

GUARDIANSHIP TRAINING MANUAL



LUCAS COUNTY PROBATE COURT

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INTRODUCTION

The materials contained in this Guardianship Training Manual are taken in part from the Adult Guardianship Fundamentals Course Participant Manual created by the Supreme Court of Ohio Judicial College through the efforts of the Adult Guardianship Curriculum Committee, Course Developers and the Supreme Court of Ohio Judicial College Staff. We highly recommend that you take the opportunity to attend a live training or interactive broadcast, or to view the entire course on-line. We also suggest that you contact an attorney if you have legal questions regarding your case or the training materials.

**AMENDMENTS TO THE SUPREME COURT RULES OF
SUPERINTENDENCE FOR THE COURTS OF OHIO**

**AMENDMENTS TO THE SUPREME COURT
RULES OF SUPERINTENDENCE FOR THE COURTS OF OHIO**

The following amendments to the Rules of Superintendence for the Courts of Ohio (new Sup.R. 66.01 through 66.09 and amended Sup.R. 73) were adopted by the Supreme Court of Ohio. The history of these amendments is as follows:

May 26, 2014	Published for public comment
March 10, 2015	Final adoption by conference
June 1, 2015	Effective date of amendments

RULES OF SUPERINTENDENCE FOR THE COURTS OF OHIO

RULE 66.01. Definitions.

As used in Sup.R. 66.01 through 66.09:

(A) Best interest

“Best interest” means the course of action that maximizes what is best for a ward, including consideration of the least intrusive, most normalizing, and least restrictive course of action possible given the needs of the ward.

(B) Direct services

“Direct services” means services typically provided by home and community-based care and institutionally-based care providers, including medical and nursing care, care or case management services, care coordination, speech therapy, occupational therapy, physical therapy, psychological services, counseling, residential, legal representation, job training, and any other similar services. The term “direct services” does not include services of a guardian.

(C) Guardian

“Guardian” has the same meaning as in R.C. 2111.01(A).

(D) Ward

“Ward” means any adult person found by the probate division of a court of common pleas to be incompetent and for whom a guardianship is established.

(E) Guardianship services

“Guardianship services” means the duties assigned to a guardian in an adult guardianship case pursuant to R.C. Chapters 2109 and 2111.

RULE 66.02. Application of Rules.

(A) General

Sup.R. 66.01 through 66.09 shall apply in an adult guardianship case where the probate division of a court of common pleas appoints a guardian to protect and control a ward pursuant to R.C. 2111.02, provided the appointing court for good cause may, by order of the court, exempt a guardian who is related to the ward by consanguinity or affinity.

(B) Corporation as guardian

Sup.R. 66.01 through 66.09 shall apply to the employees of a corporation who provide guardianship services in an adult guardianship case where the probate division of a court of common pleas appoints the corporation as guardian.

RULE 66.03. Local Guardianship Rule.

The probate division of a court of common pleas that establishes guardianships shall adopt local rules governing the establishment of guardianships that do all of the following:

- (A) Establish a process for emergency guardianships;
- (B) Establish a process for submitting in electronic format or hard copy comments and complaints regarding the performance of guardians appointed by the court and for considering such comments and complaints. The process shall include each of the following:
 - (1) The designation of a person for accepting and considering comments and complaints;
 - (2) A requirement that a copy of the submitted comment or complaint be provided to the guardian who is the subject of the comment or complaint;
 - (3) A requirement that the court give prompt consideration to the comment or complaint and take appropriate action;
 - (4) A requirement that the court maintain a record regarding the nature and disposition of the comment or complaint;
 - (5) A requirement that the court notify the person making the comment or complaint and the guardian of the disposition of the comment or complaint.
- (C) Addresses other provisions as the court considers necessary and appropriate, including but not limited to indicating where filed comments and complaints will be kept.

RULE 66.04. Establishment of Guardianship.

(A) Scope of guardianship

When establishing a guardianship, the probate division of a court of common pleas shall consider a limited guardianship before establishing a plenary guardianship.

(B) County of residence

The last county of residence in Ohio in which a ward resided prior to losing the cognitive ability to choose shall be the ward's county of residence for purposes of establishing a guardianship, unless determined otherwise by the probate division of the court of common pleas establishing the guardianship.

(C) Guardianship of estate

The probate division of a court of common pleas may waive establishing or continuing the guardianship of the estate of a ward if the assets and principal income of the ward do not support a guardianship of the estate.

(D) Restrictions on direct service providers

The probate division of a court of common pleas shall not issue letters of guardianship to any direct service provider to serve as a guardian for a ward for whom the provider provides direct services, unless otherwise authorized by law.

RULE 66.05. Responsibilities of Court Establishing Guardianships.

(A) General responsibilities

The probate division of a court of common pleas that establishes a guardianship shall do both of the following:

- (1) Conduct, or cause to be conducted, a criminal background check. If the applicant to serve as a guardian is an attorney, the court may accept a certificate of good standing with disciplinary information issued by the Supreme Court in place of a criminal background check.
- (2) Require each guardian appointed by the court to submit to the court information documenting compliance with the guardian qualifications pursuant to Sup.R. 66.06 or 66.07, as applicable.

(B) Responsibilities regarding guardians with ten or more wards

The probate division of a court of common pleas shall do all of the following with respect to guardians with ten or more wards under the guardian's care:

- (1) Maintain a roster, including the name, address, telephone number, and electronic mail address, of the guardians. The court shall require the guardians to notify the court of any changes to this information.
- (2) Require the guardians to include in the guardian's report a certification stating that the guardian is unaware of any circumstances that may disqualify the guardian from serving as a guardian;
- (3) Require the guardians to submit to the court an annual fee schedule that differentiates guardianship services fees, as established pursuant to local rule, from legal or other direct services;
- (4) On or before March 1st of each year, review the roster of guardians to determine if the guardians are in compliance with the education requirements of Sup.R. 66.06 or 66.07, as applicable, and that the guardians are otherwise qualified to serve.

RULE 66.06. Guardian Pre-Appointment Education.

(A) Requirement

Except as provided in division (B) of this rule, the probate division of a court of common pleas shall not appoint an individual as a guardian unless, at the time of appointment or within six months thereafter, the individual has successfully completed, at a minimum, a six-hour guardian fundamentals course provided by the Supreme Court or, with the prior approval of the appointing court, another entity. The fundamentals course shall include, at a minimum, education on the following topics:

- (1) Establishing the guardianship;
- (2) The ongoing duties and responsibilities of a guardian;
- (3) Record keeping and reporting duties of a guardian;
- (4) Any other topic that concerns improving the quality of the life of a ward.

(B) Exception

An individual serving as a guardian on June 1, 2015, or who served as a guardian during the five years immediately preceding that date shall have until June 1, 2016, to complete

the training required under division (A) of this rule unless the appointing court waives or extends the requirement for good cause.

RULE 66.07. Guardian Continuing Education.

(A) Requirement

In each succeeding year following completion of the requirement of Sup.R. 66.06, a guardian appointed by the probate division of a court of common pleas shall successfully complete a continuing education course that meets all of the following requirements:

- (1) Is at least three hours in length;
- (2) Is provided by the Supreme Court or, with the prior approval of the appointing court, another entity;
- (3) Is specifically designed for continuing education needs of guardians and consists of advanced education relating to the topics listed in Sup.R. 66.06(A)(1) through (4).

(B) Annual compliance

On or before January 1st of each year, a guardian shall report to each probate division of a court of common pleas from which the guardian receives appointments information documenting compliance with the continuing education requirement pursuant to division (A) of this rule, including the title, date, location, and provider of the education or a certificate of completion.

(C) Failure to comply

If a guardian fails to comply with the continuing education requirement of division (A) of this rule, the guardian shall not be eligible for new appointments to serve as a guardian until the requirement is satisfied. If the deficiency in continuing education is more than three calendar years, the guardian shall complete, at a minimum, a six-hour fundamentals course pursuant to Sup.R. 66.06(A) to qualify again to serve as a guardian.

RULE 66.08. General Responsibilities of Guardian.

(A) Orders, rules, and laws

A guardian shall obey all orders of the probate division of a court of common pleas establishing the guardianship and shall perform duties in accordance with local rules and state and federal law governing guardianships.

(B) Pre-appointment meeting

Unless otherwise determined by the probate division of a court of common pleas, an applicant guardian shall meet with a proposed ward at least once prior to appearing before the court for a guardianship appointment.

(C) Reporting abuse, neglect, or exploitation

A guardian shall immediately report to the probate division of a court of common pleas and, when applicable, to adult protective services any appropriate allegations of abuse, neglect, or exploitation of a ward.

(D) Limitation or termination of guardianship

A guardian shall seek to limit or terminate the guardianship authority and promptly notify the probate division of a court of common pleas if any of the following occurs:

- (1) A ward's ability to make decisions and function independently has improved;
- (2) Less restrictive alternatives are available;
- (3) A plenary guardianship is no longer in the best interest of a ward;
- (4) A ward has died.

(E) Change of residence

(1) A guardian shall notify the probate division of a court of common pleas of a ward's change of residence and the reason for the change. Except if impracticable, the guardian shall notify the court no later than ten days prior to the proposed change.

(2) A ward's change of residence to a more restrictive setting in or outside of the county of the guardian's appointment shall be subject to the court's approval, unless a delay in authorizing the change of residence would affect the health and safety of the ward.

(F) Court approval of legal proceedings

A guardian shall seek approval from the probate division of a court of common pleas before filing a suit for the ward.

(G) Annual plan

A guardian of a person shall file annually with the probate division of the court of common pleas a guardianship plan as an addendum to the guardian's report. A guardian

of an estate may be required to file an annual guardianship plan with the probate division of the court of common pleas. The guardianship plan shall state the guardian's goals for meeting the ward's personal and financial needs.

(H) Annual registration

All guardians appointed by the court who have ten or more wards under their care shall annually register with the probate division of the court of common pleas and provide such information as the court may require, including but not limited to a fee schedule that differentiates guardianship services from legal or other direct services.

(I) Ward's principal income

A guardian shall inform the probate division of the court of common pleas and apply to close the guardianship of the estate if the principal income of the ward is from governmental entities, a payee for that income is identified, and no other significant assets or income exist.

(J) Limits on guardian's compensation

(1) A guardian's compensation is subject to Sup.R. 73.

(2) A guardian who is in receipt of fees other than through the guardianship of the estate shall report to the probate division of the court of common pleas the source and entity which reviewed and authorized payment.

(3) A guardian shall not receive incentives or compensation from any direct service provider providing services to a ward.

(K) Conflict of interest

A guardian shall avoid actual or apparent conflicts of interest regarding a ward's personal or business affairs. A guardian shall report to the probate division of the court of common pleas all actual or apparent conflicts of interest for review and determination as to whether a waiver of the conflict of interest is in the best interest of the ward.

(L) Filing of ward's legal papers

In addition to filing an inventory, if applicable, pursuant to R.C. 2111.14(A)(1) and within three months after the guardian's appointment, a guardian shall file with the probate division of the court of common pleas a list of all of the ward's important legal papers, including but not limited to estate planning documents, advance directives, and powers of attorney, and the location of such legal papers, if known at the time of the filing.

RULE 66.09. Responsibilities of Guardian to Ward.

(A) Professionalism, character, and integrity

A guardian shall act in a manner above reproach, including but not limited to avoiding financial exploitation, sexual exploitation, and any other activity that is not in the best interest of the ward.

(B) Exercising due diligence

A guardian shall exercise due diligence in making decisions that are in the best interest of a ward, including but not limited to communicating with the ward and being fully informed about the implications of the decisions.

(C) Least restrictive alternative

Unless otherwise approved by the probate division of a court of common pleas, a guardian shall make a choice or decision for a ward that best meets the needs of the ward while imposing the least limitations on the ward's rights, freedom, or ability to control the ward's environment. To determine the least restrictive alternative, a guardian may seek and consider an independent assessment of the ward's functional ability, health status, and care needs.

(D) Person-centered planning

A guardian shall advocate for services focused on a ward's wishes and needs to reach the ward's full potential. A guardian shall strive to balance a ward's maximum independence and self-reliance with the ward's best interest.

(E) Ward's support system

A guardian shall strive to foster and preserve positive relationships in the ward's life unless such relationships are substantially harmful to the ward. A guardian shall be prepared to explain the reasons a particular relationship is severed and not in the ward's best interest.

(F) Communication with ward

(1) A guardian shall strive to know a ward's preferences and belief system by seeking information from the ward and the ward's family and friends.

(2) A guardian shall do all of the following:

(a) Meet with the ward as needed, but not less than once quarterly or as determined by the probate division of the court of common pleas;

- (b) Communicate privately with the ward;
- (c) Assess the ward's physical and mental conditions and limitations;
- (d) Assess the appropriateness of the ward's current living arrangements;
- (e) Assess the needs for additional services;
- (f) Notify the court if the ward's level of care is not being met;
- (g) Document all complaints made by a ward and assess the need to report the complaints to the court of common pleas.

(G) Direct services

Except as provided in Sup.R. 66.04(D), a guardian shall not provide any direct services to a ward, unless otherwise approved by the court.

(H) Monitor and coordinate services and benefits

A guardian shall monitor and coordinate all services and benefits provided to a ward, including doing all of the following as necessary to perform those duties:

- (1) Having regular contact with all service providers;
- (2) Assessing services to determine they are appropriate and continue to be in the ward's best interest;
- (3) Maintaining eligibility for all benefits;
- (4) Where the guardian of the person and guardian of the estate are different individuals, consulting regularly with each other.

(I) Extraordinary medical issues

(1) A guardian shall seek ethical, legal, and medical advice, as appropriate, to facilitate decisions involving extraordinary medical issues.

(2) A guardian shall strive to honor the ward's preferences and belief system concerning extraordinary medical issues.

(J) End of life decisions

A guardian shall make every effort to be informed about the ward's preferences and belief system in making end of life decisions on behalf of the ward.

(K) Caseload

A guardian shall appropriately manage the guardian's caseload to ensure the guardian is adequately supporting and providing for the best interest of the wards in the guardian's care.

(L) Duty of confidentiality

A guardian shall keep the ward's personal and financial information confidential, except when disclosure is in the best interest of the ward or upon order of the probate division of a court of common pleas.

RULE 73. Guardian's Compensation.

(A) Setting of compensation

Guardian's compensation shall be set by local rule.

(B) Itemization of expenses

A guardian shall itemize all expenses relative to the guardianship of the ward and shall not charge fees or costs in excess of those approved by the probate division of a court of common pleas.

(C) Additional compensation

Additional compensation for extraordinary services, reimbursement for expenses incurred and compensation of a guardian of a person only may be allowed upon an application setting forth an itemized statement of the services rendered and expenses incurred and the amount for which compensation is applied. The probate division of a court of common pleas may require the application to be set for hearing with notice given to interested persons in accordance with Civ.R. 73(E).

(D) Co-guardians

The compensation of co-guardians in the aggregate shall not exceed the compensation that would have been allowed to one guardian acting alone.

(E) Denial or reduction of compensation

The probate division of a court of common pleas may deny or reduce compensation if there is a delinquency in the filing of an inventory or account, or after hearing, the court finds the guardian has not faithfully discharged the duties of the office.

RULE 99. Effective Date.

[Existing language unaffected by the amendments is omitted to conserve space]

(PPP) New Sup.R. 66.01 through 66.09 and the amendments to Sup.R. 73, adopted by the Supreme Court of Ohio on March 10, 2015, shall take effect on June 1, 2015.

RIGHTS, NEEDS AND RESOURCES

I) RIGHTS OF PERSONS UNDER GUARDIANSHIP.

II) 9-STEP APPROACH TO EXAMINING NEEDS.

I. Rights of Adults Under Guardianship

While having a guardianship established results in the Ward losing certain rights, a successful guardianship is centered on **protecting and preserving an individual's rights**.

A. Procedural Rights

1. Procedural Rights are enumerated in R.C. 2111 et seq. Procedural rights refer to those rights specifically identified in Ohio law. The majority of these rights are intended to provide due process protection for the Ward.
2. Right to Attend Hearings (R.C. 2111.04)
 - a. It is not sufficient to conclude that because an individual has profound disabilities that he/she should not be afforded the opportunity to attend a hearing.
 - b. Unless an emergency, Wards have the right to attend all hearings pertaining to the guardianship.
3. Record of Hearing (R.C. 2111.04)
 - a. The Court will make a record of all hearings.
 - b. Most Probate Courts across Ohio have electronic recording of hearings as opposed to court reporters. Regardless of the format of recording, a record must be made at all guardianship appointment hearings and should be made during all subsequent hearings.
4. Friends and Family (R.C. 2111.02)

A Ward may be more comfortable with friends and family at the hearing and they may want the friends or family to testify.
5. Less Restrictive Alternatives (R.C. 2111.02 and Sup.R. 66)
 - a. Wards have the right to pursue all less restrictive alternatives to guardianship regardless of when those alternatives arise.
 - b. Sup.R. 66 requires Guardians to inform Courts of all less restrictive alternatives available to the Ward.
6. Right to Counsel (R.C. 2111.04)

a. At the time of guardianship establishment and at any subsequent attempt of the Ward to terminate the guardianship, the Ward has the right to counsel.

b. The Court will appoint counsel for the Ward if requested.

7. Contest/Oppose Guardianship (R.C. 2111.04)

A Ward is entitled to object to the establishment or continuance of guardianship. A Ward has the right to contest the guardianship and present evidence that pertains to the Ward's ability to manage his/her own affairs.

8. Independent Expert Evaluation (R.C. 2111.04)

A Ward has the right to request an independent expert evaluation on an annual basis if/when the Ward believes the evaluation would assist him/her in seeking the termination of guardianship.

9. Right to Complain (Sup.R. 66.03)

Sup.R. 66 now provides a clear mandate requiring Courts to establish procedures by which to address any and all complaints of Wards and/or third parties as they pertain to the performance of a Guardian. Further, Sup.R. 66.09(F)(2)(g) requires Guardians to document all complaints made by a Ward and assess the need to report the complaint to the Court of Common Pleas.

B. Fundamental Rights and Privileges

Fundamental Rights and Privileges refers to those rights and privileges that are not listed in the sections of the Ohio Revised Code pertaining to guardianship but which remain in place even after the establishment of the guardianship. In general, the Ward keeps all legal and civil rights guaranteed to resident under the Ohio and U.S. Constitution except those rights which are specifically taken away by the appointment of a Guardian. A few examples of fundamental rights and privileges not lost through the guardianship include:

1. Treated with Dignity and Respect

All Ward have the right to be treated with dignity and respect.

2. Safe – Least Restrictive Residential Setting

a. Wards have the right to be safe and to reside in the least restrictive residential setting.

b. This requires investigation and knowledge in terms of the options available to the individual you are serving.

- c. If someone does not need a nursing home level of care – then he/she should not be in a nursing home. The individual has a right to be safe and to have his/her basic needs met in the manner that imposes the least restrictions on their independence.

3. Right to Vote

Guardianship does not terminate a Ward's right to vote unless the Probate Court specifically finds and rules otherwise. Absent a Probate Court finding that an individual has lost the right to vote, then the Ward retains the right to vote.

4. Right to Privacy

- a. Wards do not lose the right to privacy merely by virtue of having a Guardian appointed. Often times Guardians forget that individuals have a right to privacy with regard to their health care and finances. Guardians fall into the habit of thinking that because they have to freely discuss these issues with the Court and providers, that the same is public knowledge and available to be discussed with anyone. A Guardian has no right to disclose private medical information to third parties or even other family members against the will of the individual being served.

- b. Individuals being served through a guardianship still have a right to privacy.

5. Right to Religious and Spiritual Freedom

A Guardian may not limit an individual's right to religious expression even if the guardian disagrees with the individual's belief. Moreover, it is equally wrong for a Guardian to impose his/her beliefs on the individual being served.

6. Right to Drive

If there is a dispute between the guardian and Ward about the Ward's capacity to drive, the guardian should consult with the Ward's physician. A physician may make a referral to the Ohio Bureau of Motor Vehicles requesting that an individual's license be re-evaluated or suspended due to their infirmities.

C. What About Everything Else?

While certain fundamental rights retained by Wards seem obvious (i.e., the right to be treated with dignity and respect), the topic of what rights a Ward retains can very quickly become confusing and leave a Guardian feeling uncertain about what a Guardian can or cannot do. Multiple provisions of Sup.R. 66 now require that Wards be allowed to make as many decisions for themselves as possible.

D. Best Interest Decision-Making Standard

Sup.R. 66 provides that all decisions a Guardian makes should be focused on the Best Interest of the Ward. The definition of Best Interest is the first cornerstone to understanding what rights a Ward retains.

1. Best Interest: means the course of action that maximizes what is best for a Ward, including consideration of the **least intrusive, most normalizing, and least restrictive course** of action possible given the needs of the Ward.

In addition to the directives set forth directly in the definition of Best Interest, other provisions of Rule 66 also address a Guardian's decision-making process.

2. Exercise Due Diligence

A guardian shall exercise due diligence in **making decisions that are in the best interest of a Ward**, including but not limited to communicating with the Ward and being fully informed about the implication of the decisions.

3. Least Restrictive Alternatives

Unless otherwise approved by the Probate Division of a Court of Common Pleas, a guardian shall make a choice or decision for a Ward that best meets the needs of the Ward while **imposing the least limitations on the Ward's rights, freedom, or ability to control the Ward's environment**. To determine the least restrictive alternative, a guardian may seek and consider an independent assessment of the Ward's functional ability, health status, and care needs.

4. Person-Centered Planning

A guardian shall advocate for services focused on a Ward's wishes and needs to reach the Ward's full potential. **A guardian shall strive to balance a Ward's maximum independence and self-reliance with the Ward's best interest.**

Sup.R. 66 provides an emphasis on giving the Ward as much independence and involvement in the decision-making process as possible. Every situation that arises must be viewed on a case-by-case individualized basis. Guardians must avoid arbitrarily imposing restriction on a Ward's rights to make decisions even if the Ward is making decisions different from those the Guardian would make. If a Ward's actions pose risk of harm or legal sanction, then the Guardian should intervene.

E. Rights Restrictions and Providers

Guardians need to understand that imposing rights restrictions may lead to problems and disputes with residential and health care providers. While Guardians are

accountable to the Probate Courts, most health care providers are licensed and regulated by the Ohio Department of Health. Nursing homes face sanctions up to and including closure if they impose restrictions or restraints upon an individual against his/her will. This includes individuals who have been deemed incompetent. Likewise, the Ohio Department of Developmental Disabilities regulates Intermediate Care Facilities and Community Based Providers. They have the Behavior Support Rule which provides that a provider faces sanctions up to and including revocation of licensure if they impose a restriction on someone's rights that is not supported by an imminent threat of harm to the individual or alternatively legal sanctions. Guardians must recognize that these rules can foster disputes between Guardians and providers.

Rights and Privileges of a Ward

Directions: James has a Full Guardian. James has experienced a horrible industrial accident and makes poor decisions on a regular basis. He is in a safe, stable living environment.

Select **Yes**, **No** or **Maybe** to indicate if James has the following rights.

	Yes	No	Maybe
1. James can attend worship services.	X		
2. James can fire a doctor he doesn't like.		X	
3. James can smoke cigarettes.			X
4. James can vote.	X		
5. James can date and engage in sexual activity			X
6. James can buy birthday gifts for family.		X	
7. James can drive a car.			X

II. Examining Needs of Adults Under Guardianship

A. Keep in Mind:

1. The Details of the Day Count in Overall Quality of Life.

Note: Sometimes in the interest of our medical model of care, or of maximum efficiency or productivity, we have forgotten that most people crave familiar, predictable experiences in the day. People with impaired capacity crave the feeling of familiarity just as much if not more than others. So the question becomes not just how to keep someone safe and healthy but what situations can allow a person to be an environment that he/she find familiar as well.

2. Pay Close Attention to the Level and Type of Assistance – Too much fosters dependency and helplessness, too little can risk health and safety.

Note: We have a tendency in the past to go to one extreme or the other depending on the resources of the person, the resources of the community in which he/she lives and the current understanding of the person's disability.

We now recognize that we have to carefully look at the level and type of assistance. We often need to be more creative to find assistance which best meets someone's individual needs.

3. Needs May Change Over Time So Reassessment From Time to Time Is Important.

Note: Again, it used to be quite common to look at a person's needs once and then not again for quite a long time. We now recommend reassessing needs at least twice a year if not more often depending on the person's level of impairment. Do not wait for a crisis to request a reassessment.

B. 9-Step Approach to Examining Needs

This approach adapted with Permission from Georgia Anetzberger, Community Based Services in 4th Ed. Functional Performance of Older Adults 2015

1. Step 1 – Investigate!! Sources of Information

- a. The person themselves (what do they want or think they need?). Try to get past any communication barriers that may exist to get as much input from the person as possible.
- b. The person's family, friends, neighbors and care providers (paid and unpaid) to this point. This may also include people from a religious or ethnic community.
- c. Current Court Investigation Documents as well as past Court records.
- d. Physical and Mental Assessments as well as medical records (for guardians of the person). Also talk to doctors and other care providers to understand the person's current medical diagnoses as well as ongoing treatments and challenges.
- e. Legal and financial records (for guardians of the estate especially).
- f. Care planning documents from past or current housing and other services. Nursing facilities and other residential facilities will have care planning documents if someone has lived there for more than a month. These take many different forms depending on the facility but most will have an outline of needs, goals and plans for achieving those goals. The person may also have a **case or care manager** if they are receiving services in the community. You should make yourself known to this person and talk to them as well.

2. Step 2 – What activities Give Meaning to the Day?

a. Working

i. Paid and Unpaid Employment

Nor everyone will want, need or be able to work. However, many people with developmental disabilities or other brain injuries will want to work and be capable of working to some extent. We should be willing to support this effort and use creativity to enable people to find and maintain employment if possible.

ii. Part-time employment is sometimes more doable. People also may be open or willing to volunteer for an entity in a capacity that resembles work and provides the same degree of challenge and interaction as a paid position.

b. Learning

i. Formal Opportunities

There are many kinds of formal learning environments and not all of them are colleges and universities. Some of them are senior centers, community recreation centers, metro parks, zoos, libraries, art centers and other places that have classes, discussions and hands on learning opportunities for people of all skill levels.

ii. Informal Opportunities

Certain types of relationships, friendships and activities involve an element of learning. These should be sought out and encouraged as long as they are in an area that interests and challenges the person.

iii. Web or Technology based learning

Many types of web-based learning exist for people of all skills levels. This includes video sites like YouTube or learning sites like museum sites and RV show-based sites. These sites are opening new ways of communicating and learning for those who are not able to be as mobile as others.

c. Giving

Contributing to an Activity or a Cause

These abound in our culture whether it is running a race or a marathon, assisting in a school or another venue, assisting in an animal based cause can provide meaning and purpose to a person's activities. They should be sought out and facilitated if possible and safe for the person.

d. Doing

i. Leisure

Everyone needs experiences that are quite simply relaxing. These experiences are different for each person. Too often, those with disabilities are sitting in a chair all day watching television because there is no other activity for them. This may provide leisure for some but not for most. For some, it will be a car ride in the county, for some a walk and for others, it might involve music or food. It is important to try to discover what provides true leisure to a person.

ii. Sensory Exposure

Appropriate sensory exposure is vital. It takes different forms depending on a person's situation. But engaging all of the senses at a variety of levels can be helpful in balancing a day for a person. Too often, persons with disabilities are not provided with appropriate or engaging sensory exposure each day. Animals can be very useful in providing sensory exposure to some. Music and art can also be very useful.

iii. Physical Movement

Movement is vital for a number of reasons including bone and muscle health, digestion, and emotional health. Almost any movement is important depending on the person's level of disability. Appropriate movement should be encouraged and facilitated throughout the day.

iv. Spiritual/Religious

Does the person have a religious community that he/she regularly participates in or has participated in? What is the person's spiritual/religious background? Does the person express (verbally or not) the desire to participate in spiritual or religious activities? Does the person enjoy spiritual hymns, art, movies, and outings?

3. Step 3 – What is Your Person's Current Health Status?

a. Physical Health – Most people have a doctor or other health care person who can help a guardian understand what challenges the person is facing. Guardians of the person especially need to identify health concerns as they will be responsible for making treatment decisions in discussion with their person in the future.

b. Mental Health – Mental health concerns are as important as physical challenges. The assessment for the guardianship often includes an assessment by a professional of the person's mental health. This can be a starting point to understand as much as possible what kinds of health needs a person may have now or can be anticipated.

- c. Medication – It is very important to verify what medications a person is taking and whether they are causing any problems.
- d. Current Treatments – The pre-guardianship assessment may also capture these issues. It also may be important to see what may be needed in the future as the guardian of the person will be asked to approve most if not all of these interventions. You also may want to consider the following information sources: health fairs and eldercare locator.
- e. Nutritional Needs – We often overlook the nutritional needs of the person. However, it may be important to look currently at unmet needs in order to try to improve health by meeting the person’s nutrition needs. This includes food likes and dislikes as well as ethnic and religious preferences.

4. Step 4 – What Daily Assistance Does Your Person Need?

- a. Does the Person Require Assistance with Any of the Following?
- b. How Much?
- c. Who is Assisting Now?
 - Bathing
 - Dressing
 - Grooming
 - Toileting
 - Eating a Nutritional Diet
 - Walking
 - Getting out of Bed/Chair
 - Using the Telephone
 - Shopping for Daily Items
 - Transportation
 - Managing Money
 - Doing Laundry
 - Doing Light Housework
 - Preparing Meal
 - Other Daily Tasks in your person’s life – List Them

5. Step 5 – Your Person’s Financial Planning Needs

- a. Financial Resources – a guardian of the estate will obviously take a look at income and other financial resources but even a guardian of the person might need to know this if they are to set up some services/caregivers to assist a Ward. Is there Social Security, Supplemental Security Income

(SSI), or Veterans Income availability that is not being accessed at this point?

- b. Assets and Personal Property – a guardian of the estate will provide the inventory for the Court but again the Ward’s assets and property might help to determine what options are open in terms of setting up some services/caregivers to assist in day to day needs. Are there very important items in the Ward’s personal property that should go with him/her in the event of a move?
- c. Long Term Care Planning – Does the Ward have long term care insurance? Does he/she have resources which can be used to finance long term care needs? Should a trust or other planning vehicle be set up to meet the long term needs of the Ward?
- d. Veteran’s Services – Is the person a veteran? If so, have they applied for income/services with the veteran’s administration? Veterans have a variety of programs to assist them. See Appendix F for more detailed information.

6. Step 6 – Where to Live? Your Person’s Realistic Housing Options

- a. Where is the person living now?
- b. Where has the person lived in the past? What is familiar?
- c. Are there family/friends close by that are part of your person’s life? If so, who, and what is the level of interaction?
- d. What kinds of special needs does a person have that would impact housing?
- e. What housing is available in his/her community/financial range? Note: In general, there are differences in urban and rural environments. Rural Environments tend to have fewer options but more availability and urban environments have more options but longer waiting lists.
- f. What amount of contact with other people does your person prefer?

Housing Options

Many different types of housing options exist in most communities. There has been a huge growth in community-based options for people wanting to stay in their own neighborhoods and communities. Many of these offer some services to assist people with disabilities such as transportation, meals, and chore services. There might be waiting lists for some of these options,

especially in urban areas. In general, people with more resources have more choices. People with progressive illnesses might need to move into a type of housing that offers more support as they require more daily assistance. There is no one-size-fits-all type of housing.

- Independent Housing
 - The Ward's own house/condo
 - Live with family/friends
 - Own apartment
 - Subsidized or supported apartment
- Adult Care Facility/Group Homes – 1-16 individuals who require daily living assistance
- Assisted Living Facilities – 16+ individuals who require daily living assistance
- Nursing Care Facilities – individuals require nursing and other health care assistance as well as daily living assistance

7. Step 7 – Your Person's Emergency Planning Needs

- a. Does your person wander? If so, is there a plan to prevent wandering or locate him/her if lost?
- b. Does the person have ID if needed? Is it accessible to the person and/or to the guardian?
- c. Are there evacuation plans if there should be a natural disaster such as tornado or flood?
- d. Are the people around the person trustworthy and would they be available for assistance in an emergency?
- e. Is the person easily available by phone?

8. Step 8 – Your Person's End of Life Planning

- a. What are the person's thoughts about death? Has the person signed a Living Will or asked the doctor to draft a Do Not Resuscitate Order? How does the person feel about life-sustaining treatments? Would the person consider hospice if he/she had a terminal condition?

- b. What are the person's wishes after death? Do they wish to have cremation or burial of remains?
- c. What are the person's religious/cultural traditions or background?
- d. Are there plan in place for funeral/burial? List them
- e. Are there resources if the plans have not been made? List them

End of Life Planning Issues.

- Do Not Resuscitate Orders (and other Advance Directives such as Living Wills)
- Hospice vs. Palliative Care (Similarities and Differences)
- Pre-planning considerations (ask questions before signing contracts)
- Indigent burial (municipal responsibility in Ohio)
- Donation of bodies, tissue or organs (medical schools in Ohio)
- Specific veterans issues (including burial, markers, flags)

9. Step 9 – Additional Concerns and Goals

- a. Issues not noted in Steps 1-8
- b. Setting Goals – Note on the bottom of each page
 - i. Immediate Goals (0-3 months)
 - ii. Intermediate Goals (3-12 months)
 - iii. Long-Term Goals (12 + months)
- c. Goals become part of your yearly plan to be submitted to the probate court under Sup.R. 66.01-66.09
- d. Existing Programs and Services
 - i. Many counties, cities and townships have resource guides that already exist which detail the availability of services, housing and other programs for people with various disabilities and impairments. Some are hard copy and some are online.

- ii. One source to check is the 211 provider in your community. This is an information and assistance system which exists throughout the U.S. and in most communities.
- iii. Another federal source is the website www.disability.gov which has national links but can also link you to resources in Ohio.
- iv. Many federal, state and local programs also exist which provide income and services to assist with day to day needs. See Appendix F for a description of some of these important programs.
- v. Many of the names of these programs are close to each other and can be confusing. Also they often use acronyms (first initials) in the name of the program and this can also lead to misunderstanding and confusion.
- vi. SSI, Social Security, Medicaid, Medicare

RESPONSIBILITIES AND DUTIES OF GUARDIANS

I) RESPONSIBILITIES OF GUARDIANS.

II) RESPONSIBILITIES TO WARDS.

III) DUTIES OF GUARDIAN OF PERSON.

IV) GUARDIAN OF ESTATE DUTIES.

V) GUARDIAN USE OF FUNDS.

VI) HOW TO SEEK HELP FROM THE COURT.

I.  **Responsibilities of Guardians**

Guardians have the ultimate responsibility to assist the Ward with decision-making with deference to all orders and instructions from the Probate Court. Sup.R. 66.08 provides a list of responsibilities required of all Guardians.

A. Obey Laws, Court Orders and Court Rules

A Guardian shall obey all orders of the Probate Division of a Court of Common Pleas establishing the guardianship and shall perform duties in accordance with local rules and state and federal law governing guardianships. Procedural rights are enumerated in R.C. 2111 et seq.

B. Pre-Appointment Meeting

Unless otherwise determined by the Probate Division of a Court of Common Pleas, an applicant Guardian shall meet with a proposed ward at least once prior to appearing before the Court for a guardianship appointment.

C. Reporting Abuse, Neglect, or Exploitation

A Guardian shall immediately report to the Probate Division of a Court of Common Pleas and, when applicable, to adult protective services any appropriate allegations of abuse, neglect, or exploitation of a ward. The alleged incompetent must attend the guardianship appointment hearing unless extreme circumstances prevent him/her from attending.

D. Limitation or Termination of Guardianship

A guardian shall seek to limit or terminate the guardianship authority and promptly notify the Probate Division of a Court of Common Pleas if any of the following occurs:

1. A ward's ability to make decisions and function independently has improved;
2. Less restrictive alternatives are available;
3. A plenary guardianship is no longer in the best interest of a ward;
4. A ward has died.

E. Change of Residence

1. A Guardian shall notify the Probate Division of a Court of Common Pleas of a ward's change of residence and the reason for the change. Except if impracticable, the Guardian shall notify the Court no later than ten days prior to the proposed change.
2. A ward's change of residence to a more restrictive setting in or outside of the county of the Guardian's appointment shall be subject to the Court's approval, unless a delay in authorizing the change of residence would affect the health and safety of the ward.

F. Court Approval of Legal Proceedings

A Guardian shall seek approval from the Probate Division of a Court of Common Pleas before filing a suit for the ward.

G. Annual Plan

A Guardian of a person shall file annually with the Probate Division of a Court of Common Pleas a guardianship plan as an addition to the Guardian's report. A Guardian of an estate may be required to file an annual guardianship plan with the Probate Division of a Court of Common Pleas. The guardianship plan shall state the Guardian's goals for meeting the ward's personal and financial needs.

H. Annual Registration

All Guardians appointed by the Court who have ten or more wards under their care shall annually register with the Probate Division of a Court of Common Pleas and provide such information as the Court may require, including but not limited to a fee schedule that differentiates guardianship services from legal or other direct services.

I. Ward's Principal Income

A Guardian shall inform the Probate Division of a Court of Common Pleas and apply to close the guardianship of the estate if the principal income of the ward is from governmental entities, a payee for that income is identified, and no other significant assets or income exist.

J. Limits on Guardian's Compensation

1. A Guardian's compensation is subject to Sup.R. 73.
2. A Guardian who is in receipt of fees other than through the guardianship of the estate shall report to the Probate Division of a Court of Common Pleas

- the source and entity which reviewed and authorized payment.
3. A Guardian shall not receive incentives or compensation from any direct service provider providing services to a ward.

K. Avoid Conflict of Interest

A Guardian shall avoid actual or apparent conflicts of interest regarding a ward's personal or business affairs. A Guardian shall report to the Probate Division of a Court of Common Pleas all actual or apparent conflicts of interest for review and determination as to whether a waiver of the conflict of interest is in the best interest of the Ward.

L. Preserve the Ward's Legal Documents

In addition to filing an inventory, if applicable, pursuant to R.C. 2111.14(A)(1) and within three months after the Guardian's appointment, a Guardian shall file with the Probate Division of a Court of Common Pleas a list of all of the Ward's important legal papers, including but not limited to estate planning documents, advance directives, and powers of attorney.

II.  **Responsibilities to Ward**

Sup.R. 66.09 goes further in providing additional responsibilities that a Guardian must fulfill to a Ward. These are important to know and understand.

A. Professionalism, Character, and Integrity

A Guardian shall act in a manner above reproach, including but not limited to avoiding financial exploitation, sexual exploitation, and any other activity that is not in the best interest of the Ward.

B. Exercising Due Diligence

A Guardian shall exercise due diligence in making decisions that are in the best interest of a Ward, including but not limited to communicating with the Ward and being fully informed about the implications of the decisions.

C. Least Restrictive Alternative

Unless otherwise approved by the Probate Division of a Court of Common Pleas, a Guardian shall make a choice or decision for a Ward that best meets the needs of the Ward while imposing the least limitations on the Ward's rights, freedom, or ability to control the Ward's environment. To determine the least restrictive alternative, a Guardian may seek and consider an independent assessment of the Ward's functional ability, health status, and care needs.

D. Person-Centered Planning

A Guardian shall advocate for services focused on a Ward's wishes and needs to reach the Ward's full potential. A Guardian shall strive to balance a Ward's maximum independence and self-reliance with the Ward's best interest.

E. Ward's Support System

A Guardian shall strive to foster and preserve positive relationships in the Ward's life unless such relationships are substantially harmful to the Ward. A Guardian shall be prepared to explain the reasons a particular relationship is severed and not in the Ward's best interest.

F. Communication with Ward

1. A Guardian shall strive to know a Ward's preferences and belief system by seeking information from the Ward and the Ward's family and friends.
2. A Guardian shall do all of the following:
 - a. Meet with the Ward as needed, but not less than once quarterly or as determined by the Probate Division of a Court of Common Pleas;
 - b. Communicate privately with the Ward;
 - c. Assess the Ward's physical and mental conditions and limitations;
 - d. Assess the appropriateness of the Ward's current living arrangements;
 - e. Assess the needs for additional services;
 - f. Notify the Court if the Ward's level of care is not being met;
 - g. Document all complaints made by a Ward and assess the need to report the complaints to the Court of Common Pleas.

G. Direct Services

Except as provided in Sup.R. 66.04(D), a Guardian shall not provide any direct services to a ward, unless otherwise approved by the Court.

H. Monitor and Coordinate Services and Benefits

A Guardian shall monitor and coordinate all services and benefits provided to a Ward, including doing all of the following as necessary to perform those duties:

1. Having regular contact with all service providers;
2. Assessing services to determine that they are appropriate and continue to be in the Ward's best interest;
3. Where the Guardian of the Person and Guardian of the Estate are different individuals, consulting regularly with each other.

I. Extraordinary Medical Issues

1. A Guardian shall seek ethical, legal, and medical advice, as appropriate, to facilitate decisions involving extraordinary medical issues.
2. A Guardian shall strive to honor the Ward's preferences and belief system concerning extraordinary medical issues.

J. End of Life Decisions

A Guardian shall make every effort to be informed about the Ward's preferences and belief system in making end of life decisions on behalf of the Ward.

K. Caseload

A Guardian shall appropriately manage the Guardian's caseload to ensure the Guardian is adequately supporting and providing for the best interest of the Wards in the Guardian's care.

L. Duty of Confidentiality

A Guardian shall keep the ward's personal and financial information confidential, except when disclosure is in the best interest of the ward or upon order of the Probate Division of a Court of Common Pleas.

III.    **Duties of Guardian of the Person**

A. R.C. 2111.13 and Sup.R. 66

1. Protect and control the person of the Ward;
2. To provide suitable maintenance of the ward when necessary (to be paid for out of the estate of the ward);
3. To obey all orders and judgments of the Probate Court touching the guardianship;

B. What do these Statutory Duties mean?

1. Arranging services to meet needs

- a. Best interest: All decisions made by Guardian must be made in the best interest of the Ward.
- b. This is an objective standard. Never base the decision on reasons that are advantageous to the Guardian at the expense of the individual. Allow the individual to make as many decisions as possible for themselves. Do not exclude the Ward or the Ward's family when making major decisions.
- c. Daily living: Responsible for coordinating the provision of daily activities, which may include the following:
 - a. Groceries, shopping, laundry, mail
 - b. Attending worship, clubs, social events;
 - c. Attending Care Plan meetings or Service Plan meetings with Providers;
 - d. Attending/arranging doctor appointments;
 - e. Hiring/firing home health providers

2. Make Involvement Known

- a. Keep certified copies of Letters of Guardianship on hand;
- b. Contact the following about appointment as Guardian and provide copies of Letter of Guardianship:
 - a. Caseworkers
 - b. Nursing home: social worker, nursing staff, accounting department;
 - c. Home health aides or other agencies that are involved with the individual;
 - d. Hospitals, physicians, health care providers;
 - e. Local senior center and other social clubs/organizations if necessary.

C. Informed Consent

1. To provide informed consent, the Guardian must understand the situation fully and conduct the appropriate amount of due diligence. At a minimum, the Guardian should ensure that he/she understands:
 - a. The condition(s) necessitating the treatment or action;
 - b. The expected outcome of the decision;

- c. The expected benefits and potential consequences;
 - d. The cost or harm of delaying or postponing the procedure;
 - e. All viable alternatives and why they are not a better option;
 - f. The opinion and desire of the Ward.
2. Second Medical Opinion. The Guardian should not hesitate to seek a second opinion if it is a major decision, or where the Guardian is unsure of what action to take.
 3. Signature

Whether consenting to a heart transplant or requesting that a landlord change a furnace filter, the Guardian of the Person should have a uniform signature that clearly delineates who the Guardian is and in what capacity the Guardian is signing the document. A model signature should look like: *"Fred Flintstone, Guardian of the Person of Barney Rubble."*

D. Best Practices

Although not specifically required by statute or rule, a best practice that assists Guardians with providing the best possible services while remaining accountable to the Court is to **maintain a Guardianship Log**. This log can be kept in hardcopy form or electronic form. Regardless of the form, it should be kept safe and confidential from third parties. The intent of the guardianship log is to document relevant events happening in the guardianship. This information is tracked for the benefit of the Ward, the Guardian and the Court so that all can have an accurate record, calendar and summation of key events/activities occurring within the guardianship. A good guardianship log will include:

1. Meetings/Visits: For each meeting about the Individual or visit with the individual, there should be an entry with the date, list of person(s) present and a short summary of the meeting/visit.
2. Doctors/Health Care Appointments: The guardianship log should include a calendar of upcoming doctors' appointments as well as reminders for when doctors' appointments to be scheduled.
3. Medications: It is not uncommon for individuals subject to guardianship to have complicated health scenarios that require multiple prescription medications. It is important to have a centrally maintained log of all prescription medications.

4. Complaints from Providers / 3rd Parties: To the extent that Providers and/or 3rd parties are complaining, whether the complaints are about you or the Ward, it is important to track those complaints and insert notes about any follow-up action you took as a result of the Complaint.
5. Relevant Dates: Guardians have a duty to report to the Court on certain dates/times.
 - a. It is important to log when the next Guardian's Report and Expert Evaluation are due to the Court. Because Expert Evaluations can sometimes take several weeks or months to obtain, the calendars should have reminders as to when the Guardian should start working on obtaining the necessary information.
 - b. Date Guardian's Report and Expert Evaluation to be filed
 - c. Individual's birthday

E. Guardian of Person/Reporting to Court

1. Guardian's Report
 - a. Read at time of appointment.
 - b. Understand what is required.
 - c. Does it sync with Expert Evaluation?
2. Statement of Expert Evaluation
3. Notice of move
4. Approval for move
5. Annual Plan
6. Compliance with continuing education

IV. **Guardian of the Estate Duties**

Guardians of the Estate also derive their authority and duties from statutes. R.C. 2111.14 & 2109 et seq. specifically provide certain duties for Guardians of the Estate:

- A. File inventory (discussed in section V. B. in detail)
Due within 3 months of appointment
- B. Manage the estate for "best interest" of Ward.

- C. Defend/pursue lawsuits. It is the duty of a Guardian of the Estate to defend and pursue all lawsuits on behalf of the ward.

Note: Court approval is required before:

1. Filing lawsuits on behalf of a Ward and
2. Settling any lawsuits on behalf of a Ward.

- D. Obey all orders and judgments of the Probate Court.

- E. Government benefits. The Guardian of the Estate should assist the Ward with procuring all available government benefits (i.e., Social Security, VA benefits, Medicaid/Medicare)

Note: Probate Courts do not have jurisdiction over federal agencies but will expect Guardians to pursue available resources. These resources (VA benefits, SSI, etc.) should be reported nonetheless to the Probate Court. Probate Courts need to know what resources are available to a Ward in order to properly approve/disapprove applications to expend funds on behalf of the Ward.

- F. Deposit wills of the Ward: Required to be filed with Probate Court

- G. File final account within 30 days of termination.

- H. Secure assets until executor/administrator of estate appointed

- I. Hire an attorney

V. Guardian Use of Funds

- A. Securing Funds

1. Application to Release Funds (**Form 15.6**).
 - a. Used to take possession of assets;
 - b. Notifies Court of what assets are being released to Guardian.
2. Guardianship Checking Account. Open a guardianship checking account at an FDIC insured bank. Follow Court-approved procedures for opening a checking account.
 - a. Request copies of cancelled and returned checks;
 - b. Never co-mingle funds;

- c. Do not use cash.
3. Investments. Guardians must preserve principal and invest assets with the intention of preserving principal and not creating growth or income.
 4. Safety Deposit Box. A Guardian cannot access a safety deposit box until:
 - a. The contents have been audited by a representative from the County Auditor's office;
 - b. An inventory of the contents has been filed with the Court;
 - c. The Court authorizes the Guardian to access the safety deposit box.
- B. File Inventory (**Form 15.5** Guardian's Inventory)
1. Must be filed within 3 months of appointment;
 2. List all assets belonging to individual;
 3. List the asset value as of the date of appointment;
 4. Describe assets in as much detail as possible, including:
 - a. Account types and balances;
 - b. Face value and cash surrender value of all life insurance policies;
 - c. Location and box number of safety deposit box;
 - d. Identify location and existence of any Wills/Trusts and arrange for deposit of the same with Court;
 - e. Include address and legal description for all real estate;
 - a. For rental property, list whether property is vacant/occupied and indicate anticipated rents;
 - b. For motor vehicles list year, model, make and estimate of value;
 - c. List uncashed checks on hand at date of appointment (any checks/income received post-appointment would be reflected on accounting and not inventory).
- C. Distribution / Expenditures
1. **Form 15.7** Application for Authority to Expend Funds
 2. Must be filed by Guardian of the Estate and approved (in writing) before the

Guardian can proceed with distributing any asset(s).

3. The Application for Authority to Expend Funds must provide the Court with sufficient detail. Providing detail to the Court is beneficial to the Court and allows the Court to make decisions more expeditiously. Providing detail can also avoid unnecessary hearings.
4. Budget. For someone who has considerable ongoing monthly expenses, these can be aggregated and approved in the form of a budget. The Court can approve budgeted amounts for repetitive expenditures. If the actual amount necessary to pay any of the budgeted expenditures exceeds the approved amount in the budget, then further Court approval (in writing) must be received before the excess expenditure is paid out.
5. All Disbursements. These provisions apply to all disbursements. Accordingly, whether you are transferring assets into a Trust or buying birthday presents for a niece, all such expenditures must be approved by the Court.

D. Accounting (**Form 15.8**)

1. Accountings are required on the anniversary of the Guardian's appointment. Each Accounting should specify the beginning and ending dates of the accounting period.
2. Special Accountings. Special accountings may be ordered by the Court at any time and may apply to any specific situation or time period.
3. Distributions. All distributions must be listed and explained. There should be a correlating voucher or receipt for each distribution.
4. Guardianship Bank Account. All guardianship income, receipts, expenses and distributions should be processed through one central guardianship bank account.
5. At all times the Guardian must remain respectful of the Court and be honest with the Court. Even if a Guardian thinks he/she has made a poor decision for a Ward, it is best to be up front and volunteer that information to the Court.

E. Reporting Requirements

1. Inventory
2. Accountings
3. Expenditures

4. Guardian's Reports

VI. How to Seek Help from Court

- A. Know your local court. Different courts have different preferences for how they want guardians to seek Court guidance. Some courts prefer that the guardian call the court.
- B. File a written motion for instruction. The majority of Courts will prefer that the Guardian put any concerns they have in writing and file the same with the Court in the form of a Motion. The Motion should explain in detail the decision the Guardian is making as well as an explanation of what decision the Guardian believes is in the Ward's best interest. The manner in which these motions are addressed by the Probate Court will vary from court to court and it is imperative that the guardian understand the local rules of the probate court at issue.
- C. Ohio law prevents probate court staff from giving legal advice to the person(s) appearing in those courts. In the event a guardian has questions or needs assistance, it is always a best practice for the guardian to consult with an attorney having experience in guardianship law.

HANDLING SPECIFIC SITUATIONS

- I) ABUSE, NEGLECT OR EXPLOITATION OF PERSONS UNDER GUARDIANSHIP.**
- II) ADDRESSING PROBLEMS WITH CARE.**
- III) MARRIAGE AND FAMILY RELATIONSHIPS.**
- IV) CRIMINAL MATTERS.**
- V) GUARDIAN LIABILITY.**
- VI) CONFIDENTIALITY.**
- VII) REMOVAL OF GUARDIAN & COMPLAINTS.**

I. Abuse, Neglect or Exploitation of Adults Under Guardianship

A. Sup.R. 66.08 C. Reporting Abuse, Neglect, or Exploitation

A Guardian shall immediately report to the Probate Division of a Court of Common Pleas and, when applicable, to adult protective services any appropriate allegations of abuse, neglect, or exploitation of a Ward.

B. Two sets of state rules covering reporting of abuse, neglect, and exploitation in Ohio—depending on the population

1. Over age 60-Adult Protective Services Statute-R.C. 5101.2-20
2. Adults with Developmental Disabilities-R.C. 5123.61 Major Unusual Incidents (MUIs), Unusual Incidents (UIs)
3. Age 18-59 & without a developmental disability--no statewide system exists except law enforcement. Still must report situations to Probate Court under Sup.R. 66.08 C.

Short Summary of Adult Protective Services for those over age 60

1. Adult Protective Services (APS) is responsible for investigating reports of suspected abuse, neglect, or exploitation of **Ohioans aged 60 and older**. APS is part of each County Department of Job & Family Services (CDJFS). The Ohio Revised Code defines:
 - a. “Abuse”: infliction upon an adult by self or others of injury, unreasonable confinement, intimidation or cruel punishment with resulting physical harm, pain, or mental anguish.
 - b. “Neglect”: failure of an adult to provide for self the goods or services necessary to avoid physical harm, mental anguish, or mental illness or the failure of a caretaker to provide such goods or services.
 - c. “Exploitation”: the unlawful or improper act of a caretaker using an adult or an adult’s resources for their monetary or personal benefit, profit or gain.
2. If you have reasonable cause to suspect that an older person is being abused, call or write the County APS office.

3. Additionally, the following categories of professionals are required to report suspected abuse to the ODJFS immediately when they have reasonable belief that an adult is being abused, neglected, or exploited, or is in a condition which is the result of abuse, neglect, or exploitation:
- Attorney
 - Physician
 - Osteopath
 - Podiatrist
 - Chiropractor
 - Dentist
 - Psychologist
 - Nurse
 - Peace officer
 - Coroner
 - Clergyman
 - Social Work
 - Counseling
 - Employees of
 - Hospitals
 - Ambulatory health facilities
 - Home health agencies
 - Adult care facilities
 - Community alternative homes
 - Nursing homes
 - Residential care facilities
 - Homes for the aging
 - Senior service providers
 - Community mental health facilities

If suspected abuse is reported in good faith, you are immune from civil or criminal liability and your employer cannot retaliate against you.

4. APS must investigate “emergency” reports within 24 hours and all other reports within three working days. An emergency report is one in which there is a substantial risk of immediate physical harm to an individual or others. The investigator must meet face to face with the abused adult, who is given written notice of the investigation and, when possible, also consult with the person reporting abuse. The investigation results in a written report, which either confirms or denies the need for protective services.
5. If available, APS services may include, but are not limited to, the provision of casework services, medical care, mental health services, legal services, fiscal management, home health care, homemaker services, housing-related services, guardianship services and placement services. They also may include the provision of food, clothing and shelter.

6. APS can petition Probate Court for a temporary restraining order to prevent interference or obstruction of its investigation by any person, including the abused adult. The court must find (a) that there is reasonable cause to believe the adult is being or has been abused, neglected, or exploited, and (b) that access to the adult's residence has been obstructed. APS can also petition the court to approve a service plan providing involuntary services. The adult must receive a notice describing his or her rights and the consequences of a court order at least five working days before a hearing on the petition. An indigent adult has the right to a court-appointed attorney. Notice of the hearing must also be sent to the adult's Guardian, attorney, caretaker and spouse.
7. The court must find by clear and convincing evidence that (a) the adult has been abused, neglected, or exploited; (b) the adult is in need of protective services; (c) the adult is incapacitated; and (d) no other person authorized by law is available to give consent. If the court so finds, it must issue an order requiring protective services for up to six months, but can be re-authorized for up to a year.

Short Summary of Adults with Developmental Disabilities-Reporting Major Unusual Incidents & Unusual Incidents

All DD employees (defined as an employee of the Ohio Department of Developmental Disabilities [DODD], employee of a county board or an employee in a position that includes providing specialized services to an individual) are mandated reporters and must report Major Unusual Incidents (MUIs) and Unusual Incidents (UIs) and take the required actions in accordance with Ohio Administrative Code (OAC) 5123:2-17-02.

1. Protocol MUIs - Protocol MUIs are those MUIs which may constitute a crime. The categories are: Death (Suspicious and Accidental), Physical abuse, Sexual abuse, Verbal abuse, Prohibited sexual relations, Peer-to-peer acts, Neglect, Misappropriation, Exploitation, Rights code violations, Failure to report a crime or MUI.
2. Non-protocol MUIs - Non-protocol MUIs are those MUIs which do not constitute a crime but have an adverse effect on the individual. The categories are: Death (naturally occurring), Attempted suicide, Law enforcement, Missing individual, Medical emergency, Known injury, Unknown injury, Unscheduled hospital admission, Unapproved behavior support.
3. Unusual incidents include, but are not limited to: Medication errors, Falls, Peer-to-peer incidents that are not MUIs, Overnight relocation of an individual due to fire, natural disaster, or mechanical failure, and Any injury to an

individual that is not an MUI.

4. An investigative agent, pursuant to R.C. 5126.221, will complete an investigation of the MUI. County board staff may assist an investigative agent by gathering documents or entering information into databases or other administrative or clerical duties that are not specific to the investigative agent role.

C. Incidence & Prevention

4. Estimated to occur far more often than reporting indicates especially in the exploitation area.
5. Prevention includes a whole host of activities including:
 - a. Respite for family and professional caregivers
 - b. More training for those who are mandatory reporters and investigators
 - c. More adequate funding and follow up
 - d. More consistency & communication between counties and other entities.
6. For more information, go to:
www.ocapsohio.org
www.proseniors.org
www.disabilityrights.org

II. Addressing Problems With Care

A. An Individual's Rights

Individuals in **ANY** care setting have rights which are listed in the Ohio Revised Code depending on the type of facility or care he/she is receiving.

Typical Types of Rights for those Receiving Care:

1. Be free from physical, verbal, mental, and emotional abuse;
2. Be free from physical and chemical restraints;
3. Be treated with dignity and respect;
4. Receive adequate & appropriate care to meet medical, social, & emotional needs;
5. Receive itemized bills for services rendered;
6. Be informed in advance of the charges for services;
7. Participate in planning of care;
8. Voice grievances and problems;

9. Control who has access to medical records;
10. Be free from financial exploitation and to manage own personal affairs;
11. Receive reasonable notice before a room or roommate change;
12. Receive notice of any transfer, discharge or discontinuation of services and be given information about any available appeal process;
13. Receive these rights in writing upon admission or start of care.

B. Rights of Guardians to Information

Guardians have the right to stand in the place of a person and thus have rights to read care charts, attend care conferences and request changes.

C. Complaints/Problems

The role of any care situation is to help each individual maintain everything he/she is able to do at admission and reach a better level if possible. Sometimes individuals do show decline but this could be due to one of three reasons: progression of a disease, onset of a new disease or condition, or the individual's decision to refuse treatment. The care a person receives should **never** be the cause of a physical or emotional decline.

1. Care Plans & Conferences

- a. Most care providers (whether residential or home based providers) will be putting a care plan together for the individual. The individual and the Guardian should be consulted in this process. It contains goals, activities, and procedures. Many times the person will receive a care/case manager and this person acts as an intermediary between the provider and the individual.
- b. Care planning meetings are often set up with representative staff from all departments who will be interacting with this individual to determine the goals for this person's care. Guardians of the Person must be informed of the time of the meeting and allowed to attend. In addition, the individual must be allowed to attend if he/she requests.
- c. Care planning meetings are required at admission at nursing facilities and in many other types of programs when care starts. Usually they are also required every 3-6 months after that. However, if the person's physical condition changes, there should be a meeting and a Guardian can request a meeting at any time. Any problems should be brought up at a care planning meeting.

2. Staff Discussions and Documentation of Problems

Always try to bring concerns up first to staff who are working directly with a person or those who are directly responsible for the person's care. Remember that it is also helpful to share with them what is going well with the person. It may be helpful to keep notes of persons, dates, times and topics when you have discussed a concern with staff members. These may be helpful in following up. If concerns are more serious or not adequately addressed, they should be put in writing to the director of the facility/agency.

3. Ombudsman

If concerns continue, individuals and their families can contact the Long Term Care Ombudsman Program whose purpose is to assist in settling problems, questions, and complaints about care not only in nursing facilities but also in other living situations and community based care settings. The number is 1-800-282-1206 or www.aging.ohio.org. Other types of programs often have an ombudsman who can mediate disputes as well.

4. Written Complaints to Licensing Entity

To make a formal complaint, contact the Ohio Department that licenses the entity. **All written complaints must receive a follow up by the licensing entity.**

- a. For complaints about Nursing and Assisted Living Facilities, contact: Ohio Department of Health at 1-800-342-0553 or www.odh.ohio.gov.
Hint: Put all complaints in writing to the Director of the Facility/ Company/Agency.
- b. For complaints about Group Homes and Adult Care Facilities, contact: Ohio Department of Mental Health at www.mha.ohio.gov. Download an incident reporting form and fax it to 614-485-9737.
- c. For Developmental Centers and Intermediate Care Facilities for Individuals with Developmental Disabilities IDF-IDD, contact: Ohio Department of Developmental Disabilities at www.dodd.gov. (Covers Developmental Centers and Intermediate Care Facilities for Individuals with Developmental Disabilities ICF-IDD)
- d. For all Medicaid Home Care Waiver Services such as PASSPORT, Ohio Home Care, contact: Ohio Department of Medicaid at www.medicaid.ohio.gov.

III. Marriage and Family Relationships

A. Marriage

1. In Ohio, a marriage is a contractual relationship. Ohio's Marriage requirements are set forth in R.C. 3101 which provides that Probate Courts have the exclusive responsibility of issuing marriage licenses.

Dating back to 1923, Courts have consistently held that the appointment of a Guardian operates as a presumption of contractual incapacity in any action to enforce contracts made by the Ward during the period of legal guardianship. Essentially, Wards have traditionally been divested of any contractual capacity.

Legal Citation:

Goss v. Fiorini (1923), 108 Ohio St.115, 140 N.E. 324; *Huntington Natl. Bank v. Toland* 71 Ohio App.3d 576, 594 N.E.2d 1103 Ohio App.10 Dist. (1991); *Witt v. Ward* (1989), 60 Ohio App.3d 21, 573 N.E.2d 201; *Commonwealth Loan Co. v. Peltz* (July 28, 1983), Cuyahoga App. No. 45778, unreported, 1983 WL 5584; *Krumm v. Helmick* (Jan. 27, 1982), Licking App. No. CA-2828, unreported, 1982 WL 2892; *Motor Discount Corp. v. Kulig* (Dec. 24, 1981), Cuyahoga App. No. 43551, unreported, 1981 WL 4714.

2. This presumption of contractual incapacity and the tenet that marriage is a contract stand at odds and often leads to confusion. The presumption of contractual incapacity can be overcome and a Ward can have the capacity to enter into a marriage contract. The decision for whether a Ward has the capacity to enter into a marriage contract will typically be made by the Probate Court which will examine each case from the viewpoint of being the Superior Guardian and the statutory gate-keeper for the issuance of marriage licenses. In the event an individual subject to guardianship wants to marry, then the Probate Court should be advised at which point a hearing will normally be scheduled to determine whether the Ward has the capacity to enter into a marriage contract.
3. Effect of Marriage: If a Probate Court approves the issuance of a marriage license to a Ward and the Ward marries, then pursuant to R.C. 2111.45, the guardianship of the person is automatically terminated at the time of marriage. Any guardianship of the estate remains in place.

B. Family Relationships

1. Visitation: It is inappropriate and improper for a Guardian to unilaterally restrict the right of other family members or friends to visit the individual. Sup.R. 66 requires that Guardians be prepared to produce supporting documentation for any visitation restriction imposed upon a Ward.
2. Children: In the event an individual has a minor child then the Guardian of the Person of the individual automatically becomes the Guardian of the Person of the minor child as well. If this exceeds the capabilities of what a Guardian can handle, the guardian should report this to the Probate Court prior to the birth of the child.
3. Ward's Dependents: The Probate Court has the jurisdiction, with or without application by the Guardian of the Person and/or the Estate, to order payment for the just expenditures incurred or to be insured on behalf of the Ward and/or the dependents of the Ward from the estate of the Ward.

IV. Criminal Matters

- A. A Guardian's responsibility is to protect the Ward from criminal liability. Nevertheless, Guardians will undoubtedly face situations where individuals commit a crime or could potentially commit a crime.
- B. Ward Commits a Crime
 1. Seek Counsel for Ward
 - a. Notify Public Defender
 - b. Obtain Court approval on an expedited basis to use estate funds to retain counsel
 2. Competency in Criminal Matters

The standard for being incompetent to stand trial in a criminal matter is from the standard to be determined incompetent for purposes of needing a Guardian.
 3. If Individual is incarcerated
 - a. Make sure he/she has prescription medication. Take copies of prescriptions to jail/prison
 - b. Report change of address to Probate Court

Guardianship of the Person duties will likely be suspended while individual is in prison. Do not assume this—confirm with Court

- c. Guardianship of the Estate duties will continue subject to further order of the Court.
4. If Ward is on Probation/Post-Release Supervision or Classified as a Sex Offender:
 - a. Be aware of any reporting and/or registration requirements
 - b. Disclose the supervision to Court and providers
 - c. Make sure providers are able to meet needs/demands of individual
 - d. Ensure that residential placement does not put individual in jeopardy of violating statutory requirements (i.e., do not approve placement right next to a school, etc.)
 - e. Seek professional counseling/help for the individual as needed.
5. If a Ward is adjudicated incompetent to stand trial, Guardians need to be aware that the statute of limitations may be tolled (suspended) under the right circumstances. This means that if the Ward's circumstances or capacity changes then prosecution could be restarted.

V. Guardian Liability

A. Contracts

Guardians must be aware of what acts/mistakes could give rise to personal liability on the part of the Guardian. Guardians will inevitably be required to enter into a contract on behalf of the individual being served. In such instances, it is important to know how Guardian's avoid having personal liability for those contracts or debts. Guardian liability for contracts and Guardian liability for debts are both addressed statutorily in R.C. 2111.151.

Pursuant to R.C. 2111.151(A), Guardians do not have personal liability for contracts they enter into on behalf of an individual they are serving if:

1. The Guardian is entering into the contract in his/her representative capacity as Guardian.
2. The contract is within the Guardian's Scope of Authority. Be mindful of limitations that apply if the guardianship is limited to person only, estate only or otherwise limited by Court.

3. The Guardian's status is disclosed. Again, the signature is often the Guardian's greatest shield to personal liability. All consents, documents and contracts, should be uniformly signed in a clear representative capacity.

For example, "*Fred Flintstone, Guardian of the Estate for Barney Rubble.*"

B. Guardian Liability

1. Guardians are not liable for debts or acts of an individual unless one of the following applies:
 - a. The Guardian agrees to be personally liable;

Example: Guardian agrees to guarantee payment of mom/dad's lease agreement/nursing home cost.
 - b. A legal relationship exists which gives rise to a duty of support on the part of the Guardian separate and apart from the existence of the guardianship;

Example: Certain family relationships give rise to a legal duty of support.
 - c. The negligence of the Guardian gives rise to the debt/expense;
Negligence can include:
 - i. Failure to file for appropriate benefits (i.e., Medicaid);
 - ii. Failure to ensure Ward's providers are able to fulfill needs;
 - iii. Failure to disclose pertinent information to 3rd parties;
 - iv. Act of Guardian beyond the scope of Guardian's authority gave rise to the debt.
2. Always disclose guardianship capacity in everything you sign:

"John Doe, by Gary Guardian, Guardian of the Person Only for John Doe"
"John Doe, by Gary Guardian, Guardian of the Estate Only for John Doe"
"John Doe, by Gary Guardian, Plenary Guardian for John Doe"
"John Doe, by Gary Guardian, Limited Guardian for Medical Only;"
3. Guardian of Person undertakes actions that require Guardian of Estate;
4. Guardian of Estate authorizes medical procedure;
5. Guardian of Estate expends funds without prior written Court approval.

VI. Confidentiality

One of the most overlooked duties of a Guardian is to protect the confidentiality of the personal affairs of a Ward. Guardians often fall into a trap of believing that because guardianship is established through the Court system that a Ward no longer has a right to privacy with his/her affairs. This is not true and Guardians should always remain vigilant about protecting the confidentiality of Wards. Some relevant facets of Ohio law that Guardians should be mindful of include:

- A. Sup.R. 66 provides: “A Guardian shall keep the Ward’s personal and financial information confidential, except when disclosure is in the best interest of the Ward or upon order of the probate division of a court of common pleas.”
- B. Notwithstanding the rule above, Guardians always have the duty and obligation to be completely transparent and candid with the Court. Sup.R. 45 governs provides the assumption that all Court filings are presumed to be open to the public. Sup.R. 45 also provides that parties who file documents with personal identifiers (i.e., social security numbers, etc.) have an obligation to omit the personal identifiers.

VII. Removal of Guardian and Complaints

A. Removal of Guardian

- 1. Guardians may be removed after having been given ten (10) days’ notice for habitual drunkenness, neglect of duty, incompetency, and fraudulent conduct. R.C. 2109.24
- 2. Guardians may be removed for failure to timely file the inventory, an account or a Guardian’s Report. R.C. 2109.25
- 3. If a Guardian is unable to fulfill his/her duties, then they may be removed (Ex. If a Guardian is called away for military duty). R.C. 2109.25
- 4. The Guardian may be removed at any time if the Probate Court determines that he/she is no longer suitable to serve as Guardian.

B. Complaints about Guardians

- 1. Sup.R. 66.03 requires all Probate Courts to establish local rules which provide a process by which comments and complaints regarding the performance of Guardians.
- 2. The process to be established by each Probate Court will consist of:
 - a. Notice. Notice of the complaint must be given to the Guardian.

- b. Action. Courts are required to take prompt action. This will typically consist of dispatching a court investigator and/or scheduling a hearing.
- c. Record. Courts must maintain a record of the complaint and how the complaint was resolved.
- d. Disposition. Following the action referenced above, Court's must notify the complaining party of the disposition of the complaint.

C. Hearing Requirements

1. Basic rules apply to all guardianship hearings, including but not limited to hearings on appointment, review hearings, account hearings, termination hearings and hearings on complaints.
2. Always be prepared to discuss all facets of the guardianship. Bring supporting documentation and details concerning actions taken and actions contemplated by Guardian. Bring written evidence whenever necessary.
3. Arrange transportation for the Ward to get to and from Court. Wards have the right to attend all guardianship hearings.
4. Remain respectful of the Court. Dress professionally and address the Court respectfully. Some Probate Courts may appear informal but it is imperative that Guardians remain respectful of Court at all times. Remember that Probate Court staff cannot give legal advice.
5. Admit mistakes and be forthright with Court. Guardians have numerous duties and responsibilities and mistakes will occur. If a mistake has occurred, admit the same to the Probate Court so that it is disclosed and can be appropriately addressed by the Probate Court.
6. Retain legal counsel. It is always best for Guardians to be represented by an attorney in all legal proceedings.

Guardianship of Person Checklist

DATE OF APPOINTMENT: _____

- Ward's Legal Papers: Create a list of known legal papers (Estate Planning Documents, POAs, Advance Directives) including location where they are kept. File the list with the court within three months after you are appointed as guardian.
- Request Ward's mail to be forwarded to your address.
- Notice all service providers, caregivers, nursing homes, schools, physicians, Board Of Developmental Disabilities, etc. of your appointment.
- Determine whether any changes should be made or notices given to social security and determine whether any additional benefits may be available to the ward.
- Make a minimum of four visits with your ward each year.
- File the Guardian's Report and Annual Plan yearly (First report is due one year from your date of appointment).
- File a Statement of Expert Evaluation with your Report and Plan unless the Statement of Expert Evaluation has been dispensed with through the approval of Form LCPC 17D.
- Notify the court of any changes in the residence of you or your ward.
- File a Motion to Terminate Guardianship if you feel that the guardianship is no longer needed or upon the death of your ward.

Guardianship of Estate Checklist

DATE OF APPOINTMENT: _____

- WARD'S LEGAL PAPERS: Create a list of known legal papers (Estate Planning Documents, POAs, Advanced Directives) including location where they are kept
MUST BE FILED WITH COURT WITHIN 90 DAYS OF APPOINTMENT
- INVENTORY: Should Include All Assets of Ward (except SSI, VA benefits and other government subsidies for which a Payee is responsible)
MUST BE FILED WITH COURT WITHIN 90 DAYS OF APPOINTMENT
- GUARDIAN BANK ACCOUNT: Locate banking institutions and establish a Guardianship "fiduciary" bank account in your ward's name. The bank should be given a certified copy of your "**Letters of Guardianship.**" Be sure to confirm you will be given cancelled and/or imaged checks with your monthly statement. A Ward's assets should always be segregated and never co-mingled with Guardian funds or funds of another Ward.
- RECORD-KEEPING: Establish a practice and system of record-keeping for all transactions. It is imperative that all receipts and transactional documents are maintained and stored.
- INVESTMENTS: Ensure investments are safe and focused on preserving principal as opposed to pursuing gains or growth.
- MAIL: Request Ward's mail be forwarded to your address.
- PERSONAL PROPERTY: Secure personal property. Best practice is to videotape or photograph all personal property of value, including antiques, collections, etc. Firearms should be preserved and secured from Ward.
- REAL PROPERTY: Locate any deeds, leases or relevant documents.
- CREDIT REPORT: Review Ward's credit report. Notify credit bureaus if any fraud suspected.
- NOTICE: All insurance companies, investment companies, annuities or retirement pensions, tenants and accountants.

- SAFETY DEPOSIT BOX: Notify Court and after following appropriate statutory procedures the contents should be inventoried with appropriate witnesses present.
- VEHICLES: Secure titles (including boats, trailers, atvs, etc.).
- GOVERNMENT BENEFITS: Evaluate appropriateness of applying for additional benefits, including but not limited to Medicaid in light of Ward's assets/income.
- GUARDIAN'S ACCOUNT: First account should relate back to assets disclosed on Inventory. All future accounts should relate back to previously filed account.

MUST BE FILED WITH COURT ON OR BEFORE ANNIVERSARY OF APPOINTMENT

TIPS:

- Deposit all income and liquid assets in guardianship bank account only.
- Sign all documents as guardian of estate.
 - Example: **Jane Smith, guardian of estate of Ted Smith**
- Distribute Letters of Guardianship along with contact information for Guardian.
- Never Expend funds without prior written court approval
- Never delegate your duties as guardian to another.
- Never alter, destroy or undermine Ward's estate planning documents or beneficiary designations.
- Never sale, transfer or gift away Ward's property or any interest therein.
- Never mortgage, pledge or encumber Ward's assets.

PROBATE COURT OF LUCAS COUNTY, OHIO
JACK R. PUFFENBERGER, JUDGE

IN THE MATTER OF THE GUARDIANSHIP OF _____

CASE NO.: _____

GUARDIAN'S REPORT
(R.C. 2111.49)

NOTE: If allotted space is inadequate to respond, write "See Exhibit" in the space and add appropriate exhibit letter sequence, then attach exhibit containing information requested for that space.

1. This is the (check one): 1st, 2nd, 3rd, 4th, 5th, 6th, or _____, Guardian's Report.

2. Ward's present address: _____
City _____ State _____
Zip _____ Telephone (_____) _____

3. Ward's living arrangements at the above address are best described as:

a. His or her own apartment of home (includes assisted living facilities).

b. Private home or apartment of:

(1) the ward's guardian.

(2) a relative of the ward, whose name is:

_____ and relationship is _____

(3) a non-relative whose name is:

c. A foster, group or boarding home.

d. A nursing home.

e. A medical facility or state institution.

f. Other (describe) _____

g. if c, d, e, or f is checked, complete the following:

(1) The name of the home, facility, or institution

(2) The name of an individual at the home, facility or institution who has knowledge and is authorized to give information to the Court about the ward.

Name _____

Telephone Number (_____) _____

4. The ward will be at the address given in Item 2:

a. Indefinitely.

b. Temporarily. The new address and telephone number is:

(1) Unknown. I will provide this information when known.

(2) _____

City _____ State _____

Zip _____ Telephone (_____) _____

5. Guardian's contact with the ward:
- a. Approximate number of times the guardian had contact with the ward during the period covered by this report: _____.
 - b. The nature of those contacts (phone, personal, or other): _____.
 - c. Date the ward was last seen by the guardian: _____.

6. Have you observed any major change in the ward's physical or mental condition during the period covered by this report? () Yes () No

If "yes" is checked, briefly describe the changes.

7. The care given to the ward is () Adequate () Not Adequate

If "Not Adequate" is checked, explain:

8. The guardianship should be () Continued () Not Continued

If "Not Continued" is checked, explain:

9. During the period covered by this report, the ward () has () has not been seen by a physician.

If the ward has been seen, the last date was _____ and for the Purpose of _____.

Attached is a statement by a licensed physician, a licensed clinical psychologist, a licensed social worker, or a mental retardation team, that has evaluated or examined the ward within three months prior to the date of this report regarding the need for continuing the guardianship.

{R.C. 2111.49(A)(1)(i)} (Form 17.1)

If an attorney has been consulted on this report: Date _____

Attorney's Name

Guardian's Signature

(Type or print Attorney's Name)

(Type or print Guardian's Name)

(Street)

(Street)

(City, State, Zip Code)

(City, State, Zip Code)

(_____) _____
Telephone Number

(_____) _____
Telephone Number

Sup. Ct. Regis. No.

**PROBATE COURT OF LUCAS COUNTY, OHIO
JACK R. PUFFENBERGER, JUDGE**

GUARDIANSHIP OF: _____

CASE NO.: _____

**ANNUAL GUARDIANSHIP PLAN
[Sup.R. 66.08 (G)]**

[Attach as addendum to Form 17.7-Guardian's Report.]

I am the guardian of the ____ person only (part 1); ____ estate only (Part 2); ____ both person and estate (Parts 1 and 2) for the named individual. I have identified the following goal(s) for the next year and this is how I intend the goal(s) to be met.

Part 1 - For the Person

Goal - (For example: address medication issues; obtain assistance devices; secure medical and rehab services; meet mental health service needs; secure personal care services; enhance nutrition; improve social skills; etc.)

Means to Meet the Goal – (For example: educate on benefits of medications and compliance; obtain walker, wheelchair, hearing aid; schedule semi-annual checkups/exams; secure outpatient examinations and mental health counseling; arrange for shopping and/or meals on wheels; enroll in sheltered workshop/socialization programs; etc.)

Goal - _____

Means to Meet the Goal –

PART 2 – For the Estate

Goal - (For example: obtain representative payee; enroll in Medicaid; establish Special Needs Trust; improve money handling skills; etc.)

Means to Meet the Goal – (For example: contact Social Security; contact Job and Family Services/Attorney about exempt assets/eligibility; secure supporting documentation; schedule skill training; etc.)

[Attach additional pages if necessary]

If an attorney has been consulted on this plan:

Date _____

Attorney's Signature

Guardian's Signature

(Type or print Attorney's Name)

(Type or print Guardian's Name)

Street

Street

(City, State, Zip Code)

(City, State, Zip Code)

() _____
Telephone Number Supreme Court Reg. No.

() _____
Telephone Number – Include Area Code