

Guardianship of Incompetent Adult

Instructions

Requirements

The alleged incompetent adult must be a current resident of Portage County, Ohio. At the hearing on the application for appointment of guardian, the applicant bears the burden of proving, by clear and convincing evidence of both of the following: (1) the ward's mental incompetence; and (2) that no less restrictive alternative exists to the proposed guardianship (Portage County Local Rule 66.3(B)).

For more information on Guardianship requirements, please refer to Section 2111 of the Ohio Revised Code, and Portage County Local Rule 66.1

Initial filing

- ☐ Application for Appointment of Guardian of Incompetent (Form 17.0)
 - Criminal background check of the applicant (see Local Rule 66.1 for requirements) (must be current within 90 days of filing)
 - Copies of proposed ward's Powers of Attorney or Health Care Powers of Attorney currently in force.
 - Bond commitment (See Local Rule 75.2(C))
- ☐ Ward's Supplement
- ☐ Applicant's Supplement
- ☐ Next of Kin of Proposed Ward (Form 15.0)
- ☐ Judgment Entry Setting Hearing on Application for Appointment of Guardian (Form 15.01)
- ☐ Notice to Prospective Ward of Application and Hearing (Form 17.3)
 - If the prospective ward is in a facility, the name of the facility **must** be on the Notice
- ☐ Waiver of Notice and Consent (Form 15.1)
 - All parties listed on the Next of Kin of Proposed Ward (Form 15.0), who are Ohio residents, must either sign this Consent or be served notice (see Form 17.4)
- ☐ Notice of Hearing for Appointment of Guardian of Alleged Incompetent (Form 17.4) *If applicable*
 - All parties listed on the Next of Kin of Proposed Ward (Form 15.0), who are Ohio residents, must either Consent (see Form 15.1) or be served this notice.
- ☐ Statement of Expert Evaluation (Form 17.1) (must be current within 90 days of filing)
- ☐ Oath of Guardian (Form 15.9)
- ☐ Fiduciary's Acceptance (Form 15.2)

Later Filings

- ☐ Guardian's Bond (Form 15.3) *If applicable*
- ☐ Guardian's Inventory (Form 15.5) *If applicable*
 - Due 3 months following the date of Appointment of Guardian
- ☐ Guardian's Account (Form 15.8) *If applicable*
 - Due 1 year following Appointment of Guardian, and then every other year thereafter.
 - See Portage County Local Rule 77 for citations and sanctions of late filings
- ☐ Guardian's Report (Form 17.7)
 - Due every other year, no later than the anniversary date of Appointment of Guardian
 - See Portage County Local Rule 77 for citations and sanctions of late filings
- ☐ Ward's Last Will and Testament
 - Pursuant to Portage County Local Rule 66.3, the proposed ward's Last Will and Testament is required to be deposited with the Court no later than the earlier of: (1) the date of filing the guardian's inventory; or (2) 30 calendar days after discovery of the Ward's will.
- ☐ Application to Release Funds to Guardian (Form 15.6) *If applicable*
- ☐ Application for Authority to Expend Funds (Form 15.7) *If applicable*