JAMES A. FREDERICKA, JUDGE TRUMBULL COUNTY PROBATE COURT

161 High Street Warren, Ohio 44481 (330) 675-2521 fax: 675-3024 www.trumbullprobate.org

GUARDIANSHIP OF AN INCOMPETENT ADULT

What it will cost: The court collects a deposit when the application is filed: person only: \$161.00, estate only: \$161.00, person & estate: \$161.00.

The Probate Court accepts payment by cash, check, and money order only. The Court does not accept payment by debit or credit cards.

What to expect: The applicant will need to complete the packet of forms. Please note: The proposed ward must be a resident of Trumbull County. If applying for guardian of the estate, the applicant must be a resident of Ohio. Please type or print legibly in blue or black ink and sign where indicated; these are official court documents.

The Statement of Expert Evaluation must be completed and signed by either a licensed physician or a licensed clinical psychologist. (A statement of expert evaluation signed by an LSW, LISW, CNP, LPN or RN is not sufficient under Ohio law.) The statement of evaluation does not declare the subject incompetent, but is considered by the court as evidence of incompetency. Once this evaluation is filed with the court, it becomes confidential and accessible by court order only.

Once the application has been accepted for filing, the application is docketed and sent to the Assignment Clerk to schedule a hearing. A hearing is generally scheduled within three to four weeks. You will be notified by mail of the hearing date and time.

The applicant will need to submit to a criminal background check with the Trumbull County Sheriff's Department. The applicant must call the Sheriff's Department at 330-675-2540 for an appointment. The applicant will take the consent form and \$35.00 to the Sheriff's Department at the scheduled time. Results will be sent to the probate court.

The Probate Court will appoint a court investigator to personally serve notice to the proposed ward. All applicants for appointment of a guardian shall make arrangements to meet with the Court Investigator and review Courtwise, the Adult Guardianship Manual, the Ohio Guardianship Guide, the Guardian Dos and Don'ts and the "A Guardian's Helping Hands" video prior to the hearing on appointment. All are available on our website at www.trumbullprobate.org/guardianships. The Court Investigator may discuss with the applicant lesser restrictive alternatives.

On the day of the hearing, the applicant should arrive 10 to 15 minutes early and check in with the Probate Court's receptionist at the front office.

At the hearing, the Judge or Magistrate will review the application and review the guardian's duties. If the application is granted, you will sign an Oath of Guardian and receive your Letters of Guardianship. (If the guardianship is contested by the proposed ward or another applicant, an evidentiary hearing will be needed.)

Dear Applicant:

In addition to completing the requested forms for Guardianship, an appointment with the Court Investigator **MUST** be scheduled at least two (2) weeks prior to the hearing date. Please call the Probate Court (330) 675-2521 and ask to speak with the Court Investigator.

Failure to schedule an appointment will result in the hearing being rescheduled for a later date or your application being dismissed.

WEBCHECKS/ BACKGROUND CHECKS

- If you are required to have a WEBCHECK/background check, you must go to the Trumbull County Sheriff's Department to have the check completed.
- The Trumbull County Sheriff's Department is a separate department from the Trumbull County Probate Court. The Trumbull County Sheriff's Department sets the hours for completing the checks.
- Please call the Trumbull County Sheriff's Department at (330) 675-4040 for up to date information about when you can have your WEBCHECK/background check completed.
- The Trumbull County Sheriff's Department is located at the Trumbull County Jail, 150 High Street, Warren, Ohio 44481.
- The Trumbull County Sheriff reports that the cost for checks will range from \$35.00 to \$75.00, depending upon the type of check that must be performed.
- If you have questions or concerns about getting the WEBCHECK/background check completed or the transmission of your results, please call the Trumbull County Sheriff's Department at (330) 675-4040.

IN THE COURT OF COMMON PLEAS PROBATE DIVISION TRUMBULL COUNTY, OHIO

) CASE NO.

IN THE MATTER OF:

)	
	CRIMINAL BACKGROUN ips, Name Changes and Trusts)	D CHECK
I, the undersigned, hereby authorize th	e Trumbull County Sheriff's De	epartment to perform a
criminal background check using the V	WEBCHECK system, to have th	e results sent directly
to the Trumbull County Probate Cour	t to become a permanent part of	the Court's file.
	<u> </u>	
	Signature	Date
	Printed Name	
	Address	
	T-lankana Namb	D-4 f.D' 4
	Telephone Number	Date of Birth

IN THE MATTER OF THE GUARDIANSHIP OF					
CASE NO					
		F ALLEGE			RDIAN
					resides or has a legal
					County, Ohio and that
	-				·
The proposed wa	ard's date of birth is				
A Statement	t of Expert Evaluation	on is attached.	(Form 17.1)		
A list of Nex	t of Kin of Proposed	d Ward is also af	ttached. (F	orm 15.0)	
The whole e	estate of the prospe	ctive ward is est	imated as fo	llows:	
	Personal Prope	erty	\$		_
	Real Estate		\$		_
	Annual Rents		\$		_
	Other annual ir	ncome	\$		_
	ents that the applica		inistrator, ex	ecutor or other fiduci	ary of the estate wherein
Applicant offers the	he attached bond ir	the amount of S	\$	·	
				petent is necessary in asks that a guardia	
TYPE OF GUAI	RDIANSHIP APP	LIED FOR IS ور	check the appl	icable boxes]	
non-limited	limited	person ar	nd estate	estate only	person only
If limited guardiar	nship is applied for,	the limited power	ers requeste	d are	

FORM 17.0 – APPLICATION FOR APPOINTMENT OF GUARDIAN (AN ALLEGED INCOMPETENT)

CASE	NO.	

The ti	me period requested is \square indefinite \square d	efinite to		
Applic	ant's relationship to alleged incompeter	nt is		
sexua	pplicant has (not) been charged with or corl, alcohol or substance abuse except as follow conviction.)			
	The Applicant represents that a guardian h			
	The nominated person's contact informatio	n is listed on Form	15.0 (Next of Kin).
	A copy of the document which nominates the	he guardian is atta	ched.	
	The Applicant represents that the proposed	d ward had military	service.	
	Military I.D.:			
	Branch of service:			
	Dates of service:			
	Applicant represents that the address provious requirement that the court be notified of any comply with this requirement.			
	Applicant is currently guardian for the follow	ving number of wa		Person & Estate Person Only Estate Only
Attorn	ey for Applicant	Applicant		
 Typed	or Printed Name	Typed or Pr	inted Name	
Addre	SS	Age		
City	State Zip	Permanent	Address	
Teleph	none Number (include area code)	City	State	Zip
Attorn	ey Registration No	Telephone N	Number (include a	rea code)

IN THE MATTER OF THE GUA CASE NO.	RDIANSHIP OF
CASE NO.	_
	FOR APPOINTMENT OF GUARDIAN I ALLEGED INCOMPETENT (ADDENDUM)
If the alleged incompetent is currently please specify:	y living at an address different from the residence stated
Names of a person other than the all where the alleged incompetent is livi	leged incompetent who may be contacted at the addressing:
NAME	PHONE NUMBER
List any agencies, either private or pub	olic, who may have knowledge of the alleged incompetent,
and may be of assistance in determining	ing the need for the guardianship:
List any problems the alleged incomp	petent may have in communicating:
DATE	APPLICANT
	DAYTIME PHONE NUMBER

		APPLICANT QUESTIONNAIRE
Na	ame:	D.O.B.
Αc	ddress	
		Occupation/Employment:
1.	What is your relation	nship to the individual?
2.	Are you a service p	ovider to the individual? Yes No If yes, explain:
3.	Describe the relation	ship with the individual, including how long you have known him/her, and activities when you meet.
4.	Did anyone recomi	end that a guardianship application be filed? Yes No nended and why?
5.	-	e are the behaviors that make the appointment of a guardian necessary
6.	What solutions to t	ese problems have been tried before filing for guardianship?
7.	Why do you want t	become guardian of the individual?
8.	=	ently good health and with sufficient energy to meet guardianship Explain:

9.	helping	a know of anyone else who would also be interested in becoming the guardian or will be g you fulfill guardianship responsibilities? Yes No Explain:
10.	In gen	eral, what is your plan for overseeing the care of the individual?
	a.	Do you have sufficient time to fulfill guardianship duties? YesNo
	b.	Are you familiar with her/his medical problems and medications? Yes No
	c.	List the names of any community service providers and the nature of the services they provide. (APS, VNA, Senior Services, etc.)
	d.	Where will the individual live?
	e.	Is this an adequate setting?
	f.	Does this setting meet the needs of the individual? Yes No Explain:
	g.	What is the distance from your residence?
	h.	How often do you plan to visit, and how will you oversee these living arrangements?
	i.	Have social activities, recreation and entertainment been considered? Explain
	j.	How will transportation for medical care, recreation, etc. be handled?
	k.	If individual will be living with you, what arrangements can you make to take time of from these responsibilities/care?

11. **Mental Status Observation Checklist:** Record your observational impressions on a scale of 1 for significant impairment to 5 for average/normal functioning. Comment where helpful. (Circle ratings)

	Comments
a) Orientation (Person, Place and Time)	
b) Speech c) Motor Behavior	
d) Thought Process	
e) Affect	
f) Memory	
g) Concentration & Comprehension	
h) Judgment	
11. Is the individual aware of the plans for guard and is he/she in agreement? Yes No _	dianship as outlined in the above information,Explain:
13. Do you currently have a power of attorney for If yes, describe:	
14. Do you now or have you ever assisted	the individual with his/her finances? Explain
15. Have you been charged with or convicted of	a crime? Yes No
16. Is the individual a veteran? Yes No	
17. Have you ever filed for bankruptcy? Yes If Yes, explain:	
Remarks:	
Date	Completed By
	Printed Name

IN TH	E MAT	TTER OF THE GUARDIANSHIP OF	
CASE	NO		
		NEXT OF KIN OF PROPOSED W [R.C. 2111.04]	ARD
(NOTE:	Specify age and birthdate of each minor <u>under</u> 16 on the line containing the min address of the minor's parent, guardian or custodian on the name and address li	
Service Waived		Relations	Of Minor
1.[]			
2.5.1			
2. []			
3. []			
4. []	Name _		
	Address		Zip
5. []	Name _		
	Address		Zip
6. []	Name _		
	Address		Zip
7. []	Name _		
8. []			
9. []	Name _		

Address _____ Zip _____

Applicant

Address _____ Zip _____

Date

IN THE MATTER OF THE 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

IN THE MATTER OF THE 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 biennially, 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 his estate justifies if the ward is a minor and has no father or mother, or has a father or mother who fails to maintain or educate him/her.
- 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

If I change my address or the ward's address, I shall immediately notify 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 on the property which I hold
as such fiduciary.

Date		

In the Court of Common Pleas Probate Division Trumbull County, Ohio

AUTHORIZATION

I, the undersigned, hereby authoriz Probate Court to perform a police be police department or agency as par	packground check with any loc	al, state or federal
	Signature	Date
	Printed Name	
	Date of Birth	
	Social Security Number	
For Investigator's Use Only:		
Verification: Source	Date	
Findings:		

IN THE MATTER OF THE GUARDIANSHIP	OF
CASE NO	
	DIAN'S BOND 2109.04 (A)(1))
Amount of this Bond \$	
	are obligated to the State of Ohio in the above among, for rs, heirs, executors, and administrators, jointly and severally.
The principal ha accepted in writing the duties and such additional duties as may be required by the C	of fiduciary in ward's estate, including those imposed by law Court.
This obligation is void if the principal performs	such duties as required.
	fails to perform such duties, or performs them tardily, misappropriates estate assets or improperly converts them to
[check if personal sureties are involved.] county, with a reasonable net value as stated below.	the sureties certify that each of then owns real estate in this
Date	Principal Principal
Surety	Surety
Ву	Ву
Attorney in Fact	Attorney in Fact
Typed or Printed Name	Typed or Printed Name
Address	Address
Net value of real estate owned in this county	Net value of real estate owned in this county
Φ.	Φ.

IN T	HE M	ATTER	R OF THE GUARDIANSHIP OF				
CAS	E NO.						
			STATEMENT OF EXPERT EVALUATION [Sup. R. 66 & R.C. 2111.49]				
menta incapa	al or phy able of t	ysical ill taking pr	etent (R.C. 2111.01(D)): ""Incompetent" means any person who is so mentally impaired as a result of a ness or disability, or mental retardation, or as a result of chronic substance abuse, that the person is oper care of the person's self or property or fails to provide for the person's family or other persons for harged by law to provide, or any person confined to a correctional institution within this State."				
Court	. The f	ee for co	luation does not declare the individual competent or incompetent, but is evidence to be considered by the ompleting this evaluation WILL NOT be paid by the Probate Court. Each evaluator should secure plicant/Guardian.				
1.	This	This Statement of Expert Evaluation is to be filed with or attached to:					
		A.	Guardianship Application: Completed by Licensed Physician or Licensed Clinical				
			Psychologist prior to the filing and attached to the application.				
		B.	Guardian's Report: Completed by \(\subseteq \text{Licensed Physician} \subseteq \text{Licensed Clinical Psychologist} \)				
			☐ Licensed Independent Social Worker ☐ Licensed Professional Clinical Counselor or				
			Mental Retardation Team.				
			The evaluation or examination shall be completed within three months prior to the date of the Report.				
			R.C. 2111.49				
		C.	Application for Emergency Guardian: of the person: a Licensed Physician shall complete the				
			Supplement for Emergency Guardian, form 17.1A with specificity indicating the emergency, and				
			why immediate action is required to prevent significant injury to the person. The Supplement shall				
			be signed, dated, and attached as part of this completed Statement.				
2.	State	ment coi	mpleted by:				
	Nam	Name & Title/Profession:					
		Business Address:					
			ephone Number:				
3.			aluation:				
			raluation:				
			me spent on evaluation:				
	Leng	th of tim	the individual has been your patient:				

17.1 STATEMENT OF EXPERT EVALUATION

Are there any signs of physical and/or mental	impairments cau	sed by the me	dications themselves?
Is the individual mentally impaired?	Yes N	o If y	ves, indicate the diagnosis belo
Mental Retardation/Developmental Disabi	ilities:		
Profound S	Severe	Moderat	e Mild
Mental Illness: Type and Severity			
Substance Abuse: Description			
Dementia: Description			
Other: Description			
Please provide additional comments and test s	scores if available	e. (Continue c	omments on page 4):
During the examination did you notice an imp	pairment of the in	dividual's:	
During the examination did you notice an imp		dividual's:	□Unknown
			□Unknown □Unknown
a) Orientation	☐ Yes	□ No	
a) Orientationb) Speech	☐ Yes ☐ Yes	☐ No	Unknown
a) Orientationb) Speechc) Motor Behavior	☐ Yes ☐ Yes ☐ Yes	□ No□ No□ No	☐Unknown ☐Unknown
a) Orientationb) Speechc) Motor Behaviord) Thought Process	☐ Yes☐ Yes☐ Yes☐ Yes	NoNoNoNoNo	☐Unknown ☐Unknown ☐Unknown
a) Orientationb) Speechc) Motor Behaviord) Thought Processe) Affect	 ☐ Yes ☐ Yes ☐ Yes ☐ Yes ☐ Yes ☐ Yes 	NoNoNoNoNoNoNo	☐Unknown ☐Unknown ☐Unknown ☐Unknown

CASE NO.

				CASE NO	
8.	Is the individual physically impaired?	Yes	□No	If yes: Description	
9.	Are there any special characteristics of guardianship:	the individual w	which should be co	_	the individual for
10.	Are there any indication of abuse, negle If yes: Explain	-			□ No
11.	Do you believe the individual is capabl decisions concerning medical treatment. If no: Explain	ts, living arrange	ements and diet?	Yes	or making
12	Do you believe this individual is capable. Yes No If no:	le of managing t Explain	the individual's fi	nances and property?	
13.	Prognosis: A. Is the condition stabilized? B. Is the condition reversible:	☐ Yes	□ No		
14.	In my opinion a guardianship should be Established/Continued Denied/Terminated	o:			
I certif	y that I have evaluated the individual on			, 20	
Date:			Signature of Ev	aluator	
			ORT ADDEN		
this wa	It is my opinion, based upon a reasonal and will not improve.	ble degree of me	dical or psycholog	gical certainty, that the	mental capacity of
Date _			Signature – Lic	ensed Physician/Clinic	al Psychologist

ADDITIONAL COMMENTS

Doto	
Date	Signature – Licensed Physician/Clinical Psychologist
	5