

Adult Guardianships

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 guardianship 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.

Other helpful resources

Adult Protective Services, Inc.
614-525-4348

Franklin County Board of Developmental Disabilities
614-475-6440

Franklin County Department of Job and Family Services
Medical Support Services
614-233-2833

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

Jeffrey D. Mackey,
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

GUARDIANSHIP INFORMATION LINE

614-525-3858

ADDITIONAL INFORMATION

probate.franklincountyohio.gov

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Adult Guardianships



Franklin County
Probate Court

What is guardianship?

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

Who can be a guardian?

If qualified,

1. An adult person who is a resident of Ohio can be a guardian of the estate and/or person.
2. A non-resident of Ohio may be a guardian of the person.

Who needs a guardian?

Persons who are mentally impaired and unable to take care of themselves or their property may need a guardian. The person under guardianship is called a ward.

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 expert professional such as a doctor or psychologist. 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

All prospective wards have the following rights.

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

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 be bonded and 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 list 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, if the ward regains competence 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.