

IN THE PROBATE COURT OF FRANKLIN COUNTY, OHIO
JEFFREY D. MACKEY, JUDGE

GUARDIANSHIP TRANSFERS

There are four types of guardianship transfers. Which is right for my situation?

**TO another
OHIO county**
(R.C. 2111.471)


- If a ward of this court moves to another county within Ohio and acquires a new residence or legal settlement in that other county, AND
- Transferring the guardianship to that county would be in the best interest of the ward

**FROM another
OHIO county**
(R.C. 2111.471)

- If a ward of a probate court of another county within Ohio moves to Franklin County and acquires a new residence or legal settlement in Franklin County, AND
- Transferring the guardianship to Franklin County would be in the best interest of the ward

**TO another
state**
(R.C. 2112.31)

- If a ward of this court moves to another state and acquires a new residence or legal settlement in that other state
- Ohio follows the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (UAGAPPJA)

 **FROM another
state**
(R.C. 2112.32)

- If a ward of a probate court in another state moves to Franklin County, OH and acquires a new residence or legal settlement in Franklin County, OH
- Ohio follows the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (UAGAPPJA)

PROBATE COURT OF FRANKLIN COUNTY, OHIO
JEFFREY D. MACKEY, JUDGE

GUARDIANSHIP TRANSFER FROM ANOTHER STATE
CHECKLIST & FORMS

A ward of a probate court in another state has moved to Franklin County, OH

R.C. 2112.32 - Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (UAGAPPJA)

Note: Four states have not adopted UAGAPPJA: Florida, Texas, Michigan, and Kansas.

Requirements

- The ward must currently be under legal guardianship in another state.
- The ward must be physically present in Franklin County, OH or reasonably expected to move permanently to Franklin County, OH.
- Prior to filing, the guardian must have arranged plans for the care and services for the ward and/or adequate arrangements for the ward's property in Franklin County, OH.

Guardian's Initial Filing

1. Forms completed by Guardian

- Petition to Transfer Guardianship to Ohio from Jurisdiction Outside the State of Ohio (Form PC-G-27.3C)**
 - o If this petition is completed by anyone other than the current guardian, the petitioner must also complete an Application for Appointment of Guardian (Form G-17.0A).
- Guardian - Fiduciary's Acceptance (Form PC-G-15.2A)**
- Next of Kin of Prospective Ward (Form PC-G-15.0)**
- Waiver of Notice and Consent to Petition to Transfer Guardianship to Ohio from Jurisdiction Outside the State of Ohio (Form PC-G-27.3E)**
 - o Everyone entitled to notice in Ohio and under the law of the originating state must either sign this form OR be served Notice of Petition to Transfer Guardianship (Form PC-G-27.3G, below)
- Notice of Petition to Transfer Guardianship to Ohio from Jurisdiction Outside the State of Ohio (Form PC-G-27.3G)**
 - o Must be given to everyone entitled to notice in Ohio and under the law of the originating state who does not sign a Waiver of Notice and Consent (Form PC-G-27.3E, above)
 - o Complete the form with name/address of anyone who needs notice. It will be served by the court.
- BCI/FBI Check**
 - o Guardian must provide a background check. Residents of Ohio who have resided in Ohio 5+ years must complete a BCI check. All others must complete both a BCI and FBI check. More information on where to obtain a background check may be found at: www.ohioattorneygeneral.gov/FAQ/Background-check-FAQs

AND

2. Forms given to Guardian by other court to submit to this court

- Certified copy of the other court's order appointing the guardian**
- Certified copy of the other court's Provisional Order of Transfer**
 - o If the guardianship is transferring from a non-UAGAPPJA state (listed above), this Provisional Order may look different. In any case, the Provisional Order must be clear that the other court knows and approves of the transfer of the guardianship to Ohio.

Court Procedure

- This court shall set the petition to accept transfer for a hearing, either in person or by video conference.
- This court will serve notice of the hearing and Notice of Petition to Transfer Guardianship to Ohio (Form PC-G-27.3G) upon any of the ward's next of kin for whom a Waiver of Notice and Consent (Form PC-G-27.3E) has not been filed. Service will be completed pursuant to Civ.R. 73(E)(3).
- A court investigator will serve notice of the hearing on the ward and file an investigator's report in advance of the hearing.
- Hearing
 - The guardian's presence is required at this hearing.
 - The court will address Sup.R. 66 requirements and administer the oath of guardian.
 - The court will hear any objections to the transfer.
 - For a guardian of the estate, bond will be discussed. Bond does not have to be posted until the Guardian's 2nd Filing.
- After Hearing
 - If this court finds during the hearing that the transfer meets all requirements of R.C. 2112.32(D), this court may provisionally grant the petition.
 - Upon granting the petition, this court will issue the Provisional Order Granting Petition to Transfer Guardianship to Ohio from Jurisdiction Outside the State of Ohio (Form PC-G-27.3I) and mail a certified copy to the other court.

Guardian's 2nd Filing

1. Forms completed by Guardian

- Final Order Accepting Jurisdiction of Guardianship and Appointing Guardian (Form PC-G-27.3K)
- Letters of Guardianship (Form PC-G-15.4)
- Fiduciary's Bond (Form PC-EGT-4.2)
 - o Only if the applicant is seeking appointment as Guardian of the Estate
 - o Must include bond document and power of attorney form from surety

AND

2. Forms given to Guardian by other court to submit to this court OR mailed directly to this court

- Certified copies of the complete authenticated record of the other court, including the appointment, letters of guardianship, bond, inventory, last account (if any), and a full and complete transcript of the other court's docket and journal entries
- A final order transferring the jurisdiction of the guardianship to this court issued by the other court under provisions similar to R.C. 2112.31

Court Procedure

- After the guardian files all forms required in the 2nd filing, this court will:
 - Review the complete record from the other court and ensure all requirements have been met
 - Sign and file Final Order Accepting Jurisdiction of Guardianship and Appointing Guardian (Form PC-G-27.3K) and Letters of Guardianship (Form 15.4)
 - Mail a certified copy of Final Order Accepting Jurisdiction of Guardianship and Appointing Guardian (Form PC-G-27.3K) to the other court
 - Send 3 certified copies of Letters of Guardianship to the guardian or guardian's counsel

PROBATE COURT OF FRANKLIN COUNTY, OHIO
JEFFREY D. MACKEY, JUDGE

IN THE MATTER OF
THE GUARDIANSHIP OF _____

CASE NO. _____

**PETITION TO TRANSFER GUARDIANSHIP TO OHIO FROM JURISDICTION
OUTSIDE THE STATE OF OHIO**
[R.C. 2112.32]

The Petitioner requests the Court approve the transfer of jurisdiction of this guardianship to Franklin County, Ohio from
_____ County, State of _____.

The Guardianship is of the person only estate only person and estate.

Petitioner's Name: _____

Current Guardian's Name: _____

If the Petitioner is not the current guardian, please explain: _____

1. The Ward is physically present in or is reasonably expected to permanently move to Franklin County, Ohio,
or the Ward has significant connections to Franklin County, Ohio.

2. The Petitioner requests that Ohio accept jurisdiction of this guardianship for the following reasons:

- 3. The Petitioner has made reasonable and sufficient plans for care and services for the Ward and/or has made arrangements for the management of the Ward's property in the Franklin County, Ohio. Documentation in support is attached to this Petition.
- 4. The Petitioner will provide a copy of this Petition and Notice of Hearing (if applicable) to all persons entitled who have not waived notice. If the Petitioner is not the current guardian, the current guardian is also entitled to notice.
- A certified copy of the provisional order transferring jurisdiction from the transferring state is attached to this Petition.
- A certified copy of the order appointing the guardian is attached to this petition.

Applicant's Signature

Typed or Printed Name

Address

City, State, Zip Code

Telephone Number (include area code)

E-mail

PROBATE COURT OF FRANKLIN COUNTY, OHIO
JEFFREY D. MACKEY, JUDGE

IN THE MATTER OF
 THE GUARDIANSHIP OF _____

CASE NO. _____

GUARDIAN - FIDUCIARY'S ACCEPTANCE

[R.C. 2111.13, 2111.14, & 2111.15]

I hereby accept the fiduciary duties which are required of me by law, and any additional duties as are ordered by the Court having jurisdiction.

AS GUARDIAN OF THE PERSON AND/OR ESTATE, I WILL:

1. Preserve any and all Wills of the ward and deposit them with the Court for safekeeping.
2. Prepare and file a guardian's report annually, or as directed by the Court when the ward is an adult.
3. Allow my name, address, and telephone number to appear in the Court's docket and be accessible through the Court's website
4. Immediately notify the Court in writing if I change my address or the ward's address.

AS GUARDIAN OF THE PERSON, I WILL:

1. Protect and control the person of my ward, and make all decisions on behalf of the ward based upon the ward's best interest.
2. Provide suitable maintenance for my ward when necessary.
3. Provide such maintenance and education for my ward as the amount of the estate justifies if the ward is a minor and has no father or mother, or has a father or mother who fails to provide maintenance or education.
4. Obey all orders and judgments of the Court touching the guardianship.
5. Authorize or approve medical, health, or other professional care, counsel, treatment, or service.
6. Obtain the written approval of the Court before executing a caretaker power of attorney authorized by R.C.3109.52.

AS GUARDIAN OF THE ESTATE, I WILL:

1. Prepare and file an inventory of the real and personal estate of the ward within 3 months after my appointment. Deposit funds which come into my hands in a lawful depository located within this state. **Guardianship checking accounts must provide canceled checks, as these canceled checks must be displayed when filing accounts.**
3. Invest surplus funds in a lawful manner.
4. Prepare and file an account annually.
5. File a final account within 30 days after the guardianship is terminated.
6. Inventory any safe deposit box of the ward.
7. Expend funds only upon written approval of the Court.

The duties of a fiduciary shall be those required by law, and such additional duties as the Court orders. Letters of appointment shall not issue until a fiduciary has executed a written acceptance of his/her duties, acknowledging that he/she is subject to removal for failure to perform his/her duties, and that he/she is subject to possible penalties for conversion of property he/she holds as a fiduciary. The written acceptance may be filed with the application for appointment.

Date

Fiduciary

PROBATE COURT OF FRANKLIN COUNTY, OHIO
JEFFREY D. MACKEY, JUDGE

IN THE MATTER OF
THE GUARDIANSHIP OF _____

CASE NO. _____

NEXT OF KIN OF PROSPECTIVE WARD

[R.C. 2111.04]

The following are the Prospective Ward’s spouse, living children, other next-of-kin, and current Guardian.

NOTE: Specify age and birth date of each minor under 16 on the line containing the minor’s name. List the name and address of the minor’s parent, guardian or custodian on the name and address lines following the minor’s address.

NOTE: Persons age 16 and 17 must be served via certified mail.

Service Waived	Birth Date of Minor	Relationship to Prospective Ward
<input type="checkbox"/> 1. Name _____	_____	_____
Address _____		Zip _____
<input type="checkbox"/> 2. Name _____	_____	_____
Address _____		Zip _____
<input type="checkbox"/> 3. Name _____	_____	_____
Address _____		Zip _____
<input type="checkbox"/> 4. Name _____	_____	_____
Address _____		Zip _____
<input type="checkbox"/> 5. Name _____	_____	_____
Address _____		Zip _____
<input type="checkbox"/> 6. Name _____	_____	_____
Address _____		Zip _____
<input type="checkbox"/> 7. Name _____	_____	_____
Address _____		Zip _____
<input type="checkbox"/> 8. Name _____	_____	_____
Address _____		Zip _____

Date Applicant

NOTE: If you check the box “Service Waived” above, you MUST bring in a signed waiver from that person for the hearing to proceed.

PROBATE COURT OF FRANKLIN COUNTY, OHIO
JEFFREY D. MACKEY, JUDGE

IN THE MATTER OF
THE GUARDIANSHIP OF _____

CASE NO. _____

**WAIVER OF NOTICE AND CONSENT TO PETITION TO TRANSFER
GUARDIANSHIP TO OHIO FROM JURISDICTION
OUTSIDE THE STATE OF OHIO**

We, the undersigned, do waive the issuing and service of notice of the Petition to Transfer Guardianship to Ohio From Jurisdiction Outside the State of Ohio, and consent to the proposed transfer in its entirety.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

PROBATE COURT OF FRANKLIN COUNTY, OHIO
JEFFREY D. MACKEY, JUDGE

IN THE MATTER OF
THE GUARDIANSHIP OF _____

CASE NO. _____

NOTICE OF PETITION TO TRANSFER GUARDIANSHIP TO OHIO
FROM JURISDICTION OUTSIDE THE STATE OF OHIO

[R.C. 2112.32(B)]

Name

Address

City, State, Zip

Name

Address

City, State, Zip

Name

Address

City, State, Zip

Name

Address

City, State, Zip

You are hereby notified that a Petition to Transfer Guardianship to Ohio from Jurisdiction Outside the State of Ohio was filed on _____, 20 _____. A copy of the Petition is attached to this notice. As next of kin of the above named Ward, you have 30 days to file an objection to the proposed transfer. If an objection is filed, the petition will be set for a hearing before the Franklin County Probate Court, 373 S. High Street, 22nd Floor, Columbus, Ohio 43215.

Guardian

PROBATE COURT OF FRANKLIN COUNTY, OHIO
JEFFREY D. MACKEY, JUDGE

IN THE MATTER OF
THE GUARDIANSHIP OF _____

CASE NO. _____

**PROVISIONAL ORDER GRANTING PETITION TO TRANSFER GUARDIANSHIP
TO OHIO FROM JURISDICTION OUTSIDE THE STATE OF OHIO**

[R.C. 2112.31]

This matter is before this Court on the Petition to Transfer Guardianship from Jurisdiction Outside the State of Ohio. Upon the facts set forth in the Petition and satisfactory evidence the Court finds the following:

1. The Ward is physically present in or is reasonably expected to move permanently Franklin County, Ohio, or if the guardianship is of the estate, the Ward has a significant connection Franklin County, Ohio under R.C. 2112.21(A)(2).
2. No objections to the transfer of this guardianship have been made and/or no objections have been established that the transfer would be contrary to the interests of the Ward.
3. Plans for the care and services for the Ward, and/or adequate arrangements for management of the Ward's property in Franklin County, Ohio are reasonable and sufficient.

This case is set for a non-oral hearing on _____ 20 _____, at _____ o'clock ____ m before this Court on the acceptance of this guardianship and appointment of guardian.

The Guardian is ordered to file authenticated copies of the proceedings from the transferring state accompanied by the Final Order Transferring Jurisdiction to Franklin County, Ohio, issued by the transferring state no later than five days before the non-oral hearing on the appointment.

Date: _____

Jeffrey D. Mackey
Probate Judge

PROBATE COURT OF FRANKLIN COUNTY, OHIO
JEFFREY D. MACKEY, JUDGE

IN THE MATTER OF
THE GUARDIANSHIP OF _____

CASE NO. _____

**FINAL ORDER ACCEPTING JURISDICTION OF GUARDIANSHIP AND
APPOINTING GUARDIAN**

[R.C. 2112.32]

The Guardian has filed a Final Order transferring the proceedings issued by _____ County,
State of _____ with this Court, accompanied by authenticated copies of the proceeding from the transferring
state. Upon review, the Court orders the following:

1. The authenticated copies be admitted for record in this Court.
2. This Court accepts jurisdiction over the Ward and Guardian.
3. _____ is appointed Guardian of the person only estate only
 person and estate of _____, and Letters of Guardianship shall be issued.
4. A Guardian's Bond is ordered in the amount of \$_____, or
 A Guardian's Bond is dispensed with by law, or
 A Guardian's Bond is dispensed with by this Court.
5. For the purpose of assigning due dates, this Court shall use the original date of appointment
of _____.

Date: _____

Jeffrey D. Mackey
Probate Judge

PROBATE COURT OF FRANKLIN COUNTY, OHIO
JEFFREY D. MACKEY, JUDGE

IN THE MATTER OF
THE GUARDIANSHIP OF _____

CASE NO. _____

LETTERS OF GUARDIANSHIP
[R.C.2111.02]

_____ is the appointed Guardian of
_____, an Incompetent Minor. Guardian's
powers are:

All powers conferred by the laws of Ohio and rules of this Court over the ward's:
 Person and Estate Person Only Estate Only

Limited to _____

Those guardianship powers, until revoked, are for an:
 Indefinite time period
 Definite time period to _____

The above named Guardian has the power conferred by law to do and perform all the duties of Guardian as described. No expenditures shall be made without prior Court authorization.

Date: _____

Jeffrey D. Mackey
Probate Judge

NOTICE TO FINANCIAL INSTITUTIONS
Funds being held in the name of the within-named Ward shall not be released to the Guardian without a Court order directing release of a specific fund and amounts thereof.

CERTIFICATE OF APPOINTMENT AND INCUMBENCY

The above document is a true copy of the original kept by me as custodian of this Court. It constitutes the appointment and letters of authority of the named guardian, who is qualified and acting in such capacity.

Date: _____

Jeffrey D. Mackey, Judge

Deputy Clerk

PROBATE COURT OF FRANKLIN COUNTY, OHIO

JEFFREY D. MACKEY, JUDGE

ESTATE OF
GUARDIANSHIP OF
TRUST OF _____

INCOMPETENT
, DECEASED

CASE NO. _____

FIDUCIARY'S BOND

Amount of:

Bond \$ _____

Additional Bond \$ _____

The undersigned principal, and sureties if any, are obligated to the State of Ohio in the above amount, for payment of which we bind ourselves and our successors, heirs, executors and administrators, jointly and severally.

The principal has accepted in writing the duties of fiduciary in the above matter, including those imposed by law and such additional duties as may be required by the Court.

This obligation is void if the principal performs such duties as required.

This obligation remains in force if the principal fails to perform such duties, or performs them tardily, negligently, or improperly, or if the principal misuses or misappropriates the assets or improperly converts them to the fiduciary's use or the use of another.

Date

Principal

Surety

Surety

by _____
Attorney in Fact

by _____
Attorney in Fact

Typed or Printed Name

Typed or Printed Name

Address

Address

City, State Zip

City, State Zip

PROBATE COURT OF FRANKLIN COUNTY, OHIO
JEFFREY D. MACKEY, JUDGE

IN THE MATTER OF
THE GUARDIANSHIP OF _____

CASE NO. _____

ADULT GUARDIANSHIP SERVICE INFORMATION

Ohio law requires that the person for whom appointment is sought be visited and personally served notice of the guardianship application by the probate court investigator at least seven days prior to the scheduled hearing date. The following information is needed to ensure the safety of our court investigators and ensure the Court's ability to timely notify the Prospective Ward as required by Ohio law. [Please fill out this form completely]

1. At the time of the filing of the application for guardianship, the Prospective Ward is physically at:

Street Address: _____

City, State Zip Code _____ Telephone Number: _____

2. Does the Prospective Ward leave the above location on a regular basis (school, work, vacation, etc.) during the day?

Yes No If yes, explain: _____

3. Is there a situation or special circumstance of which the investigator should be aware such as weapons in the home, dangerous situations, contagious diseases, etc.? Yes No If yes, explain: _____

4. Does the Prospective Ward speak a foreign language or have any medical issues or other communication issues which would prevent them from communicating with the investigator? Yes No If yes, explain: _____

The Applicant is responsible for providing the name and phone number of someone (which may be the Applicant) who may be contacted by the court investigator during regular business hours (8:00 a.m. – 5:00 p.m.) if assistance is required to complete service.

Contact Person's Name: _____ Telephone Number: _____

CAUTION: The hearing will not occur unless the visit is completed at least seven days prior to the scheduled hearing date, unless otherwise approved by the court. If there is a change in the location of the Prospective Ward between the time the application is filed and the hearing date, it is the Applicant's responsibility to notify the court investigator at (614) 525-6109 or (614) 525-6296.

Attorney/Applicant Signature

PROBATE COURT OF FRANKLIN COUNTY, OHIO

JEFFREY D. MACKEY, JUDGE

ESTATE OF
GUARDIANSHIP OF
TRUST OF _____

INCOMPETENT
, DECEASED

CASE NO. _____

ENTRY SETTING HEARING

The Court orders that a hearing be set on the _____ day of _____, 20 _____ at _____ o'clock _____ m.

to consider: _____

as filed on the _____ day of _____ 20 _____. The hearing will be held in Probate Court, Franklin County Courthouse, 373 South High Street, 22nd Floor, Columbus, Ohio 43215-6311.

The Court orders the person requesting this hearing to serve notice as required and file the proof of service.

Jeffrey D. Mackey, Judge

Hearing requested by:

Attorney for Applicant

Applicant's Signature

Attorney's Registration No.

Address

City, State, Zip Code

Telephone Number (include area code)