

# Guardianship Training Manual



Judge James A. Fredericka  
Trumbull County Probate Court



**Trumbull County Court of Common Pleas  
Probate Division**



**Courthouse, 161 High Street  
Warren, Ohio 44481-1006  
(330) 675-2521**

Dear Friend:

Congratulations on your decision to become a guardian.  
This is a very important and much needed service.

Your commitment and dedication will be greatly  
rewarded just knowing you are bringing a better quality  
of life to someone.

I am hopeful this training manual serves as a valuable  
tool as you begin your new quest as a guardian.  
Although my staff cannot give legal advice, they may be  
able to answer questions regarding your duties and  
responsibilities. Please do not hesitate to call if you are  
unsure about a particular aspect of your duties.

Again, thank you for your willingness to lend a hand to  
someone who needs you.

Yours truly,

A handwritten signature in cursive script that reads "James A. Fredericka".

James A. Fredericka  
Probate Judge

TABLE OF CONTENTS

Introduction ..... 4

Application Process..... 7

Hearing ..... 13

Limited Guardianship..... 17

Interim Guardianship ..... 17

Emergency Guardianship..... 18

Duties of the Guardian ..... 20  
of the Person

Quick Review: ..... 25  
Guardianship of the Person

Duties of the Guardian ..... 27  
of the Estate

Quick Review: ..... 31  
Guardianship of the Estate

Duties of the Guardian ..... 33  
of the Person and Estate

Quick Review:.....40  
Guardianship of the Person and Estate



## INTRODUCTION

Welcome to Court Wise Guardianship Training! As a potential Guardian or Volunteer, you are important to the Probate Court because you are willing to give of yourself to help another person.

You may be here because a loved one needs that help. Or, you may want to share your time, talent, and experience by helping another person in our community.

In this training, you will learn that a Guardianship is a legal relationship established by the Probate Court on behalf of an impaired person called the "Ward." The Ward can no longer take care of himself or herself, his or her property, or anyone for whom he or she is responsible. In this event, the Probate Court may appoint another person as Guardian for the purpose of making decisions in the best interest of the impaired person.

Basically, Guardians take care of things that the Wards can no longer do for themselves. This might be due to a mental impairment resulting from various causes, including substance abuse, mental retardation, and Alzheimer's disease.

Never, ever forget that a Guardianship is not a job. It is a commitment to humanity. A commitment that says, “I care and I will never forget who you are when deciding how to care for you. I know your shoes are big, and it may be a difficult fit, but I am willing to walk in your shoes because I care. I mean, I really care what happens to you!”

A well-intentioned Guardian will not only be well informed of the law, but will be well equipped with patience, care, and love.

I know you have many questions, so let’s get started on your training. In the following chapters, each type of Guardianship will be reviewed from the initial decision on needing a Guardian, the application process, the steps to becoming a Guardian, and the responsibilities of each type of Guardianship.

To make things easier, we will refer to the potential ward as “Aunt Edith” throughout this training.



**Now let’s begin!**

# ADULT GUARDIANSHIPS



## THE APPLICATION PROCESS

As a person trying to decide whether Aunt Edith might need a Guardian, it must be remembered that people live and act differently from one another. Just because an action may seem strange to you, it might not mean something is wrong.

As a potential Guardian, it is extremely important not to rush to judgment or make hasty decisions. Evaluations take a lot of time in order to determine what is best for Aunt Edith. An assessment by the Court Investigator will help determine what is in the best interest of Aunt Edith.

Once Aunt Edith has been thoroughly evaluated and it is decided that it would be in her best interest to have a Guardian, how do you become her Guardian?



**First, you must qualify to be a Guardian. The qualifications are:**

- Must be at least 18 years of age**
- Resident of the State of Ohio**
- Must be a law-abiding citizen**

If you match all the legal qualifications to be a Guardian, you can fill out an application and other forms to be appointed Guardian.

The application is called *Application For Appointment of Guardian of Alleged Incompetent*. Other than general information, the application will also request the following:

- to briefly explain why you think Aunt Edith needs a Guardian
- the type of Guardianship for which you are applying
- the value of Aunt Edith's assets
- an explanation (if applicable) of your criminal record



## **SOME OF THE OTHER FORMS ARE:**

***Next of Kin Form*** is a list of Aunt Edith's spouse and immediate family. Aunt Edith's next of kin are the people who would inherit from her under the laws of Ohio if she passes away without a will.

***Waiver of Notice and Consent Form*** may be signed by Aunt Edith's next of kin who do not oppose the appointment of a Guardian, and also approve of you being appointed as Guardian. If someone does not sign this form, they will be sent a certified letter notifying them of the date of the Probate Court hearing on your application. If they wish to object to your application, they will need to do so prior to, or at the hearing.

***Statement of Expert Evaluation Form*** is to be filled out by a licensed physician or other qualified person. The doctor will indicate on the form what his or her opinion is of Aunt Edith's condition.



## **Your application is complete. Now what do you do?**

You must now file the application and other forms with the Probate Court in the county where Aunt Edith lives.



At the Probate Court, you will file the forms with the Deputy Clerk in the Filing Room. The Clerk will need from you the following:

- the original application and other forms
- a second copy of your application and other forms
- a filing fee. Remember! Call ahead to find out the filing fee.

Next, the Probate Court will review your application, assign a case number, and then schedule a hearing. At least seven days prior to the hearing, the Probate Court must personally give notice to Aunt Edith, and send notice to her spouse and her next of kin that an application has been filed, and a hearing has been scheduled.



If Aunt Edith is not aware of your application, it could be a little scary for Aunt Edith to only learn about it from the Court. That is why it is best if you personally let Aunt Edith and her family know what you are doing. The Probate Court will also send out a Court Investigator to see Aunt Edith. The Court Investigator will meet with Aunt Edith and let her know that you have filed an application to be her Guardian and will also evaluate Aunt Edith's situation and advise her of her legal rights. The Court Investigator will also recommend, if needed, a less restrictive alternative for Aunt Edith.



## **What are Aunt Edith's legal rights?**

Aunt Edith's legal rights include the right to attend the hearing, the right to an attorney, the right to an independent assessment, and the right to disagree with the application.

Remember! Aunt Edith must be notified of the hearing and of her rights. It is the job of the Probate Court to guard against the wrongful loss of Aunt Edith's rights.

## **What will happen at the hearing?**

At the hearing, the Probate Judge will hear evidence given by you and anyone else who has filed an application to be appointed Aunt Edith's Guardian. The Probate Judge will then determine from the testimony and other evidence whether or not Aunt Edith is incompetent and in need of a Guardian and who will be appointed as the Guardian.





## **HEARING**

At least seven days after Aunt Edith has been notified of the hearing, the Probate Court will hold a hearing on the application. Remember! Every person involved should be working towards a positive solution that is in Aunt Edith's best interest.

At the hearing, the Judge will explain the importance of the decision regarding a Guardian for Aunt Edith. The Judge will also explain that it is the applicant's responsibility to prove by clear and convincing evidence that Aunt Edith is incompetent, and that a Guardianship is the least restrictive alternative for her.

Sometimes there may be more than one applicant, and the Judge will need to decide which applicant is more suitable to be the Guardian.

The evidence that the Judge will review includes the *Statement of Expert Evaluation, Court Investigator's Report, Guardianship Application*, and testimony from the applicant, Aunt Edith and other interested parties.

In evaluating the applicant, the Judge will look for a positive attitude toward Aunt Edith, an appreciation of the responsibilities of Guardianship, a willingness to serve, a relationship (if any) with Aunt Edith, and a thoughtful plan for her care.

The following is a list of some of the questions you may be asked at the hearing:

**What is your occupation?**

**Have you ever been convicted of a crime?**

**What is your relationship with Aunt Edith?**

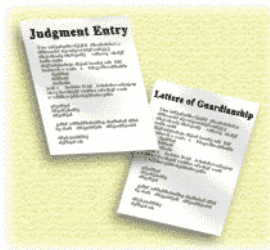
**Why did you apply for Guardianship?**

**Can you give us an example of Aunt Edith's inability to make appropriate decisions?**

**Are you aware of the responsibilities of a Guardian of the Person and/or Estate for Aunt Edith?**

Aunt Edith's attorney and the Judge may also ask you questions. There may also be testimony from Aunt Edith's doctor or from other experts, as well as Aunt Edith's family or close friends who are interested in doing what is best for her. The Judge will ask them their opinions about Aunt Edith, if they think she needs help, and to what extent they feel help should be given. At the end of the hearing, after all the evidence and testimony has been reviewed, the Judge will decide whether or not Aunt Edith is legally incompetent and in need of a Guardian, and who will be appointed the Guardian.





### **What happens after the hearing?**

After determining that a Guardianship is needed, official papers will be issued that legally appoint you as the Guardian. You will receive a copy of the *Judgment Entry*, which specifically appoints you as Guardian, and the *Letters of Guardianship*, which outlines your duties as Guardian.

When conducting Guardianship business, it is important that you always keep a certified copy of these documents with you in case your authority is ever questioned.

### **Can you tell me more about the Letters of Guardianship?**

The Letters will also specify whether the Guardianship is a Limited, Interim, or an Emergency Guardianship.



## **LIMITED GUARDIANSHIP**

The *Letters of Guardianship* may specify that the Guardianship is limited to a certain task where Aunt Edith needs help. For example, Aunt Edith may need assistance in choosing a nursing home. As soon as you assist Aunt Edith in choosing a nursing home, your authority will end.

It is important for you to realize that your decision-making powers are limited to the area and time specified by the Probate Court. Aunt Edith is still allowed to make all other decisions on her own behalf.

## **INTERIM GUARDIANSHIP**

An Interim Guardian is appointed when immediate action is needed to replace an existing Guardian because the Guardian resigns, is removed by the Probate Court, or is unable to continue for some other reason.

The Interim Guardianship will only be for a maximum of 15 days, but may be extended for an additional 30 days. Aunt Edith must be notified of the appointment as soon as possible. If the 30 day extension is requested, the Court will notify Aunt Edith and her next of kin, and will hold a hearing on whether or not to extend the Guardianship.

## EMERGENCY GUARDIANSHIP

An Emergency Guardianship is a bit different from the other Guardianships because immediate action is required. If it appears that an emergency exists, the Judge may appoint an Emergency Guardian without notice or hearing. However, written notice of the appointment must be given to Aunt Edith as soon as possible.

### What is considered an emergency?

An Emergency Guardian is appointed if Aunt Edith is incompetent and in immediate danger of significant injury. An example would be if Aunt Edith is unconscious and another person is needed to make medical decisions on her behalf. A Guardian is appointed in this type of emergency for the sole purpose of consenting to medical treatment.



An emergency can also exist if Aunt Edith's assets are threatened. An Emergency Guardian may be put in place to protect her assets.



### **How long does it last?**

The Emergency Guardianship is only for 72 hours. If necessary, however, the Court may extend the Emergency Guardianship for up to an additional 30 days after giving notice to Aunt Edith and holding a hearing.

### **Will Aunt Edith's family be involved?**

Of course! But, because of the necessity for the Probate Court to act quickly, Aunt Edith and her next of kin may not be contacted until after the appointment.



### **Does the Emergency Guardian get official papers from the Court?**

Yes. The Emergency Guardian is given a Judgment Entry and Letters of Guardianship just like all the other Guardians. However, the Letters of Guardianship only empower the Emergency Guardian to act to prevent further injury to Aunt Edith or her property.

## **DUTIES OF THE GUARDIANSHIP OF THE PERSON**

When you have your *Letters of Guardianship* of the Person for Aunt Edith, what will be your specific duties?

As Aunt Edith's Guardian of the Person, you will be responsible for taking care of her daily needs.

You will have to make sure that she is in a safe environment and that she has what she needs to take care of herself on a daily basis. If Aunt Edith chooses to live on her own, you will have to make sure that it is safe for her to do so and, if not, make arrangements to have her live at a facility capable of meeting her needs.

Food, clothing, medical care and transportation are examples of daily needs for which Aunt Edith may need your help. It sounds like a lot, and it is! That is why you should make a special Care Plan for Aunt Edith. This plan should outline what you need to do for her throughout the week to ensure she gets what she needs, and will help to keep you organized. A Care Plan will help save both you and Aunt Edith a lot of stress!

**What authority do you have if Aunt Edith needs medical care?**



You will be authorized to approve medical, health, or other professional care for her. Your decisions should not conflict with any advance directive for health care previously signed by Aunt Edith.

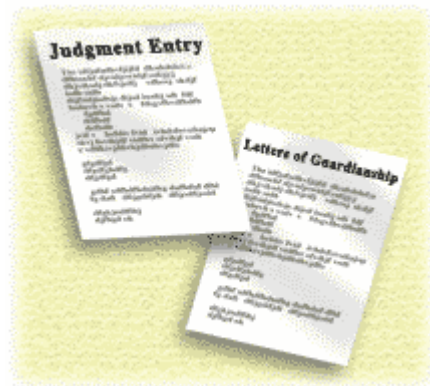
One type of an advanced directive is a Living Will. It would state, in writing by Aunt Edith, if she wished to be kept alive by artificial means and/or whether she wishes to be resuscitated if she were in a life threatening medical state.

A second type of advanced directive is the Durable Power of Attorney. This is when Aunt Edith has appointed, in writing, another person to make medical decisions for her in case she cannot communicate them herself. If Aunt Edith has either of these, the Guardian should bring this to the attention of the Probate Court.

You will also need to establish whether or not Aunt Edith has health insurance.

And , if she is qualified, sign her up for Medicare and Medicaid. You can contact your local Department of Job and Family Services or area Agency on Aging for assistance.

Remember! When conducting Guardianship business, it is important that you always keep a certified copy of your *Letters of Guardianship* with you in case your authority is ever questioned. Some institutions may even want a copy of the Letters for their files.



**Can you use Aunt Edith's checkbook or charge card to get the things she may need?**

No! You will need to go to the person responsible for taking care of Aunt Edith's finances. This would be Aunt Edith's Guardian of her Estate. You must let her Guardian of Estate know that you need money in order to purchase the things that Aunt Edith needs. When the Guardian of Estate approves your request and gives you the money, you must return to him/her all receipts from the purchases. This will enable the Guardian of Estate to account for Aunt Edith's expenses and protect her assets from inappropriate use. Also, the Guardian of Estate will have to account to the Probate Court for these expenses. Sometimes the Probate Court will appoint the same person as the Guardian of the Person and Estate.



**Aunt Edith is very religious and would like to go to church. Should you take her?**

If you cannot take her yourself, it would be nice if you would try to make arrangements for someone else to do so. The Probate Court might have a Volunteer Guardian Program that can help you.

**What more will you have to do at the Probate Court after you are appointed Guardian?**

It is very important to the Probate Court to monitor Aunt Edith's care. You will be required to file a yearly *Guardian's Report Statement of Expert Evaluation, and Guardianship Plan* with the Court. These reports will let the Court know how Aunt Edith is doing.

The *Guardian's Report* informs the Probate Court of Aunt Edith's physical and mental well being. The filing of this report also tells the Court if you are successfully meeting your responsibilities as Aunt Edith's Guardian.

The *Guardianship Plan* informs the Probate Court of the guardian's goals for meeting the ward's personal and financial needs. The information included will depend on the individual ward and may contain plans to address medical needs or securing services. When applicable, an Individualized Service Plan (ISP) completed by the county board of developmental disabilities may be attached.

The *Statement of Expert Evaluation* is a report that informs the Probate Court of the current status of Aunt Edith's physical and mental well being as reported by a licensed physician or other qualified expert.



## **QUICK REVIEW: GUARDIANSHIP OF THE PERSON**

**Here is a quick review of what you will need to do as the Guardian of the Person for Aunt Edith.**

You must first determine if Aunt Edith needs a Guardian and then check to see if you meet the qualifications to be her Guardian.

To begin the Guardianship process, you must file the following forms at the Probate Court in the County where Aunt Edith lives:

- Application for Appointment of Guardian of Alleged Incompetent*
- Next of Kin Form*
- Waiver of Notice and Consent Form*
- Statement of Expert Evaluation*

At the hearing, the Probate Judge will determine if you can serve as Aunt Edith's Guardian, and if you are appointed, you will be given the following documents:

- Judgment Entry*
- Letters of Guardianship*

These documents will briefly outline your duties as Aunt Edith's Guardian.

As Aunt Edith's Guardian of the Person, you will take care of her daily needs including decisions on her medical care. You will not be responsible for her assets.

The three reports you will be required to file with the Court are:

- a *Guardian's Report*
- a *yearly Statement of Expert Evaluation*
- a *yearly Guardianship Plan*

It may seem complicated, but it will get easier as you go along. Always remember that the Probate Court is not only there for Aunt Edith, but for you too! So, don't ever hesitate to ask the Probate Court questions or for help.



## DUTIES OF THE GUARDIAN OF THE ESTATE

**When you have your *Letters of Guardianship of the Estate for Aunt Edith*, what will be your specific duties?**

As Aunt Edith's Guardian of the Estate, you will be in charge of managing Aunt Edith's assets. You will have to pay her legitimate debts, and use her funds to buy the things that are necessary for her care.

Aunt Edith or her Guardian of the Person will let you know what she needs. Sometimes, one person will be appointed as both the Guardian of the Person and Estate.

**Why do you have to obtain a *bond*?**

A *bond* protects Aunt Edith from any harm that may result from the mismanagement of her funds. Bonds are enforced only when a Guardian acts wrongfully or irresponsibly. If you act responsibly and carry out your duties as required by the Probate Court, you will not have to worry about the bond being enforced.

## How does a bond work?

If you have a bond, you pay a bonding company a certain amount, periodically, to “bond” you. The cost of the bond is paid out of Aunt Edith’s estate. If you would wrongly or irresponsibly mishandle Aunt Edith’s assets, the bonding company would reimburse the amount of the loss to Aunt Edith’s estate. The bonding company could then pursue you to recover the amount that they paid to Aunt Edith’s estate. The amount of the bond is usually two times the amount of Aunt Edith’s personal assets.

## How do you get access to Aunt Edith’s money?

You will need to file an *Application to Release Funds* with the Probate Court which, when approved, will enable you to transfer funds from Aunt Edith’s bank account into a special bank account called a Guardianship Account. The Guardianship Account is used for the sole purpose of receiving funds and paying Aunt Edith’s expenses.



## Does the money you spend from the Guardianship Account have to be approved by the Probate Court?

Absolutely! You will need to fill out a form at the Probate Court called an *Application for Authority to Expend Funds*. On this form, you will list the things Aunt Edith needs and how much they will cost. If the Court approves the expenses, you will be allowed to write checks from that account in order to pay her bills.



Remember to consult with your attorney if you need assistance.

## Is there an easy way of doing the expenses?

It would be wise to make a monthly budget of Aunt Edith's regular expenses and submit this to the Court on the *Application for Authority to Expend Funds* form. Don't forget! You will be accountable for all the expenses that you pay. So, it is extremely important to keep all receipts and copies of cancelled checks.

When on Guardianship business, it is important that you keep a certified copy of your *Letters of Guardianship* with you in case someone questions your authority. Some financial institutions may even want a copy of the Letters for their files.

### **What reports will you have to file with the Court?**

There are two important reports. You will have to file a *Guardian's Inventory* form of Aunt Edith's assets within three months of your appointment. On the Inventory, you will have to include all of her real estate and personal property, as well as an accounting of all incoming money to Aunt Edith's estate, such as pension checks and Social Security checks.

Nine months after your appointment, the Probate Court will also want to see a report on your *Guardian's Account*, and then yearly thereafter. This account will be similar to your checkbook ledger showing all receipts and disbursements.

### **What else will you have to do as Aunt Edith's Guardian of Estate?**

You will have to handle all of Aunt Edith's financial affairs, including, investing her money, liquidating assets, and filing her taxes.

## QUICK REVIEW: GUARDIANSHIP OF THE ESTATE

Here is a quick review of what you need to do as the Guardian of the Estate for Aunt Edith.

You must first determine if Aunt Edith needs a Guardian and then check to see if you meet the qualifications to be her Guardian.

To begin the Guardianship process, you must file the following forms at the Probate Court in the County where Aunt Edith lives:

- Application for Appointment of Guardian of Alleged Incompetent*
- Next of Kin Form*
- Waiver of Notice and Consent Form*
- Statement of Expert Evaluation*

At the hearing, the Probate Judge will determine if you can serve as Aunt Edith's Guardian, and if you are appointed, you will be given the following documents:

- Judgment Entry*
- Letters of Guardianship*

These documents will briefly outline your duties as Aunt Edith's Guardian.



You will be in charge of overseeing Aunt Edith's assets as well as paying her debts and expenses. You will also need to obtain a bond to protect Aunt Edith's assets in case of the mismanagement of her funds.

The forms that you will need to submit to the Probate Court in order to access Aunt Edith's assets are:

- Application to Release Funds*
- Application for Authority to Expend Funds*

The two reports you will be required to file with the Court are:

- a *Guardian's Inventory*
- a yearly *Guardian's Account*

**It may seem complicated, but it will get easier as you go along. Always remember that the Probate Court is not only there for Aunt Edith, but for you too! So, don't ever hesitate to ask the Probate Court questions or for help.**





## DUTIES OF THE GUARDIAN OF THE PERSON AND ESTATE

**When you have your *Letters of Guardianship of the Person and Estate for Aunt Edith*, what will be your specific duties?**

As Guardian of Aunt Edith's person, you will be responsible for taking care of her daily needs and, as Guardian of her Estate, you will also be in charge of her financial affairs.

Let us first answer questions about the responsibilities as Aunt Edith's Guardian of the Person.

**What exactly does taking care of Aunt Edith's daily needs mean?**

It means that you have to make sure that she is in a safe environment, and that she has what she needs to take care of herself on a daily basis. If Aunt Edith chooses to live on her own, you will have to make sure that it is safe for her to do so and, if not, make arrangements to have her live at a facility capable of meeting her needs.



Food, clothing, medical care and transportation are examples of daily needs for which Aunt Edith may need your help. It sounds like a lot, and it is! That is why you should make a special Care Plan for Aunt Edith. This plan should outline what you need to do for her throughout the week to ensure she gets what she needs and will help keep you organized. A Care Plan will help save both you and Aunt Edith a lot of stress!

### **What authority do you have if Aunt Edith needs medical care?**

You will be authorized to approve medical, health, or other professional care for her. Your decisions should not conflict with any advance directive for health care previously signed by Aunt Edith.

One type of an advanced directive is a Living Will. It would state, in writing by Aunt Edith, if she wished to be kept alive by artificial means and/or whether she wishes to be resuscitated if she were in a life threatening medical state.

A second type of advanced directive is the Durable Power of Attorney. This is when Aunt Edith has appointed, in writing, another person to make medical decisions for her in case she cannot communicate them herself. If Aunt Edith has either of these, the Guardian should bring this to the attention of the Probate Court.

You will also need to establish whether or not Aunt Edith has health insurance. And, if she is qualified, sign her up for Medicare and Medicaid. You can contact your local Department of Job and Family Services or area Agency on Aging for assistance.

Remember! When conducting Guardianship business, it is important that you always keep a certified copy of your *Letters of Guardianship* with you in case your authority is ever questioned. Some institutions may even want a copy of the Letters for their files.

**Aunt Edith is very religious and would like to go to church. Should you take her?**

If you cannot take her yourself, it would be nice if you would try to make arrangements for someone else to do so. The Probate Court might have a Volunteer Guardian Program that can help you.



Now, let us answer questions about the responsibilities of Aunt Edith's Guardian of the Estate.

As the Guardian of her Estate, you will have the added responsibility of taking care of Aunt Edith's financial affairs such as paying her legitimate debts and using her funds to buy the things that are necessary for her care. You will also have to file her taxes and, possibly, invest her money and liquidate her assets.



### **Why do you have to obtain a *bond*?**

A *bond* protects Aunt Edith from any harm that may result from the mismanagement of her funds. Bonds are enforced only when a Guardian acts wrongfully or irresponsibly. If you act responsibly and carry out your duties as required by the Probate Court, you will not have to worry about the bond being enforced.

### **How does a bond work?**

If you have a bond, you pay a bonding company a certain amount, periodically, to “bond” you. The cost of the bond is paid out of Aunt Edith's estate. If you would wrongly or irresponsibly mishandle

Aunt Edith's assets, the bonding company would reimburse the amount of the loss to Aunt Edith's estate. The bonding company could then pursue you to recover the amount that they paid to Aunt Edith's estate. The amount of the bond is usually two times the amount of Aunt Edith's personal assets.

### **How do you get access to Aunt Edith's money?**

You will need to file an *Application to Release Funds* with the Probate Court which, when approved, will enable you to transfer funds from Aunt Edith's bank account into a special bank account called a Guardianship Account. The Guardianship Account is used for the sole purpose of receiving funds and paying Aunt Edith's expenses.

### **Does the money you spend from the Guardianship Account have to be approved by the Probate Court?**

Absolutely! You will need to fill out a form at the Probate Court called an *Application for Authority to Expend Funds*. On this form, you will list the things Aunt Edith needs and how much they will cost. If the Court approves the expenses, you will be allowed to write checks from that account in order to pay her bills. Remember to consult with your attorney if you need assistance.

### **Is there an easy way of doing the expenses?**

It would be wise to make a monthly budget of Aunt Edith's regular expenses and submit this to the Court on the *Application for Authority to Expend Funds* form. Don't forget! You will be accountable for all the expenses that you pay. So, it is extremely important to keep all receipts and copies of cancelled checks.

When on Guardianship business, it is important that you keep a certified copy of your *Letters of Guardianship* with you in case someone questions your authority. Some financial institutions may even want a copy of the Letters for their files.

### **What reports will you have to file with the Court?**

There are four important reports. You will have to file a *Guardian's Inventory* report of Aunt Edith's assets within three months of your appointment. On the Inventory, you will have to include all of her real estate and personal property, as well as an accounting of all incoming money to Aunt Edith's estate, such as pension checks and Social Security checks.

Nine months after your appointment, the Probate Court will also want to see a report on your *Guardian's Account* and then yearly thereafter.

This account will be similar to your checkbook ledger showing all receipts and disbursements.

You will also be required to file a yearly *Guardian's Report, Statement of Expert Evaluation and Guardianship Plan*. The *Guardian's Report* informs the Probate Court of Aunt Edith's physical and mental well being. The filing of this report also tells the Court if you are successfully meeting your responsibilities as Aunt Edith's Guardian. The *Statement of Expert Evaluation* is a report that informs the Court of the current status of Aunt Edith's physical and mental well being as reported by a licensed physician or other qualified expert. The *Guardianship Plan* informs the Court of the guardian's goals for meeting the ward's needs during the next year.

### **What else will you have to do as Aunt Edith's Guardian of Estate?**

You will have to handle all of Aunt Edith's financial affairs, including, investing her money, liquidating assets, and filing her taxes.



**QUICK REVIEW:  
GUARDIANSHIP OF THE  
PERSON AND ESTATE**

Here is a quick review of what you will need to do as the Guardian of the Person and Estate for Aunt Edith.

You must first determine if Aunt Edith needs a Guardian and then check to see if you meet the qualifications to be her Guardian.

To begin the Guardianship process, you must file the following forms at the Probate Court in the County where Aunt Edith lives:

- Application for Appointment of Guardian of Alleged Incompetent*
- Next of Kin Form*
- Waiver of Notice and Consent Form*
- Statement of Expert Evaluation*

At the hearing, the Probate Judge will determine if you can serve as Aunt Edith's Guardian and, if you are appointed, you will be given the following documents:

- Judgment Entry*
- Letters of Guardianship*



These documents will briefly outline your duties as Aunt Edith's Guardian.

As Aunt Edith's Guardian of the Person, you will take care of her daily needs including decisions on her medical care. As her Guardian of the Estate, you will be in charge of overseeing Aunt Edith's assets as well as paying her debts and expenses.

You will also need to obtain a bond to protect Aunt Edith's assets in case of the mismanagement of her funds.

The forms that you will need to submit to the Probate Court in order to access Aunt Edith's assets are:

- Application to Release Funds*
- Application for Authority to Expend Funds*
- Notification of Ward's Important Legal Papers*

The reports you will be required to file with the Court are:

- a *Guardian's Report*
- a yearly *Statement of Expert Evaluation*.
- a yearly *Guardianship Plan*
- a *Guardian's Inventory*
- a yearly *Guardian's Account*

**It may seem complicated, but it will get easier as you go along. Always remember that the Probate Court is not only there for Aunt Edith, but for you too! So, don't ever hesitate to ask the Probate Court questions or for help.**



*Please... my Guardian,  
remember me, for you will be walking  
in my shoes.*

CONTACTS

Name

Phone Number

Tr. Co. Probate Court      330-675-2521


## NOTES

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