

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 is required at the time of filing. Current Court Costs are posted at:

<https://www.probatect.org/about/general-resources>.

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

PROCEDURAL STEPS	WHEN TO FILE
STEP 1: COMPLETE THE FOLLOWING FORMS FOR THE INITIAL FILING	
Application for Appointment of Conservator (20.0) - Complete information - Applicant is the person selecting the conservator	At the time of initial filing
Next of Kin of Proposed Ward (15.0) - 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) - 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) - Complete name of applicant and have proposed conservator sign and date the form.	At the time of initial filing
Note: The Court will hold the conservator responsible for the duties described on this form.	

<p>Authorization to Release Confidential Information (H.C. 15.11)</p> <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. 	Preferably at the time of initial filing, if not, day of hearing.
<p>Letters of Conservatorship (20.2)</p> <ul style="list-style-type: none"> - Complete form. - The court clerk will sign and date. 	Preferably at the time of initial filing, if not, day of hearing.
<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. 	Preferably at the time of initial filing, if not, day of hearing, if needed.
<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. 	Preferably at the time of initial filing, if not, day of hearing, if needed.
<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. 	Preferably at the time of initial filing, if not, day of hearing.
<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. 	3 months from date of appointment

<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. 	Anytime after the appointment has been granted
<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. 	Anytime after the Conservator's Inventory has been filed
<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. 	Every year from date of appointment.
<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. 	At the time of filing the account
<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). 	Anytime prior to the date of the account hearing.
<p>Waiver of Notice of Hearing on Account (H.C. 13.7)</p>	Anytime prior to the date of the account hearing.
<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. 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</p>	

<p>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>	
<p>STEP 4: THE HEARING</p> <p>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:</p> <ul style="list-style-type: none"> - 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. 	

**PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE**

CONSERVATORSHIP OF _____

CASE NO. _____

**APPLICATION FOR APPOINTMENT OF CONSERVATOR
(R. C. 2111.021)**

I, _____, Petitioner, hereby state that I am a competent adult but am physically infirm. I request that:

1. Name of Proposed Conservator _____
Street _____
City _____, Ohio (Zip) _____ Telephone (____) _____

be appointed conservator of my:

Person and Estate Person Only Estate Only

2. The length (time period) of the conservatorship is:

Indefinite Definite - to _____

3. (If "Person Only" or Person and Estate" is checked), I give the following power over my PERSON to the:

a. Conservator:

(1) All powers that a guardian would have under the guardianship laws of Ohio.

(2) Limited to the power to _____

b. Court

(1) All powers that a Court would have under the guardianship laws of Ohio.

(2) Limited to the power to _____

4. (If "Estate Only" or Person and Estate" is checked), I give the following power over my ESTATE to the:

a. Conservator:

(1) All powers that a guardian would have under the guardianship laws of Ohio.

(2) Limited to the power to _____

- b. Court
 - (1) All powers that a Court would have under the guardianship laws of Ohio.
 - (2) Limited to the power to _____

- c. The following of my property is subject to the foregoing powers:
 - (1) All property. (attach description of property)
 - (2) Only the property listed as follows:

5. If the application is for a conservatorship of the estate:

- a. The estate to be placed under conservatorship is:

Personal Property	\$ _____
Real Property	\$ _____
Annual Rents	\$ _____
Other Annual Income	\$ _____
TOTAL	\$ _____

- b. A bond in the amount of \$ _____ is attached.
(R.C. 2109.04(A)(I))(FORM 20.30)

6. Service of notice of the conservatorship is to be given to:

- None Same as Guardianship As Listed on Form 15.0

Based on the foregoing information, I do hereby petition the Court to appoint a Conservator for myself, and do so freely and of my own will. I certify that all information and statements contained in this application and the attached exhibits are correct to the best of my knowledge and belief.

Date

Attorney's Signature

Applicant's Signature

Type or print Attorney's Name

Type or print Applicant's Name

Street

Street

City, State, Zip Code

City, State, Zip Code

(_____) _____
Telephone Number - Include Area Code

(_____) _____
Telephone Number - Include Area Code

Supreme Court Registration Number

**PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE**

CONSERVATORSHIP OF _____

CASE NO. _____

**NEXT OF KIN OF PROPOSED CONSERVATEE
(R.C. 2111.04)**

(NOTE : Specify age and birthdate of each minor under 16 on the line containing the minor's name. List the name and address of the minor's parent, guardian or custodian on the name and address lines following the minor's address.)

Service Waived		Relationship	Birthdate Of Minor
1. <input type="checkbox"/>	Name _____ Address _____	_____	Zip _____
2. <input type="checkbox"/>	Name _____ Address _____	_____	Zip _____
3. <input type="checkbox"/>	Name _____ Address _____	_____	Zip _____
4. <input type="checkbox"/>	Name _____ Address _____	_____	Zip _____
5. <input type="checkbox"/>	Name _____ Address _____	_____	Zip _____
6. <input type="checkbox"/>	Name _____ Address _____	_____	Zip _____
7. <input type="checkbox"/>	Name _____ Address _____	_____	Zip _____
8. <input type="checkbox"/>	Name _____ Address _____	_____	Zip _____
9. <input type="checkbox"/>	Name _____ Address _____	_____	Zip _____
10. <input type="checkbox"/>	Name _____ Address _____	_____	Zip _____

_____ Date

_____ Applicant

**PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE**

CONSERVATORSHIP OF _____

CASE NO. _____

**JUDGMENT ENTRY
SETTING HEARING ON APPLICATION FOR APPOINTMENT
OF CONSERVATOR**

This day _____ appeared in open Court, and
filed an application for the appointment of (limited) conservator of the (person and estate) of
_____. It is ordered
that the _____ day of _____ at _____ o'clock _____. M., be and
is hereby fixed as the time of hearing said application before this Court.

Date

Ralph Winkler, Probate Judge

**PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE**

CONSERVATORSHIP OF _____

CASE NO. _____

**FIDUCIARY'S ACCEPTANCE
CONSERVATOR
(R.C. 2111.14)**

I, the undersigned, hereby accept the duties which are required of me by law, and such additional duties as are ordered by the Court having jurisdiction.

AS CONSERVATOR, I WILL:

1. Make and file an inventory of the real and personal estate of the ward within 3 months after my appointment.
2. Deposit funds which come into my hands in a lawful depository located within this state.
3. Invest surplus funds in a lawful manner.
4. Make and file an account annually, or as directed by the Court.
5. File a final account within 30 days after the conservatorship is terminated.
6. Inventory any safe deposit box of the conservatee.
7. Preserve any and all wills of the conservatee as directed by the Court.
8. Expend funds only upon written approval of the Court.

If I change my address or the conservatee's address, I shall immediately notify the Probate Court in writing. I acknowledge that I am subject to removal as such fiduciary if I fail to perform such duties. I also acknowledge that I am subject to possible penalties for improper conversion of the property which I hold as such fiduciary.

Date

Fiduciary

**PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE**

CONSERVATORSHIP OF _____

CASE NO. _____

OATH OF CONSERVATOR

(R.C. 2111.02(C))

(To be taken on Appointment of Conservator)

I, _____ Conservator
of _____, will faithfully and completely fulfill my duties as
Conservator, including the duty:

To file, and continue to make diligent efforts to file, a true inventory in accordance with the
Ohio Revised Code, and report all assets belonging to the estate of my ward.

To file timely and accurate reports.

To file timely and accurate accounts.

To, at all times, protect my conservatee's interests and to make all decisions based on the best
interest of my conservatee.

To apply to the Court for authority to expend funds prior to so doing.

To obey all orders and rules of this Court pertaining to conservatorships.

Conservator

The above oath was taken and signed in my presence on this _____
day of _____, _____.

Ralph Winkler, Probate Judge

**PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE**

CONSERVATORSHIP OF _____

CASE NO. _____

**CONSERVATOR'S BOND
(R.C. 2109.04(A)(1))**

Amount of this bond \$ _____

The undersigned principal, and sureties if any, are obligated to the State of Ohio in the above amount, for payment of which we bind ourselves and our successors, heirs, executors, and administrators, jointly and severally.

The principal has accepted in writing the duties of fiduciary in conservatee's estate, including those imposed by law and such additional duties as may be required by the Court.

This obligation is void if the principal performs such duties as required.

This obligation remains in force if the principal fails to perform such duties, or performs them tardily, negligently, or improperly, or if the principal misuses or misappropriates estate assets or improperly converts them to his own use or the use of another.

[Check if personal sureties are involved.] The sureties certify that each of them owns real estate in this county, with a reasonable net value as stated below.

Date

Principal

Surety

Surety

by
Attorney in Fact

by
Attorney in Fact

Typed or Printed Name

Typed or Printed Name

Address

Address

Net value of real estate owned in this county

Net value of real estate owned in this county

\$ _____

\$ _____

**PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE**

CONSERVATORSHIP OF _____

CASE NO. _____

**STATEMENT OF COUNSEL AND CONSERVATOR
CUSTODY OF FUNDS**

Undersigned counsel and conservator agree that the funds of the within conservatorship shall be maintained so that both signatures are required for their withdrawal and withdrawals will be made only in accordance with the order of this Court.

Attorney

Conservator

**PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE**

CONSERVATORSHIP OF _____

CASE NO. _____

ENTRY APPOINTING CO-SIGNER FOR ESTATE FUNDS

The Court finds that is in the best interest of the ward and for safety and security reasons, that joint custody be established for the funds of the within estate.

Therefore the Court ORDERS that _____
be in joint control of all estate funds and authorizes him/her to sign all necessary instruments to execute this order.

Ralph Winkler, Probate Judge

Attorney

**PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE**

CONSERVATORSHIP OF _____

CASE NO. _____

**JUDGMENT ENTRY
APPOINTMENT OF CONSERVATOR
(R.C. 2111.021)**

Upon hearing the application for appointment of a Conservator herein, the Court finds that the petitioner is a resident of this County, or has legal settlement herein; that this Court has jurisdiction; and that _____ is a competent, but physically infirm adult, who has voluntarily petitioned for, and the Court does declare _____ as his/her Conservator, and grants to the Conservator powers fully described in the Letters of Conservatorship.

The Court further finds that powers of the Court shall be:

- 1. Full powers as proscribed in the Laws of Guardianship of the State of Ohio.
- 2. Limited to the following powers, but not limited to the power to set bond, and all powers in Section 2111.021 of the Ohio Revised Code

The Court approves the bond as filed.

The Court orders Letters of Conservatorship issue to _____
_____ as provided by law.

Date

Ralph Winkler, Probate Judge

**PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE**

CONSERVATORSHIP OF _____

CASE NO. _____

LETTERS OF CONSERVATORSHIP

_____ is appointed Conservator
of _____

As Conservator, his/her powers are:

1. All powers conferred by the Guardianship laws of Ohio and the Rules of this Court over the conservatee's:
 Person and Estate Person Only Estate Only
2. Those guardianship powers, until revoked, are for an:
 Indefinite time period
 Definite time period to _____.

3. The Conservator's powers are limited to:

4. The following property of the conservatee is subject to the above power of the conservator:
 All property
 Only the property listed as follows:

The above-named Conservator has the power conferred by law to do and perform all the duties of Conservator as described.

Date

Ralph Winkler, Probate Judge

NOTE TO FINANCIAL INSTITUTIONS

Funds being held in the name of the within-named Conservatee shall not be released to Conservator without a Court Order directing release of a specific fund and amounts thereof.

CASE NO. _____

CERTIFICATE OF APPOINTMENT AND INCUMBENCY

This document is a true copy of the original kept by me as custodian of this Court. It constitutes the appointment and letters of authority of the named Conservator, who is qualified and acting in such capacity.

(SEAL)

Ralph Winkler, Probate Judge

by _____
Deputy Clerk

Date

**PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE**

CONSERVATORSHIP OF _____

CASE NO. _____

**CONSERVATOR'S INVENTORY
(R.C. 2111.14(A))**

of the real and personal estate of the conservatee ____ with its
value and the value of the yearly rent of the estate

List any safety deposit box and date and location of any will. \$

RECAPITULATION

Total value of Personal Estate	\$ _____
Total value of Real Estate	\$ _____
Yearly rent of Real Estate	\$ _____
Other annual income	\$ _____
Total	\$ _____

Conservator

**PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE**

CONSERVATORSHIP OF _____

CASE NO. _____

APPLICATION TO RELEASE FUNDS TO CONSERVATOR

Now comes the conservator of the above-named conservatee and makes application for authority to secure the release of the following funds of the ward.

The applicant further states that it is for the best interest of the conservatee that this authority be granted.

Conservator

ORDER AUTHORIZING RELEASE OF FUNDS

This _____ day of _____, _____, this cause came on to be heard upon the application of the conservator of the above-named conservatee, and the evidence, and the Court being fully advised in the premises, hereby authorizes the release of the above funds to the conservator.

Ralph Winkler, Probate Judge

**PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE**

CONSERVATORSHIP OF _____

CASE NO. _____

APPLICATION FOR AUTHORITY TO EXPEND FUNDS

Now comes the undersigned, conservator of the estate of the above-named conservatee and makes application for authority to expend funds for the best interest of the ward as follows:

[State amount requested, nature of expenditure, and the frequency and duration of authority requested. Attach additional explanation, documentation, or estimates as needed.]

Conservator

ORDER AUTHORIZING EXPENDITURE OF FUNDS

This _____ day of _____, _____, this cause came on to be heard upon the application of the conservator of the above named conservatee and the evidence, and the Court being fully advised in the premises, hereby authorizes the conservator to expend funds as set forth in the Application.

Ralph Winkler, Probate Judge

**PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE**

CONSERVATORSHIP OF _____

CASE NO. _____

OATH OF CONSERVATOR

(R.C. 2111.02(C))

(To be taken on Appointment of Conservator)

I, _____ Conservator
of _____, will faithfully and completely fulfill my duties as
Conservator, including the duty ;

To file, and continue to make diligent efforts to file, a true inventory in accordance with the
Ohio Revised Code, and report all assets belonging to the estate of my ward.

To file timely and accurate reports.

To file timely and accurate accounts.

To, at all times, protect my conservatee's interests and to make all decisions based on the best
interest of my conservatee.

To apply to the Court for authority to expend funds prior to so doing.

To obey all orders and rules of this Court pertaining to conservatorships.

Conservator

The above oath was taken and signed in my presence on this _____
day of _____.

Ralph Winkler, Probate Judge

CASE NO. _____

RECAPITULATION

Total Receipts _____ \$ _____

Total Disbursements _____ \$ _____

Balance Remaining _____ \$ _____

ITEMIZED STATEMENT OF ALL FUNDS, ASSETS AND INVESTMENTS

ITEM _____

_____ \$ _____

 Attorney
 Attorney Registration No. _____

 Conservator

 Typed or Printed Name

 Address of Conservator

BANK CERTIFICATE

N.B. Must be executed when funds are on deposit.

I HEREBY CERTIFY that the within named fiduciary, on the date named below, had on deposit in

The _____ of _____, Ohio, the sum of \$ _____

on _____ to the credit of the estate of
Nature of Deposit

 Dated

 Bank
 By _____
 Cashier

**PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE**

**TRUST OF
GUARDIANSHIP OF
ESTATE OF _____**

CASE NO. _____

ENTRY SETTING HEARING ON ACCOUNT

The Court sets _____ at _____ o'clock ____ M.
as the date and time for hearing on the current/final account in this matter. If notice is required,
the Court orders that notice of the hearing on the account be given to all parties entitled to notice,
who do not waive the same, at least fifteen (15) days prior to the date and time set for
hearing.

Date

Ralph Winkler, Probate Judge

Attorney

Attorney Registration No. _____

**PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE**

**TRUST OF
GUARDIANSHIP OF
ESTATE OF** _____

CASE NO. _____

NOTICE OF HEARING ON ACCOUNT

To:

You are hereby notified that a _____ account covering the period from _____ to _____ has been filed, and the hearing will be held on _____ at _____ o'clock ___ M. The Court is located at the William Howard Taft Center, 230 East Ninth Street, Ninth Floor, Cincinnati, Ohio 45202-2145.

You are required to examine the account, to inquire into the contents of the account, and into all matters that may come before the Court at the hearing on the account. **There is no requirement to appear for this hearing if you have no exceptions to the Account.** Any exceptions to the account shall be filed in writing not less than five days prior to the hearing. Absent the filing of written exceptions, the account may be approved without further notice.

Fiduciary/Attorney for Fiduciary
Attorney Registration No. _____

**PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE**

**TRUST OF
GUARDIANSHIP OF
ESTATE OF** _____

CASE NO. _____

ENTRY APPROVING AND SETTLING ACCOUNT

[R.C. 2109.32]

Upon hearing the account filed _____, the Court finds that:

[Check whichever of the following are applicable]

- The _____ partial account has been lawfully administered.
- The events have occurred after which the Court may approve and settle a final account.
- The events have occurred after which the Court may approve and settle a supplemental final account.

The account is therefore approved and settled.

[Check whichever of the following are applicable]

The fiduciary shall be discharged without further order of the Court twelve months following the approval of the final and distributive account unless discharged by this entry.

- The fiduciary is discharged herewith.
- The surety bond is terminated herewith.
- This is a final account of a (deceased) (removed) (resigned) fiduciary. The estate shall remain open.
- This is a final account of the guardianship for the estate only. This matter shall continue as a person only guardianship.
- This is a final account of a beneficiary of a trust. The trust estate shall remain open for other beneficiaries of the trust.

Date

Ralph Winkler, Probate Judge