Guardianships

Guardianships

A guardianship is a relationship in which the guardian makes decisions and acts for persons who are not able to care for themselves or their property.

Who can be a guardian?

An adult person who is a resident of Ohio or a corporation can be a guardian.

Who needs a guardian?

Persons who are unable to take care of themselves or their property may need a guardian.

Who selects the guardian?

Persons may name their preferred guardian in a power of attorney or other appropriate document, however, the court must approve the choice of guardian.

How is a guardianship started?

You start the guardianship process by filing an application in the probate court of the county where the proposed ward resides. If the proposed ward is an adult, two assessments will take place to help the court determine if the guardianship is necessary. One will be conducted by the court investigator and one by an appropriate professional such as a doctor. A hearing will then be held to determine whether the guardianship is necessary and, if so, who will be the guardian.

Rights of the Proposed Ward

The following are the rights of any proposed ward.

- the right to be present at the hearing
- the right to contest the application for guardianship
- the right to suggest less restrictive alternatives
- the right to have a court reporter at the hearing
- the right to have a friend or family member present at the hearing
- the right to have an independent evaluation by a court-appointed doctor
- the right to an attorney

Guardian's Responsibilities

If you become a guardian for a friend or family member, you may be asked to be the guardian of the person and not their property or assets. In such a case, you will be responsible for making sure the ward's personal and everyday needs are met. This means you may have to make decisions about medical treatment, help make choices about housing and transportation, and generally make decisions about personal care necessities and options. In short, you become responsible for the overall health and welfare of the ward.

In addition, each year you will be responsible for filing a report with the probate court describing the mental and physical condition of the ward that also details the continuing need for the guardianship.

If you become a guardian and you agree to be responsible for the person's estate (or assets), the court requires you to make regular reports about how you are handling the ward's financial affairs. These reports will include:

Inventory. Upon appointment as guardian of a person's estate, you are required to file a listing of all of the ward's assets.

Accounting. Once a year, a guardian of a ward's estate must file an account showing all receipts and expenditures from the ward's estate over the past year and detailing the remaining assets.

Prior approval. If you are guardian of a ward's estate, you must obtain approval from the court before expending the ward's funds, entering into contracts or leases on behalf of the ward, making improvements to real estate owned by the ward, mortgaging real estate, selling the ward's assets, or settling any claim of the ward.

How is a guardianship terminated?

A guardianship ends when the ward dies, by court order, or, in the case of a minor guardianship, when the minor turns 18.

Fees

Guardians are entitled to collect fees for services as determined by this court's local rules. Fees must be approved by the court.

What is a conservatorship?

A conservatorship is where a mentally competent but physically infirm adult asks the court to appoint a conservator to care for the applicant's person, property or both.

Who chooses the conservator?

The applicant selects the conservator, subject to the court's approval at a hearing.

Conservator's Responsibilities

The applicant can limit the authority of the conservator. After the application is granted, the laws which apply to guardianships also apply to the conservatorship.

How is a conservatorship terminated?

The conservatorship will end when the person dies, when the person becomes mentally incompetent, or when the person chooses to end it.

Franklin County Probate Court

Guardianships

Other helpful resources

Adult Protective Services, Inc.	614-525-4348
Franklin County Board of Developmental Disabilities	614-475-6440
Franklin County Board of Health Senior Wellness Clinics and Services	614-525-3719
Franklin County Dept. Job and Family Services Adult and Nursing Home Services,	614-525-5847

This pamphlet has been prepared as a public service to provide an understanding of guardianships. It is an overview and should not be considered as a legal reference.

Robert G. Montgomery, Judge

FRANKLIN COUNTY
COURT OF COMMON PLEAS
PROBATE DIVISION

Franklin County Probate Court

Franklin County Courthouse
373 South High Street • 22nd Floor
Columbus, Ohio 43215-6311

HOURS
Monday - Friday: 8:00 a.m. - 5:00 p.m.
(Cashier closes at 4:30 p.m.)

GENERAL INFORMATION
614-525-3894

ADDITIONAL INFORMATION
Probate.franklincountyohio.gov

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