

# INSTRUCTIONS FOR APPOINTMENT OF GUARDIAN OF A MINOR (MINOR’S PERSON ONLY, ESTATE ONLY OR PERSON & ESTATE)

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

A guardianship over a minor’s person will only be granted if the Court finds the minor’s parents are unsuitable.

You cannot file an application for guardianship over a minor’s person if the minor’s parents are divorced or if there has ever been a custody order from Juvenile Court. You must contact either the Domestic Relations Court or Juvenile Court under these circumstances.

A person can apply to be Guardian of the Estate or Guardian of the Person & Estate of a minor when the proposed minor ward has obtained more than \$25,000 in assets.

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, certified check, MasterCard, Discover, or American Express. No personal checks or money orders will be accepted.**

If the establishment of a guardianship is required to settle a minor’s claim when the gross estate is over \$25,000, there is an additional filing fee.

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

## PROCEDURAL STEPS

## WHEN TO FILE

PROCEDURAL STEPS	WHEN TO FILE
<b>STEP 1: COMPLETE THE FOLLOWING FORMS FOR THE INITIAL FILING</b>	
Self-Representation Form (270.01) - Sign and Complete information if you <b>do not</b> have legal representation	At the time of initial filing
Application for Appointment of Guardian of Minor (16.0) - Complete information - Attach child’s birth certificate	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 proposed ward. - Be sure to specify <i>complete</i> 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 proposed ward 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) - If possible, have all next of kin execute form.	At the time of initial filing if signed by next of kin

<ul style="list-style-type: none"> <li>- If unable to obtain all waivers, certified mail service must be completed on those that did not sign waivers (See form 16.4)</li> </ul>	
<p>Fiduciary's Acceptance (H.C. 15.2)</p> <ul style="list-style-type: none"> <li>- Complete name of minor, sign and date.</li> </ul> <p><b>Note: The Court will hold applicant responsible for the duties described on this form.</b></p>	At the time of initial filing
<p>Authorization to Release Confidential Information (H.C. 15.11)</p> <ul style="list-style-type: none"> <li>- Complete form</li> </ul>	At the time of initial filing
<p>Affidavit of Guardian Applicant (H.C Form 27.13)</p> <ul style="list-style-type: none"> <li>- This is necessary for all guardianships.</li> <li>- Complete form.</li> <li>- Have form notarized.</li> </ul>	At the time of initial filing
<p>Affidavit (H.C. 16.1)</p> <ul style="list-style-type: none"> <li>- This is necessary for all minor guardianships.</li> <li>- Complete form.</li> <li>- If there have been <b>any</b> proceedings in Domestic Relations, Juvenile, or Probate Court, they <b>must</b> be disclosed.</li> <li>- Have form notarized.</li> </ul>	At the time of initial filing
<p>Selection of Guardian by Minor Over Fourteen Years of Age (16.2)</p> <ul style="list-style-type: none"> <li>- A minor over the age of fourteen (14) has the right to select a guardian in writing.</li> </ul>	At the time of initial filing
<p>Notice of Hearing for Appointment of Guardian of Minor (H.C. 16.3)</p> <ul style="list-style-type: none"> <li>- Notice must be served on all minor potential wards who are 14 years of age or older.</li> <li>- Complete necessary information.</li> <li>- The Court will fill in the hearing date and time, and will sign and date the form.</li> <li>- A copy of the completed notice must be <b>personally</b> served upon the ward at least 8 days prior to the hearing.</li> <li>- Affidavit of service shall be made on the back of the form.</li> </ul>	At the time of initial filing, the clerk will return the form to the applicant. The applicant will <b>personally</b> serve a <b>copy</b> of the form on the minor and return the original form to the magistrate on the day of the hearing.
<p>Notice of Hearing on Application for Appointment (16.4)</p> <ul style="list-style-type: none"> <li>- All next of kin who have not waived notice must receive certified mail notice of the hearing on the application for appointment.</li> <li>- Present certified mail return (green card) from each individual who did not waive notice to the magistrate assigned to your case.</li> <li>- Affidavit of service shall be made on the back of the form.</li> </ul>	At the time of initial filing, the clerk will return the form to the applicant. The applicant will serve a <b>copy</b> 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.
<p><b>THE NEXT GROUP OF FORMS IS NOT NEEDED AT THE INITIAL FILING.</b></p>	
<p>Guardian's Bond (15.3)</p> <ul style="list-style-type: none"> <li>- When applying for a Guardianship of the Estate of a minor, the applicant is required to execute a bond.</li> <li>- Applicant must execute and date form.</li> <li>- <b>Bond must be executed by a surety company.</b></li> <li>- The bond shall be twice the value of the minor's personal property.</li> </ul>	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.

<p>Oath of Guardian (15.9)</p> <ul style="list-style-type: none"> <li>- Complete form, but do not sign. Oath must be executed in front of a magistrate.</li> </ul>	<p>Preferably at the time of initial filing. Otherwise, the day of the hearing.</p>
<p>Letters of Guardianship (15.4)</p> <ul style="list-style-type: none"> <li>- Complete form.</li> <li>- The court clerk will sign and date.</li> </ul>	<p>Preferably at the time of initial filing. Otherwise, the day of the hearing.</p>
<p>Judgment Entry – Appointment of Guardian of Minor (H.C. 16.5)</p> <ul style="list-style-type: none"> <li>- Complete form.</li> <li>- The court will execute if the guardianship is granted.</li> </ul>	
<p>Application for Release of Funds to Custodial Depository in Lieu of Bond (H.C.204.05)</p> <ul style="list-style-type: none"> <li>- Complete form.</li> <li>- Filed when there is not an attorney and applicant does not want to obtain one.</li> <li>- Filed to dispense with requirement of joint control with an attorney, posting of a bond and filing of yearly accounts.</li> <li>- This program is restricted to accounts established at 5/3 Bank and US Bank.</li> </ul>	<p>Preferably at the time of initial filing. Otherwise, the day of hearing.</p>
<p>Entry Releasing Funds to Custodial Depository in Lieu of Bond (H.C. 204.06)</p> <ul style="list-style-type: none"> <li>- Complete form.</li> <li>- Make sure you have obtained an account number from the bank.</li> </ul>	<p>The day of the hearing</p>
<p>Verification of Receipt and Deposit of Custodial Depository (H.C. 204.07)</p> <ul style="list-style-type: none"> <li>- A bank clerk completes form once the funds are in the account.</li> <li>- Normally, the bank sends the form to the court.</li> </ul>	<p>The day of the hearing</p>
<p>Guardian’s Inventory (15.5)</p> <ul style="list-style-type: none"> <li>- If the guardianship is for the Estate or Person &amp; Estate, the guardian must file an Inventory specifically listing the assets of the minor and the value of those assets.</li> </ul>	<p>Normally, filed by the bank within 30 days from filing the Entry Releasing Funds to Custodial Depository</p>
<p>Application and Order Authorizing Release of Funds (15.6)</p> <ul style="list-style-type: none"> <li>- To obtain the right for the guardian to release funds, complete form.</li> <li>- Specifically list the name of the financial institution, the type of account and the account number.</li> </ul>	<p>3 months from date of appointment</p>
<p>Application and Order Authorizing Expenditure of Funds (15.7)</p> <ul style="list-style-type: none"> <li>- 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.</li> <li>- Complete form</li> <li>- List who is to be paid, purpose of the expenditure, and amount of expenditure.</li> </ul>	<p>Anytime after the appointment has been granted</p>
<p>Guardian’s Account (H.C. 15.8) <b>(Custodial depository is not utilized)</b></p> <ul style="list-style-type: none"> <li>- From the date of their appointment, the Guardian of the Estate is responsible for filing of an annual account.</li> <li>- Specifically list the assets of the ward that were listed on the Inventory (15.5) plus all income and disbursements.</li> </ul>	<p>Anytime after the <b>Guardian’s Inventory</b> has been filed</p>

<p>Bank Certificates (15.81)</p> <ul style="list-style-type: none"> <li>- Have an employee of each bank where Guardianship funds are deposited complete form.</li> <li>- Guardian must sign.</li> <li>- Attach this form (15.81) to the Guardian's Account (15.8).</li> </ul>	Every year from the date of appointment.
<p>Entry Setting Hearing on Account (H.C. 213.8)</p> <ul style="list-style-type: none"> <li>- Fill in the name of the ward only. The Court will fill in the hearing date and time and the court will sign and date the form.</li> </ul>	
<p>Notice of Hearing on Account (H.C. 13.5)</p> <ul style="list-style-type: none"> <li>- When filing a <i>final</i> account, if the ward has reached the age of majority, the guardian shall serve certified mail notice to the ward. Otherwise, if the ward is under 18 years of age, the guardian shall serve certified notice to the next of kin of the ward – unless waivers (13.7) are obtained.</li> <li>- See Local Rule 64.1 (D).</li> </ul>	
<p>Waiver of Notice of Hearing on Account (H.C. 13.7)</p> <ul style="list-style-type: none"> <li>- If the ward has reached the age of majority, have the ward execute the form. Otherwise, if the ward is under 18 years of age, have the next of kin execute the form.</li> </ul>	
<p>Entry Approving and Settling Account (H.C. 13.3)</p> <ul style="list-style-type: none"> <li>- Complete form.</li> <li>- Present to an account clerk for further processing.</li> </ul>	
<p><b>STEP 2: ASSIGNING OF MAGISTRATE, REVIEWING OF FORMS, AND SETTING HEARING DATE.</b></p>	
<p>When all forms have been completed, present them to the magistrate's assistant at the information desk on the 9<sup>th</sup> Floor of Probate Court for a magistrate to be assigned. All forms are then taken to the available magistrate for review and set for hearing. Hearing date is usually set within 3 weeks. If you are unable to obtain waivers from the next of kin, the hearing date may be extended for the certified mail service to be completed.</p>	
<p><b>STEP 3: FILING OF FORMS WITH CASHIER</b></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. 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.</p>	
<p><b>STEP 4: SERVICE OF NOTICE OF HEARING</b></p>	
<p>The Notice of Hearing for Appointment of Guardian of Minor (16.3) must be <b>personally</b> served on any minor age 14 or older at least eight days prior to the hearing date. If you know you are unable to obtain waivers from the next of kin you need to have copies made of the Notice of Hearing on Application for Appointment (16.4) and send them Certified Mail, Return Receipt Requested showing date of delivery.</p>	
<p><b>STEP 5: THE HEARING – WHAT TO EXPECT</b></p>	
<p><b>Uncontested Hearing – Person only</b></p>	
<p>At the date and time of the hearing, you (and your attorney, if attorney is obtained) should report to the 10<sup>th</sup> Floor of the Probate</p>	

<p>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, and if the magistrate finds a guardian should be appointed, a Decision of Magistrate and Entry Appointing Guardian will be completed. The magistrate will escort you to the Issue Desk and have the Letters of Guardianship issued.</p>	
<p><b>Uncontested Hearing – Person and Estate or Estate Only</b></p>	
<p>At the date and time of the hearing, you (and your attorney, if attorney is obtained) should report to the 10<sup>th</sup> 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, and if the magistrate finds a guardian should be appointed, a Decision of Magistrate and Entry Appointing Guardian will be completed. The magistrate will escort you to the Issue Desk and have the Letters of Guardianship issued if:</p> <ul style="list-style-type: none"> <li>- Service on next of kin has been completed.</li> <li>- Bond has been executed by surety.</li> <li>- If presenting a bond, the Statement of Joint Control and Entry Appointing Co-Signer is also filed.</li> </ul> <p>If not posting bond, need Application and Entry for Custodial Depository (with account number) unless Guardian of the Estate is a bank.</p>	
<p><b>Contested Hearing</b></p> <p>An adversarial-type hearing will be held if anyone opposes the establishment of the guardianship.</p> <ul style="list-style-type: none"> <li>- The magistrate may decide the issue at the hearing or issue a written decision after the hearing.</li> </ul>	

## **A CITIZEN’S GUIDE TO COMMUNICATING WITH THE JUDGE AND MAGISTRATES**

### **Why can’t I communicate directly with the judge or magistrate on my case?**

If the matters are contested, judges and magistrates are not allowed to communicate with individual parties. This is what the law calls an *ex-parte* communication (this is when a judge or magistrate only communicates with an individual party, on their own, without the knowledge of all parties to a case). In order to keep the court process as fair, equal and as transparent as possible, *ex-parte* communication is strictly forbidden. It is unfair for the court to share information without all of the parties present.

You cannot email the judge or magistrate, as the email is considered an *ex-parte* communication. In addition, emails are not pleadings (motions.) You cannot write a personal letter to the judge or magistrate as this may be considered an *ex-parte* communication.

### **How can I speak to the judge or magistrate on my case?**

Typically, to speak to the judge or magistrate on your case, you must file a written motion with the court explaining what you want the court to do and all motions become part of the public record. You also have to send a copy of whatever you file to the other parties, or their attorney if they are represented by an attorney (this is called “service”). A motion is not considered an *ex-parte* communication because all parties are officially notified. You may be required to pay a filing fee when you file your written motion. Please note, there is no fee if you wish to speak to the magistrate in an uncontested matter, on their assigned walk-in days.

### **I’ve heard there’s always a magistrate on duty to hear arguments immediately – what does that mean?**

There is a magistrate on duty every business day. The on-duty magistrate may answer generic procedural questions. The on-duty magistrate may also discuss matters in an uncontested case. For all other matters, the on-duty magistrate is prohibited from speaking with you. To address the court for these matters, you must file a written motion. The on-duty magistrate will set the matter for hearing before the magistrate assigned on your case or the judge.

### **What if I need to tell the judge or magistrate something I don’t want the other party to know about?**

Unfortunately, you cannot withhold information from another party to your case. In order to keep the case fair to everyone involved, as soon as you tell the judge or magistrate something, you must also tell the other parties. All sides must have an opportunity to respond to the information that you have shared with the court.

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

**IN THE MATTER OF:** \_\_\_\_\_

**CASE NO.** \_\_\_\_\_

**SELF-REPRESENTATION ACKNOWLEDGMENT**

I acknowledge that I have read, understand and agree with all of the following statements:

1. The Court has recommended that I hire an attorney to represent me in this case. However, I have chosen to proceed with this case without the assistance of an attorney.
2. The Court and its Deputy Clerks are prohibited by law from providing legal advice. I will follow the instructions provided in the form packets and on the Court's website, [www.probatect.org](http://www.probatect.org).
3. I am responsible for understanding and correctly applying any statutes, case law, rules, regulations, policies, and procedures that relate to this case, including, but not limited to, the Ohio Revised Code, Rules of Superintendence for the Courts of Ohio, Hamilton County Probate Court Local Rules of Practice, and the Ohio Rules of Civil Procedure.
4. The same standards that apply to attorneys and persons represented by attorneys in similar probate hearings will apply to myself.
5. If I do not fulfill my responsibilities in this case as required by law, I may be subject to sanctions or penalties as provided by law, which may include removal as fiduciary or being required to be represented by an attorney.
6. I may be personally liable to any person or entity that suffers damages as a result of anything I do or fail to do in this case that does not comply with the legal requirements.

\_\_\_\_\_  
Fiduciary/Applicant/Guardian

\_\_\_\_\_  
Typed Printed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City/State/Zip

\_\_\_\_\_  
Telephone Number (include area code)

\_\_\_\_\_  
Email

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

**GUARDIANSHIP OF** \_\_\_\_\_

**CASE NO.** \_\_\_\_\_

**APPLICATION FOR APPOINTMENT OF GUARDIAN OF MINOR  
(R.C. 2111.03(C))**

Applicant, a resident of \_\_\_\_\_ County, Ohio, hereby applies for the appointment of (himself)(herself) or some suitable person as guardian of the following minor and represents that the applicant is not an administrator, executor, or other fiduciary of an estate wherein the minor is interested.

Name of Minor	Age	Date of Birth	Residence or Legal Settlement
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Applicant's relationship to minor is: \_\_\_\_\_

Attached is a list of the next of kin of the minor. (Form 15.0)

A guardian is necessary because (R.C. 2111.06), \_\_\_\_\_

**THE TYPE OF GUARDIANSHIP APPLIED FOR IS**

Non-limited     Limited     Person and Estate     Estate Only     Person Only

**IF THE APPLICATION IS FOR LIMITED GUARDIANSHIP,**

The length (time period) of the guardianship requested is:

Indefinite     Definite to \_\_\_\_\_.

The limited powers requested are: \_\_\_\_\_

Applicant attaches affidavit pursuant to R.C. 3109.27.

Applicant represents that grounds exist for the Court to exercise its jurisdiction. (Applies to guardianship of person only. R.C. 3109.22).

The Applicant has (not) been charged with or convicted of a crime involving theft, physical violence, or sexual, alcohol or substance abuse except as follows (if applicable, state date and place of each charge or each conviction).

CASE NO. \_\_\_\_\_

The whole estate of said minor is estimated as follows:

Personal property ..... \$ \_\_\_\_\_  
Real estate ..... \$ \_\_\_\_\_  
Annual rents ..... \$ \_\_\_\_\_  
Other annual income ..... Total \$ \_\_\_\_\_

Applicant offers the attached bond in the amount of \$ \_\_\_\_\_

I hereby certify that all the information and statements contained in this application and attached exhibits are correct to the best of my knowledge and belief.

\_\_\_\_\_  
Attorney for Applicant

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Typed or printed name

\_\_\_\_\_  
Typed or printed name

\_\_\_\_\_  
Street

\_\_\_\_\_  
Street

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Phone number (include area code)

\_\_\_\_\_  
Phone number (include area code)

Attorney Registration No. \_\_\_\_\_

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

**GUARDIANSHIP OF** \_\_\_\_\_

**CASE NO.** \_\_\_\_\_

**NEXT OF KIN OF PROPOSED WARD  
(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	Name	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**

GUARDIANSHIP OF \_\_\_\_\_

CASE NO. \_\_\_\_\_

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

This day \_\_\_\_\_ appeared in open Court, and filed an application for the appointment of (limited) guardian of the (person and estate) of \_\_\_\_\_ . It is ordered that the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_ at \_\_\_\_ o'clock \_\_\_\_ M. in Room \_\_\_\_\_, be and is hereby fixed as the time of hearing said application before this Court. It is further ordered that written notice be served personally upon minors over fourteen years of age and in the manner as is provided by law upon all others entitled to receive the same.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Ralph Winkler, Probate Judge

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

**GUARDIANSHIP OF** \_\_\_\_\_

**CASE NO.** \_\_\_\_\_

**WAIVER OF NOTICE AND CONSENT**

We, the undersigned, do each of us hereby waive the issuing and service of notice, and voluntarily enter our appearance herein.

We do hereby consent to the appointment of \_\_\_\_\_  
or some suitable person as guardian of \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

IN THE MATTER OF \_\_\_\_\_, MINOR  
(Legal Name)

CASE NO. \_\_\_\_\_

**AFFIDAVIT FOR UNKNOWN ADDRESS OF A PARENT**

STATE OF OHIO, COUNTY OF HAMILTON, SS.

The undersigned, being first duly cautioned and sworn, deposes and says that the address of \_\_\_\_\_ is unknown and cannot be ascertained with reasonable diligence and that \_\_\_\_\_ is free from disability other than minority.

Affiant has attempted to locate \_\_\_\_\_

**[check whichever apply]:**

- Mailed correspondence to the last known address that was returned undeliverable.
- Personally went to the last known address and verified that he/she no longer lived at said address.
- Contacted relative(s).
- Contacted friend(s).
- Contacted current employer or last employer.
- Contacted his/her doctor's or dentist's office.
- Contacted CSEA (Child Support Enforcement Agency)
- Other \_\_\_\_\_

\_\_\_\_\_  
Affiant

Sworn to before me and in my presence this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Deputy Clerk/Notary Public

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

**GUARDIANSHIP OF** \_\_\_\_\_

**CASE NO.** \_\_\_\_\_

**FIDUCIARY'S ACCEPTANCE  
GUARDIAN  
(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 GUARDIAN OF THE ESTATE, 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 guardianship is terminated.
6. Inventory any safe deposit box of the ward.
7. Preserve any and all Wills of the Ward as directed by the Court.
8. Expend funds only upon written approval of the Court.
9. Make and file a guardian's report biennially, or as directed by the Court.

**AS GUARDIAN OF THE PERSON, I WILL:**

1. Protect and control the person of my ward, and make all decisions for the ward based upon the best interest of the ward.
2. Provide suitable maintenance for my ward when necessary.
3. Provide such maintenance and education for my ward as the amount of the estate justifies if the ward is a minor and has no parents, or has a parent who fails to maintain or educate the ward.
4. Make and file a guardian's report biennially, or as directed by the Court.
5. Obey all orders and judgments of the Court pertaining to the guardianship.
6. Obtain the written approval of the Court before executing a caretaker power of attorney authorized by R.C. 3109.52.
7. Cooperate with Court personnel who may conduct follow-up visits with my ward.
8. To encourage visitation and communication between the ward and the ward's family and friends, so long as such visitation and communication is in the best interest of the ward.

**If I change my address or the ward'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. I will be liable for costs associated with my failure to comply with these requirements

\_\_\_\_\_  
Date

\_\_\_\_\_  
Fiduciary

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

**GUARDIANSHIP OF** \_\_\_\_\_

**CASE NO.** \_\_\_\_\_

**OATH OF GUARDIAN**

**(R.C. 2111.02(C))**

(To be taken on Appointment of Guardian)

I, \_\_\_\_\_, Guardian of  
\_\_\_\_\_, will faithfully and completely fulfill my duties as  
Guardian, 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 ward's interests and to make all decisions based on the best interest of my ward.
- 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 guardianships.

\_\_\_\_\_  
Guardian

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

\_\_\_\_\_  
Ralph Winkler, Probate Judge/Magistrate





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

**GUARDIANSHIP OF** \_\_\_\_\_

**CASE NO.** \_\_\_\_\_

**AFFIDAVIT  
(R.C. 3127.23)**

State of Ohio, County of \_\_\_\_\_ s.s.

Affiant being first duly sworn, deposes and says:

1. That the child's present address, the places where the child has lived within the last five years, and the names and present addresses of the person(s) with whom the child has lived during that period are:

2. That affiant has (not) participated as a party, witness, or in any other capacity in any litigation concerning the custody of the child(ren) in this or any other state.

3. That affiant has (no) information of any custody proceeding concerning the child(ren) pending in a court of this or any other state, except \_\_\_\_\_  
\_\_\_\_\_.

4. That affiant has (no) knowledge of any person not a party to the proceedings who has physical custody of the child(ren) or claims to have custody or visitation rights with respect to the child(ren).

If 2, 3, or 4 is answered in the affirmative, and the space afforded is insufficient for full explanation, please attach and incorporate herein any necessary information.

Affiant realizes that affiant he has a continuing duty to inform the Court of any custody proceedings concerning the child(ren) in this or any other state of which affiant obtains information during the pendency of this proceeding.

\_\_\_\_\_  
Affiant

Sworn to before me and subscribed in my presence this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

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

GUARDIANSHIP OF \_\_\_\_\_

CASE NO. \_\_\_\_\_

**SELECTION OF GUARDIAN BY MINOR  
OVER FOURTEEN YEARS OF AGE**

(R.C. 2111.12)

The undersigned hereby selects \_\_\_\_\_ a resident of  
\_\_\_\_\_ County, Ohio, as Guardian of the (person and estate), and  
respectfully asks the Court to appoint \_\_\_\_\_ Guardian.

Signature

Date of Birth

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

**GUARDIANSHIP OF** \_\_\_\_\_

**CASE NO.** \_\_\_\_\_

**NOTICE OF HEARING FOR APPOINTMENT  
OF GUARDIAN OF MINOR**

**To Minor Over Age 14  
(R.C. 2111.04)**

To \_\_\_\_\_

Address \_\_\_\_\_

You are hereby notified that an application was filed in the Court by

\_\_\_\_\_ for the appointment of a (limited) guardian of your (person and estate).

A minor over the age of fourteen years may select a guardian who shall be appointed if a suitable person. If such minor fails to select a suitable person, an appointment may be made without reference to the minor's wishes.

A hearing on that application will be held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_ M. at Hamilton County Probate Court, 230 E. Ninth Street, Room \_\_\_\_\_, Cincinnati, Ohio.

If you are over age 14 and fail to appear in said Court on or before the time of hearing and select some suitable person to act as your guardian, the Court will appoint a guardian for you, if a guardian is found necessary.

Witness my signature and the seal of the Court,  
this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(Seal)

\_\_\_\_\_  
Ralph Winkler, Probate Judge

By: \_\_\_\_\_  
Deputy Clerk

CASE NO. \_\_\_\_\_

**RETURN**

\_\_\_\_\_ County, Ohio  
\_\_\_\_\_

Received this writ on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_.M.,  
and on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, I served the same by delivering a true copy  
thereof personally to \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

<b>FEES</b>	
Service and return, 1st name, \$	_____
_____ Additional names, at \$	_____
_____ Miles traveled, at \$	_____
_____	_____
_____	_____
<b>Total</b>	\$ _____

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Sheriff

\_\_\_\_\_  
Deputy

**AFFIDAVIT OF SERVICE**

The State of Ohio, \_\_\_\_\_ County.

\_\_\_\_\_, being first duly sworn, says that on the  
\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, the within notice was served delivering a true copy thereof  
personally to \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Sworn to before me and signed in my presence, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_

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

GUARDIANSHIP OF \_\_\_\_\_

CASE NO. \_\_\_\_\_

**NOTICE OF HEARING ON APPLICATION FOR  
APPOINTMENT**

**GUARDIAN OF MINOR**

To Parent, Known Next of Kin and Person Having Custody  
(R.C. 2111.04)

To \_\_\_\_\_

Address \_\_\_\_\_

To \_\_\_\_\_

Address \_\_\_\_\_

To \_\_\_\_\_

Address \_\_\_\_\_

To \_\_\_\_\_

Address \_\_\_\_\_

You are hereby notified that \_\_\_\_\_ filed in this Court an application for appointment of a (limited) guardian of the (person and estate) of the minor \_\_\_\_\_.

The application will be for hearing before the Court on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_ M. in Room \_\_\_\_\_. The Court is located at the William Howard Taft Center, 230 East Ninth Street, Ninth Floor, Cincinnati, Ohio 45202-2145.

Witness my signature and the seal of the Court,  
this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(Seal)

\_\_\_\_\_  
Ralph Winkler, Probate Judge

By: \_\_\_\_\_  
Deputy Clerk

CASE NO. \_\_\_\_\_

**RETURN**

\_\_\_\_\_ County, Ohio  
\_\_\_\_\_

Received this writ on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_ .M.,  
and on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, I served the same by delivering a true copy  
thereof personally to \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

FEES	
Service and return, 1st name, \$	_____
_____ Additional names, at \$	_____
_____ Miles traveled, at \$	_____
_____	_____
<b>Total</b> \$	_____

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Sheriff

\_\_\_\_\_  
Deputy

**AFFIDAVIT OF SERVICE**

The State of Ohio, \_\_\_\_\_ County.

\_\_\_\_\_, being first duly sworn, says that on the  
\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, the within notice was served delivering a true copy thereof  
personally to \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Sworn to before me and signed in my presence, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

**GUARDIANSHIP OF** \_\_\_\_\_

**CASE NO.** \_\_\_\_\_

**LETTERS OF GUARDIANSHIP  
(R.C. 2111.02)**

\_\_\_\_\_ is appointed Guardian of  
\_\_\_\_\_, an  Incompetent  Minor.

Guardian's powers are:

All powers conferred by the laws of Ohio and rules of this Court over the ward's:

Person Only

Limited to \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Those guardianship powers, until revoked, are for an:

Indefinite time period

Definite time period to \_\_\_\_\_

The above-named Guardian has the power conferred by law to do and perform all the duties of Guardian as described. No expenditures shall be made without prior Court authorization.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Ralph Winkler, Probate Judge

**NOTICE TO FINANCIAL INSTITUTIONS (ONLY FOR GUARDIANSHIPS OF THE ESTATE)**

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

**CERTIFICATE OF APPOINTMENT AND INCUMBENCY**

The above 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 guardian, 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**

**GUARDIANSHIP OF** \_\_\_\_\_

**CASE NO.** \_\_\_\_\_

**JUDGMENT ENTRY  
APPOINTMENT OF GUARDIAN OF MINOR  
(R.C. 2111.02)**

Upon hearing the application for appointment of guardian herein the Court finds that

\_\_\_\_\_  
\_\_\_\_\_

(is a) (are) minor(s) and that a guardianship is necessary.

The Court further finds that all persons who were entitled to notice of the hearing thereon were given or waived notice thereof, that the minor is (not) over the age of fourteen years (and has (not) made selection of a guardian, whom the Court finds suitable), that the minor is a resident of this county or has legal settlement herein; that this Court has jurisdiction and that grounds exist for the Court to exercise that jurisdiction.

The Court therefore appoints \_\_\_\_\_,  
a suitable and competent person, (limited) guardian of the (person and estate) of

\_\_\_\_\_  
\_\_\_\_\_

minor(s), with the powers conferred as described, and limited to those powers contained in the Letters of Guardianship issued by this Court.

- The Court approves/dispenses with the bond.
- The Court finds a record of the hearing was waived.

The Court orders Letters of Guardianship be issued to \_\_\_\_\_ as provided by law.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Ralph Winkler, Probate Judge