

MIAMI COUNTY PROBATE COURT

(www.co.miami.oh.us)

EMERGENCY GUARDIANSHIP CHECKLIST

- Forms must be typewritten or printed in ink
- There may be additional requirements based upon the specific circumstances in the case

INITIAL FILINGS / REQUIREMENTS

- Shall deposit with the Court for safekeeping any and all original Wills and Codicils of the ward (RC 2107.07, (Local Rule 66.10)
- Courts costs paid at time of filing (Local Rule 58.1) or **Affidavit of Poverty**
- **Social Security Number Form**
- **Form 17.0 - Application for Appointment of Guardian of Alleged Incompetent** (RC 2111.03)
 - Ward must be a resident of/or has legal settlement in this county (RC 2111.021)
 - Entire form / complete addresses and appropriate boxes must be completed
 - Whole estate section completed including other annual income (specify)
- **Form 17.0A – Supplemental Application for Emergency Guardian**
- **Form 15.0 - Next of Kin of Proposed Ward** (RC 2111.03)
- **Form 15.1 - Waiver of Notice & Consent** (for those living in Ohio only) (RC 2111.04)
- **Form 15.2 - Fiduciary Acceptance - Guardian** (RC 2109.02, 2111.14, 2111.15)
- **Form 17.1 - Statement of Expert Evaluation** (RC 2111.49, SupR 66)
 - Entire form / appropriate boxes must be completed
 - Must be legible
- **Form 17.1A Supplemental for Emergency Guardianship of Person**
- **Form 17.3 - Notice to Prospective Ward of Application and Hearing** (RC 2111.04, 2111.041),
 - If Ward is in a facility, notice needs to list Ward & Administrator
 - Form 17.3 will be personally served by court investigator and facility administrator (CivR 4.2 (C), (E))
- **Attention Adult Guardian Applicants**, to be filed if the prospective ward is physically located in another place other than their residence.
- **Form 17.4 - Notice of hearing for Appointment of Guardian of Alleged Incompetent Person** (to Spouse and Known Next of Kin (RC 2111.04)

HEARING REQUIREMENTS: (Forms to be filed with Initial Filings)

- **Form 15.3 - Guardian's Bond** (estate only) (RC 2109.04)
- **Form 17.04 – Judgment Entry Appointing Emergency Guardian and Setting Hearing on Continuation of Emergency Guardianship for Incompetent Person**
- **Form 15.4 - Letters of Guardianship** (definite time period: not to exceed 72 hours) (RC 2111.02)
- **Form 15.9 - Oath of Guardian** (RC 2111.02)
- **Form 17.05 - Judgment Entry Continuing Appointment of Emergency Guardian of Incompetent Person** (RC 2111.02)
- **Form 15.4 - Letters of Guardianship** (definite time period: not to exceed 30 days) (RC 2111.02)

PROCEEDING GUARDIAN'S APPOINTMENT

GUARDIAN'S INVENTORY

- **Form 15.5 - Guardian's Inventory** (RC 2111.14)

___ Signed by fiduciary(s)

APPLICATION TO RELEASE / EXPEND FUNDS

- ___ **Form 15.6 - Application to Release Funds to Guardian / Order**
 - ___ Signed by fiduciary(s)
- ___ **Form 15.7 - Application for Authority to Expend Funds / Order**
 - ___ Signed by fiduciary(s)
 - ___ Inventory must be filed before expenditure will be approved (SupR 66)
- ___ Except as provided in RC 2111.131, no part of ward's estate shall be used for support, maintenance or education of ward unless ordered and approved by Court (RC 2111.13)

GUARDIAN'S ACCOUNT

- ___ **Form 15.8 - Guardian's Account** (RC 2109.302)
 - ___ Costs must be paid at the time of filing an account (Local Rule 58.1)
 - ___ All disbursements must list the approval date of the application to expend funds (Local Rule 64.1 (A))
 - ___ All disbursements shall be identified by consecutive numbers and all vouchers shall be presented in the same consecutive order (local Rule 64.1 A))
 - ___ All disbursements that are not self-explanatory shall identify what the expenditure is for
 - ___ Beginning balance from inventory or previous account
 - ___ Calculations / totals must be correct
 - ___ Must have signature of both Attorney and Guardian
- ___ **Form 45D - Confidential Disclosure of Personal Identifiers**
- ___ **Form 15.81 - Certified Bank Certificate** (RC 2109.302)
- ___ **Bond Sufficiency Form**
 - ___ Additional Bond to be filed, if required
- ___ **Guardian Fee Computation** (Local Rule 73.1)
 - ___ To be completed and signed, even if waived (Local Rule 64.1(D))

EXTENSION OF TIME

- ___ Application to extend time to file inventory or account shall not be granted unless fiduciary(s) has signed the application (SupR 78)

COUNSEL / GUARDIAN FEES

- ___ See guidelines on file in Court (Local Rule 73.1 (A))
- ___ Applications for approval of counsel fees and / or guardian fees in a guardianship shall be filed preceding or simultaneous with the filing of a Partial Account or Final Account, to ensure the frequency of the filing of an application at least every year or every two years.

SETTLEMENT OF A CLAIM

- ___ A guardian shall seek approval from the Court before filing a suit for the ward (Local Rule 66.08, SupR 66.08 (F))
- ___ **Form 22.5 Application to Settle a Claim of an Adult Ward / Entry Setting Hearing and Ordering Notice** (RC 2111.18, SupR 69)
 - ___ All applicable attachments as indicated on Application must be attached when filed
 - ___ Notice of hearing and a copy of application to be served on anyone entitled to notice (SupR 69)
- ___ **Form 22.6 Entry Approving Settlement of a Claim of an Adult Ward**
- ___ **Form 22.7 Report of Distribution / Entry**
 - ___ To be filed within 30 days of filing of Entry Approving
 - ___ Receipts needed for all distributions

Notes _____

Rev Aug 2015