THE COURT OF COMMON PLEAS

STARK COUNTY PROBATE COURT

HON. CURT WERREN
PROBATE JUDGE

Dear Applicant:

Thank you for applying to be appointed as the guardian of an adult. This letter explains the next steps in the guardianship process.

Your application will be reviewed by the Probate Court Judge and/or Magistrate. If the application is incomplete or if any required forms or documents are missing, the Court will notify you by mail at the address you provided on your application. Once all required paperwork has been received and reviewed, the Court will schedule a hearing. The Court will mail notice of the hearing date and time to you and the Proposed Ward's next of kin, as required by law.

After the hearing has been scheduled, the Court Investigator will personally serve notice of the hearing on the Proposed Ward. The Investigator is also required to conduct an investigation, which includes meeting with the Proposed Ward. The Investigator may contact you to arrange a time to meet with the Proposed Ward.

Before the hearing, you must complete the Guardian Pre-Appointment Education required by Ohio Rule of Superintendence 8.36. Instructions for accessing this training course are attached. You are required to complete the following six-hour course:

ADG 6 Hour: Fundamentals of Adult Guardianship

Upon completion of the course, you must print the Certificate of Completion, write the case number assigned to this guardianship case in the upper right-hand corner, and file the certificate with the Court. **Failure to file the Certificate of Completion at least three business days prior to the scheduled hearing may result in the hearing being rescheduled.**

Attached is the Guardianship Handbook, which may serve as a helpful reference if you are appointed as Guardian. Additional guardianship forms are available under the Forms section of the Court's website: www.starkcountyohio.gov/probate.

If you have any questions regarding court procedure, Court staff may provide general information. However, please be aware that Court employees are not permitted to provide legal advice regarding what actions you should or should not take. If you require legal advice, you should contact an attorney. The Stark County Bar Association may assist you in locating an attorney who practices in this area and may be reached at (330) 453-0686.

Curt Werren
Probate Court Judge

110 Central Plaza, South, Suite 501, Canton, Ohio, 44702-1413
Phone: 330-451-7755
www.starkcountyohio.gov/probate

GUARDIAN OF THE PERSON
ONGOING RESPONSIBILITIES

It is your duty as Guardian of the Person to make certain that all required documents are timely filed. The Court will not send reminders of the due dates or physical copies of the forms to Guardians.

1. **Guardian's Report** (Form 17.7) – The Guardian's Report is due every other year beginning on the first anniversary of your appointment.

2. **Guardianship Plan - Person** (Form 27.7) – The Guardianship Plan is due every other year beginning on the anniversary of your appointment.

3. **Statement of Expert Evaluation** (Form 17.1) – The Statement of Expert Evaluation is due every year on the anniversary of your appointment, unless the Court waives the requirement.

4. **Guardian's Annual 3 Hour Online Training** – Initial six-hour guardianship training is required to be completed before a guardian is appointed. All guardians are required to complete three hours of continuing education annually and file the Certificate of Completion with the Court. Training may be completed through OhioCourtEDU. (See QR code below.)

5. **Guardians have an ongoing duty to:**
    a. Timely complete the annual paperwork
    b. Timely complete the annual training
    c. Visit Ward at least once per month
    d. Attend all hearings the Court holds related to your Ward
    e. Report to the Court and, when applicable, to adult protective services, the long-term care ombudsman, or law enforcement any appropriate allegations of abuse, neglect, or exploitation of a Ward
    f. Inform the Court of any change in:
        i. Guardian's address or phone number (Form 27.3)
        ii. Ward's address or phone number (Form 27.3)
        iii. Ward's estate planning documents (Form 27.11), and
    g. Notify the Court upon the death of Ward by filing a death certificate or obituary

FAILURE TO COMPLY WITH THESE REQUIREMENTS MAY RESULT IN YOUR REMOVAL AS GUARDIAN.

OhioCourtEDU
Ohio adult guardianship education

Stark County Probate Court
Guardianship Forms

OhioLegalHelp.org
Legal information and self-help

Stark Help Central
Local mental health and disability resources

GUARDIAN OF THE ESTATE
ONGOING RESPONSIBILITIES

It is your duty as Guardian of the Estate to make certain that all required documents are timely filed. The Court will not send reminders of the due dates or physical copies of the forms to Guardians.

1. **Guardian's Inventory** (Form 15.5) – Due no later than three (3) months from the date the guardian is appointed.

2. **Guardian's Account** (Form 15.8) – Due annually, on or before one year from the date the guardian is appointed and every year thereafter.

3. **Guardianship Plan – Estate** (Form 27.8) – Due every other year starting two years from the date the guardian is appointed.

4. **Guardian's Training** – Initial six-hour guardianship training is required to be completed before a guardian is appointed. All guardians are required to complete three hours of continuing education annually and file the Certificate of Completion with the Court.

5. **Guardians have an ongoing duty to:**
   a. Timely complete the annual paperwork
   b. Timely complete the annual training
   c. Report to the Court and, when applicable, to adult protective services, the long-term care ombudsman, or law enforcement any appropriate allegations of abuse, neglect, or exploitation of a Ward.
   d. Inform the Court of any change in:
      i. Guardian's address or phone number (Form 27.3)
      ii. Ward's address or phone number (Form 27.3)
      iii. Ward's estate planning documents (Form 27.11), and
   e. Notify the Court upon the death of Ward by filing a death certificate or obituary

FAILURE TO COMPLY WITH THESE REQUIREMENTS MAY RESULT IN YOUR REMOVAL AS GUARDIAN.

OhioCourtEDU
Ohio adult guardianship education

Stark County Probate Court
Guardianship Forms

OhioLegalHelp.org
Legal information and self-help

Societal
Free Guardianship Account-creating Program

FREQUENTLY ASKED GUARDIANSHIP QUESTIONS

1. **Where can I complete the annual training requirement?**

   The 6-hour initial and annual 3-hour training requirements can be found at https://supremecourtofohio.myabsorb.com/. Any of the courses beginning with "ADG 3 Hour" will fulfill the annual 3-hour training requirement.

2. **How can I have the annual filing of the Statement of Expert Evaluation requirement waived?**

   If a licensed physician of a licensed clinical psychologist completes a Statement of Expert Evaluation (SEE) subsequent to the first SEE, and completes the "Guardian's Report Addendum" box on the bottom of page three, the Court will consider waiving the annual filing requirement of the SEE. If the Court waives this requirement, the guardian will be informed in writing. The biennial report and plan filing requirement cannot be waived.

3. **Can I serve as one of Ward's paid providers?**

   Ohio Rules of Superintendence 8.39(G) states that "[a] guardian, except a family member guardian of the ward, shall not provide any direct services to a ward without notifying the probate court. All guardians providing any direct services to a ward shall comply with all licensing, training, and accreditation rules required of paid providers by any applicable state agency."

4. **I have received a Notice to Guardian and Maker of Comments and Complaints; what do I need to do?**

   Any individual may file with the Court written comments or complaints about the guardian's actions or inactions, or concerns about ward's care and well-being. When the Court receives such written comments or complaints, it will review the filing, determine whether or not a hearing is necessary, and inform the guardian and the comment-maker of the Court's decision.

5. **What happens if Ward moves out of Stark County?**

   If the ward moves out of Stark County and is not likely to return to Stark County, the guardian may file a written request to the Stark County Probate Court asking that the guardianship be transferred to the Probate Court of the county in which ward resides.

6. **Can I request that Guardianship be terminated?**

   Under certain circumstances, yes. In fact, a guardian has a duty to seek to limit or terminate the guardianship if the ward regains the ability to make decisions and function independently, if there are lesser restrictive alternatives available to the ward, is the guardianship is no longer in the best interest of the ward, or if the ward has passed away. See Ohio Rules of Superintendence 8.38(D).

7. **What happens when I can no longer serve as Guardian for my Ward?**

   If a guardian is unable to continue serving as guardian for their Ward, the guardian may file a resignation letter with the Court. Generally, the guardian will continue to serve as guardian until a successor guardian is appointed. Any successor guardian must go though the application process and be appointed by the Court in the same manner that the initial guardian was appointed. If there are no family or friends willing and able to serve as successor guardian, the Court may seek out an agency or volunteer (e.g., Coleman, APSI, or Guardian Support Services) to apply to be appointed as successor guardian.

8. **As Guardian of Estate, how do I open a Guardianship bank account?**

   The guardian of the estate will need to open a separate bank account to manage ward's funds. **Do not co-mingle your funds with those of the ward.** Be sure that the financial institution you select accepts guardianship accounts and can provide you with cancelled checks.

9. **As Guardian of Estate, how do I gain access to Ward's funds held in banks or financial institutions?**

   You'll need to determine the banks and financial institutions in which your Ward has assets, and file Form 15.6, Application to Release Funds to Guardian. Show the ward's banks and financial institutions the signed Form 15.6 to have ward's funds released to you, and then immediately deposit ward's funds into the guardianship account.

10. **As Guardian of Estate, how do I spend ward's funds?**

    File Form 15.7, Application for Authority to Expend Funds, with the Court. Attach any quotes, invoices, receipts, bills, or other documentation to support the request. Note the payee, the amount requested, and whether the request is a one-time or an ongoing request. You may also submit an annual budget for Ward.

11. **As Guardian of Estate, can I sell ward's personal property?**

    A guardian of estate seeking to sell ward's personal must first obtain the Court's approval, using Stark Loc.Form 66.9 – Application to Sell Personal Property.

12. **As Guardian of Estate, can I sell ward's real property?**

    A guardian of estate seeking to sell ward's real property must first obtain the Court's approval. If all necessary person(s) have consented, the guardian of estate may request prior approval using Form 28.0 – Motion by Guardian for Real Estate Sale by Consent. An appraisal note more than two years old must be filed with the Motion.

    Note that if you cannot obtain all necessary consents or if the ward have any next of kin who are minors, you may not use Form 28.0 to sell ward's real estate and it is highly advised that you seek legal counsel to advise you how to proceed.

Societal


Save Grandma

Guardianship Accounting Monitoring Software for Stark County Probate Court

Today	***With Societal***
Is it hard to find the time to submit your accountings on time?	*On-time accountings via scheduled reminders and e-Filing*
*Do you spend **hours manually** inputting in transactions?*	*Import transactions directly from your bank*
Wonder what questions the court might have about your filing?	*Automatic flagging for required info*

Societal's online software offers a step-by-step process to input the information for your annual guardianship of the estate filings and allows you to e-file directly with the Stark County Probate Court. The court can review your filing and request additional information directly via the web browser-based program.

Sign up and use our software here free of charge: stark.societalsystems.com

For more information, contact us at hello@societalsystems.com

Understanding Your Role As Guardian



Guardianship Guidebook

Hello, and welcome to the Stark County Probate Court. My name is Curt Werren, and I am the Probate Judge of Stark County. As the probate judge, it is my responsibility to assure that individuals who live in our county and who cannot care for themselves or their assets/monies are protected and have someone to care for them. The way that this happens is through a process called guardianship. This guidebook was created to educate you about the guardianship process in Ohio. It is my hope that you will be better informed about guardianships and what a valuable role they play in our community.

_____

DISCLAIMER: THIS GUIDE IS MEANT TO BE A HELPFUL TOOL IN UNDERSTANDING GUARDIANSHIP. IT DOES NOT CONTAIN A COMPLETE ACCOUNT OF GUARDIANSHIP LAW, DOES NOT CREATE ANY RIGHTS FOR A WARD, NOR RESPONSIBILITIES FOR A GUARDIAN.

Table of Contents

Glossary Of Terms Defined....4
Role of the Probate Court....7
Establishing a Guardianship....7
What constitutes a Suitable Guardian?....8
Role of a Guardian....9
Responsibilities of a Guardian....10
Guardian of the Person Responsibilities....10
Guardian of the Estate Responsibilities....11
Duties and responsibilities Of A Guardian Of The Person....12
Duties and responsibilities of Guardian of the Estate....13
Meeting the Ward's Needs....14
Making Medical Decisions....16
Take Time To Research All the Options....16
Areas You May Find Yourself Advocating For The Ward....17

*** You will see the term SPF used throughout this guidebook. It means "Standard Probate Form" and the number that follows is the number of the Standard Probate Form which can be obtained at your local Probate Court or by visiting:**

www.supremecourt.ohio.gov/legalresources/rules/superintendence/probate:forms

GLOSSARY OF TERMS DEFINED

The following list of terms and definitions may help you more fully understand the guardianship process.

1. **INCOMPETENT PERSON**: Any person who is so mentally impaired as a result of a mental or physical illness or disability, or mental retardation, or as a result of chronic substance abuse, that the person is incapable of taking proper care of the person's self or property, or fails to provide for the person's family or other persons when the person is charged by law to provide, or any person confined to a correctional institution within the state of Ohio.

2. **GUARDIAN**: Any person, association, or corporation appointed by the probate court who has the legal responsibility for the care and management of the person, the estate, or both, of an incompetent or minor. A guardian is appointed either as a guardian of the person or guardian of the estate or guardian of the person and estate.

3. **WARD**: Any person for whom a guardian is acting or for whom the probate court is acting, pursuant to Section 2111.50 of the Ohio Revised Code.

4. **Guardian of the Person**: One who is appointed for a ward to make personal decisions for the ward, such as where the ward will live and how health care services will be provided. It can also include responsibility for a minor ward's education as required by law.

5. **Guardian of the Estate**: One who is appointed to manage the ward's assets and monies. Specifically, the guardian of the estate must pay all debts owed by the ward, collect all money owed to the ward, settle and adjust any assets received by the ward from the executor or administrator of an estate, deposit all funds of the ward into an account in the name of the guardian as fiduciary, invest any of the ward's funds not needed for current obligations according to legal guidelines, file with the court an official inventory of the ward's assets, and, on a regular basis, file accounts of how those assets are

being used, sell assets for the ward as necessary and file or defend lawsuits on behalf of the ward if necessary to protect the ward's interests. A guardian of the estate is generally NOT personally liable for any of the ward's debts except under a few rare exceptions.

6. **Guardian of the Person & Estate**: One who is appointed in both roles to make medical/living decisions for the ward along with managing the ward's assets/money.

7. **GUARDIANSHIP OF THE PERSON**: A formal legal fiduciary relationship created by Order of the probate court between a person, association, or corporation as guardian and an incompetent person, wherein the guardian takes legal custody of the incompetent person and is empowered to make decisions and act on behalf of the incompetent person to provide for the personal care of the incompetent person. Duties are set forth under R.C. 2111.13.

8. **GUARDIANSHIP OF THE ESTATE**: A formal legal fiduciary relationship created by Order of the probate court between a person, association, or corporation as guardian and an incompetent person, wherein the guardian is empowered to make decisions and act on behalf of the incompetent person to protect, preserve, and manage the estate (assets & monies) of the incompetent person. Basic duties are defined by R.C. 2111.14.

9. **GUARDIAN'S REPORT**: A formal report that all guardians of the person, or guardians of the estate, or both, must file with the court. The report is required to be filed on a standard probate form (SPF 17.7). See R.C. 2111.49 for more details. The Report must include an Expert Evaluation Report (SPF 17.1). A final report must be made to the Probate Court within 30 days after the minor attains the age of 18 years, or following the death of the ward, or other termination of the guardianship.

10. **GUARDIAN'S INVENTORY**: A full, written statement of the real and personal property of the Ward, its value, and the value of any yearly rentals of the real property required to be filed by all guardians of the estate within three months of the issuance of the guardian's Letters of Authority.

11. **GUARDIAN'S ACCOUNT**: An itemized statement of all receipts of the guardian and all disbursements made by the guardian of the ward's assets or income during the accounting period. The statement must include an itemized statement of all funds, assets, investments, and indebtedness of the ward's estate known to the guardian at the end of the accounting period. Itemized expenditures, disbursements, and changes of investments must be verified by vouchers or proof acceptable to the probate court. Accounts must be signed by the guardian and are typically due annually unless otherwise notified by the court.

12. **GUARDIANSHIP OF PERSON AND ESTATE**: A formal, legal fiduciary relationship created by Order of the probate court wherein a person, association, or corporation is appointed to have custody of an incompetent person, and to take charge of his or her estate. This type guardian has all of the duties and responsibilities required of guardian of the person and guardian of the estate.

13. **STATEMENT OF EXPERT EVALUATION**: A written statement by a licensed physician, licensed clinical psychologist, licensed independent social worker, licensed professional clinical counselor, or mental retardation team, that has examined the ward within three months prior to the date of the report. The evaluation and statement must address whether or not the evaluator believes there is a continued need for guardianship.

14. **LETTERS OF GUARDIANSHIP**: An Order of the probate court which vests the guardian with authority to act on the ward's behalf upon the authority defined in the Order or otherwise by applicable Ohio law. A guardian may take no action on behalf of the ward until Letters of Guardianship are issued.

Letters may not be issued until a hearing on the Guardianship Application, the guardian's filing of their acceptance and oath, and filing of such guardian's bond, if applicable, as the court may order.

15. **GUARDIAN'S BOND**: The financial surety bond issued by a duly licensed bonding agency securing the guardian's faithful and honest discharge of his or her duties as guardian of the estate. The amount of the bond is established by the court but shall be maintained by the guardian at all times in an amount not less than a sum equal to double the probable or appraised value of the personal property of the estate, plus annual real estate rentals, which will come into the estate during the bonding period.

16. **FIDUCIARY RELATIONSHIP**: A relationship wherein one who acts in a fiduciary capacity on behalf of another does so not for their own benefit but for the benefit of another person as to whom the guardian stands in a relation implying and necessitating great confidence and trust on the one part and a high degree of good faith on the other part. A guardian owes a fiduciary duty to a ward in all of the guardian's actions as guardian of the ward.

ROLE OF THE PROBATE COURT

Only the probate court where the ward resides can appoint a Guardian. Every county in Ohio has its own probate court or family court which handles the guardianship proceedings. The guardianship process is an important legal proceeding that can greatly reduce a person's rights. It is recommended that you utilize an attorney with experience in guardianships to guide you through this legal process. The next section will provide a general overview of the guardianship process.

ESTABLISHING A GUARDIANSHIP

The process of guardianship appointment begins with either an application filed by an interested party or on the probate court's own motion along with a "Statement of Expert Evaluation" completed by the proposed ward's physician. After the application is filed, the probate court will send a Court investigator to

give notice of the hearing to the proposed ward and to evaluate the proposed ward. The investigator files a report which the probate court will review before the hearing.

The court then holds a hearing on the necessity of the guardianship. Proper notice of the hearing is required on the proposed ward and in-state family members. The proposed guardian must appear at the hearing. If the prospective ward is an alleged incompetent adult, incompetence must be proved by clear and convincing evidence.

During the hearing, the court must answer two questions:

1. Is the proposed ward INCOMPETENT as defined by the Ohio Revised Code? *If yes,*
2. Who is the best suited person to be the guardian of the ward?

Evidence of a lesser restrictive alternative than a guardianship may be introduced, and if proven, may form the basis for a denial of the guardianship. If the court determines that a guardian is necessary, it will then appoint a guardian by judgment entry. The probate court then issues ***Letters of Guardianship***, which states whether the guardian is responsible for the ward's person, the ward's estate, or both. The guardian must take and sign an ***Oath of Guardian*** and ***Fiduciary Acceptance*** at the time of the appointment wherein they accept enumerated duties and responsibilities set forth on the forms.

WHAT CONSTITUTES A SUITABLE GUARDIAN?

In selecting the person to serve as guardian, the probate court must act in the best interest of the ward. The probate court has broad powers in appointing guardians. It is preferred that a guardian of an Ohio ward live in the state of Ohio, and ideally in the same county as the ward. However, a guardian of the person of an Ohio ward may live out of state.

A suitable applicant must submit to and pass a criminal background check. Attorney-applicants must provide a certificate of good standing from the Supreme Court of Ohio. A guardian of an estate must post a BOND to protect the ward's assets from misuse. The court must insure that no conflicts of interest exist between the applicant and the ward. In addition, guardians must now participate in

a training course within a short period of time before or after their appointment as guardian and additional training every year thereafter.

In Ohio, it is preferable that a person serve as guardian of both the person and estate of the ward, unless the Probate Court decides that the interests of the ward will be better served by appointing different persons as guardian of the person and of the estate.

ROLE OF A GUARDIAN

The probate court appoints a guardian to manage the care and affairs of a ward, not to personally take care of the ward and not to be financially responsible for the ward's debts. Guardians have the ultimate responsibility to assist the ward with decision-making. A guardian shall advocate for services focused on a ward's needs and in the ward's best interest. However, making a decision for a ward that is in the ward's best interest is not always easy, and conflicts can occur.

Probate courts often prefer to appoint family members as guardians. The best interest of the ward must form the basis for every decision that the guardian makes, not the best interest of the family guardian. Decision-making can prove difficult when the guardian's opinion on best interest differs from the ward's opinion.

A guardian must be able to make difficult decisions for the ward and communicate the basis for the decisions with the ward and the ward's other family members. Communication is a key element in any guardianship.

Where multiple family members are pursuing appointment as guardian for the same proposed ward, it is recommended that the applicants take a moment and review what is in the best interest of the proposed ward. Often, it will be in the proposed ward's best interest for family members to not engage in confrontations and determine a way to cooperate and communicate.

A guardian is not a doctor for the ward. As such, the guardian should rely on medical experts when making health care decisions for a ward. If a guardian has questions or doubts regarding medical conditions and treatments, it is the guardian's duty to seek a second medical opinion, not research the medical issue on their own. Remember, a guardian is not a care giver, but a guardian must ensure a ward receives proper care.

RESPONSIBILITIES OF A GUARDIAN

All guardians have responsibilities and must follow the orders of the probate court that appointed them. Remember, the probate court is the superior guardian of the ward; however, the guardian is the "eyes and ears" of the court and will have more interaction with the ward than the court.

All guardians must act in the best interest of the ward when making decisions and those decisions should support the ward's wishes whenever feasible but not harm the ward. The guardian's other responsibilities are determined by the type of guardianship.

Guardian of the Person Responsibilities

a. Filing an annual *Guardian's Report* which informs the probate court where the ward is residing, how they are doing, if changes need to be made, and if the guardianship should continue or be terminated. This report is Standard Probate Form 17.7 that can be obtained from the court or the *Ohio Supreme Court* website.

b. Filing an annual Guardian's Plan along with the annual Guardian's Report (SPF 17.7) which will inform the probate court what the goals of the guardian for the ward will be for the upcoming year and how the guardian plans on attaining those goals.

c. To protect the ward. The guardian is responsible for seeking services that will help the ward reach or maintain their highest degree of functionality in the least restrictive environment possible.

d. To make medical decisions in the best interest of the ward. If a family member or other interested party objects *disagrees with* to the guardian's medical decision making for the ward, then the court will make the final decision on the ward's medical care.

Guardian of the Estate Responsibilities

a. Establish a bank account for the ward's funds with the prior approval of the probate court.

b. Inventory the estate. The guardian must list all of the assets and monies that the ward owns within three months of being appointed guardian of the estate.

c. Obtain prior court approval before: *i.* spending any of the ward's money, *ii.* entering into any contracts for the ward, *iii.* making improvements to the ward's assets or *iv.* selling the ward's assets.

d. Providing an Annual Guardian's Account showing all of the assets and income that you received on behalf of the ward in a given time period and then showing how you as guardian spent those assets/money. This is done on a Standard Probate Form (SPF 15.8).

DUTIES AND RESPONSIBILITIES OF A GUARDIAN OF THE PERSON

1) Advocate for the Ward

- **Visit Regularly**
  - At least once every three months.

- **Meet the Ward's Needs**
  - Make all decisions for the ward (residential & medical).
  - Ensure that the ward is safe and free from abuse or neglect.
  - As a guardian, you cannot delegate your responsibilities to others.

2) Submit Reports

- File an annual Guardian's Report which informs the probate court where the ward is residing, how they are doing, if changes need to be made, and if the guardianship should continue or be terminated. This report is Standard Probate Form 17.7 that can be obtained from the court or the Ohio Supreme Court website.

- File an annual Guardian's Plan along with the annual Guardian's Report (SPF 17.7) which will inform the probate court what the goals of the guardian for the ward will be for the upcoming year and how the guardian plans on attaining those goals.

  - The Guardian's Report and a Guardian's Plan are REQUIRED BY LAW
  - Failure to file these documents can result in your removal as guardian and other court sanctions.
  - Provide as many details as possible. Must be accompanied by report of ward's doctor re: ward's general state of health and if continuation of guardianship is necessary.
  - Complete and mail to the probate court.

3) Protect the ward. The guardian is responsible for seeking services that will help the ward reach or maintain their highest degree of functionality in the least restrictive environment possible.

4) Make medical decisions in the best interest of the ward. If a family member or other interested party disagrees with the guardian's medical decision for the ward, then the court will make the final decision on the ward's medical care.

5) Report Change of Address

- The Court needs the current address and phone number for both the ward and the guardian.

- If the ward or guardian's address or telephone number changes:
  - Advise the court of the ward's new address and phone number in writing immediately.

6) Submit Final Report

- To be filed if a minor ward turns 18 years old.
- To be filed if the ward dies.
- Include a copy of the death certificate.
- Complete and mail to the probate court.

DUTIES AND RESPONSIBILITIES OF GUARDIAN OF THE ESTATE

Here are the duties of an individual appointed guardian of the estate for a minor as outlined under R.C. 2111.14:

1) Establish a bank account

- The guardian is responsible for establishing a bank account for the ward at a bank approved by the Probate court and subject to the court's rules and oversight.

2) Inventory the estate:

- The guardian is responsible for creating a list of all real and personal property and assets belonging to the ward.
- The guardian has three months from the appointment date to file the inventory with the court.

3) Obtain prior court approval:

- The guardian is responsible for getting prior approval from the Probate court before:
  - spending the ward's funds,
  - entering into contracts,
  - making improvements to real property,
  - entering into settlements, or
  - selling assets.

4) File an annual Guardian's account…

- The guardian is responsible for filing an annual account showing all of the assets and income received on behalf of the ward in a given time period and then listing how the assets/monies have been expended by the guardian. The guardian will use a standard probate form (SPF 15.8).

MEETING THE WARD'S NEEDS

The following outline is intended to assist the guardian in meeting the ward's needs, but is not intended to include all duties of a guardian.

Assess the ward's immediate and continuing medical, residential, financial, dietary, social and supervision needs.

Determine what resources are available to allocate toward satisfaction of the ward's needs.

In the event you are not guardian of the ward's estate, then communicate with those persons or agencies to obtain the necessary resources to satisfy the ward's needs.

Maintain frequent contact with the ward, his or her doctors, counselors, ward's family (if cooperative), and all other care providers to assure quality of care and any change of the ward's needs.

Make regular and timely reports to the court and cooperate with court visitors, your legal counsel, and all court personnel as directed.

Anticipate and consider the future needs of the ward including the following:

a) Pre-planned funeral arrangements if none were previously made.

b) Access to any advanced health care directives previously made by the ward, such as a Living Will.

c) Medical directives for terminally ill wards such as "DNR" (Do Not Resuscitate) orders if advised by the ward's treating doctor.

These decisions are often difficult, and they call for the highest degree of prudence and consideration by the guardian. To the extent it is possible or practical, the guardian should take into account each of the following before making these important decisions:

a) The best interests of the ward.

b) The medical opinions of the ward's doctors and any independent assessors.

c) The expressed desire of the ward, to the extent the ward has the ability to comprehend and participate in the decision.

d) Any prior expression of an incapacitated ward's desire made prior to his or her incapacity.

e) The moral, ethical and religious values of the ward currently or prior to incapacity and how they would influence the ward's own decision if he or she were competent to make the decision.

f) The degree of practical necessity or desirability for the advanced planning.

g) The feelings and opinions of the ward's family members and any other intimate friends.

Making Medical Decisions

It is the guardian's responsibility to make decisions based on the ward's needs. Medical decisions can be very hard to make. The well-being and comfort of your ward, and perhaps your ward's life, depends on making the right choice.

Take Time To Research All the Options

Often medical decisions are made under pressure. It is important for the guardian to know that, although convenient for the schedule of the doctor, making immediate decisions may be inappropriate. Unless it is an emergency, the guardian should take care to take whatever time is necessary to be fully informed and consider medical options.

It may be safe to postpone the decision for a few days or longer in order to weigh all the options. When a doctor (or anyone else) insists on a quick decision, ask if your ward's life is in jeopardy if the decision is delayed a few days. If not, use the time to become more familiar with the situation and the options so that the best medical decision can be made. You may also consider seeking a second opinion.

Always Remember

It is the DUTY and RESPONSIBILITY of the guardian to make a final decision that is appropriate and in the best interests of the ward, even if the ward disagrees with the decision.

AREAS YOU MAY FIND YOURSELF ADVOCATING FOR THE WARD

Freedom from Abuse or Neglect

Quality of Personal Care

Quality of Medical Care

Accessibility

Transportation

Access to Community Services

In-Home Care

Least Restrictive Placement

Educational and Vocational Services

Mental Health Services

Financial Benefits

Application or Termination of Life Sustaining Medical Treatment

If you find yourself in any of these situations and are unsure of what to do or would like some assistance, contact an attorney or feel free to contact the court for other appropriate referral.

NOTE: THE COURT STAFF IS NOT PERMITTED BY LAW TO PROVIDE LEGAL ADVICE. QUESTIONS REQUIRING LEGAL ADVICE MUST BE REFERRED TO AN ATTORNEY OF YOUR CHOOSING. THE STAFF IS NOT PERMITTED TO MAKE ATTORNEY REFERRALS.

NOTES

NOTES

THIS GUIDE IS MEANT TO BE A HELPFUL TOOL IN UNDERSTANDING GUARDIANSHIP. IT DOES NOT CONTAIN A COMPLETE ACCOUNT OF GUARDIANSHIP LAW, DOES NOT CREATE ANY RIGHTS FOR A WARD, NOR RESPONSIBILITIES FOR A GUARDIAN.

65 South Front Street, 4th Floor
Columbus, Ohio 43215-3431
www.ohiojudges.org

OhioCourt edu

ACCESS AND USE THE JUDICIAL COLLEGE'S LEARNING MANAGEMENT PLATFORM

CREATE AN ACCOUNT

NOTE: If you already have an account, skip to **LOGIN TO ACCOUNT** on Page 4.

Step 1: Navigate to https://www.supremecourt.ohio.gov/ohioCourtEDU/register/.

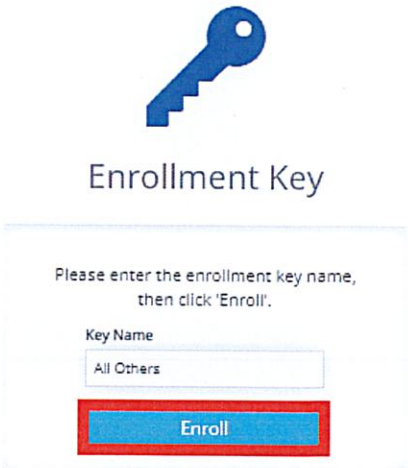
Step 2: Select **CREATE AN ACCOUNT**.



Step 3: Click on the appropriate **Category** that applies to your position.

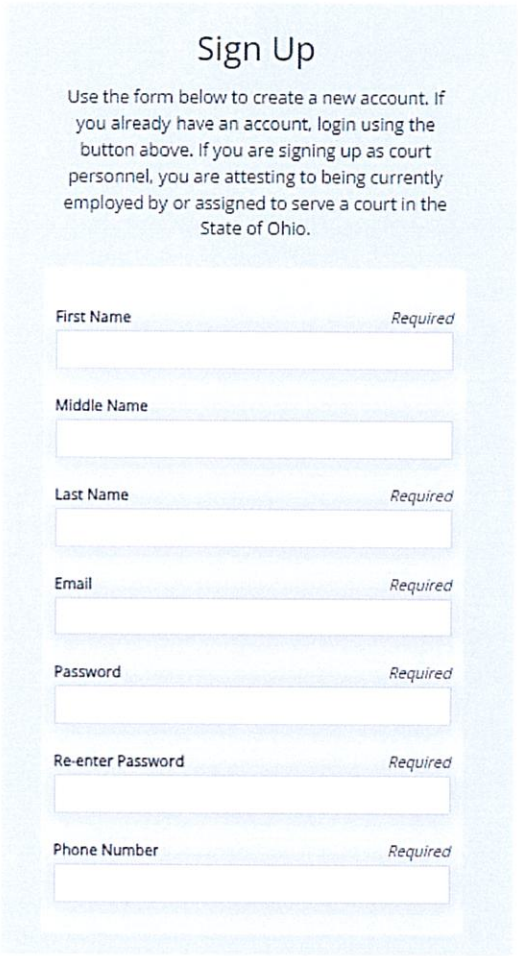


Step 4: If an **Enrollment Key** pop-up displays, ensure the correct user type is shown and select Enroll.



Step 5: Complete the **Registration Form**. The system will not let you continue unless you fill in all **Required Fields**.

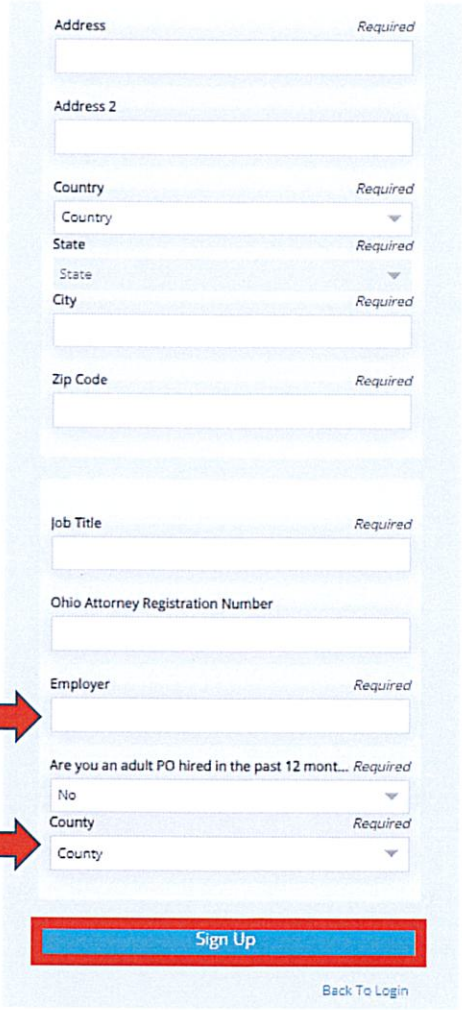
For Court Personnel:



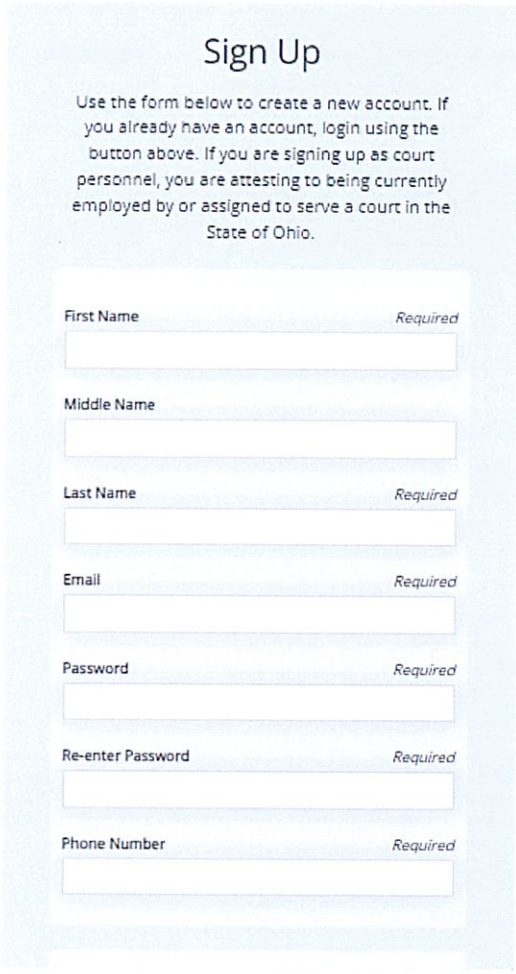
If not applicable, leave blank.
Do not enter 0.

Enter the court where you work.

Select Sign Up.



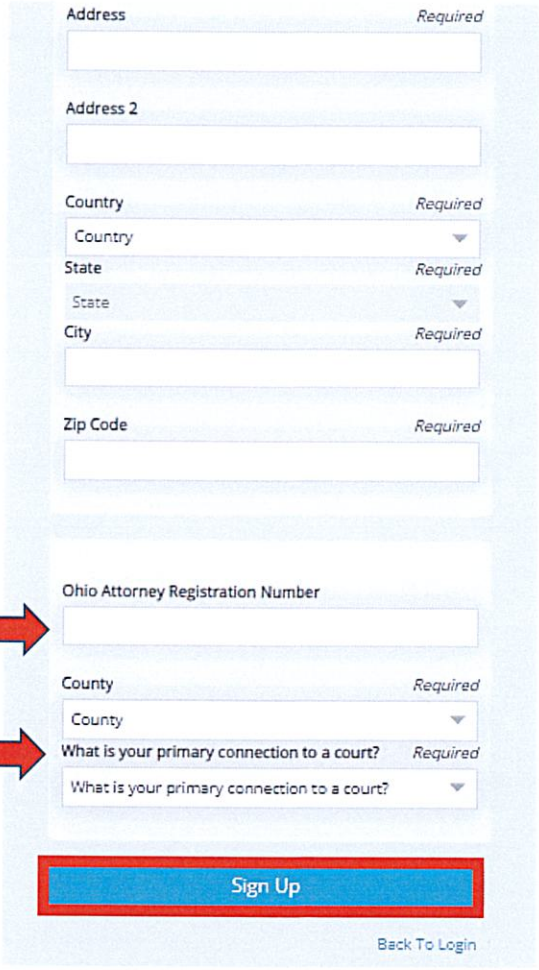
For All Others:



If not applicable, leave blank.
Do not enter 0.

Use the dropdown menus to select your county of residence and your primary connection to a court.

Select Sign Up.



Step 6: You will be taken to the **Login Page**, where you can access the website using your email address as your username and the password you created.

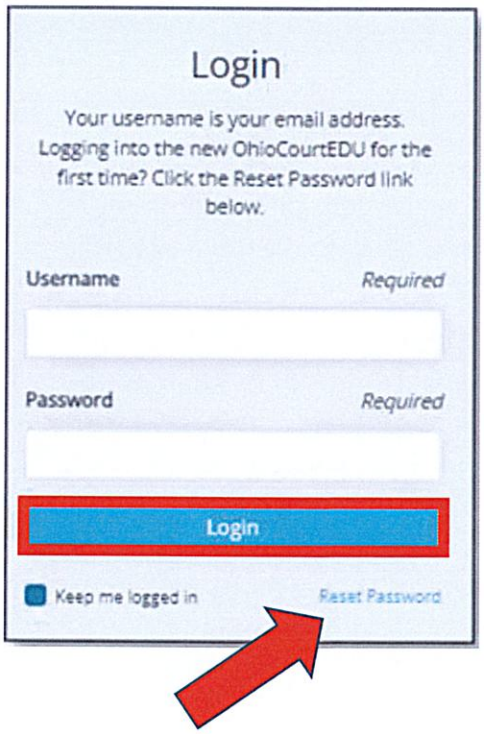
LOGIN TO ACCOUNT

Step 1: Navigate to https://www.supremecourt.ohio.gov/ohioCourtEDU/.

Step 2: Select **LOGIN TO ACCOUNT**.



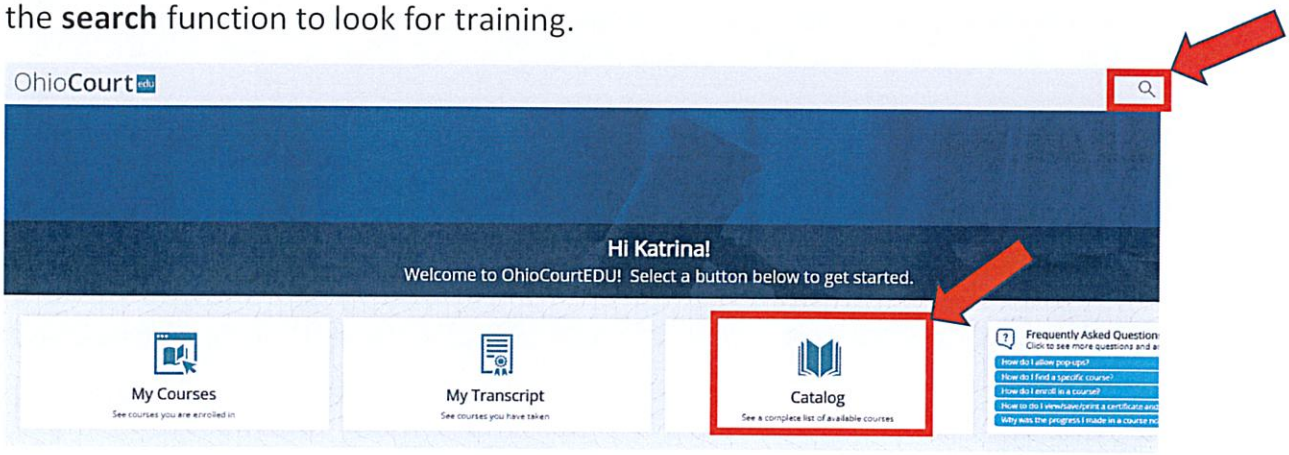
Step 3: You will be taken to the **Login Page**, where you can access the website using your email address as your username and the password you created. If you have forgotten your password, select **Reset Password**.



COMPLETE A COURSE

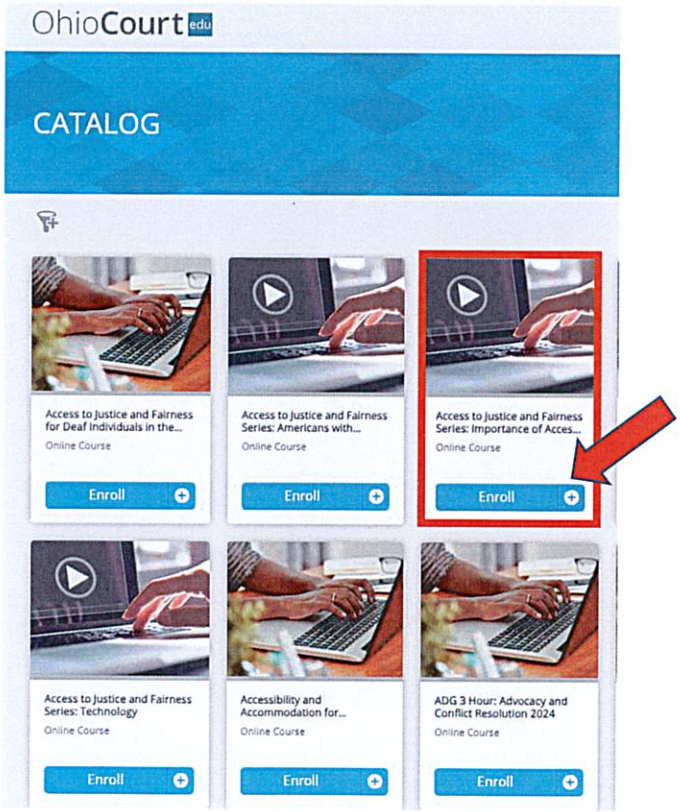
ENROLL IN COURSE

Step 1: Once you log in, select **Catalog** to browse education course titles. You may also use the **search** function to look for training.



Step 2: Enroll in the desired course by selecting the button.

Tip: Use the filters on the left-hand side to help find a course.



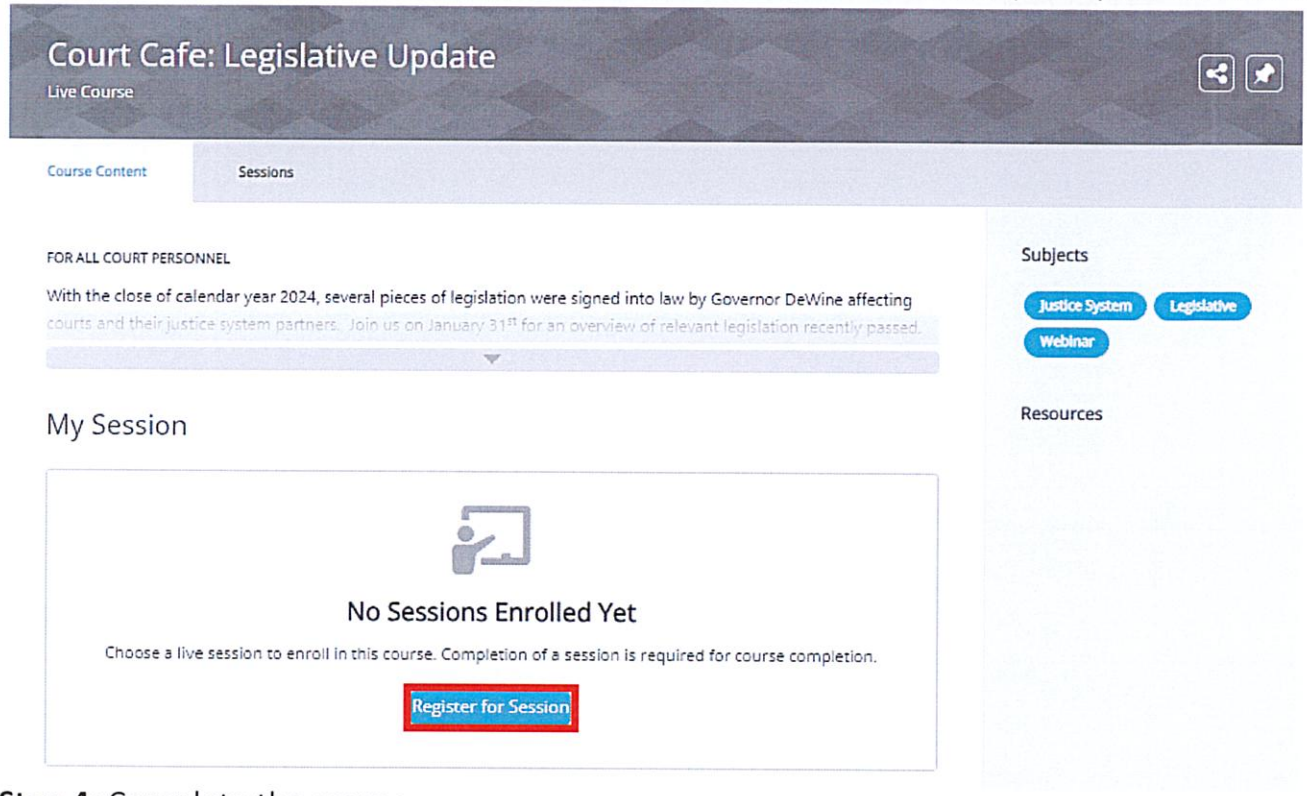
New Guardians appointed by the Stark County Probate Court are required to take the course entitled:
"ADG 6 Hour: Guardianship Fundamentals"
within 3 months of their appointment.

Guardians must take 3 hours of guardianship training course every year after they are first appointed. Courses beginning with "ADG 3 Hours" may be used to satisfy this requirement.

Step 3: If you enrolled in an online course, you may begin learning immediately by selecting **Launch**.



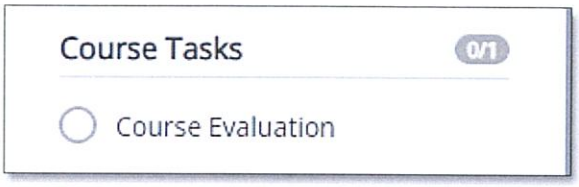
For live webinar/in-person courses, select **Register for Session** to complete your enrollment.



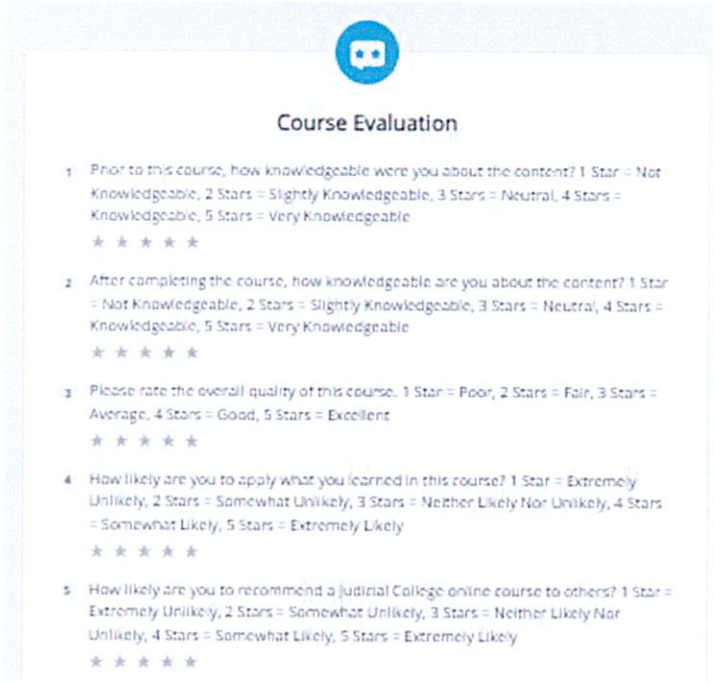
Step 4: Complete the course.

EVALUATE COURSE

Step 5: Once the course is completed, on the course page, under the Course Tasks, select **Course Evaluation**.

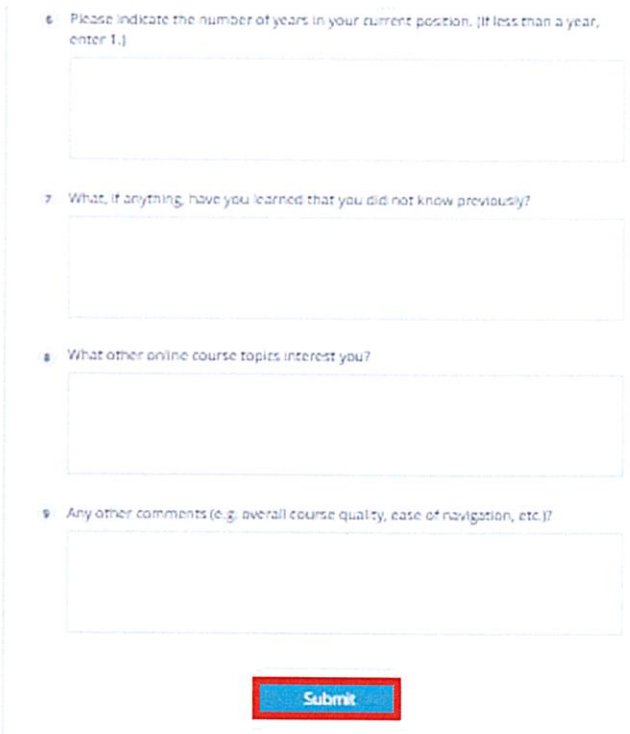


Step 6: Fill out and **Submit** the evaluation.



Course Evaluation

1. Prior to this course, how knowledgeable were you about the content? 1 Star = Not Knowledgeable, 2 Stars = Slightly Knowledgeable, 3 Stars = Neutral, 4 Stars = Knowledgeable, 5 Stars = Very Knowledgeable
2. After completing the course, how knowledgeable are you about the content? 1 Star = Not Knowledgeable, 2 Stars = Slightly Knowledgeable, 3 Stars = Neutral, 4 Stars = Knowledgeable, 5 Stars = Very Knowledgeable
3. Please rate the overall quality of this course. 1 Star = Poor, 2 Stars = Fair, 3 Stars = Average, 4 Stars = Good, 5 Stars = Excellent
4. How likely are you to apply what you learned in this course? 1 Star = Extremely Unlikely, 2 Stars = Somewhat Unlikely, 3 Stars = Neither Likely Nor Unlikely, 4 Stars = Somewhat Likely, 5 Stars = Extremely Likely
5. How likely are you to recommend a Judicial College online course to others? 1 Star = Extremely Unlikely, 2 Stars = Somewhat Unlikely, 3 Stars = Neither Likely Nor Unlikely, 4 Stars = Somewhat Likely, 5 Stars = Extremely Likely



6. Please indicate the number of years in your current position. (If less than a year, enter 1.)
7. What, if anything, have you learned that you did not know previously?
8. What other online course topics interest you?
9. Any other comments (e.g. overall course quality, ease of navigation, etc.)?

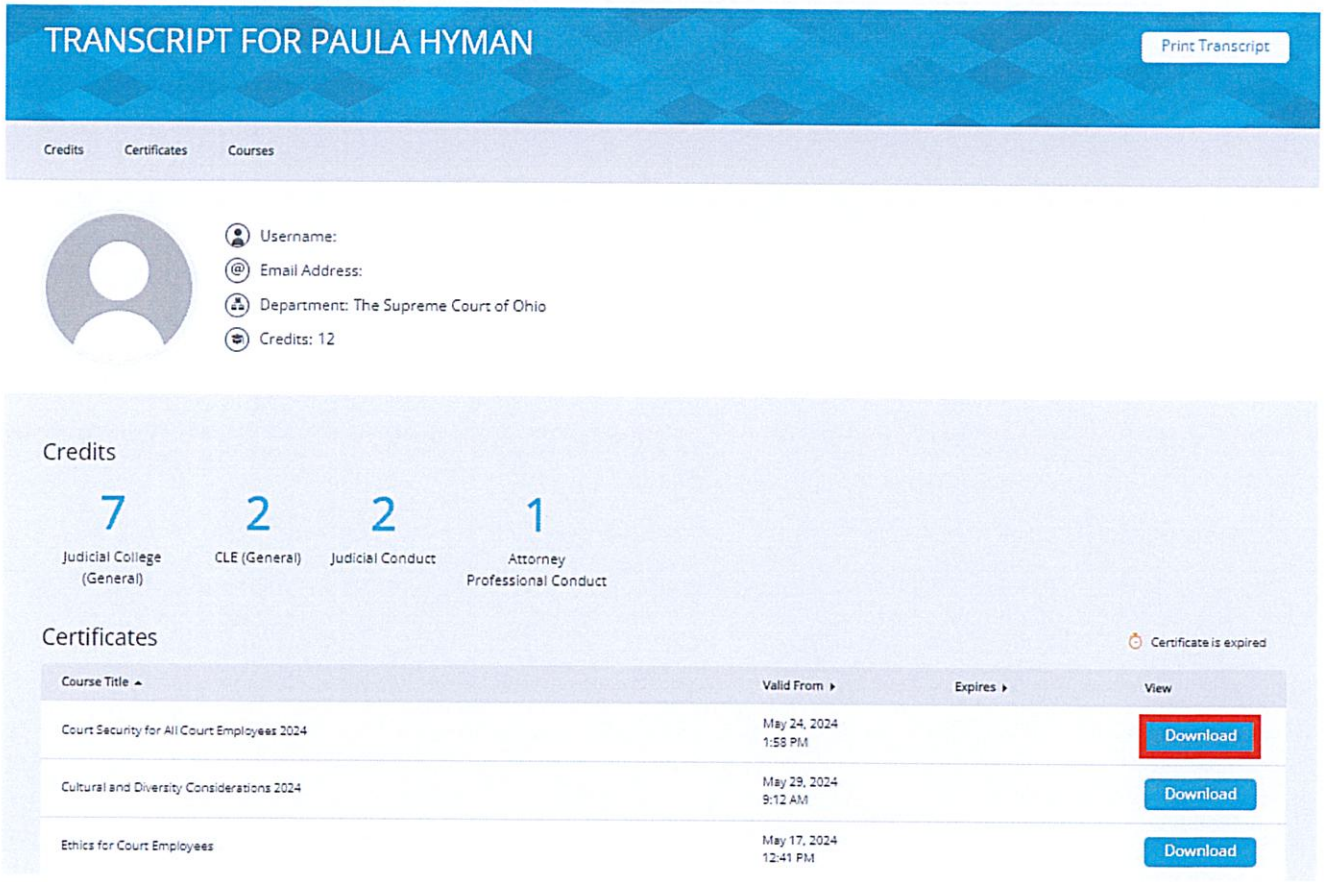
Submit

OBTAIN CERTIFICATE

Step 7: On the learner dashboard, select **My Transcript**.



Step 8: Locate the desired course within the certificate list and select **Download**.



Step 9: Your certificate will open in a new browser tab, where you can **Save** or **Print** it.


THE SUPREME COURT of OHIO

Certificate of Participation

Katrina Webb

Custody Evaluator Pre-Appointment Education for SOCIAL WORKERS, CLINICAL

08/31/2022

OBTAIN TRANSCRIPT

Step 10: On the learner dashboard, select **My Transcript**.



Step 11: On the transcript page, select **Print Transcript**.

