

INSTRUCTIONS FOR FILING AN APPLICATION FOR CONSERVATORSHIP

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

A person who is mentally competent but physically infirm can apply to have someone appointed the Conservator of his or her Person, Estate or Person & Estate.

The applicant and proposed conservator must appear in Court for the hearing.

When a Conservator of the Estate or a Conservator of the Person & Estate is appointed there must be joint control of those monies between the conservator and an attorney.

The Conservator must also post a bond to protect the monies of the estate.

A filing fee of \$120.00 deposit is required at the time of filing. Please confirm the amount with the Cashier 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, MasterCard, Discover, or American Express. No personal checks will be accepted.**

The forms may be obtained from the Issue Desk on the 9th floor of the Probate Court, 230 East 9th Street, Cincinnati, Ohio or by downloading the forms from the web site.

PROCEDURAL STEPS

WHEN TO FILE

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STEP 1: COMPLETE THE FOLLOWING FORMS FOR THE INITIAL FILING	
Application for Appointment of Conservator (20.0) <ul style="list-style-type: none"> - Complete information - Applicant is the person selecting the conservator 	At the time of initial filing
Next of Kin of Proposed Ward (15.0) <ul style="list-style-type: none"> - List all <i>next of kin</i> (those people who are closest blood relatives) of the applicant. - Be sure to specify <i>complete</i> addresses of all those listed. 	At the time of initial filing
Judgment Entry Setting Hearing on Application for Appointment (15.01) <ul style="list-style-type: none"> - Fill in the name of the applicant only, the magistrate will fill in hearing date & time and sign & date the form. 	At the time of initial filing
Fiduciary's Acceptance (H.C. 20.4) <ul style="list-style-type: none"> - Complete name of applicant and have proposed conservator sign and date the form. <p>Note: The Court will hold the conservator responsible for the duties described on this form.</p>	At the time of initial filing
Authorization to Release Confidential Information (H.C. 15.11) <ul style="list-style-type: none"> - The proposed conservator shall sign in presence of a witness and have witness sign. 	At the time of initial filing

THE NEXT GROUP OF FORMS IS NOT NEEDED AT THE INITIAL FILING.	
<p>Conservator's Bond (H.C. 20.3)</p> <ul style="list-style-type: none"> - For Conservatorship of the Estate, the conservator is required to execute a bond when the applicant's total personal property value is over \$10,000. - Conservator must execute and date form. - Bond must be executed by a surety company in front of court personnel. - The bond shall be twice the value of the applicant's personal property. 	<p>Once signed by the applicant, the bond form needs to be left with the court in order for the agent of the surety company to execute the bond in the presence of the clerk.</p> <p>May be left with the court anytime prior to the hearing.</p>
<p>Oath of Conservator (20.9)</p> <ul style="list-style-type: none"> - Complete form, but do not sign. Oath must be executed in front of a magistrate. 	<p>Preferably at the time of initial filing, if not, day of hearing.</p>
<p>Letters of Conservatorship (20.2)</p> <ul style="list-style-type: none"> - Complete form. - The court clerk will sign and date. 	<p>Preferably at the time of initial filing, if not, day of hearing.</p>
<p>Statement of Counsel and Guardian – Custody of Funds (H.C. 115.20)</p> <ul style="list-style-type: none"> - Filed only when conservatorship of the Estate or Person and Estate is sought. - Complete form. - Both attorney and conservator must sign. 	<p>Preferably at the time of initial filing, if not, day of hearing, if needed.</p>
<p>Entry Appointing Co-Signer for Estate Funds (H.C. 115.21)</p> <ul style="list-style-type: none"> - Complete form. - Magistrate will approve day of hearing if conservatorship is granted. 	<p>Preferably at the time of initial filing, if not, day of hearing, if needed.</p>
<p>Judgment Entry – Appointment of Conservator (20.1)</p> <ul style="list-style-type: none"> - Complete form. - The court will execute if the conservatorship is granted. 	<p>Preferably at the time of initial filing, if not, day of hearing.</p>
<p>Conservator's Inventory (20.5)</p> <ul style="list-style-type: none"> - If the conservatorship is for the Estate or Person & Estate, the conservator must file an Inventory specifically listing the assets of the applicant and the value of those assets. 	<p>3 months from date of appointment</p>
<p>Application and Order Authorizing Release of Funds (20.6)</p> <ul style="list-style-type: none"> - Used to authorize the conservator to access funds on deposit. - 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 (20.7)</p> <ul style="list-style-type: none"> - All expenditures made by the conservator have to be approved by the court if a Conservator of the Estate is established. - Complete form - List who is to be paid, purpose of the expenditure, and amount of expenditure. - All expenditures are to be approved prior to expending the funds. 	<p>Anytime after the Conservator's Inventory has been filed</p>
<p>Conservator's Account (H.C. 20.8)</p> <ul style="list-style-type: none"> - Must be filed annually by the conservator of the estate. - Specifically list the assets of the conservatee that were listed on the Inventory (20.5) plus all income and disbursements. 	<p>Every year from date of appointment.</p>
<p>Entry Setting Hearing on Account (H.C. 213.8)</p> <ul style="list-style-type: none"> - Fill in the name of the applicant only, the Court will fill in hearing date & time and sign & date the form. 	<p>At the time of filing the account</p>
<p>Notice of Hearing on Account (H.C. 13.5)</p> <ul style="list-style-type: none"> - When filing a <i>final</i> account, the conservator shall serve certified mail notice on the conservatee, unless a waiver (13.7) is obtained. - See Local Rule 64.1 (D). 	<p>Anytime prior to the date of the account hearing.</p>
<p>Waiver of Notice of Hearing on Account (H.C. 13.7)</p>	<p>Anytime prior to the date of the account hearing.</p>
<p>Entry Approving and Settling Account (H.C. 13.3)</p> <ul style="list-style-type: none"> - Complete form. - Present to an account clerk for further processing. 	
<p>STEP 2: ASSIGNING OF MAGISTRATE, REVIEWING OF FORMS, AND SETTING HEARING DATE.</p>	
<p>When all forms have been completed, present them to the magistrate's assistant at the information desk on the 9th Floor of Probate Court for a magistrate to be assigned. All forms are then taken to a magistrate for review and setting of hearing date.</p>	
<p>STEP 3: FILING OF FORMS WITH CASHIER</p>	
<p>All forms are taken to the cashier who will assign a case number. At this time, the cashier will require the payment of the filing fee of \$120.00. The cashier will stamp the case number on all the papers plus one set of copies, if provided, and clock in the original forms that can be docketed that day. After clocking in the forms, the cashier will place the forms in a file folder and give it to you to take to the Issue Desk.</p>	

STEP 4: THE HEARING

At the date and time of the hearing, you (the applicant), the proposed conservator (and your attorney, if attorney is obtained) should report to the 9th Floor of the Probate Court to the assigned magistrate. (The magistrate will already have the file with the forms you initially filed.) The magistrate will conduct the hearing and if the magistrate finds a conservator should be appointed, a Decision of Magistrate and Entry Appointing Conservator will be completed. The magistrate will escort you to the Issue Desk and have the Letters of Conservatorship issued if:

- Bond has been executed by surety if conservatorship includes estate.
- The Statement of Joint Control and Entry Appointing Co-Signer is also filed if conservatorship includes estate.