INSTRUCTIONS FOR FILING AN EMERGENCY GUARDIANSHIP

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

A person can apply to be Emergency Guardian of the Person only, Estate only or Person & Estate of an alleged incompetent when the applicant believes that an adult is mentally incompetent and the situation is life threatening. The application will usually be heard ex-parte before the Magistrate.

A physician must appear before the Magistrate in a hearing to justify that an emergency guardianship is necessary to avoid immediate harm to the ward.
If the emergency guardian is appointed, the appointment is valid for 72 hours.
At the hearing the Court will set a date and time within the 72 hours to have a further hearing to determine whether the emergency guardianship should continue for 30 more days.
Notice of the continued hearing will be given to the incompetent.

It will usually be necessary to apply for full guardianship prior to the expiration of the emergency guardianship.

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. **We accept cash, cashier's checks or all major credit/debit cards as payment for the fee. No personal checks or money orders will be accepted.**

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

PROCEDURAL STEPS	WHEN TO FILE
STEP 1: COMPLETE THE FOLLOWING FORMS FOR THE INITIAL FILING	
Self-Representation Form (270.01) - Sign and Complete information if you **do not** have legal representation	Prior to hearing
Application for Appointment of Emergency Guardianship (17.03) - Complete form.	Prior to hearing
Entry Setting Hearing (H.C. 202.00) - Complete form. - Assigned magistrate will issue and date and time for hearing.	Prior to hearing
Authorization to Release Confidential Information (H.C. 15.11) - Complete form	At the time of initial filing
Affidavit of Guardian Applicant (H.C Form 27.13) - This is necessary for all guardianships. - Complete form. - Have form notarized.	At the time of initial filing

Next of Kin of Proposed Ward (15.0) - List all *next of kin* (those people who are closest blood relatives) of the alleged incompetent. - Be sure to specify *complete* addresses of all those listed. If the address is unknown, please state so.	At the time of initial filing
Judgment Entry Appointing Emergency Guardian (17.04) - Complete form except for new hearing date and time. - At the hearing if appointment is granted, Judge will set another date and time to continue the appointment.	Prior to hearing
Judgment Entry Continuing Appointment (17.05) - Complete form - Magistrate will issue another date for appointment to be continued to. - The date will be within 30 days and will allow you to file for full guardianship and have hearing before emergency appointment terminates.	Bring to Court day of hearing set on form 17.04
STEP 2: ASSIGNING OF MAGISTRATE, REVIEWING OF FORMS, AND SETTING HEARING DATE.	
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. Find out the dates and times your doctor is available to appear in Court prior to presenting the emergency application to the magistrate.	
STEP 3: FILING OF FORMS WITH CASHIER	
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. If filing the Affidavit of Indigency and Entry Authorizing Payment (H.C. 117.0), it must be approved by the magistrate prior to taking the forms to the cashier. 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. If the hearing is scheduled for the day you filed, the clerk will docket the pleadings and take the file to the assigned magistrate.	
STEP 4: THE HEARING	
At the hearing, the doctor must appear and provide testimony that the situation is life threatening and that an emergency guardian should be appointed. If you are applying to be guardian of the estate you must have the bond in place to be appointed. The clerk will give you a copy of the entry. You must provide a copy of this entry to the incompetent before the next hearing. You may also be preparing the papers for a full guardianship in the meantime so the hearing can be set and service met. See Guardianship of Incompetents for instructions and forms required for a full guardianship.	