

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 TO ANOTHER STATE
CHECKLIST & FORMS

A ward of this court has moved from Franklin County, Ohio to another state

R.C. 2112.31 - 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 Franklin County, OH.
- The ward must be physically present or reasonably expected to move permanently to a state other than Ohio.
- 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 that state.

Guardian's Initial Filing

- Petition to Transfer Guardianship to Jurisdiction Outside the State of Ohio (Form PC-G-27.3B)**
 - o **Must include the address in another state where the ward is physically present or to which the ward is reasonably expected to move permanently.**
- Next of Kin of Ward (Form PC-G-15.0)**
- Waiver of Notice and Consent to Transfer Guardianship to Jurisdiction Outside the State of Ohio (Form PC-G-27.3D)**
 - o **Everyone entitled to notice of guardianship in Ohio must either sign this form or be served Notice of Petition to Transfer Guardianship (Form PC-G-27.3F, below)**
- Notice of Petition to Transfer Guardianship to Jurisdiction Outside the State of Ohio (Form PC-G-27.3F)**
 - o **Must be given to everyone entitled to notice of guardianship in Ohio who does not sign a Waiver of Notice and Consent (Form PC-G-27.3D, above)**
 - o **Complete the form with name/address of anyone who needs notice. It will be served by the court.**
- Provisional Order to Transfer Guardianship to Jurisdiction Outside the State of Ohio (Form PC-G-27.3H)**

Court Procedure

- This court shall set the petition to accept transfer for a paper hearing decision date, which serves as a deadline.
 - o No appearances are required at the paper hearing.
- This court will serve the Notice of Petition to Transfer Guardianship (Form PC-G-27.3F) upon any of the ward's next of kin for whom a Waiver of Notice and Consent to Transfer (Form PC-G-27.3D) has not been filed. Service will be completed pursuant to Civ.R. 73(E)(3).
 - o The Notice will include the paper hearing decision date as a deadline for the next of kin to contact the court.
- If any person entitled to notice objects to the transfer, then the court may set the petition and any objection for a hearing to take place in-person or by video conference, and will serve notice of that hearing to all persons entitled to such notice.

- Review
 - Upon review of the initial filing document, or after a hearing on the matter, if this court finds that the transfer meets all requirements of R.C. 2112.31(D) (for guardianship of the person) and/or R.C. 2112.31(E) (for guardianship of the estate), this court may provisionally grant the petition.
 - Upon granting the petition, this court will issue the Provisional Order to Transfer Guardianship to Jurisdiction Outside the State of Ohio (Form PC-G-27.3H) and will provide a certified copy to the guardian.
 - This court will mail a certified copy of the Provisional Order to Transfer Guardianship to Jurisdiction Outside the State of Ohio (Form PC-G-27.3H) to the other court.

Guardian's Procedure and 2nd Filing

- The guardian shall petition for guardianship in the new court and provide the new court with the Provisional Order to Transfer Guardianship to Jurisdiction Outside the State of Ohio (Form PC-G-27.3H), issued by this court.**
- FILE: The guardian must obtain a certified copy of a provisional order accepting jurisdiction from the new court, under provisions similar to R.C. 2112.32(F), and file the order with this court.**
 - o **At the new court's discretion, it may send the certified copy of a provisional order accepting jurisdiction directly to this court.**
 - o **It is the guardian's responsibility to communicate with the new court and to ensure the provisional order accepting jurisdiction is filed with this court.**
- FILE: Final Order Confirming Transfer of Guardianship to Jurisdiction Outside the State of Ohio (Form PC-G-27.3J)**

Court Procedure

- After the guardian files all documents required in the 2nd filing, this court will:
 - Review the filings and ensure all requirements have been met.
 - Issue the Final Order Confirming Transfer of Guardianship to Jurisdiction Outside the State of Ohio (Form PC-G-27.3J), terminating this court's jurisdiction over the guardianship.
 - Mail to the new court a certified copy of this court's authenticated record, including the appointment, letters of guardianship, bond, inventory, last account if any, a full and complete transcript of this Court's docket and journal entries, up to and including this Court's Final Order to Transfer Guardianship to Jurisdiction Outside the State of Ohio (FORM PC-G-27.3J).
 - o The Final Order (Form PC-G-27.3J) may not be issued until all documents required to terminate a guardianship in Ohio have been filed in this Court, which may include the filing of a final account.

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

IN THE MATTER OF
THE GUARDIANSHIP OF _____

CASE NO. _____

PETITION TO TRANSFER GUARDIANSHIP TO JURISDICTION
OUTSIDE THE STATE OF OHIO
[R.C. 2112.31]

As Guardian of _____, the Petitioner requests the Court
approve the transfer of this guardianship to _____, County, State of _____.

1. The Ward is physically present in or is reasonably expected to permanently move to the state identified above, or the Ward has significant connections to the receiving state.
2. The Petitioner requests that Ohio transfer 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 receiving state. Documentation in support is attached to this Petition.
4. The Petitioner will send a notice of this Petition to all persons entitled who have not waived notice.
5. The name and address of the Court that will be accepting jurisdiction is:

Name: _____ Address: _____

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. _____

NEXT OF KIN OF PROSPECTIVE WARD

[R.C. 2111.04]

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

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.

Table with 3 columns: Service Waived, Birth Date of Minor, Relationship to Prospective Ward. Contains 8 rows for listing next of kin with checkboxes and blank lines for name, address, and zip code.

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 TRANSFER GUARDIANSHIP
TO JURISDICTION OUTSIDE THE STATE OF OHIO**

We, the undersigned, do waive the issuing and service of notice of the Petition to Transfer Guardianship to 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 JURISDICTION OUTSIDE THE STATE OF OHIO**

[R.C. 2112.31(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 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 OF TRANSFER OF GUARDIANSHIP TO
JURISDICTION OUTSIDE THE STATE OF OHIO**

[R.C. 2112.31]

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

1. The Ward is physically present in or is reasonably expected to move permanently outside the jurisdiction of the State of Ohio, or if the guardianship is of the estate, the Ward has a significant connection to the receiving state 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 the receiving state are reasonable and sufficient.

The Guardian is ordered to petition the receiving state to accept jurisdiction of this guardianship and file a copy of the provisional order accepting jurisdiction within 60 days of the filing of this Entry.

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 CONFIRMING TRANSFER OF GUARDIANSHIP TO
JURISDICTION OUTSIDE THE STATE OF OHIO**

[R.C. 2112.31]

The Guardian has filed a provisional order issued by _____ County,
State of _____ accepting this guardianship. Upon review, the Court orders the following:

1. A Final Order Confirming Transfer of Jurisdiction of Guardianship to Jurisdiction Outside the State of Ohio be issued.
2. The guardianship in this Court is terminated and the guardian discharged.
3. The Guardian's Bond, if any, shall be discharged.

Date: _____

Jeffrey D. Mackey
Probate Judge