

INSTRUCTIONS FOR FILING A GUARDIANSHIP (INCOMPETENT)

These instructions are intended as a **guideline only** and should not be relied upon as a comprehensive list of duties in a guardianship.

A person can apply to be Guardian of the Person only, Estate only, or Person & Estate of an alleged incompetent when the applicant believes that an adult is incompetent as defined by statute.

A filing fee of \$200.00 is required at the time of filing. Please confirm the amount with the deputy clerk since filing fees may have changed subsequent to the publication of this instruction sheet. This fee must be paid in cash, money order, certified check, or personal check upon proper identification.

A separate Investigator's Fee of \$60.00 is required at the time of filing. Please confirm the amount with the deputy clerk since this fee may change. This fee must be paid by money order, certified check or personal check and must be made payable to the Court Investigator.

PROCEDURAL STEPS

WHEN TO FILE

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STEP 1: COMPLETE THE FOLLOWING FORMS FOR THE INITIAL FILING	
Application for Appointment of Guardian of Alleged Incompetent (17.0) - Complete form.	At time of initial filing
Affidavit of Guardian Applicant (66.05) - Complete form.	At time of initial filing
Next of Kin of Proposed Ward (15.0) - List spouse and children (if none, list those people who are closest blood relatives) of the alleged incompetent. - Be sure to specify <i>complete</i> addresses of all those listed.	At time of initial filing
Judgment Entry Setting Hearing on Application for Appointment (15.01) - Fill in the name of the alleged incompetent only, the clerk will fill in the hearing date and time and sign and date the form.	At the time of initial filing
Waiver of Notice and Consent (15.1) - Have next of kin of the proposed ward execute form. - If unable to obtain all waivers, service of the notice must be made on those that did not sign waivers. (Form 17.4)	At the time of initial filing if signed by next of kin
Fiduciary's Acceptance (15.2) - Complete name of proposed ward, sign and date.	At the time of initial filing

<p>Statement of Expert Evaluation (17.1) Applicant must have a licensed physician or licensed clinical psychologist evaluate the alleged incompetent and complete the form.</p> <ul style="list-style-type: none"> - Date of evaluation should have been within 3 months of filing of the application. - Court needs the original from the doctor. 	<p>At the time of initial filing</p>
<p>Notice to Prospective Ward of Application and Hearing (17.3)</p> <ul style="list-style-type: none"> - Complete form. - Make certain that correct daytime address of the proposed ward is provided. Eg. School, workshop, hospital, etc. - The Court will fill in hearing date & time and sign & date the form. 	<p>At time of initial hearing</p>
<p>Notice of Hearing for Appointment of Guardian of Alleged Incompetent (17.4)</p> <ul style="list-style-type: none"> - List next of kin of the alleged incompetent who have not waived notice. (Form 15.1) - The Court will fill in the hearing date & time, sign & date the form and serve notice by certified mail. 	<p>At time of initial hearing if not all waivers are obtained</p>
<p>THE NEXT GROUP OF FORMS IS NOT NEEDED AT THE INITIAL FILING</p>	
<p>Guardian’s Bond (15.3)</p> <ul style="list-style-type: none"> - For Guardianship of the Estate of a proposed ward, the applicant is required to execute a bond when the proposed ward’s total property value is over \$10,000. - Applicant must execute and date form. - Bond must be executed by surety company. - Bond amount is normally twice the value of the proposed ward’s personal property. 	<p>May be left with the court any time prior to the hearing Only needs to be filed if applying for Guardianship of the Estate</p>
<p>Oath of Guardian (15.9)</p> <ul style="list-style-type: none"> - Complete form, but do not sign. Oath must be executed in front of the Judge. 	<p>Preferably at the time of initial filing, if not, then day of hearing</p>
<p>Letters of Guardianship (15.4)</p> <ul style="list-style-type: none"> - Complete form. The Judge will sign and the deputy clerk will sign and date if guardianship is granted. 	<p>Preferably at the time of initial filing, if not, then day of hearing</p>
<p>Judgment Entry - Appointment of Guardian for Incompetent Person (17.5)</p> <ul style="list-style-type: none"> - Complete form. - The court will execute if the guardianship is granted. 	<p>Preferably at the time of initial filing, if not, then day of hearing</p>

<p>Guardian's Inventory (15.5)</p> <ul style="list-style-type: none"> - If the guardianship is for the Estate or Person & Estate, the guardian must file an Inventory specifically listing the assets of the incompetent and the value of those assets. 	<p>3 months from date of appointment</p>
<p>Application and Order Authorizing Release of Funds (15.6)</p> <ul style="list-style-type: none"> - To obtain the right for the guardian to release funds, complete form. - Specifically list the name of the financial institution, the type of account and the account number. 	<p>Anytime after the appointment has been granted</p>
<p>Application and Order Authorizing Expenditure of Funds (15.7)</p> <ul style="list-style-type: none"> - All expenditures made by the guardian have to be approved by the court if a Guardianship of the Estate is established. - Complete form. - List who is to be paid, purpose of the expenditure, and amount of expenditure. - 	<p>Anytime after the Guardian's Inventory has been filed</p>
<p>Guardian's Account (15.8) (Custodial Depository is not utilized)</p> <ul style="list-style-type: none"> - From the date of their appointment, the Guardian of the Estate is responsible for filing of a biennial account. - Specifically list the assets of the ward that were listed on the Inventory (15.5) plus all income and disbursements. - Must include Bank Certificates (15.81) for each account held on deposit. Bank Certificate must be completed by an employee of each bank where the funds are held and must be signed by the Guardian and attached to the Guardian's Account. 	<p>Every two years from date of appointment</p>
<p>Notice of Hearing on Account (13.5)</p> <ul style="list-style-type: none"> - When filing the account, the guardian shall serve certified mail notice on all of the ward's next of kin unless waivers (13.7) are obtained. 	<p>Must serve notice and file copy of notice with proof of service with the court prior to hearing</p>
<p>Waiver of Notice of Hearing on Account (13.7)</p> <ul style="list-style-type: none"> - If possible, have all next of kin execute form. 	<p>Preferably at time of filing of the account, or prior to the hearing on the account</p>
<p>Entry Approving and Settling Account (13.3)</p> <ul style="list-style-type: none"> - Complete form. - Present to deputy clerk for further processing. 	<p>At time of filing of the account</p>
<p>Guardian's Report (17.7)</p> <ul style="list-style-type: none"> - Guardian must complete form. - Make sure to complete the <i>front</i> and <i>back</i> of the form and to sign in the appropriate area. 	<p>Every two years from date of appointment</p>

<p>Statement of Expert Evaluation (in support of Guardian’s Report) 17.1</p> <ul style="list-style-type: none"> - Guardian must have a licensed physician, psychologist, clinical social worker <i>or</i> mental retardation team evaluate the ward and complete the form. - The evaluation must be within three months of the date of this report. - This evaluation (Form 17.1) must be filed together with the Guardian’s Report. (Form 17.7) 	<p>Filed with the Guardian’s Report</p>
<p>STEP 2: FILING OF FORMS WITH THE COURT</p>	
<p>Bring completed forms to the Court for review.</p>	

STEP 3: SERVICE OF NOTICE ON ALLEGED INCOMPETENT	
<p>The Notice to Prospective Ward will be served by the court investigator at least seven days prior to the hearing date.</p> <p>Please make sure you let the Court know the daytime address of the alleged incompetent so proper service can be made on him or her.</p> <p>After the investigator completes service, she will complete an Investigator’s Report regarding the alleged incompetent.</p> <p>The Investigator’s Report will be docketed and placed in the file folder for the Judge to review.</p>	
STEP 4: THE HEARING – WHAT TO EXPECT	
Uncontested Hearing – Person Only	
<p>If service has been completed and the Court finds a guardian should be appointed, an Entry Appointing Guardian and Letters of Guardian will be signed.</p> <p>The deputy clerk will give you a copy of the Entry and Letters.</p>	
Uncontested Hearing – Person and Estate or Estate Only	
<p>An appropriate bond must be presented to the Court prior to the hearing.</p> <p>If service has been completed and the Court finds a guardian should be appointed, an Entry Appointing Guardian and Letters of Guardian will be signed.</p> <p>The deputy clerk will give you a copy of the Entry and Letters.</p>	
Contested Hearing	
<p>A more complicated hearing could occur when:</p> <ul style="list-style-type: none"> - The alleged incompetent or an attorney representing him/her appears at the hearing to contest the appointment. - A person who has power of attorney may appear to contest the appointment. - A next of kin may appear and state that he/she would like to fill out an application also <p>At this time the Judge may proceed with the hearing or continue the hearing to another date and time. If a competing application is filed, the hearing will likely be continued allowing the new applicant time to file and service to be completed.</p> <p>At the hearing, the Judge hears testimony and makes a decision whether to appoint a guardian. An Entry and Letters of Guardianship would be issued as stated above in the uncontested hearings.</p>	

***PLEASE NOTE: All guardians must complete education classes as outlined by the Ohio Supreme Court unless waived by the Judge. Please ask a deputy clerk for more information or visit the probate court’s website at www.pikecountypjcourt.com.**