signed by the fiduciary and contain the full name, current resident address, e-mail, and telephone number of the fiduciary and counsel of record. If there are multiple fiduciaries, all fiduciaries must sign the account.

(2) Account Numbers.

All financial asset account numbers listed in a fiduciary's account shall disclose only the last four (4) digits of each account number. It is the responsibility of the person filing the account to redact the remaining digits of each account number.

(3) Overdue Accounts.

All accounts must be filed on time. Once a Citation is issued, the account must be filed by the date ordered in the Citation. Late filings will not be accepted. If the account is not filed by the date ordered, both the attorney and the fiduciary must appear in Court on the date ordered. Failure to appear will result in the Court levying a fine of $100.00 personally against the fiduciary and/or the attorney. In addition, the Court may issue sanctions against the fiduciary, including but not limited to removing the fiduciary, issuing a warrant for their arrest, or freezing estate assets.

(4) Extensions to File.

The date of a fiduciary's appointment shall always govern due dates for accountings irrespective of any prior extensions taken or granted by the Court.

(B) Estate Accountings.

(1) Partial Accounts.

The Court may require a partial accounting even where a waiver of partial accounting is filed.

(2) Notice of Filing Accounts.

All accounts shall be set for hearing as published on the Court's website. The fiduciary is required to file waivers of notice of hearing or serve notice of hearing on all next of kin in an intestate estate or beneficiaries in a testate estate.

(3) Proof of Service.

(a) In all estates, the fiduciary shall file with the Court either: 1) a Waiver of Notice of Hearing on Account (Form 13.7) from all heirs or beneficiaries and a Certificate of Service of Account to Heirs or Beneficiaries (Form 13.9), or 2) a Waiver of Notice of Hearing and Approval of Account (Form 13.7.a) from all heirs or beneficiaries, or 3) a Notice of Hearing on Account to Heirs and

Beneficiaries and Certificate of Service (Form 13.9.a) at least five (5) business days prior to the hearing date.

(4) Paid Funeral Bill.

A copy of the decedent's paid funeral bill shall be filed with the final account or certificate of termination.

(C) Guardian's Accountings.

(1) Guardian's Accountings shall be filed:

(a) On the first anniversary date of the appointment of the guardian.

(b) Annually thereafter on the anniversary date.

(2) Period Covered.

Unless ordered otherwise, all guardian's accounts shall be for a period of twelve (12) months, except a final account may be for a period less than twelve (12) months.

(3) Delinquency in Filing an Account.

No expenditure, sale, distribution, or fee will be approved while the fiduciary is delinquent in filing an account.

## LOCAL RULE 65.1 LAND SALES IN ESTATES OR GUARDIANSHIPS

(A) Local Form GA. 18 and Form GA. 19 shall be utilized for all guardian land sales by consent pursuant to R.C.2127.12. Local Form CV. 10 shall be used for all guardian land sales pursuant to R.C. 2127.05 to 2127.16 where the guardian lacks consent to sell a ward's real property.

(B) Local Forms CV. 25 and CV. 30 shall be utilized by all probate estate fiduciaries who seek to sell the real property pursuant to R.C. 2127.02 (to pay debts) or R.C. 2127.04 (not to pay debts, but desired for distribution in the best interests of the estate).

(C) A preliminary judicial title report or title commitment shall be required with the filing of the Complaint in all actions filed for the sale of real estate by a fiduciary (except summary land sales where the actual market value of a decedent's or ward's real property to be sold is less than three thousand dollars per R.C. 2127.11).

(D) The Court has several forms available on its website which shall be used in any land sale proceeding to order appraisment (CV.12.-.13), for attorneys fees (CV. 16), to fix price (CV. 19), and to order sale (CV. 15-.15.a).

(E) The distribution of sale proceeds must be included with the confirmation order. A proposed entry to confirm the sale and an order of distribution (Form CV. 17) must be submitted with any motion to confirm sale.

(F) In all land sale actions that have not been concluded within one (1) year from the date of filing, the Plaintiff's counsel shall file a status report.

(G) The Court shall select and appoint each guardian ad litem. Plaintiff shall submit Form CV.11 for the Court's consideration. In land sale proceedings, a minimum fee of Fifty Dollars ($50.00) shall be assessed as costs for each guardian ad litem appointed, unless the circumstances warrant the payment of additional fees subject to Court approval. In all other proceedings, the amount of the guardian ad litem fee will be determined upon motion supported by a statement of services. The guardian ad litem's fees may be assessed as costs.

## LOCAL RULE 66.1 GUARDIANSHIPS

(A) Guardianships.

(1) Bond.

Bond shall be posted in an amount of double the probable value of the property not in a custodial account or otherwise impounded according to law. However, all guardianships of the estate shall post a minimum bond as determined by the Court.

(2) Release of Funds and Assets.

Funds and assets held in the ward's name shall not be released to a guardian except upon Order of the Court. All Motions for release shall specify the exact amount to be released, the name and address of the financial institution holding the funds, and the person in whose name the funds are held. The Order releasing funds shall order the financial institution to hold all funds in excess of the amount to be released until further Order of the Court.

(3) Custodial Deposits.

Where found necessary, deposit of all, or a portion of, cash assets in a custodial account in a financial institution located in Summit County may be ordered by the Court. The deposit shall be made in the name of the fiduciary, and the personal property deposited shall not be withdrawn from the custody of the bank, association, or trust company, except upon the special Order of the Court.

(a) The custodial account shall be established by the filing of a Motion and Order to Create Accounts. A certified copy of this Motion and Order must be presented to the custodial depository.

(b) Pursuant to Sup. R. 67(C), the attorney representing the applicants in the matter shall acknowledge responsibility for depositing the funds and providing the financial institution with a copy of the entry. If there is no attorney representing the applicants, the attorney for the payor shall acknowledge delivery of the funds to complete the delivery of consideration to effectuate the release. The attorney shall obtain a Verification of Receipt and Deposit from the financial institution and file the form with the Court within seven (7) days of the issuance of the entry.

(c) The Motion and Order to Create Accounts shall be filed prior to the filing of the Inventory. No Inventory will be accepted without the creation of the account.

(4) Background Investigation.

Any applicant for guardianship who is not an attorney at law licensed by the Supreme Court of Ohio and in good standing, or a state agency, must complete a criminal record check which is suitable to the court.

(5) School Guardianship.

The Court will not accept for filing any guardianship for a minor where the sole purpose of the guardianship is to establish a residency for school purposes.

(6) Voting.

No adult person adjudicated incompetent shall lose the right to vote, except upon motion, notice, and record hearing before the Court.

(7) Training Sessions.

All guardians of the person and estate, and all guardians of the estate only, shall, within six (6) months of the date of their appointment, attend one (1) guardianship training session, as conducted and scheduled by this Court. This session need not be repeated upon subsequent appointments. Failure to attend a training session will subject the guardian to the Court's citation procedure.

(8) Guardian's Handbook.

Each guardian appointed by this Court after May 1, 1995, shall receive a guardian's handbook issued by the Court for the purpose of providing information as to a guardian's duties and responsibilities. At the time of appointment, the cost of the handbook shall be assessed to the guardian or the estate of the ward.

(9) Change of Residence of Ward (Out of County)

Before transferring a ward out of Summit County or out of the State, a motion shall be filed setting forth the transfer site, the reasons for the move, and alternatives available. The Ward may be moved only upon approval of the court.

(10) Personal Property.

Personal property of the ward, valued at Five Hundred Dollars ($500.00) or less, may be sold without prior approval of the Court if the buyer is not a relative.

(11) Death of Ward.

A guardian shall notify the Court of the death of a ward by written notice no later than ninety (90) days after the date of death.

Failure to notify the Court within the prescribed time limits will be considered malfeasance, and will disqualify the guardian from collection of guardian's fees from the ward's estate, including any fees owing to the guardian but not collected or paid. If the guardian is also the attorney for the guardianship, the foregoing rule shall also apply to attorney's fees.

Upon hearing, and for good cause shown, the Court may award guardian's or attorney's fees otherwise denied by this Rule.

(12) Guardian's Reports.

(a) Guardian Reports on all guardianships except Guardianship of a Minor's Estate only shall be filed annually on the anniversary of the appointment date.

(b) Where a physician or clinical psychologist states on a Statement of Expert Evaluation that to a reasonable degree of medical certainty it is unlikely the ward's mental competence will improve, the Court may dispense with the filing of subsequent Statements of Expert Evaluations when filing further annual Guardian's Reports.

(13) Notice for Guardianship of Adult.

In addition to those entitled to notice of the hearing on the application for appointment of a guardian of an adult under Ohio R.C. 2111.04, the applicant shall submit to the Court the names and addresses of all adult children of the proposed ward. The Court shall serve the adult children with notice of the time and date of the hearing, unless the notice is waived.

(14) Deposit of Wills.

The guardian must deposit with the Court all Wills of the ward for safekeeping.

(15) Application for Authority to Expend Funds of a Minor.

(a) A Household Resource Worksheet (Form GA-M. 13) shall be filed with the Application.

(b) The guardian shall demonstrate the need for the expenditure, and that the minor ward's parent(s) are unable to fulfill their responsibility to financially support the minor ward.

(c) If possible, the expenditure shall be paid by check, payable to the payee named on the Application.

(16) Estates of Minors.

(a) Pursuant to O.R.C. 2111.05, funds of a minor shall be deposited in the sole name of the minor, with principal and interest compounded, until the minor attains the age of majority.

(b) When the funds due to the minor originate from a bequest under a will, an inheritance, or a description from a trust, the funds may be transferred into an Ohio transfers to Minor Act (OTMA) account.

(c) The court may consider investments consistent with R.C. 2109.37 and R.C. 2109.371, and bond may be required.

(B) Emergency Guardianships.

(1) An Application for Appointment of an Emergency Guardian (Form 17) shall be accompanied by the Statement of Expert Evaluation (Form 17.1) and the Supplement for Emergency Guardian of Person (Form 17.1a) signed by a Licensed Physician describing

the circumstances which make it reasonably certain that immediate action is required to prevent significant injury to the person and/or estate of the prospective ward. The Application shall include:

(a) the Addendum to Application for Appointment of Guardian (Form GA.6)
(b) the Fiduciary's Acceptance Guardian (Form 15.2)
(c) the Guardian's Credibility Application (Form GA-M.12); and
(d) the Next of Kin of Proposed Ward (Form 15.0).

(2) Upon proof that an emergency exists and that immediate action is required to prevent significant injury to the prospective ward's person and/or estate, the court, ex-parte, may appoint an emergency guardian for a maximum period of seventy-two (72) hours.

(3) The emergency guardianship may be extended for thirty (30) days if requested in the initial emergency guardianship application.

(4) A written copy of the ex-parte order will be served upon the ward by the Court Investigator assigned to the case as soon as possible after its issuance. If a thirty day extension of the emergency guardianship is being sought, in addition to serving the ward with a copy of the ex-parte order, the Court Investigator will also serve notice of the hearing on the request for the extension of the emergency guardianship. The Court will serve known next of kin with a copy of the ex-parte order granting the emergency guardianship as well as notice of hearing on a request for extension of the emergency guardianship.

(5) If the guardian believes a full guardianship is necessary, the Court will schedule a hearing on the appointment of a guardian of the person and/or estate prior to the expiration of the thirty (30) day extension.

(6) Prior to appointment of a full guardian of the person and/or estate, the applicant must comply with all rules for a non-emergency guardianship.

COMMENT: Before filing an Application for Appointment of an Emergency Guardian, the situation must be discussed with a Court Investigator. If a full guardianship will also be necessary, the Statement of Expert Evaluation must indicate that it is necessary.

(C) Guardian Comments and Complaints.

(1) A Complaint filed regarding a Guardian must be written and signed by the complainant. The Complaint will be docketed confidentially until it is substantiated, at which time is will become part of the public record. **There is a $15.00 filing fee for complaints. At the discretion of the judge or magistrate, the fee may be refunded at the conclusion of the complaint process.**

(2) The Court will perform an initial review of the complaint and:

(a) Send a copy of the complaint to the guardian and/or guardian's attorney.
(b) Refer the matter to the Court Investigator assigned to the guardianship for an investigation and report.

(3) The Court Investigator will submit the case file and investigative report to the Judicial Officer assigned to the guardianship who will do one or more of the following:

(a) Find the complaint is resolved or unsubstantiated and advise the complainant, guardian and/or counsel accordingly;
(b) Refer the matter to mediation under the Court's Mediation Rule (Loc.R. 16.1);
(c) Set a status conference or a show cause hearing with notice to the complainant, the ward, the guardian and/or guardian's counsel, and other interested parties; or
(d) Take any other action deemed necessary.

(4) The Court shall maintain a record regarding the nature and disposition of any complaints filed under this rule. Well-founded complaints and any action taken will become part of the public guardianship file. Unsubstantiated or dismissed complaints shall remain confidential to avoid disparaging the subject(s) of the complaint.

COMMENT: The Court adopts the following process for submitting comments or complaints regarding the performance of guardians appointed by the Court pursuant to Sup. R. 66.03(B). This rule applies to all guardians of adults.

Anonymous complaints will be discarded.

(D) Relationship of Guardian to Ward

The judgment entry appointing a guardian shall indicate if the provisions of Sup.R. 66.01- 66.09 apply to the guardian and if the guardian is related to the ward by consanguinity or affinity. The entry shall also indicate if the guardian is being paid to provide services to the ward. If so, the court shall make a determination as to whether or not the services are in the best interests of the ward and state in its entry the decision to allow or disallow the payments.

COMMENT: Sup.R. 66.03(D) and 66.09(G) prohibit the appointment of a guardian who is a service provider unless otherwise authorized. Exceptions apply for family members who serve as the ward's guardian. Ultimately, this rule permits the court to allow or deny a dual role when it is found to be in the best interests of the ward.

(E) Attorney/Guardians

If an attorney serves as both a guardian and attorney for a guardianship, the Court must approve the dual roles and any fee bill submitted for court approval must contain separate itemization of time spent as guardian and attorney.

COMMENT: Sup.R. 66 currently prohibits an attorney from serving as both fiduciary and attorney perceiving an inherent conflict of interest. However, the Court, on a case-by-case basis, may approve the dual role. In order to avoid questions as to overlap or conflict, the Court will not approve guardian's fees or attorney's fees unless both are itemized.

(F) Guardians Having Ten or More Wards

A roster of guardians for adults having ten (10) or more wards will be maintained by this Court. That roster will be updated on or after January 1st of each year. Each guardian on the roster shall

file their fee schedule annually by the 15th day of April which differentiates fees for guardianship work and legal work.

COMMENT: The standard fee schedule should include the title and hourly billing rate for each individual expected to provide billable services to the guardianship.

(G) Exemptions From The Educational Requirement

The court shall consider an exemption from the educational requirements imposed by Sup.R. 66.l *et seq*. on a case-by-case basis. However, if the Court finds that the training offered to the guardian OR the performance of the guardian meets or exceeds the expectations of the Court, the guardian may be exempt. In addition, these categories of guardians shall be exempt:

1. Volunteer/Paid guardians who participate in the required training through Jewish Family Services
2. Guardians through APSI
3. Adult Guardianship Services of Summit County
4. Guardians who have held that position for more than five years and have had no citations in the last five years
5. Guardians related by blood or affinity whom the Court indicates should be exempt

Nothing in this rule prohibits the Court from mandating education for any guardian at any time if the Court finds that the education is necessary and in the best interest of the ward.

(H) Resignation of a Guardian

All Motions to resign as guardian shall be filed with a Personal Information Form No. GA 17.

A guardian of the estate may resign by Motion but shall not be discharged until the Court approves the guardian's final account unless the Court orders otherwise.

(I) Confidentiality of Guardianship Records

As discussed in Local Rule 45.1, Statements of Expert Evaluation and certain other documents for guardianship cases, including reports and inquiries prepared by Court Investigators, shall be filed confidentially to shield personal identifiers, sensitive medical information, and/or include collateral source documents which contain sensitive information. Such records are not publicly accessible to ultimately reduce risks towards wards.

For good cause shown, and consistent with due process requirements, such records shall be made available to parties and their legal counsel, the ward / proposed ward and their legal counsel, and the Court Investigator. Other interested persons may be granted access to such records on a case-by-case basis, as determined by the Court in response to a motion from such person(s). The Court may schedule a hearing on any motion for access to a confidential record.

**LOCAL RULE 71.1 COUNSEL FEES**

(A) Counsel Fee Applications. This subsection applies to all counsel fee applications.

(1) All counsel fee applications shall include itemized time records, which shall state the date and time expended, who performed the service, the nature of the service performed, the hourly rate requested, or the specific basis of the fee requested. All counsel fee applications for partial payment of attorney fees shall also set forth the reasons for requesting the early payment of fees.

(2) All counsel fee applications shall be served on all persons whose beneficial interests would be affected, which may include heirs at law or residuary beneficiaries under a will, a guardian of a ward's estate, or beneficiaries of a trust, depending on the type of case. The applicant shall file written consent to the application from all such persons at the time of filing the application or a certificate of service for any nonconsenting persons.

Unless otherwise noted in these Local Rules below, all counsel fee applications that lack consent from all persons whose beneficial interests would be affected shall be set for either as a standalone hearing, or for a hearing together with any account that is filed with the counsel fee application.

COMMENT: Counsel should file their application for counsel fees at the same time the fiduciary files an accounting, if possible, so that the Court may consolidate the hearings on the application for counsel fees and the hearing on the accounting in the interests of judicial economy. This practice will allow all persons to raise any exceptions or objections in one proceeding.

(3) Notice, as required under this Rule, shall be sent by any method permitted by the Civil Rules or as dictated in any Court order. A certificate of service shall be filed at least five (5) days before any hearing on the fee application.

(4) No counsel fee application shall include separate charges for standard overhead items such as copying, long distance telephone calls, facsimiles and parking unless such charges are extraordinary and counsel can demonstrate good cause for separately billing such items in its fee application.

(5) No counsel fee application shall include time spent on the preparation of a fee application or charges for filing documents with the clerk.

(6) The Court may require a hearing on fees regardless of whether an objection to a counsel fee application is filed or an exception to an accounting based on fees is filed. The Court is ultimately responsible for determining the reasonableness of any fee even if the application includes consents from all persons whose beneficial interests would be affected.

(B) Estate Administration.

General Rule: Attorney fees for the administration of decedents' estates shall not be paid until the final account is ready to be filed. Partial payment of attorney fees may be taken for those estates if the early payment of fees provides an income tax benefit to the estate, the estate is

involved in protracted litigation, or there are other valid reasons which prevent the estate from being closed within a (twelve) 12-month period.

(1) Forms.

Forms as proscribed by the Court shall be used for counsel fee applications and for Notice of Attorney fees. See Appendices (E) and (F).

(2) Final Accounts.

(a) A counsel fee application is not required when:

(i) Written consents from the heirs at law or residuary beneficiaries whose combined beneficial interests equal or exceed seventy-five percent (75%) of the net distributable estate, are filed with the Final Account, and

(ii) Notice of Attorney Fees is given to those not consenting and whose beneficial interests would be affected.

(b) A counsel fee application shall be filed when:

(i) Counsel is unable to obtain the consents as provided in Paragraph (A)(2)(a)(i).

(ii) Counsel serves as both attorney for the estate and fiduciary and is charging both an attorney fee and fiduciary fee. See Local Rule 71.2.

(iii) An objection to the counsel fee application is filed or an exception to an accounting based on fees is filed.

(3) Partial Accounts.

(a) In solvent estates, a counsel fee application for the payment of partial attorney fees is not required when written consents from all of the heirs at law or residuary beneficiaries are filed with the Partial Account.

(b) In the event counsel is unable to obtain the consent to partial payment of attorney fees from all of the heirs at law or the residuary beneficiaries, the attorney shall be required to file a counsel fee application.

(c) When counsel serves as both attorney for the estate and fiduciary and is charging or plans to charge both an attorney fee and fiduciary fee, the attorney shall be required to file a counsel fee application. See Local Rule 71.2.

(4) Insolvent Estates.

A counsel fee application must be filed and a hearing will be held on counsel fees at the hearing on report of insolvency.

(5) Counsel Fees Two Thousand Dollars ($3,000.00) or Less

No counsel fee application or consents from the residuary beneficiaries or heirs at law shall be required when counsel's fee is Three Thousand Dollars ($3,000.00) or less. Counsel must file an itemized billing statement with the Court.

(C) Guardianship Administration.

The Court shall consider an application for counsel fees for the establishment of the guardianship upon the filing of an inventory and shall consider additional fees annually upon the filing of each account. All counsel fee applications shall be accompanied by itemized time records that state the date and time expended, who performed the service, the hourly rate requested, or the specific basis of the fee requested.

Notice of the fee application shall be given to the guardian of the estate. The guardian of the estate may waive notice and consent to the payment of the fees. A Magistrate may require a hearing on fees even if the guardian consents, or may approve an application for fees without hearing.

If the guardian is an attorney and plans to charge both an attorney fee and guardian fee, the attorney shall be required to file a counsel fee application. See Local Rule 71.2.

(D) Trust Administration.

The Court shall consider an application for counsel fees for the establishment of the trust upon the filing of an inventory and shall consider additional fees annually or upon the filing of each account. All counsel fee applications shall be accompanied by itemized time records that state the date and time expended, who performed the service, the hourly rate requested, or the specific basis of the fee requested.

Notice of the fee application shall be given to the trustee. The trustee may waive notice and consent to the payment of the fees. The Court may require notice of the application/hearing on the payment of fees be given to all current trust beneficiaries affected by the payment of the fees. A Magistrate may require a hearing on fees, or may approve an application for fees without hearing.

If the trustee is an attorney and plans to charge both an attorney fee and trustee fee, the attorney shall be required to file a counsel fee application. See Local Rule 71.2.

(E) Paralegal Fees.

Paralegal services may be used so long as the paralegal's work is supervised by a licensed attorney and does not constitute the unauthorized practice of law. All paralegal fees for which payment is sought shall be itemized and included in all counsel fee applications when required to be filed under these rules.

(F) Contingent Fee Arrangements.

Prior to a fiduciary entering into a contingent fee contract with an attorney for services, an application for authority to enter into the fee contract shall be filed with the court, unless otherwise ordered by local court rule. The contingent fee on the amount obtained shall be subject to approval by the court. Contingency Fee Contracts for any amount over 1/3 shall be set for court hearing.

(G) Land Sales.

An application for counsel fees in a land sale shall be filed at the time that the judgment entry confirming sale, ordering deed and distribution, is filed. Fees shall be taken at this time. Notice and hearing shall be as the Court directs. See Appendix G.

COMMENT: Attorney fees are for services which require the expertise of an attorney. For example, preparation of any court documents which a non-attorney would pay an attorney to do.

The Court is going to scrutinize the time itemization to ensure that work performed is in the capacity as legal counsel, not work that a lay person fiduciary could perform. More information is better.

## LOCAL RULE 71.2 FEES WHERE ATTORNEY SERVES AS FIDUCIARY

(A) In all matters where an attorney is the fiduciary of the estate, guardianship, or trust, and that attorney or another is the attorney of record, detailed records shall be maintained. Prof. Cond. Rule 1.5 shall govern the reasonableness of all fees. The Court assumes an attorney, appointed as fiduciary, has been selected due to the attorney's special knowledge and abilities resulting in a savings of fees to the estate, guardianship, or trust.

The Court shall consider an application for counsel fees for a fiduciary upon filing of an inventory and shall consider additional fees annually upon the filing of each account, unless good cause is shown otherwise.

(B) If an attorney fiduciary applies for counsel fees and a fiduciary fee based on the standard computation form (*e.g.*, GA.1, ES.8), the Court will closely scrutinize the counsel fee application to ensure that counsel is not billing as "legal" services activities which are customarily performed by a fiduciary for which the fiduciary is already compensated via the computation.

COMMENT: Examples of the above distinction include paying bills (non-legal), making deposits or withdrawing funds from banks (non-legal), or speaking with doctors or a care team for a ward (non-legal) as compared to negotiating with a creditor to resolve debt (legal), preparing court forms (legal), or reviewing a contract (legal).

(C) In guardianship cases where an attorney is the guardian, the attorney may apply for counsel fees (as discussed above) and a fiduciary fee based on an hourly rate instead of the standard computation at their choice. If the attorney opts to compute their fee using an hourly rate instead of the percentage-based computation, all non-legal, guardian services shall be accompanied by itemized records stating date, time expended, service performed and **billed at a maximum of $75 per hour**.

(D) Upon review of any application and/or computation for fees, the Court may set the fees for hearing, regardless of the submission of consent(s) to fees and/or the accuracy of the computation, as the Court is ultimately responsible for determining the reasonableness of any fee.

COMMENT**:** The rules above also apply if counsel for the attorney fiduciary is a member of the fiduciary's law firm.

These rules are designed to provide equitable compensation while preventing windfalls or double-billing scenarios. The Court understands that each case is different and at times, either an hourly rate or the computation schedule may not be equitable.

Applications for extraordinary fees are also permitted, as noted on the Court's forms.

## LOCAL RULE 73.1 GUARDIAN'S COMPENSATION

(A) Application.

Guardians shall file an application for allowance for fees at the time that the regular accounting is submitted to the Court. Such fees shall not be paid until authorized by the Court and shall be accounted for in the next accounting period.

Guardian's may apply for fees based on a computation (see Appendix C).

(1) Computation Fee Schedule:

4% of the first $100,000.00 of income
3% of the balance
4% of the first $100,000.00 of approved expenditures
3% of the balance
Minimum annual Guardianship Fees shall be allowed in the amount of $300.00.

Conversion of assets to cash, reinvesting assets, distributions upon termination to another fiduciary, or the payment of guardian's fees shall not be deemed to be authorized expenditures or as income for purposes of computing compensation herein.

(2) Hourly Fees:

If the guardian bills hourly, all fiduciary services shall be accompanied by itemized records stating date, time expended, service performed. Attorney fiduciaries who decide to bill hourly must bill their non-legal fiduciary services at a maximum of $75 per hour, as discussed in Local Rule 71.2.

(C) Extraordinary Fees.

Applications for extraordinary guardian fees shall be accompanied by itemized time records stating the date, time expended, and services performed.

(D) Upon review of any application and/or computation for fees, the Court may set the fees for hearing, regardless of the submission of consent(s) to fees and/or the accuracy of the computation, as the Court is ultimately responsible for determining the reasonableness of any fee.

## LOCAL RULE 74.1 TRUSTEE'S COMPENSATION

(A) Corporate Trustees.

(1) Except where the instrument creating the trust makes provisions for compensation, a testamentary trustee may charge fees on the same basis as it charges for living trusts.

(2) On each accounting where fees have been taken, an affidavit will be required asserting that the fees charged and included in the accounting represent those charges for similar services in living trusts.

(3) A separate schedule of the computations of the trustee's compensation shall be set forth in the trustee's account as a condition of its approval.

(4) Fee schedules are to be furnished to the Court on the first day of January of each year, and whenever a change in fees is made within any calendar year.

(B) Individual Trustees.

(1) Except where the instrument creating the trust makes provisions for compensation, the trustee may charge fees on the same basis as is currently being charged by the banking institution with which the trust is doing business.

(2) On each accounting where fees have been taken, an affidavit will be required setting forth that the fees charged are based on the schedules of the "name" bank.

(3) A separate schedule of the computations of the trustee's compensation shall be set forth in the trustee's account as a condition of its approval.

(C) The Court reserves the right to determine the reasonableness of trustee's compensation in all cases.

## LOCAL RULE 78.1 CASE MANAGEMENT PROCEDURE

(A) Jury Management.

The Summit County Probate Court adopts the Jury Management Plan as identified in Summit County Common Pleas Court, General Division, Rule 24.

(B) Extensions

(1) Upon the fiduciary's request, the Court shall grant one automatic sixty-day (60) extension for the filing of an inventory, account or guardian's report. The fiduciary must certify that no previous extension has been taken. (See form EGT.1). No further extensions shall be granted absent extraordinary circumstances, which must be specified in the Motion.

(2) Failure to file an inventory, accounting or guardians report within the appropriate time may result in fines, costs, removal of the fiduciary or other sanctions under the Rules of Superintendence or Ohio Revised Code.

(3) An application to extend the time for filing an inventory, account, or guardian's report, shall not be granted unless the fiduciary has signed the application.

COMMENT: Extraordinary circumstances generally refers to a death or unexpected hospitalization. It does not include the need to collect information from a third party, the press of business or the imminent sale of estate property.

(C) Exceptions to Inventory or Accounting

Upon filing of the exceptions to an inventory or to an account, the fiduciary, exceptor(s), and their attorney(s), as applicable, shall appear in person at the hearing scheduled for the inventory or account. The hearing will be used by the Court as a pretrial conference between the parties to discuss the issues, a potential referral to the Court's mediation program, and/or to schedule an evidentiary hearing as the Magistrate or Judge determines appropriate.

## LOCAL RULE 78.2 RELEASE FROM ADMINISTRATION

A copy of decedent's paid funeral bill or a Waiver of Notice of Application for Release (Form 5.2) signed by a funeral home representative shall be filed with any Application for Release from Administration. If no paid funeral bill or Waiver is filed, the Application shall be set for hearing, and the Applicant shall give certified mail notice to the funeral provider. (Form 5.3)

## LOCAL RULE 78.3 REAL ESTATE TRANSFER ONLY

An Application for Certificate of Transfer may be approved pursuant to Rev. Code Sec. 2113.61 (D) without a full estate or release from administration six months after the date of death if: 1) the sole probate asset of the decedent is real estate and; 2) the decedent was not subject to Medicaid Estate Recovery. Form ER.11 (Appendix "H") enumerates the necessary documents to be filed pursuant to this rule.

## LOCAL RULE 78.4 MOTION TO ABANDON REAL PROPERTY

(A) A fiduciary of an estate or guardianship may file a motion to abandon real property. The motion shall contain the complete legal description of the property along with all routing and parcel numbers. The real estate must be located in the State of Ohio.

(B) The motion shall be served on all the following:

1) Next of kin in an intestate estate;
2) Next of kin in a guardianship;
3) All beneficiaries in a testate estate;
4) County Fiscal Office where real estate is located
5) Summit County Land Bank; and
6) All lienholders and mortgagees of record.

(C) For good cause shown, and after hearing or waiver of interest, the real estate may be ordered abandoned by the Court. However, this order only permits the movant to close the case. The real property remains titled as it was before the motion was granted.

## LOCAL RULE 78.5 INVENTORY

(A) Service: A copy of the filed, date-stamped inventory shall be served to the heirs at law in an intestate estate or beneficiaries in a testate estate, by any method permitted under the Ohio Rules of Civil Procedure.

(B) In all estates the fiduciary shall file with the Court either: 1) a Waiver of Notice of Hearing on Inventory (Form 6.2.a) from all heirs or beneficiaries, or 2) a Notice of Hearing on Inventory to Heirs and Beneficiaries (Form 6.3) and Certificate of Service (Form 6.3.a), at least five (5) business days prior to the hearing date.

## LOCAL RULE 78.6 INVENTORY/SCHEDULE OF ASSETS

The Schedule of Assets shall contain the legal description and the parcel number of all real estate included in the Inventory of the Estate and V.I.N. for all motor vehicles.

## LOCAL RULE 78.7 NOTICE OF INTENT TO DISCLAIM

Unintended consequences flow from the mistaken view that using a disclaimer has the same effect as an assignment. A disclaimer pursuant to R.C. 5815.36 treats the disclaimant as predeceased, which can have significant consequences depending on whether the decedent died testate, intestate, and/or whether the disclaimant has children, among other factors. Disclaimers are effective when properly executed and recorded. This Rule is designed to avoid unintended consequences by requiring would-be disclaimants to file a proposed disclaimer for review by this Court with notice to all interested persons.

(A) Notice of Intent to File Disclaimer.

Prior to filing a disclaimer, a notice of intent to file the disclaimer shall be filed with the Court, served on the fiduciary, and served pursuant to Civ.R. 73(E) on all next of kin of the disclaimant or vested beneficiaries under the decedent's last will who may be affected by the filing of the disclaimer. The Court has a notice of intent to file disclaimer form on its website.

The notice shall include:

(1) An unsigned copy of the proposed disclaimer as an attachment; and

(2) The notice shall state with particularity the intended result of the execution of the disclaimer and specify the names of the heir(s) or vested beneficiary(s), who may inherit as a result of the disclaimer.

(B) The Court will set a hearing on the notice of intent to file disclaimer and the would-be disclaimant or fiduciary, as the Court may direct, must serve notice of the hearing on all interested persons. Said person must file a certificate of service at least 5 days prior to the hearing.

(C) The Court may, but is not required to, make a finding as to the implication of the proposed disclaimer, which may change the person or persons entitled to receive assets in the decedent's estate. If there is no objection by an interested party nor finding by the Court, then after the hearing date, the disclaimant may file the executed disclaimer.

(D) Upon the filing of any executed disclaimer, the fiduciary or fiduciary's attorney shall review the matter to determine if the filing of the disclaimer changes the next of kin, legatees, and/or devisees of the estate as to any assets of the estate. If necessary, the fiduciary shall amend the Surviving Spouse, Children, Next of Kin, Legatees and Devisees form (Form 1.0) to properly reflect the lawful heirs or beneficiaries of the decedent's estate as a result of the disclaimer.

## LOCAL RULE 79.1 ASSISTED OUTPATIENT COMMITMENT ("AOT")

This rule applies to a person committed to the Summit County ADM board and accepted into the Summit County Probate Court's New Day, Assisted Outpatient Commitment ("AOT") program.

### (A) Establishment of AOT program

(1) This Court established an AOT program for the purpose of supporting and monitoring treatment of persons under civil commitment who are committed to the ADM board and accepted into New Day Court.

(2) This Court has formed a multidisciplinary team to support its AOT operations including, but not limited to:
- Magistrate or Judge;
- A New Day Court Coordinator;
- A local NAMI representative;
- Other relevant service providers;
- Treatment Provider and Case Manager; and
- ADM representative.

### (B) AOT eligibility criteria

- Person is an adult Summit County resident;
- Person has been diagnosed with a severe mental illness usually schizophrenia, bipolar disorder, schizoaffective disorder or catastrophic depression.
- Person is unlikely, or has refused to, voluntarily participate in necessary treatment; and
- Person needs oversight or treatment to prevent rehospitalization or deterioration which could result in harm to self or others.
- Person can understand what is expected under the terms of the AOT Court order and does not have a significant intellectual deficit;
- Person may have a substance use disorder, but it is not the primary diagnosis;
- Appropriate treatment for the person is available in the community;
- Person's primary residence is known. If the person has no known residence, the person is eligible only if s/he can be found.
- Person does not have personality disorder as a primary diagnosis;
- Person does not have a pending criminal charge and is eligible for mental health court or another specialty docket program in another court.
- Persons with a medical issue causing psychiatric symptoms but without a diagnosis of a severe mental illness are not eligible. For example, drug or infection induced psychosis.

### (C) Procedures for Hospital to initiate AOT proceedings in Probate Court when patient is hospitalized

After receipt of an Affidavit of Mental Illness from a hospital, with supporting documentation, the court will set a hearing date at the first available Thursday. Hearings will be held at the relevant hospital in person or via Zoom.

After the hearing is set, the Court sends a packet of information to the ADM board's attorney, the patient's appointed attorney and the hearing magistrate.

The patient may stipulate to the commitment at the date and time of the hearing. Otherwise the Magistrate will hear the evidence and decide if the patient should be committed by clear and convincing evidence. The Magistrate may contemporaneously consider a motion for forced medication.

If committed, the patient is notified in writing of his/her intake appointment with Community Support Services or relevant treatment provider as well as the date/time to appear in New Day Court.

**(D) Responsibilities of the Court**

a. This Court shall facilitate communication between members of the multi-disciplinary team
b. This Court shall monitor, support and evaluate New Day Court participants for compliance with individual treatment plans and other expectations.
c. This Court shall appropriately track and report participant outcomes and will participate in a shared database.
d. This Court shall hold regular status conferences with New Day court participants. The timing of the conference will vary with the needs of each individual.
e. This Court will review case management and treatment notes before each status conference.
f. At each follow-up status, the Court may consider the following items, including, but not limited to:

- Compliance with treatment orders;
- Employment;
- Housing;
- Transportation; and
- Resources.

g. At the conclusion of the status, the Court will set the next status date and time, and give the person a written notice of appearance.
h. If a person fails to appear at their review conference without good cause, the Court may reset it, send a warning letter to the person or issue a pick up order as decided by the team.

**(E) Expectations for New Day participants**

- Attend every treatment appointment as scheduled and engage with case manager;
- Attend every New Day Court appearance as scheduled;
- Speak honestly to the Court about needs and choices;
- Engage in treatment as an advocate for themselves;
- Comply with all Court Orders related to the underlying civil commitment matter.

**(F) Successful Completion of AOT** Successful completion of the New Day Court program will be determined by the Court on a case-by-case basis, after recommendations from the treatment team.

## LOCAL RULE 93.1 CHANGE OF NAME

Whenever an application to change the name of a minor is filed without the consent of the natural parent(s), a hearing shall be required. Notice of the application shall be made in accordance with Civil Rule 73 as the Court may require. A certified copy of the minor's birth certificate or other proof of paternity shall be filed with the Court with an application for minor name change pursuant to R.C. 2717.01, R.C. 2717.13, and R.C. 2717.14.

The Court may seal a name change upon request, in extra-ordinary circumstances.

COMMENT: Extra-Ordinary circumstances may be found if sealing is necessary to protect the safety of the applicant(s). A name change of a minor easily discoverable is NOT an extra-ordinary circumstance. Proof of a Protection Order is one indicator but not conclusive.

## LOCAL RULE 94.1 ADOPTIONS

(A) Expense Hearing.

The petitioners shall appear in open court, before the Judge or Magistrate of the Probate Court, and swear under oath as to any and all expenses incurred and being paid by them to any party or parties involved in the adoption matter before the Court, unless petitioner is a stepparent, legal custodian, guardian, grandparent or where the child was permanently surrendered and/or placed by an Ohio licensed adoption agency.

(B) Certification of the Adoption Filing (Form AD 19.8).

Petitioner(s) must file Form AD 19.8 with the petition. If any document is missing or incomplete, the petition for adoption will not be accepted and will be returned. The adoption clerk is not permitted to instruct on what forms need to be filed; the requirements are clear on our guideline..

(C) Forms and Fees.

Only current Probate Court forms shall be accepted or the standard probate forms provided by the Supreme Court of Ohio. All forms must be typed; use full birth names and if there is no middle name or initial, use (NMI) in the spaces provided. If a filing fee is required with a form, it must be included at the time of filing. For a list of fees, please see Appendix B..

(D) Confidentiality.

All adoption cases and proceedings are confidential. No information regarding adoption cases or proceedings shall be made available online. Access or information contained in the adoption case file will only be provided pursuant to statute.

(E) Record of Proceedings.

The Court records all hearings in adoption cases except for finalization.. If a party wishes for a court reporter to be present, they must arrange for a court reporter at their own expense.

(F) Adoption Assessment.

The Court's Adoption Assessors will complete the birth parent assessment and home study for all stepparent and private adoptions unless otherwise approved by the Court. The birth parent(s) and their attorney must meet with the assigned adoption assessor to complete the birth parent assessment.

(G) Placement for Adoption.

The child to be adopted must be lawfully placed in the petitioner(s) home before filing the Petition for Adoption unless a Pre-Placement Application is filed. In a stepparent adoption, the petitioner's wedding date is the date of adoptive placement. All R.C. 3107.055 preliminary estimate accountings and R.C. 3107.083 birth parent forms shall be filed with the Court before the date of the scheduled placement hearing.

(H) Petitioner's Account.

Pursuant to R.C. 3107.055, a petitioner must file a Petitioner's Account with the Court listing the expenses paid by the petitioner in connection with the adoption proceeding. In the final accounting, the petitioner must itemize all birth parent and agency expenses.

(I) Finalization in any other Court.

Any adoption that originated in this Court but was finalized by any other court, the Petitioner(s) must file a copy of the Final Decree of Adoption with this Court.

(J) Attorney Representation.

All parties must have an attorney. This is required by Ohio law pursuant to R.C. 3107.011. Birth parent(s) and Petitioner(s) must each have their own attorneys. Attorney fees for the birth parent(s) are the responsibility of the Petitioner(s). Notices of appearance must be filed.

If you are an indigent biological parent opposing the adoption, you are entitled to have an attorney provided for you pursuant to chapter 120 of the R.C. and may request Court appointed counsel by calling the Legal Defender's Office at (330)434-3461.

(K) Consent

In addition to the Consent to Adoption (Form 18.3), the Addendum to Consent to Adoption must also be filed. The Addendum to Consent to Adoption is not required from the custodial Agency, minor over 12 years of age, the custodial parent in a stepparent adoption or an adult adoption.

(L) Custody Affidavit (Form AD 19.6)

Custody Affidavit must be filed with every stepparent and private adoption. The Court will stay any Petition for Adoption if the minor to be adopted is involved in any pending custody or parentage action filed prior to the adoption petition

## LOCAL RULE 97.1 APPROPRIATION OF PROPERTY

(A) Filing of Petition and Service of Summons.

Filing and service procedures shall be administered in accordance with R.C. 163.05, et seq.

(B) Court Proceedings.

(1) Hearing on Necessity:

If a property owner's Answer specifically challenges an Appropriation proceeding pursuant to R.C. 163.09(B), the Court shall set a hearing.

(2) Pretrial:

A pretrial shall be scheduled once all named parties are properly before the Court. Following the pretrial, an Order will be issued setting the date for trial and discovery schedule.

(3) Trial.

(C) Award.

The sum of money to be paid to the property owner(s), whether determined by trial or settlement, shall be deposited with the Court for distribution.

(D) Distribution.

Upon Motion for Distribution, the Court shall:

(1) Issue an Order of Distribution when the Motion is stipulated to by all interested parties, or

(2) Set the matter for hearing if distribution is not agreed upon by all interested parties.

(3) Issue checks per the Order of Distribution no sooner than two (2) weeks from date of Order

## APPENDICES

## APPENDIX A
## DEPOSITS FOR COURT COSTS

### GENERAL STATEMENT

This following is a list of the fees and court costs collected by Probate court at the initial filing of various cases and proceedings. However, each case or proceeding may incur additional costs and charges during administration.

### PURPOSES & USES

The court costs assessed and collected during probate cases are set by law of Ohio. Most of the costs collected are not used for the Probate Court, but the Court is required to collect such costs for distribution to other offices and agencies of the State of Ohio and Summit County. However, the Probate Court does collect and retain certain costs for its various accounts.

ESTATES - FULL ADMINISTRATION ..... $300.00

ESTATES – RELEASE FROM ADMINISTRATION

| | |
|---|---|
| With or Without a Will (Deposit) | $250.00 |
| Will Probated, Tax, Journal Entry | $ 88.00 |
| Will Probated, Journal Entry | $ 83.00 |
| Tax Only – Journal Entry | $ 48.00 |
| Tax Only/Part B – Journal Entry | $ 43.00 |
| Short-Form Release – W/Will | $ 75.00 |
| Short-Form Release – W/O Will | $ 45.00 |
| Summary Release – W/Will | $125.00 |
| Summary Release – W/O Will | $100.00 |
| Real Estate Transfer Only | $100.00 |
| Real Estate Transfer Only W/Will | $125.00 |
| Will for Record Only | $ 83.00 |

GUARDIANSHIPS

| | |
|---|---|
| Person and Estate | $300.00 |
| Estate Only | $300.00 |
| Person Only | $300.00 |
| Each additional minor child | $205.00 |
| Conservatorship | $300.00 |
| Application to Dispense with Guardianship | $ 75.00 |
| Minor Settlement/Dispense With Guardianship | $ 95.00 |
| Successor Custodian | $ 75.00 |
| Guardian Complaint | $ 25.00 |

TRUSTS

Application for Appointment of Trustee ..... $300.00

CIVIL ACTIONS

Complaints to Sell or Mortgage Real Estate ..... $250.00
Complaint – Appropriation..... $250.00
Complaint – Concealment of Assets ..... $350.00
Complaint – Declaratory Judgment..... $250.00
Complaint – Determination of Heirs ..... $250.00
Complaint – Presumption of Death ..... $250.00
Complaint – Will Construction ..... $250.00
Complaint – Will Contest..... $250.00

SUBPOENAS

Witness subpoenaed – resident of county ..... $ 20.00
Witness subpoenaed – non-resident ..... $ 30.00

**MISCELLANEOUS COURT COSTS**

Application to Correct Birth Record ..... $ 50.00
Application for Registration of Birth ..... $ 50.00
Certification of Document..... $ 1.00
Change of Name..... $125.00
(Additional certified copies - $1.00 each)
Claims Against an Estate..... $ 30.00
Court Record – Taping per hearing session per day..... $ 25.00
Crossclaims/Counterclaims/Third-Party Claims..... $ 30.00
Deposit of Will ..... $ 30.00
Exceptions/Objections (Accounts or Inventories)..... $ 30.00
Exceptions/Objections (All Others) ..... $ 25.00
Fiduciary Claim..... $ 30.00
Motion to Remove Fiduciary..... $ 25.00
60(B) Motion (Relief from Judgment or Order)..... $ 25.00
Objection to Magistrate's Decision..... $ 50.00
Motion to Deposit Funds Into Lawyer's IOLTA Account…… $ 5.00
Adversarial Motions---------- $ 10.00

In Re:

Approval of Attorney Fees ..... $143.00
APS Order/APS Emergency Order ..... $ 0.00
Bureau of Worker's Compensation Application ..... $143.00
Designation of an Heir at Law..... $123.00
Disinterment ..... $ 73.00
Emergency Guardianship ..... $ 68.00
Emergency Order..... $ 0.00
Enforcement of Out of State Orders..... $103.00
Miscellaneous ..... $ 63.00
MRDD Protective Order..... $ 0.00

| | |
|---|---|
| Nomination of Guardian | $ 30.00 |
| Paternity of Adult Child | $ 35.00 |
| Right of Disposition of Deceased Person | $143.00 |
| Transfer of Lottery Prize | $143.00 |
| Transfer of Structured Settlement | $143.00 |

| | |
|---|---|
| Marriage License | $66.00 (includes 2 certified copies) |
| Certified copy of Marriage License | $ 2.00 |

**APPENDIX B**
**ADOPTION FEES**

| | |
|---|---|
| STEP-PARENT ADOPTION | |
| First Child | $600.00 |
| Additional | $170.00 |
| AGENCY ADOPTION | |
| First Child | $165.00 |
| Additional | $126.00 |
| PRIVATE ADOPTION | |
| First Child | $725.00 |
| Additional | $325.00 |
| FOREIGN READOPTION | |
| First Child | $180.00 |
| Additional Child | $145.00 |
| ADULT ADOPTION | $165.00 |
| DISPENSE W/ADOPTION (Surrogacy) (Includes 2 Orders) | $100.00 |
| AMENDED PETITION | $45.00 |
| HOME STUDY UPDATE | $150.00 |
| BIRTH PARENT ASSESSMENT | $200.00 |
| OBJECTION TO ADOPTION | $ 25.00 |
| OBJECTION TO MAGISTRATE'S DECISION | $40.00 |
| MOTION TO VACATE ADOPTION (60-B) | $ 25.00 |
| MOTION/PROPOSED ORDER | $5.00 |
| PETITION FOR RELEASE OF IDENTIFYING INFORMATION | $ 63.00 |
| APPLICATION FOR FOREIGN BIRTH RECORD | $70.00 |

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

GUARDIANSHIP OF: _____

CASE NO. _____

# APPLICATION - COMPUTATION OF GUARDIAN FEES

ACCOUNTING PERIOD OF _____ 20____ TO _____ 20____

I. INCOME FOR ACCOUNTING PERIOD * $_____

4% of first $100,000 _____
3% of balance _____
Total $_____

II. AUTHORIZED EXPENDITURES $_____

4% of first $100,000 _____
3% of balance _____
Total $_____

III. TOTAL ORDINARY FEES $_____

IV. EXTRAORDINARY FEES (Itemize and attach time records) $_____

V. TOTAL FEES REQUESTED $_____

VI. MINIMUM ANNUAL FEE $ 300.00

VII. GREATER OF "V" OR "VI" $_____

VIII. TOTAL FEES REQUESTED $_____

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 Signature Guardian Signature

_____ _____
Attorney for Guardian Type or Print Name Guardian Type or Print Name

_____ _____
MAGISTRATE DISPOSITION

* Income means: Wages; Pensions; Social Security; IRA Distributions; Interest; Rents; Royalties; Alimony; Annuities. Income **does not** mean unrealized gain on or appreciation of assets.

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

ESTATE OF _____, DECEASED

CASE NO. _____

# COMPUTATION SCHEDULE FOR ADMINISTRATOR/EXECUTOR FEES

[R.C. 2113.35]

1. **FULL ADMINISTRATION OF ESTATE**

   A. **PERSONAL PROPERTY and INCOME** (IN ESTATE including gross proceeds of real estate sold under authority of Will)

   | | |
   |---|---|
   | Personal Property | $_____ |
   | Income | $_____ |
   | TOTAL | $_____ |

   | | | | | | |
   |---|---|---|---|---|---|
   | Fees: | 0 | - $100,000 | @ | 4% | $_____ |
   | | $100,001 | - $400,000 | @ | 3% | $_____ |
   | | $400,001 | - UP | @ | 2% | $_____ |
   | | | | | **A.** TOTAL | $_____ |

   B. **REAL ESTATE** (NOT SOLD IN ESTATE)

   **B.** 1 % of $ _____ unsold Real Estate $_____

   C. **NON-PROBATE ASSETS** (EXCEPT JOINT & SURVIVORSHIP)

   **C.** 1 % of $ _____ Non-Probate Assets which would have been included on the Ohio Estate Tax Return had the Decedent died on December 31, 2012 $_____

   D. **EXTRAORDINARY FEES**

   **D.** Extraordinary Fees Requested (Attach itemized time records, and unless waived, a date for hearing should be requested when filing this form). $_____

**RECAPITULATION**

Item A. $_____

Item B. $_____

Item C. $_____

Item D. $_____

CASE NO. _____

| | | |
|---|---|---|
| Total Administrator/Executor Allowable by Statute | | $_____ |
| Fees Paid In Prior Accounts | (-) | $_____ |
| Balance Payable | | $_____ |
| Fee Requested ☐ Final ☐ Partial Account | | $_____ |

_____ _____

Signature of Attorney Signature of Administrator/Executor

_____ _____

Attorney Print or Type Name Administrator/Executor Print or Type Name

**To Be Attached To Estate Account**

APPENDIX E
PROBATE COURT OF SUMMIT COUNTY, OHIO

ESTATE OF _____, DECEASED

CASE NO. _____

# APPLICATION FOR ATTORNEY FEES

| DATE | SERVICE PERFORMED | BY WHOM | TIME EXPENDED | RATE | AMOUNT |
|---|---|---|---|---|---|
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RECAPITULATION: TOTAL HOURLY FEES $_____

$_____ Hourly Fees

$_____ TOTAL REQUESTED THIS APPLICATION

$_____ Prior Fees taken (includes fees from prior accounts, land sales, etc.)

$_____ TOTAL FEES

I have read and understand the Application for Attorney Fees, and I submit they are necessary and reasonable for the administration of the estate, and reflect a true and accurate accounting of the services I have performed.

_____
Attorney

Form ES.9

CASE NO._____

## CONSENT TO ATTORNEY FEES BY FIDUCIARY

I have read and understand the Application for Attorney Fees, and I submit they are necessary and reasonable for the administration of the estate, and reflect a true and accurate accounting of the services the attorney has performed.

_____
Fiduciary

## NOTICE

TO THE FOLLOWING PERSONS:

_____ _____
_____

_____ _____
_____

_____ _____
_____

_____ _____
_____

YOU ARE HEREBY NOTIFIED THAT AN APPLICATION FOR ATTORNEY FEES was filed in this Court by _____, on _____, 20___.

The application will be for hearing before this Court, at the Summit County Court House, 209 S. High Street, Akron, Ohio, on _____, 20___ , at _____ ___M.

_____
Attorney

APPENDIX F
PROBATE COURT OF SUMMIT COUNTY, OHIO

ESTATE OF _____, DECEASED

CASE NO. _____

# NOTICE OF ATTORNEY FEES

TO THE FOLLOWING PERSONS:

_____ _____
Name Address

_____ _____
Name Address

_____ _____
Name Address

YOU ARE HEREBY NOTIFIED THAT _____, ATTORNEY FOR THE ABOVE-CAPTIONED ESTATE, HAS CHARGED THE ESTATE THE SUM OF $_____. This amount does not include prior fees taken of $_____,which include fees from prior accounts, land sales, or other matters.

AN OBJECTION TO ATTORNEY FEES MUST BE FILED WITHIN THIRTY (30) DAYS OF RECEIPT OF THIS NOTICE AT:
Summit County Probate Court
209 S. High Street
Akron, Ohio 44308-1616

## CONSENT TO ATTORNEY FEES

The undersigned hereby consents to the sum of $_____, charged as attorney fees by _____, Attorney for the above-captioned estate.

_____ _____
Name Address

_____ _____
Name Address

_____ _____
Name Address

Approved:

_____
Attorney

Form ES.10

# APPENDIX G
# PROBATE COURT OF SUMMIT COUNTY, OHIO

_____ CASE _____

Plaintiff(s)

V.

APPLICATION FOR ATTORNEY FEES
IN LAND SALE PROCEEDINGS

_____

Defendant(s)

| DATE | SERVICE PERFORMED | BY WHOM | TIME EXPENDED | RATE | AMOUNT |
|---|---|---|---|---|---|
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TOTAL HOURS _____

TOTAL HOURLY FEES $_____

_____ _____

Attorney for Fiduciary Fiduciary

_____ _____

Magistrate DISPOSITION

Form CV.16

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

ESTATE OF _____, DECEASED

CASE NO. _____

# FILING INFORMATION
## Real Estate Only
(R.C. 2113.61 (D))

Applicant states that the decedent died ☐ testate ☐ intestate on _____

Decedent's domicile was _____
Street Address

_____
City of Village or Township if unincorporated area County

_____
Post office State Zip Code

The following documents are attached for filing.

1) Original Will, Application to Probate Will, Form 2.0, Waiver of Notice of Probate Will, Form 2.1, And Certificate of Service, Form 2.4 ☐ not applicable.
2) ET 22 if needed (DOD prior to 1/1/2013) ☐ not applicable.
3) Surviving Spouse, Next of Kin, Legatees and Devisees, Form 1.0
4) Application for Certificate of Transfer, Form 12.0
5) Certificate of Transfer, Form 12.1
6) Auditor's Value/Original Appraisal (DOD Value)
7) Paid Funeral Bill
8) Death Certificate (Copy)

Applicant states that decedent was not a Medicaid recipient, the real estate described in the Certificate of Transfer is the only probate asset, and it has been six months since the date of death.

_____
Attorney for Applicant Signature

_____
Typed or Printed Name

_____
Address

_____
City, State, Zip

_____
Telephone Number (include area code)

Attorney Registration No. _____

_____
Attorney's Email address (if applicable)

_____
Applicant Signature

_____
Typed or Printed Name

_____
Address

_____
City, State, Zip

_____
Telephone Number (include area code)

_____
Applicant's Email address (if applicable)

FORM ER.11 – FILING INFORMATION REAL ESTATE ONLY

Rev. 05/20/2016

APPENDIX "I"
PROBATE COURT OF SUMMIT COUNTY, OHIO
ELINORE MARSH STORMER, JUDGE

# ELECTRONIC COVER PAGE

Case Caption: _____

Case No.:_____

DATE:_____

TOTAL NUMBER OF PAGES SENT (INCLUDING COVER PAGE):_____

PLEADINGS/DOCUMENTS SUBMITTED:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____

_____
Attorney

_____
Attorney for Applicant's Typed or Printed Name

_____
Address

_____
City State Zip

_____
Telephone Number (include area code)

_____
Attorney E-Mail Address

Attorney Registration No. _____

EF.1

# APPENDIX "J"
# PROBATE COURT OF SUMMIT COUNTY, OHIO
## ELINORE MARSH STORMER, JUDGE

**ELECTRONIC EVIDENCE**

**1. Definition**

Electronic evidence is defined as any evidence that is stored or transmitted in binary form that is intended to be used as evidence in any court action. This includes, but is not limited to, evidence found on a computer hard drive, cellular telephone or tablet.

All evidence, regardless of form, must comply with all applicable Ohio Rules of Evidence and local rules.

**2. Use of Electronic Evidence**

Any audio, video or image files that a party intends to enter into evidence must be placed onto a CD, DVD or flash drive and submitted to the Court at least seven (7) days prior to the hearing at which it is to be proffered, to be scanned for computer viruses or other malware.
CD, DVD and/or flash drives submitted for scanning shall not be password protected.
Audio, video and/or image files offered into evidence may not be altered in any way.
It is the responsibility of the party offering evidence to provide or arrange for the provision of any equipment needed to play or show their evidence.

**3. Preparation of Electronic Evidence for Use**

All e-mails, text messages, blog/forum postings and social media postings must be printed out for proffering to the Court with sufficient copies provided to the Court and all parties at the time of proffer. These items shall contain the entire posting or message chain as well as identification of the sender and recipient. All photos offered into evidence shall be printed out (in color if the original is in color) and provided to the Court and all parties at the time the evidence is proffered.

**4. Retention of Electronic Evidence**

All admitted evidence shall be retained by the Court and maintained in accordance with all applicable rules regarding record and evidence retention.