INSTRUCTIONS FOR APPOINTMENT OF GUARDIAN OF ALLEGED 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, Estate or Person & Estate of an alleged incompetent when the applicant believes that an adult is incompetent as defined by statute.

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 from the web site at www.probatect.org.

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	At the time of initial filing
Application for Appointment of Guardian of Alleged Incompetent (17.0) - Complete information	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 Setting Hearing on Application for Appointment (15.01) - Fill in the name of the alleged incompetent only, the magistrate will fill in hearing date & time and sign & 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, certified mail service must be completed on those that did not sign waivers (See form 16.4)	At the time of initial filing if signed by next of kin
Fiduciary's Acceptance (H.C. 15.2) - Complete name of proposed ward, sign and date. **Note: The Court will hold applicant responsible for the duties described on this form.**	At the time of initial filing

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
Statement of Expert Evaluation (H.C. 17.10) - Applicant must have a Licensed Physician or a Licensed Clinical Psychologist evaluate the alleged incompetent and complete the form. **Date of evaluation must have been within 3 months of filing of the application.**	At the time of initial filing
Notice to Prospective Ward of Application and Hearing (17.3) - Complete form. - Make certain that correct **daytime address** of the proposed ward is provided (e.g., school, workshop, hospital, etc.). - The Court will fill in hearing date & time and sign & date the form.	At the time of initial filing
Notice of Hearing for Appointment of Guardian of Alleged Incompetent (H.C. 17.4) - List next of kin of the alleged incompetent who have not waived notice (form 15.1). - Complete certified mail on each person listed. - Complete affidavit on *back* of form. - Present certified mail return (green card) from each individual who did not waive notice to the magistrate assigned to your case.	At the time of initial filing, if not obtaining waivers. The clerk will return the form to the applicant. The applicant will serve a copy of the form by certified mail on the next of kin. The original form will be presented to the magistrate on the day of the hearing.
Affidavit of Indigency and Entry Authorizing Payment (H.C. 117.0) - Filed when the alleged incompetent has no assets or the monthly income received does not exceed more than 125% of the Federal Poverty Schedule - Form is only accepted if applying for guardian of the person only.	
Guardianship Information (In Support of Application and Guardian's Report) (H.C. 117.01)	Please complete and file with the application and with Guardian's Report if applicable.
THE NEXT GROUP OF FORMS ARE NOT NEEDED AT THE INITIAL FILING.	
Guardian's Bond (15.3) - For Guardianship of the Estate of an proposed ward, the applicant is required to execute a bond. - Applicant must execute and date form. - **Bond must be executed by a surety company.** - The bond amount is twice the value of the proposed ward's personal property.	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. May be left with the court anytime prior to the hearing.
Oath of Guardian (15.9) - Complete form, but do not sign. Oath must be executed in	Preferably at the time of initial filing. Otherwise, the day of hearing.

front of a magistrate.	
Letters of Guardianship (15.4) - Complete form. - The court clerk will sign and date, if guardianship is granted.	Preferably at the time of initial filing. Otherwise, the day of hearing.
Judgment Entry – Appointment of Guardian for Incompetent Person (H.C. 17.5) - Complete form. - The court will execute if the guardianship is granted.	Preferably at the time of initial filing. Otherwise, the day of hearing.
Application for Release of Funds to Custodial Depository in Lieu of Bond (H.C.204.05) - Complete form. - Filed when there is not an attorney and applicant does not want to obtain one. - Filed to dispense with requirement of joint control with an attorney, posting of a bond and filing of yearly accounts. - This program is restricted to accounts established at 5/3 Bank and US Bank.	Normally, the day of the hearing
Entry Releasing Funds to Custodial Depository in Lieu of Bond (H.C. 204.06) - Complete form. - Make sure you have obtained an account number from the bank.	Normally, the day of the hearing
Verification of Receipt and Deposit of Custodial Depository (H.C. 204.07) - A bank clerk completes form once the funds are in the account. - Normally the bank sends the form to the Court.	Filed by the bank, normally within 30 days from filing of Entry Releasing Funds to Custodial Depository
Guardian's Inventory (15.5) - 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.	3 months from date of appointment
Application and Order Authorizing Release of Funds (15.6) - 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.	Anytime after the appointment has been granted
Application and Order Authorizing Expenditure of Funds (15.7) - If a Guardianship of the Estate is established, all expenditures made by the guardian have to be approved by the Court prior to the time the expenditures are made. - Complete form - List who is to be paid, purpose of the expenditure, and amount of expenditure.	Anytime after the **Guardian's Inventory** has been filed
Guardian's Account (H.C. 15.8) - **(Custodial Depository is not utilized)** - From the date of their appointment, the Guardian of the Estate is responsible for filing of an annual account. - Specifically list the assets of the ward that were listed on the Inventory (15.5) plus all income and disbursements.	Every year from date of appointment.
Entry Setting Hearing on Account (H.C. 213.8)	

- Fill in the name of the ward only, the Court will fill in hearing date & time and sign & date the form.	
Notice of Hearing on Account (H.C. 13.5) - When filing a ***final*** account, the guardian shall serve ordinary mail notice on all of the ward's next of kin, unless waivers (13.7) are obtained. - See Local Rule 64.1 (D).	
Waiver of Notice of Hearing on Account (H.C. 13.7) - If possible, have all next of kin execute form.	
Entry Approving and Settling Account (H.C. 13.3) - Complete form. - Present to an account clerk for further processing.	
Guardian's Report (17.7) - Guardian must complete form. - Make sure to complete the *front* and *back* of the form and to sign in the appropriate area.	Every two years from date of appointment
Statement of Expert Evaluation (In Support of Guardian's Report) (H.C. 17.15) - Guardian must have a Licensed Physician, Licensed Clinical Psychologist, Licensed Independent Clinical Social Worker, Licensed Professional Clinical Counselor *or* Developmental Disability Team evaluate the ward and complete the form. - The evaluation must be within three months of the date of this report. - This Evaluation (17.15) must be filed together with the Guardian's Report (17.7)	Filed with the Guardian's Report
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 the available magistrate for review and setting of hearing. If you are unable to obtain waivers from the next of kin in Ohio, the hearing date may be continued for the certified mail service to be completed.	
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. The clerk at the Issue Desk will return to you any notices that you are to serve.	
STEP 4: SERVICE OF NOTICE ON ALLEGED INCOMPETENT	
The Notice to Prospective Ward will be served by the court	

investigator at least eight days prior to the hearing date. 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. After the investigator completes service, he will complete an Investigator's Report regarding the alleged incompetent. The notice and investigator's report will be docketed and placed in the file folder for the magistrate to review.	
STEP 5: THE HEARING – WHAT TO EXPECT	
Uncontested Hearing – Person only	
At the date and time of the hearing, you (and your attorney, if attorney is obtained) should report to the 10th Floor of the Probate Court to the assigned magistrate. (The magistrate will already have the file with the forms you initially filed.) If you had to obtain waivers or serve notices of the hearing you will give them to the magistrate. The magistrate will conduct the hearing. If service has been completed and the magistrate finds a guardian should be appointed, a Decision of Magistrate and Entry Appointing Guardian will be signed. The magistrate will escort you to the Issue Desk and have the Letters of Guardianship issued.	
Uncontested Hearing – Person and Estate or Estate Only	
At the date and time of the hearing, you (and your attorney, if attorney is obtained) should report to the 10th Floor of the Probate Court to the assigned magistrate. (The magistrate will already have the file with the forms you initially filed.) If you had to obtain waivers or serve notices of the hearing you will give them to the magistrate. The Magistrate will conduct the hearing. If service has been completed and the Magistrate finds a guardian should be appointed, a Decision of Magistrate and Entry Appointing Guardian will be signed. The magistrate will escort you to the Issue Desk and have the Letters of Guardianship issued if: - Service on next of kin has been completed. - Bond has been executed by surety. - If presenting a bond, the Statement of Joint Control and Entry Appointing Co-Signer are also filed. If not posting bond, need Application and Entry for Custodial Depository (with account number).	
- Persons and Entities that have been excluded from Visitation and Communication With the Ward (H.C. 15.21).	
	This form is filed once Letters of Guardianship have been issued.