

**STARK COUNTY PROBATE COURT
LOCAL RULES**

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LOCAL RULE 8.1 - COURT APPOINTMENTS

- A. The Court shall maintain a master list of attorneys who have expressed a willingness to accept appointments for service as:
 - 1. Counsel for persons subject to civil commitment;
 - 2. Counsel for wards or proposed wards;
 - 3. Guardian Ad Litem;
 - 4. Mediator;
 - 5. Fiduciary in an estate;
 - 6. Guardian of a Ward's estate;
 - 7. Counsel for a biological parent in an adoption proceeding;
 - 8. In any case in which the Court deems the appointment is necessary and proper.
- B. Prospective appointees may request the Court add them to one or more lists by submitting a letter to the Court expressing their willingness to be appointed, and in what capacity.
- C. The Court may appoint counsel not on the master list if the Court deems the appointment is necessary and proper.

LOCAL RULE 9.1 - SECURITY PLAN

- A. The Court has adopted and implemented a court security plan as required by Rule 9 of the Rules of Superintendence and in accordance with the provisions of the Ohio court security standards adopted by The Supreme Court of Ohio.
- B. All persons shall be subject to the Stark County Security Policies and Procedure Manual for the Stark County Office Building, as adopted and as may be amended, in order that appropriate levels of security prevail in the Court to protect the integrity of court procedures, to protect the rights of individuals before the Court, to deter those persons who would take violent action against the Court or litigants; to maintain the proper decorum and dignity of the Court; and to ensure that Court facilities are secure for all persons.
- C. The Stark County Security Policies and Procedure Manual for the Stark County Office Building, 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

All hearings before the Court, if requested, will be recorded by audio-electronic recording devices and a fee in the amount \$5.00 will be charged and collected as costs in such case. If any other recording procedure is desired, it must be provided by the requesting party, who shall make the necessary arrangements including the payment of costs.

No audio recordings, video recordings, or photographs may be made in the Court without prior permission of the Judge.

LOCAL RULE 51.1 - STANDARD PROBATE FORMS

- A. Pursuant to Sup.R. 51, standard Ohio Supreme Court and local probate forms shall be used in all matters prescribed for their use.
- B. Most forms are available for download and modification on the Court's website: www.starkcountyohio.gov/probate.
- C. All filings shall comply with the specifications set forth in Sup.R. 52.
- D. Forms are subject to change at any time.
- E. The Court also publishes certain Miscellaneous Non-Standard Local Probate Forms (often referred to as Stark Loc. Forms) which should be used where applicable.

LOCAL RULE 53.1 - HOURS OF THE COURT

The Probate Court and its offices shall be open for the transaction of business from 8:30 a.m. to 4:30 p.m. daily except Saturday, Sunday, and legal holidays.

Marriage License Bureau hours are 8:30 a.m. to 4:15 p.m. daily.

LOCAL RULE 55.1 - CASE FILES

Only Court employees are permitted to be in possession of the Court's case files. The Court's case files shall not be removed from the Court. Individual pleadings shall not be removed from the retaining clips.

LOCAL RULE 55.2 - PHOTOCOPIES

Copies of any public record may be obtained during regular Court hours at the cost of ten cents (\$.10) per page.

LOCAL RULE 57.1 - CONTENTS OF FILINGS

All non-standard probate forms filed with the Court shall contain the following information: the case number, the name, address, telephone number, email address, and the attorney's Supreme Court Registration Number of the individual counsel representing the fiduciary. In the absence of counsel, the documents filed shall contain the name, address, telephone number, and email address, if applicable, of the filing party.

LOCAL RULE 57.2 - SIGNATURES

All filings must contain original signatures. The person's signature on a document filed with this Court shall represent and warrant to the best knowledge and belief of that person that the information in the document to be filed is true, accurate, complete, and is filed in good faith and is not misleading or filed for the purpose of delay or hindrance of the proceeding and complies with applicable law.

A. Signer:

1. All signatures shall have the typed or legibly printed name of the person signing directly below the signature.
2. All documents filed with this Court shall be signed by the applicant, fiduciary, other appropriate person submitting the form, and/or the respective attorney.
3. The Court will not accept the signature of an agent under a power of attorney in place of the signature of the principal *unless* a) the power of attorney contains specific language authorizing the agent to sign for the principal in a Court proceeding and b) a copy of the Power of Attorney is attached to the filing submitted with this Court.
4. The attorney for the fiduciary may not sign on behalf of the fiduciary.
5. Non-attorneys are prohibited from signing on behalf of an attorney or on behalf of any other individual, except as expressly authorized by law.

B. Form:

1. Hand-signed and electronic signatures verified through digital signature software shall be considered original signatures,
2. A typed signature in the format "/s/Signature" shall be considered an original electronic signature for an e-filed document submitted through the signers individual e-filing account.
3. Copies of documents or printouts of scanned images with original signatures may be accepted for filing. The original must be produced upon demand or upon question as to legibility or authenticity. When a copy or

image printout is filed, the filer and/or attorney shall procure and retain the original for one year after the case is closed.

4. Any person filing a signed document is responsible for verifying that any hand-signed, electronic signature, copy or printed image is correct and was issued and signed by the appropriate person.
5. This Rule does not apply to wills, which must be hand signed originals.

LOCAL RULE 57.3 - PERSONAL IDENTIFIERS

- A. Social Security numbers, except for the last four digits, all financial account numbers, and employer and employee identification numbers are personal identifiers, which are confidential pursuant to Sup. R. 44, and shall not be included in any filing in this Court that is available for inspection by the general public.
- B. Personal Identifiers shall be filed with the Court upon Probate Form 45(D) entitled "Confidential Disclosure of Personal Identifiers," which form shall not become part of the public record.
- C. Marriage applications are public records, however, Social Security numbers that are required on marriage applications and which are included therein are sequestered and are not available for inspection by the general public.
- D. Adoption filings, Civil Commitment filings, and all post-November 8, 1990 Ohio Estate tax filings are confidential records that are not available for inspection by the general public.
- E. The person filing or submitting a document, or their attorney, shall omit or redact all Personal Identifiers, from all filings, pleadings, documents, or exhibits that are available for inspection by the general public.
- F. The responsibility for redacting Personal Identifiers rests solely with the person filing or submitting the document or their attorney.
- G. The Court shall not review documents for compliance with this rule, or redact documents, or seal documents that fail to comply with this rule.

LOCAL RULE 58.1 - COURT COSTS

All deposits for Court proceedings shall be in accordance with the Court's Deposit, Fee and Costs Schedule in effect on the date of filing of the pleading.

LOCAL RULE 60.1 - 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 be in compliance with Section 2109.21 of the Revised Code and use as the attorney of record an attorney licensed to practice law in this State. The applicant must meet one or more of the following criteria as required by the Court:

- A. Assure that all estate assets remain in Stark County during the administration of the estate.
- B. Post a bond in compliance with Section 2109.04 of the Revised Code.
- C. Any other orders that this Court finds are reasonable.

LOCAL RULE 61.1 - APPRAISERS AND APPRAISALS

When required by law, there shall be one suitable and disinterested appraiser appointed by the executor or administrator of an estate, with Court approval. The following persons shall be disqualified from being such an appraiser:

- A. A person related by blood or marriage to the decedent;
- B. A beneficiary of the estate;
- C. A person related by blood, marriage or employment to the attorney for the estate;
- D. A person related by blood, marriage or employment to the fiduciary for the estate; and
- E. Real estate agents, and brokers who are or will be utilized to sell the assets which are to be appraised.

LOCAL RULE 61.2 - REAL ESTATE APPRAISERS

Real estate appraisals shall be made by licensed real estate agents, brokers, auctioneers, credentialed real estate appraisers, or such other persons who by experience and training are qualified to make real estate appraisals.

LOCAL RULE 61.3 - SELF-DEALING - APPRAISER

No appraiser shall be permitted to directly or indirectly purchase or acquire any of the property he or she appraises, except at public auction.

LOCAL RULE 61.4 - READILY ASCERTAINABLE VALUE OF REAL PROPERTY

Notwithstanding Loc.R. 61.1 through Loc.R. 61.3, the market value of real estate as found in the Stark County Auditor's property records may be accepted as the readily ascertainable value of the property and no further appraisal of such property shall be required unless the Court orders otherwise. A copy of said evaluation shall be attached to Form 6.1 - Schedule of Assets or Form 5.1 - Assets and Liabilities of Estate to be Relieved from Administration, whichever is applicable.

LOCAL RULE 61.5 - READILY ASCERTAINABLE VALUE OF MOTOR VEHICLE

Notwithstanding Loc.R. 61.1 through Loc.R. 61.3, for the market value of any motor vehicle, the fiduciary may use the applicable value listed in the current N.A.D.A. Guide, the Kelley Blue Book, or comparable guide to reflect the readily acceptable value of the property without further appraisal, unless the Court orders otherwise. The fiduciary must provide a copy of the N.A.D.A. Guide, Kelley Blue Book value, or comparable guide, and should state the condition of the motor vehicle to support the value that was used. This information should be attached to Form 6.1 - Schedule of Assets or Form 5.1 - Assets and Liabilities of Estate to be Relieved from Administration, whichever is applicable.

LOCAL RULE 61.6 - PERSONAL PROPERTY

All tangible personal property, household goods and furnishings of a decedent shall be returned on the Inventory with an appraisal, except as provided herein:

- A. Unless otherwise ordered by the Court, tangible personal property, household goods and furnishings of the decedent, passing to the surviving spouse may be returned on the Inventory without appraisal.
- B. Unless otherwise ordered by the Court, tangible personal property, household goods and furnishings of the decedent may be returned on the Inventory without appraisal if all beneficiaries entitled to receive such property consent to the waiver of an appraisal.
- C. Personal property where the fiduciary determines in good faith of having an aggregate fair market value of less than \$5,000.00 may be considered assets, the value of which is readily ascertainable, and which need not be appraised. Upon the filing of Exceptions to the Inventory by any interested party, the Court may order that an appraisal of personal property be made.

LOCAL RULE 64.1 - ACCOUNT TIMELINES

- A. For estates where the date of death is after January 1, 2002, the Final and Distributive Account or Certificate of Termination shall be due not later than six months following the date of the appointment of the estate fiduciary.
 - 1. The time for filing the Final and Distributive Account may be extended to thirteen months by filing the notice or motion for the reasons enumerated in R.C. 2109.301(B)(1). (Forms 13.8 or 13.10)
- B. For guardians, the first account shall be due not later than one year following the date of the appointment and each subsequent account shall be due on an annual basis, unless the Court orders otherwise. Every guardian shall file a final and distributive account within thirty (30) days following the death of the ward.
- C. For trusts, the first account shall be due not later than one year following the date of the appointment and each subsequent account shall be due on an annual basis, unless the Court orders otherwise.
- D. An administrator or executor filing an account pursuant to R.C. 2109.301 must file with the Probate Court a Certificate of Service of Account (Form 13.9) simultaneously with the filing of the account.
- E. The Court shall not approve the final account of any executor or administrator until the following events have occurred:
 - 1. The surviving spouse has filed an election to take under or against the will, or the time for making the election has expired.
 - 2. All courts costs have been paid in full.
- F. If land has been sold during the accounting period, the account shall show the gross amount of the proceeds and include a copy of the closing statement itemizing all of the disbursements pursuant to Sup. R. 64.

LOCAL RULE 66.1 - GUARDIANSHIPS OF MINORS

A certified copy of the minor's birth certificate shall be filed with every Form 16.0 - Application for Appointment of a Guardian of a Minor.

LOCAL RULE 66.2 - EMERGENCY GUARDIANSHIP

- A. Except for good cause shown, an Application for an Emergency Guardianship (Form 17.0) shall be filed in person by the applicant and shall contain a current Statement of Expert Evaluation (Form 17.1) and a Supplement for Emergency Guardianship (Form 17.1A) stating an opinion that an emergency exists and it is reasonably certain that immediate action is required to prevent significant injury to the person or estate of the minor or incompetent. A written copy of the ex-parte order will be served upon the ward by the Court as soon as possible after its issuance.
- B. Pursuant to R.C. 2111.02(B)(3), the Court shall not issue Emergency Letters of Guardianship ex-parte for a period of more than 72 hours. If the applicant desires to extend the emergency guardianship beyond the initial 72-hour appointment, he or she must apply to the Court for an extension and provide notice of the application and hearing date to the minor or incompetent and all interested parties. Upon application and for good cause shown, the emergency powers of guardianships may be extended once for up to an additional 30 days.
- C. If a 30-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 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.
- D. If the necessity of continued guardianship is anticipated beyond the term of the Emergency Letters of Guardianship, the applicant or some other suitable person shall file an Application for Appointment of Guardian prior to the expiration of the Emergency Letters of Guardianship.

LOCAL RULE 66.3 - COMMENTS/COMPLAINTS

Any person or entity who has reasonable cause to believe that a guardian has engaged in any act of wrongdoing, neglect or other misconduct affecting the ward may file a complaint in writing with the Court. The Court will not accept or act upon an oral or telephonic complaint against a guardian, other than to provide the complainant the address to which to hand-deliver or mail the written complaint. The Court may not accept an anonymous complaint.

Comments and complaints regarding guardians shall be filed in writing and made part of the record unless otherwise ordered by the Court. A copy of the filed comment or complaint shall be provided to the guardian who is the subject of the comment or

complaint, or their attorney, if any, unless otherwise ordered by the Court. Comments and complaints may be addressed by the Court Investigator or judicial officer.

Allegations of abuse, neglect, and/or exploitation shall be reported pursuant to R. C. 5101.61.

If deemed appropriate, the matter may be promptly set for hearing or for further investigation. If set for hearing, the complainant and the guardian shall be notified of the hearing and shall appear unless otherwise ordered by the Court. Upon the conclusion of the hearing or investigation, both the person making the comment or complaint and the guardian shall be notified of the disposition of the comment or complaint unless otherwise ordered by the Court.

The filing of a comment or a complaint with the Court does not provide the complainant with standing in the case, if standing does not otherwise exist.

LOCAL RULE 66.4 - MONTHLY MEETINGS

The guardian of the person shall meet with the ward in person on a monthly basis, or more frequently as needed, to promote the best interests of the ward.

LOCAL RULE 66.5 - STATEMENT OF EXPERT EVALUATION

All guardians of the person are required to file a Statement of Expert Evaluation (Form 17.1) on the first anniversary after the date of the issuance of the Letters of Guardianship and annually thereafter.

Where a physician or clinical psychologist states on a Statement of Expert Evaluation subsequent to the first Statement of Expert Evaluation filed in any guardianship 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 evaluations.

LOCAL RULE 66.6 - GUARDIAN'S REPORT

All non-professional guardians are required to file a Guardian's Report (Form 17.7) as detailed in Section 2111.49 of the Revised Code on the first anniversary after the date of the issuance of the Letters of Guardianship and annually thereafter. Professional guardians are required to file their Guardian's Report (Form 17.7) every other year.

LOCAL RULE 66.7 - CHANGE OF GUARDIAN'S ADDRESS

A guardian shall inform the Court as to any change of address of the guardian by filing a Notice of/Application for Change of Address (Form 27.3) within thirty (30) days of the address change. Failure to notify the Court under this rule may result in the guardian being removed.

LOCAL RULE 66.8 - LEGAL PROCEEDINGS

Approval under Sup. R. 66.08(F) also applies to marriages and divorce.

LOCAL RULE 66.9 - SALE OF PERSONAL PROPERTY

A guardian may not sell any personal property of the ward without prior Court approval. (Stark Loc. Form 66.9)

LOCAL RULE 67.1 - REPRESENTATION OF MINOR

- A. If no attorney represents the interests of the minor, the attorney representing the interests of the payor shall assume the duties imposed by Sup. R. 67 (B) and (C).
- B. Pursuant to Sup. R. 67(C), the attorney representing the applicants or the payor in the matter shall acknowledge responsibility for depositing the funds and providing the financial institution with a copy of the entry. The attorney shall obtain a Verification of Receipt and Deposit (Form 22.3) from the financial institution and file the form with the Court within seven (7) days of the issuance of the entry.

LOCAL RULE 71.1 - COUNSEL FEES; GENERALLY

- A. The Rules of Professional Conduct and Rules of Superintendence shall govern the reasonableness of all attorney fees reviewed by the Court.
- B. The Court may require a hearing on any fees requested for any reason.
- C. Fees incurred on non-probate assets shall not be charged to the estate unless the non-probate assets are subject to federal estate tax and included on a required federal estate tax return.

LOCAL RULE 71.2 - COUNSEL FEES IN DECEDENT'S ESTATE

- A. Counsel fees for the administration of a decedent's estate calculated under 71.2(B) below may serve as a guide in determining fees to be charged to the estate for legal services of an ordinary nature rendered as attorney for the fiduciary in the complete administration of a decedent's estate and in other smaller estate filings. The guideline is not to be considered or represented to clients as a schedule of minimum or maximum fees to be charged.
- B. Guideline for Counsel Fees:
 - 1. Administration:
 - a. On the personal property which is subject to administration and for which the fiduciary is charged and upon the proceeds of real estate that is sold under a power of will as follows:
 - For the first \$100,000.00 at a rate of 4.5%.
 - Above \$100,000.00 and not exceeding \$400,000.00 at the rate of 3.5%.
 - All above \$400,000.00 at the rate of 2.5%.
 - b. On real property that is not sold at a rate of 2%.
 - c. On real estate sold by judicial proceedings according to the judgment entry confirming the proceedings.
 - d. If a federal estate tax return is required, non-probate assets subject to federal estate tax at a rate of 2.5%.
 - e. If the calculation utilizing the guideline results in a fee less than \$2,000.00, for a full administration or \$750 for a release or certificate of transfer only, counsel may substitute such amount as a minimum fee.
 - 2. Where an attorney is appointed as fiduciary and is also counsel, or if counsel is a member of the fiduciary's law firm or is otherwise associated with fiduciary, the total administration fee may not exceed the statutory fiduciary commission plus one half of the guideline counsel fee.
- C. Fees shall be generally approved if:

1. The fee requested is within the guideline as set forth in Loc.R. 71.2(B) above; OR
 2. Consent(s) (Stark Loc. Form 71.2) are filed by the fiduciary and all beneficiaries of the estate; OR
 3. Where the attorney and fiduciary are associated, after application with an itemized statement of fees as required in Loc.R. 71.2(D) and any consents (Stark Loc. Form 71.2); OR
 4. After a hearing, if requested, or on the Court's own motion.
- D. If a hearing on fees is scheduled, the Court expects counsel to present the following:
1. An itemized billing statement that includes the identity of each unique biller by name, initials, or other identifiable marker;
 2. Hourly rate for each unique biller;
 3. For each entry, a description of the work/task performed by the unique biller as well as the time spent performing such work/task calculated to the tenth of an hour or smaller; and
 4. The itemized billing statement should not contain block billing, that is, entering multiple completed unrelated tasks in a single time entry. The Court may request that counsel correct an itemized billing statement that contains block billing to be consistent with these Local Rules, or the Court may disallow some or all of the fees associated with a block billing entry.

LOCAL RULE 71.3 - COUNSEL FEES IN GUARDIANSHIPS & TRUSTS

An application for attorney fees shall be signed by the fiduciary and contain an itemized statement of the fees as required under Loc.R. 71.2(D) above.

LOCAL RULE 71.4 - COUNSEL FEES IN SETTLEMENT OF WRONGFUL DEATH & SURVIVAL CLAIMS

- A. A contingent fee agreement must be submitted at the time of filing an Application to Approve Settlement and Distribution of Wrongful Death and Survival Claims.
- B. The Court shall review the reasonableness of fees and costs at the settlement hearing.
- C. Payment of attorney fees for probate counsel or local counsel for their services related to applying to the Court to approve a wrongful death or survival claim shall be paid out of the recovery received by tort counsel in said action. The Court will not grant any application for payment of attorney fees in the estate matter that relate to the administration of the wrongful death or survival claim. This rule shall be enforced regardless of the language in the contingent fee

agreement of tort counsel regarding payment of probate costs/fees. This rule shall not limit probate counsel's request for payment of fees associated with estate administration that is separate from the wrongful death or survival claim application proceedings.

PRACTICE AID CONTINGENT COUNSEL FEES

In any matter involving approval of counsel fees on a contingent basis, the Court may take judicial notice or be accepting of a contingent fee up to 33 1/3% without further evidence or argument presented in open court beyond the narrative and other supplemental evidence with the application.

For a contingency fee in excess of 33 1/3 %, counsel should be prepared to make argument in open court under Rule 1.5 of the Ohio Rules of Professional Conduct with particular attention to Rules (a)(1) through (8). This would include presentation of evidence including expert testimony.

Counsel should not anticipate that the Court has received sufficient prior evidence to sua sponte approve a contingent fee greater than 33 1/3%, regardless of the subject matter, institution of suit or appeal, or for any other reason that may be contained in the contingency fee agreement.

LOCAL RULE 73.1 - GUARDIAN'S COMPENSATION

A. A guardian of the estate shall be allowed compensation for income and disbursements as follows:

1. Income and Disbursements:

- 4% of the first \$5,000.00 of income
- 3% of the excess of \$5,000.00 of income
- 4% of the first \$5,000.00 of disbursements
- 3% of the excess of \$5,000.00 of disbursements

2. Principal:

- \$3.00 per thousand on the first \$250,000.00 of market value
- \$2.00 per thousand on excess of \$250,000.00 of market value

B. For purposes of calculating the allowable guardian's compensation, the income factor shall be the income received during the period covered by the account,

and the principal shall be the sum reflected as the balance forward shown on the inventory or prior account, whichever has been filed most recently.

- C. If by reason of the application of the above percentages a disparity or injustice results, such disparity or injustice may be reviewed on the Court's own motion in respect of any account reflecting such compensation or upon exceptions to such an account.
- D. Applications for compensation by guardians of veterans must comply with Chapter 5905 of the Ohio Revised Code and all other rules and regulations of the Department of Veterans Affairs.

LOCAL RULE 74.1 – CORPORATE TRUSTEES

- A. Compensation for a corporate fiduciary exempt from bond pursuant to R.C. 1111.21 shall be compensated in accordance with its published fee schedule which shall be filed in the case.
- B. The trustee shall notify vested trust beneficiaries affected by the payment of fees of any changes in its corporate fee schedule.
- C. On each accounting where fees have been taken, an affidavit is required to be filed asserting that the fees charged represent those published in its schedule during the period of accounting.

LOCAL RULE 74.2 - INDIVIDUAL TRUSTEES

- A. Except where the instrument creating the trust makes provisions for compensation, the testamentary trustee may charge as follows:
 - 1. Principal Fee. A fee of \$2.00 per \$1,000 (or .2%) of the market value of the principal held by the trustee.
 - 2. Income Fee. A fee of six and one half percent (6.5%) of the total of the income for the accounting period.
 - 3. Principal Distribution Fee. A fee of one percent (1%) of the principal distributed during the accounting period.
- B. If by reason of the application of the above percentages to values of assets a disparity or injustice results, such disparity or injustice may be reviewed on the Court's own motion in respect of any account reflecting such compensation or upon exceptions to such an account.

LOCAL RULE 75.1 - DECEDENT'S ESTATES

The following requirements apply to all types of estate administration cases.

A. Death Certificate

A true and accurate copy of the decedent's death certificate must accompany the initial filings in all forms of estate administration. The decedent's social security number must be redacted from the certificate before filing in accordance with Loc.R. 57.3.

B. Probate Form 1.0 Surviving Spouse, Next of Kin, Legatees and Devisees

If a person who is the decedent's next of kin or a beneficiary under the decedent's will is deceased, the name and date of death of that person must be shown on the Form 1.0. In addition, the Form 1.0 shall reflect whether the deceased heir or beneficiary left any issue.

C. Real Estate Valuation

If the value of real estate is based on the Auditor's tax valuation in lieu of a formal appraisal, a copy of the Auditor's tax valuation must accompany the filing in which the real estate value is being established. In full administration cases, if the real estate was appraised, the appraiser must sign the appraiser's certificate on the inventory, or on a separate page containing the same language as on the inventory and filed with the inventory.

D. Service of Summons or Notice

In all cases before the Court where publication is required for service of summons or notice, the party requesting publication, or their attorney, shall be responsible for ensuring that publication is made in compliance with Civ.R. 4.4, Civ.R. 73(E)(6), and R.C. 2703.14, where applicable.

LOCAL RULE 75.2 - FULL ADMINISTRATION

In addition to the requirements of Loc.R. 75.1, the following requirements apply to all full administration cases.

A. Inventory

On the schedule of assets, if the decedent owned less than the entire interest in a particular asset, the asset description must indicate the fractional interest the decedent owned and the actual value of that fractional interest. The description of all real estate must include the street address and the tax parcel identification number.

B. Exceptions

In all instances in which a person files exceptions to the inventory or an account, the Court may set the matter for a pretrial conference.

LOCAL RULE 75.3 - RELEASE FROM ADMINISTRATION

- A. In addition to the requirements of Loc.R. 75.1, the following requirements apply to all release from administration cases.

1. Funeral Bill

A copy of the funeral bill with proof that it has been paid, or a copy of the signed funeral bill contract showing who is responsible for payment, must be filed with the application for release from administration;

2. Will

If the decedent has a Will, the Will shall be admitted to Probate;

3. Proof of ownership;

4. Value of each asset.

B. Insolvency

A release from administration may not be filed if the estate is insolvent, or if the estate is likely to be determined to be insolvent by the end of the claims presentation period.

C. Appraisal of assets:

1. The appraisal of assets shall be subject to Loc.R. 61.1 - Appraisers and Appraisals.
2. All chattel property and household furnishings shall be appraised except as provided herein, subject to Court approval:
 - a. If it all passes to the surviving spouse; or
 - b. If all beneficiaries consent to the waiver of an appraisal.

D. Publication of notice to creditors and all interested parties:

1. Publication of notice is not required if assets are less than the statutory limits and there is no surviving spouse and/or minor children of the decedent, and there is a paid funeral bill or waiver by the funeral director or a funeral payment agreement, and a Notice to Distributee (Stark Loc. Form 10.4A) is filed for each beneficiary.
2. Publication of notice is not required if assets are less than the statutory limits and the decedent is survived by minor children but no surviving spouse, and there is a paid funeral bill or waiver by the funeral director or

funeral payment agreement, and a Notice to Distributee (Stark Loc. Form 10.4A) is filed for each beneficiary.

3. Publication of notice is not required if assets are less than \$100,000.00 and there is a surviving spouse who inherits the entire probate estate, and there is a paid funeral bill or waiver by the funeral director or funeral payment agreement and a Notice to Distributee (Stark Loc. Form 10.4A) is filed by the surviving spouse.

E. Commissioner - A commissioner shall be appointed:

1. To make distributions in kind;
2. To sell personal property;
3. To pay outstanding debts; and
4. To execute documents to titled personal property.

LOCAL RULE 75.4 - SUMMARY ESTATE ADMINISTRATION

In addition to the requirements of Loc.R. 75.1, the following requirements apply to all summary release from administration cases.

A. Funeral Bill

A copy of the funeral bill with proof that it has been paid, or if not yet paid, a copy of the signed funeral services contract showing who is responsible for payment, must be filed with the application for summary release;

B. Proof of ownership;

C. Value of each asset.

LOCAL RULE 75.5 - SHORT FORM SUMMARY RELEASE FROM ADMINISTRATION

In addition to the requirements of Loc.R. 75.1, the Court may issue an order of distribution for a short form summary estate administration (Stark Loc. Form 5.0A), if:

- A. Entire value of the decedent's estate, as verified by written documentation, does not exceed two thousand (\$2,000.00) dollars;
- B. The applicant has paid, or is obligated in writing to pay the decedent's funeral expenses; and
- C. The applicant is entitled to the entire estate to satisfy the claim for the decedent's funeral expenses or the family allowance.

If the applicant is not the decedent's surviving spouse or a next of kin, then notice must be given, at the applicant's cost, to all next of kin before any order of distribution will issue.

LOCAL RULE 75.6 - CERTIFICATE OF TRANSFER ONLY ACTION

- A. Pursuant to Rev. Code Sec. 2113.61(D), an Application for Certificate of Transfer may be approved 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; (2) the decedent was not subject to Medicaid Estate Recovery; and (3) the decedent's funeral expenses have been paid in full.
- B. In addition to the requirements of Loc.R. 75.1, the following requirements apply to real estate only actions:

- 1. Stark Loc. Form 12.0A

- Petitioner must complete and file Stark Loc. Form 12.0A with a Proposed Entry
Stark Loc. Form 12.0B

- 2. Stark Loc. Form 12.0C Certificate of Service of Petition for Certificate of Transfer Only Without Administration and/or Stark Loc. Form 12.0D Waivers of Notice of Petition for Certificate of Transfer Only Without Administration

- All next of kin and beneficiaries of the decedent's will must be served notice of the filing in accordance with the Ohio Rules of Civil Procedure if they have not waived notice unless otherwise ordered.

- 3. Will

- If the decedent has a Will, the Will shall be admitted to Probate.

LOCAL RULE 75.7 - ADOPTIONS

- A. Except for good cause shown, a certified copy of the birth certificate of the proposed adoptive person shall be filed with the Petition for Adoption.
- B. All petitions seeking the adoption of a minor, except agency adoptions or proceedings for the recognition of foreign adoptions, shall be accompanied by a certification from the Ohio Putative Father Registry as to whether or not a putative parent has registered and also a certification from any putative parent registry that exists in the state where the minor was born if not Ohio, or evidence of an exception from the requirement to search the Ohio Putative Father Registry pursuant to R.C. 3107.064.
- C. In all adoptions, married petitioner(s) must demonstrate they were either married or in a committed relationship for a period of not less than one (1) year prior to the final approval of adoption.
- D. All home studies, pre-finalization adoption assessment reports, Ohio Job and Family Services child abuse registry checks search reports, and background checks shall have been completed no more than six (6) months prior to the filing of the Petition for Adoption.
- E. All necessary filings must be received by the Court no later than 10 days prior to the scheduled hearing date. The Court may reschedule any hearing date if any required filings are delinquent.
- F. All petitioners for adoption are required to be represented by an attorney, except for proceedings for the recognition of foreign adoptions and adult adoptions.

LOCAL RULE 75.8 - FIDUCIARY BONDS

- A. Pursuant to Ohio Revised Code Sec. 2109.04(A)(2), if the instrument dispenses with the giving of bond, the Court will appoint a fiduciary without bond, unless the Court is of the opinion that the interest of the estate or trust demands it. In order for the Court to be able to make this determination, the Court may schedule a hearing on the waiver of bond, but may dispense with the hearing and appoint the fiduciary without bond if:
 - 1. Upon application for appointment or prior to a scheduled hearing, the fiduciary files with the Court Acceptances of the Waiver of Bond (in a format approved by the Court) signed by all the vested beneficiaries named in the decedent's will as identified on the Form 1.0, or for a testamentary trust, by all the current beneficiaries named in the testamentary trust; or
 - 2. The named fiduciary is the sole beneficiary of the estate/trust or if the named co-fiduciaries are the only beneficiaries of the estate/trust.
- B. If the Court determines a bond is necessary the Court will generally require the applying fiduciary to post a surety bond of two times the probable value of the personal estate or such other level as determined to be appropriate by the Court; however, if the fiduciary is an attorney, the Court will generally require a surety bond equal to the probable value of the personal estate.
- C. In lieu of the bond, the Court may authorize a depository in lieu of bond or restricted financial account arrangement to hold financial assets of the estate/trust, with such account being subject to the further order of the Court prior to the release of the restricted assets.
- D. Attorneys shall not act as sureties in any case, nor are they permitted to become sureties on the bond of any fiduciary.
- E. Where a bond is required, the Court will not accept personal sureties

LOCAL RULE 78.1 - CIVIL ACTIONS

- A. All civil actions, except actions to sell real estate, shall be set for a pre-trial conference after completion of service of summons as required by the Rules of Civil Procedure, unless otherwise ordered by statute. At the time of the hearing, counsel of record must be present and have full authority to advise the Court of all the following:
 - 1. Nature of the case;
 - 2. Time needed for discovery and exchange of expert witnesses, if necessary;
 - 3. Estimated time needed for trial; and
 - 4. Status, if any, of settlement negotiations.
- B. Any objections or exceptions to any matter, including but not limited to exceptions / objections to inventory or accountings, may be set for pretrial within thirty (30) days.
- C. The Local Rules of the General Division of the Stark County Court of Common Pleas shall apply to all trials by jury and are incorporated in these Rules by reference.

LOCAL RULE 78.2 - STATUS CONFERENCES

- A. The statutory time for the filing of an inventory (R.C. 2115.02), an account (R.C. 2109.30), and a guardian's report (R.C. 2111.49) shall be adhered to and the citation procedure (R.C. 2109.301) shall be utilized if necessary to gain compliance. All decedent's estates that remain open after a period of thirteen months shall be subject to a status conference.
- B. The court may issue a citation to the attorney of record for a fiduciary who is delinquent in the filing of an inventory, account, or guardian's report.

LOCAL RULE 79.01 - ASSISTED OUTPATIENT TREATMENT PROGRAM

A. Definitions

As used in this rule:

1. *Assisted outpatient treatment program* means a particular session of Court for persons with a mental illness, subject to a court order to receive treatment while being monitored in the community pursuant to R.C. Chapter 5122 and R.C. 2945.38, 2945.39, 2945.40, 2945.401, and 2945.402.
2. *Person with a mental illness subject to court order* has the same meaning as in R.C. 5122.01(B).

B. Establishment of Program

The Court hereby establishes an Assisted Outpatient Treatment Program (“AOT Program”) for the purpose of monitoring compliance with a court-ordered treatment plan for persons with a mental illness subject to court order who are supervised in an outpatient setting within the community.

C. Eligibility Criteria

A person may be considered for participation in the AOT Program if:

They are a resident of Stark County; have been adjudicated as a “person with a mental illness subject to court order” under R.C. 5122.01(B); and the Court has determined that Outpatient Treatment is appropriate.

D. Selection and Referral Procedures

1. Referral to the AOT Program may be initiated by:
 - a. The county alcohol, drug, and mental health services board;
 - b. A hospital or inpatient facility;
 - c. The Court may place a Respondent in the AOT program upon discharge from an inpatient commitment if the same is requested by the Petitioner and/or if the Court deems the same to be appropriate.
2. Once the referral is made the County Board of Mental Health, or its designee, shall prepare the documents and agreements, commensurate with their own rules and process.
3. If the Respondent is currently committed to the Board of Mental Health pursuant to a Civil Commitment Order recommending outpatient commitment upon discharge, the Court will place the respondent in the AOT program or schedule a hearing to review whether the necessary and appropriate services have been established in the community.

4. The Court shall review each referral and issue an order of acceptance or denial into the AOT Program.

E. Participant Expectations

1. Avoid psychiatric hospitalizations due to non-compliance with treatment.
2. Avoid being arrested or charged due to criminal activity.
3. Attend all psychiatric visits, counseling sessions, and case management appointments.
4. Attend all scheduled AOT review hearings.
5. Maintain contact with assigned treatment providers.
6. Refrain from conduct that would interfere with treatment or public safety.

F. Confidential Filings

Hospitals, treatment providers, county alcohol, drug and mental health boards, participants, and attorneys may make confidential filings in the participant's underlying civil commitment case pursuant to R.C. Chapter 5122. Such filings shall be maintained under seal by the Clerk of Court.

G. Notice Procedures

The Court shall provide notice of AOT review hearings to:

1. The participant;
2. Participant's counsel (if any);
3. The treating provider;
4. The county alcohol, drug and mental health services board or its designee; and
5. Any other person or agency designated by the Court.

H. Review Procedures

1. Initial Review – The first AOT review hearing shall be scheduled by the Court usually within 30 days of the participant's acceptance into the program.
2. Subsequent Reviews – The Court shall conduct status review hearings at intervals it deems appropriate, generally every 30–90 days, during the court-ordered treatment period.
3. The Court may modify the treatment plan, continue participation, or terminate the order based on compliance and clinical recommendations.

I. Criteria for Successful Completion

The Court may discharge a participant from the AOT Program if the following criteria are met:

1. Sustained compliance with the treatment plan for at least the last 90 days of participation;
2. No psychiatric hospitalizations during the same period, unless clinically appropriate;
3. Provider recommendation for discharge; and
4. Judicial determination that continued Court monitoring is no longer necessary.

J. Responsibilities of the Court

The Court shall:

1. Facilitate communication among representatives of the Court, treatment providers, and other individuals or agencies supporting the program participants;
2. Monitor adherence to the treatment plan;
3. Evaluate participants throughout the court-ordered treatment period;
4. Maintain confidentiality of proceedings, information, and records pursuant to R.C. Chapter 5122; and
5. Periodically evaluate program outcomes to ensure effectiveness and compliance with law.