

**PROBATE COURT OF FRANKLIN COUNTY, OHIO**  
**Judge Robert G. Montgomery**

IN THE MATTER OF:

Case No. MR - \_\_\_\_\_

\_\_\_\_\_  
Alleged Mentally Retarded/  
Developmentally Disabled

Date: \_\_\_\_\_

**HEARING ON CONTESTED MATTERS**  
**MENTAL RETARDATION / DEVELOPMENTAL DISABILITY**  
(RC 5123.76)

Initial Affidavit

Continued Commitment

**REPORT OF MAGISTRATE**

**HEARING NOTES**

Attorney for Respondent ("R") \_\_\_\_\_

Attorney \_\_\_\_\_ for  CDC  Other

Court Reporter \_\_\_\_\_

R present  yes  no  Presence waived by R's counsel

\_\_\_\_\_  
Attorney for R discuss hearing and rights with R  yes  no

Physician  Clinical Psychologist for facility \_\_\_\_\_

Qualifications stipulated  Testimony as to qualifications

Authenticity and admissibility of medical records stipulated  Reserving right to object

Age of R \_\_\_\_\_ Comprehensive evaluation dated \_\_\_\_\_

Intelligence range  Mild  Moderate  Severe  Profound

Adaptive behavior range:  Mild  Moderate  Severe  Profound

\_\_\_\_\_  
R requires supportive environment  yes  no

R able to care for basic physical needs  yes  no

Provision for such needs available in community  yes  no

R susceptible to significant habilitation in a facility for MR/DD  yes  no

\_\_\_\_\_

**MR/DD COMMITMENT HEARING WORKSHEET / NOTES (cont'd)**

**Respondent** \_\_\_\_\_

**Case No. MR-** \_\_\_\_\_

Least restrictive environment for R:  Institution  Supervised home  Community  Other

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Is such a facility available in the community  yes  no \_\_\_\_\_

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If a facility is available, is there a current vacancy for R  yes  no

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R on waiting list for less restrictive environment:  yes  no

County:  Franklin  Other \_\_\_\_\_

Additional notes on direct examination: \_\_\_\_\_

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Physician/Psychologist cross examined  yes  no \_\_\_\_\_

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R testify  yes  no \_\_\_\_\_

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Any other witness(es)  yes  no (see page 3 additional notes)

Motion for continuance  R's attorney  CDC attorney/AG  Court

Basis  independent expert  independent counsel  other

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**MR/DD COMMITMENT HEARING WORKSHEET / NOTES (cont'd)**

**Respondent** \_\_\_\_\_

**Case No. MR-** \_\_\_\_\_

Objection  yes  no  CDC attorney/AG  R's attorney

Basis \_\_\_\_\_

Sustained  Overruled  Basis \_\_\_\_\_

Voluntary submitted  Objection by CDC attorney/AG  yes  no

Basis \_\_\_\_\_

Sustained  Overruled  Basis \_\_\_\_\_

Additional hearing notes: \_\_\_\_\_

**FINDINGS OF FACT**

Respondent's county of residence \_\_\_\_\_

The evidence is  is not  clear and convincing that:

Respondent is a person 18 years of age or older, and is at least moderately mentally retarded, and

Respondent represents a very substantial risk of physical impairment or injury to self as manifested by evidence that Respondent is unable to provide for and is not providing for Respondent's most basic physical needs and that provision for those needs is not available in the community

Respondent needs and is susceptible to significant habilitation in an institution

Other findings of fact \_\_\_\_\_

**MR/DD COMMITMENT HEARING WORKSHEET / NOTES (cont'd)**

Respondent \_\_\_\_\_

Case No. **MR-**\_\_\_\_\_

**CONCLUSIONS OF LAW**

Respondent is  is not  a mentally retarded person subject to court ordered institutionalization

Respondent is  is not  entitled to be admitted as a voluntary resident

Other conclusions of law \_\_\_\_\_

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**RECOMMENDATIONS**

The Magistrate recommends that Respondent

be institutionalized for a period of time not to exceed  90 days  two years at

Columbus Developmental Center

other \_\_\_\_\_

pending transfer to

Columbus Developmental Center

other \_\_\_\_\_

The affidavit be dismissed

The record be expunged

The hearing be continued to \_\_\_\_\_, 201\_\_ at 9:00 AM for the following reason(s)

obtain independent expert  obtain independent counsel

other \_\_\_\_\_

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\_\_\_\_\_  
Date

\_\_\_\_\_  
Magistrate