

IN THE COURT OF COMMON PLEAS, PROBATE DIVISION, GEauga COUNTY, OHIO  
Judge Timothy J. Grendell

Information Sheet  
Helping A Challenged Person

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**WARNING**

This Information Sheet is intended to provide you with an overview of the subject matter, effective as of the date noted in the upper left-hand corner. This Information Sheet is not intended to provide you with all legal information that may be necessary for you to decide upon a course of action, and the information provided may not be error-free, complete, or accurate. Moreover, this Information Sheet may not accurately describe the cited sections of the Ohio Revised Code or cited case law. Finally, this Information Sheet is not intended as a substitute for legal advice from a competent licensed attorney, who is familiar with all of the relevant facts of your case, and therefore the Help Center recommends that you seek legal advice from a competent licensed attorney that you select before taking any action. While the Help Center can provide you with a limited amount of general legal information, neither the Help Center staff nor any other Court employee can give you any legal advice.

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Background

Some adults, by reason of disease or illness, may present a substantial risk of physical harm to self or others, as manifested by recent behavior, which could be suicidal, violence, or threats of violence. Assuming that the challenged adult refuses to be admitted to a medical facility for immediate evaluation and treatment, probate court has the authority in some circumstances to order that person to be detained and transported to an appropriate medical facility for evaluation and treatment. This information sheet will discuss two methods, which are:

- Hospitalization of Mentally Ill<sup>1</sup>
- Involuntary Treatment for Alcohol and other Drug Abuse<sup>2</sup>

**Hospitalization of Mentally Ill (“Civil Commitment”)**

- “mentally ill person subject to court order” In all events, the probate court may not issue a civil commitment order under R.C. Chapter 5122 unless the Court determines that the challenged person meets the definition of “mentally ill person subject to court order.” That definition is set forth in R.C. 5122.01(A) and (B). At the risk of oversimplification, the four major aspects of the definition include:

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<sup>1</sup> R.C. Chapter 5122

<sup>2</sup> R.C. 5119.90 through 5119.98

- **You are likely to harm yourself** - “Represents a substantial risk of physical harm to self as manifested by evidence of threats of, or attempts at, suicide or serious self-inflicted bodily harm.”
  - **You are likely to harm other people** - “Represents a substantial risk of physical harm to others as manifested by evidence of recent homicidal or other violent behavior, evidence of recent threats that place another in reasonable fear of violent behavior and serious physical harm, or other evidence of present dangerousness.”
  - **You are unable to take care of your own needs** - “Represents a substantial and immediate risk of serious physical impairment or injury to self as manifested by evidence that the person is unable to provide for and is not providing for the person’s basic physical needs because of the person’s mental illness and that appropriate provision for those needs cannot be made immediately available in the community.”
  - **You need treatment to protect your rights or someone else’s rights** - “Would benefit from treatment for the person’s mental illness and is in need of such treatment as manifested by evidence of behavior that creates a grave and imminent risk to substantial rights of others or the person.”
  - **You have a history of lack of compliance with Treatment** – “Lack of compliance with treatment could result is (1) inability to survive without supervision or (2) violent behavior toward other or self.
- **Affidavit of Mental Illness**<sup>3</sup> The Court only becomes involved with the “civil commitment” process after a person, with reliable information or actual knowledge,<sup>4</sup> files with the Court an Affidavit of Mental Illness.<sup>5</sup> While any such person can file that affidavit, typically, that affidavit is prepared and filed by a healthcare professional, who has evaluated the alleged challenged person (the “Respondent”), or a family member who has observed the Respondent. The challenged person must be located in Geauga County. There are two different processes for civil commitment:

**First Process - Emergency Hospitalization - “Pink Slip” Process**<sup>6</sup>

- **Immediate Transport by Professional.** A “professional,” who has reason to believe that a person is a *mentally ill person subject to court order*, may detain and transport the Respondent to an appropriate medical facility. A “professional” is defined in R.C. 5122.10(A) and includes a police officer or deputy sheriff. In Geauga County, typically the Respondent is transported to UH Geauga Medical Center, at 13207 Ravenwood Drive, Chardon, Ohio 44024.

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<sup>3</sup> R.C. 5122.111 – in this Court use form GC PF 17.2 – Affidavit of Mental Illness

<sup>4</sup> R.C. 5122.11

<sup>5</sup> See R.C. 5122.111

<sup>6</sup> R.C. 5122.10

- “Pink Slip”<sup>7</sup> Upon arrival at the medical facility, the professional must prepare and submit to the medical facility a written statement that essentially describes why that professional believes that the Respondent is a *mentally ill person subject to court order*.
- 24-Hour Exam.<sup>8</sup> Within 24 hours after arrival, the medical staff must examine the Respondent.
  - If after that examination the facility’s chief clinical officer<sup>9</sup> determines that the Respondent is NOT a *mentally ill person subject to court order*, then the facility shall immediately release the Respondent (unless the Court has previously issued a temporary order of detention).
  - If after that examination the facility’s chief clinical officer determines that the Respondent IS a *mentally ill person subject to court order*, then the Respondent may be detained at that medical facility for three court days after the expiration of the initial 24-hour period.
    - The chief clinical officer must cause a report (a “Report to Court”) to be prepared that sets forth the findings of the initial 24-hour exam and the basis for the determination that the Respondent is a *mentally ill person subject to court order*.
    - In some cases, the chief clinical officer may elect to transport the Respondent to another medical facility that is better equipped to handle the Respondent.
    - If three court days elapse and no court order of detention is issued, the medical facility must discharge the Respondent.<sup>10</sup>
  - In all events, a challenged person, who is 18 years or older, may elect a voluntary admission to the medical facility, which will avoid any court proceedings.<sup>11</sup>
- File Affidavit of Mental Illness. If after the initial 24-hour exam the facility’s chief clinical officer determines that the Respondent is a *mentally ill person subject to court order*, then he or she may cause an Affidavit of Mental Illness to be prepared and filed with the Court. Typically, that affidavit is prepared by a social worker and promptly delivered to the Court before the expiration of the three court day period in order to avoid having to discharge the Respondent.

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<sup>7</sup> R.C. 5122.10(B)

<sup>8</sup> R.C. 5122.10(D)

<sup>9</sup> 5122.01(K)

<sup>10</sup> R.C. 5122.10(E)

<sup>11</sup> See R.C. 5122.10(E) and 5122.02

- In addition to the Affidavit of Mental Illness, the person presenting that affidavit to the Court will deliver to the Court a copy of the Report to Court, which supports allegations in the Affidavit of Mental Illness.

**Second Process - No Hospitalization** The other process for civil commitment starts by any person, with reliable information or actual knowledge, preparing and filing with the Court the form titled “Affidavit of Mental Illness” (GC PF 17.2). The probate clerk has the appropriate form. Additionally, if the Respondent is not hospitalized, then the person filing that affidavit must prepare another form titled “Sheriff’s Information” (GC PF 17.3), which assists the Sheriff to locate and identify the Respondent.

**Note** - prepare and file both forms titled “Affidavit of Mental Illness” (GC PF 17.2) and the form titled “Sheriff Information” (GC PF 17.3).

Referral to ADAMH Board and Investigation.<sup>12</sup> Within two business days after filing the Affidavit of Mental Illness, the Court will refer that affidavit to the Geauga County Board of Alcohol, Drug Addiction, and Mental Health Board (ADAMH Board) or its delegate. The ADAMH Board shall promptly conduct an investigation, prepare a report, and deliver that report to the Court, to assist the Court to determine whether the Respondent is a *mentally ill person subject to court order*.

#### Initial Probate Court Action

- Probable Cause Determination Upon the filing of the Affidavit of Mental Illness, the Judge (or magistrate) will review that affidavit (and the Report to Court). Typically, the Judge will interview the person who signed the Affidavit of Mental Illness.
  - No Probable Cause. If the Court DOES NOT find probable cause that the Respondent is a *mentally ill person subject to court order*, then the Court will not issue an Order of Detention, and if the Respondent is held in a medical facility, then the facility must discharge the Respondent.
  - Probable Cause. If the Court DOES find probable cause that the Respondent is a *mentally ill person subject to court order*, then the Court may issue an Order of Detention.<sup>13</sup> In that case:
    - If the Respondent is at a medical facility, then that facility will continue to hold the Respondent until a Hearing is held (discussed below).
    - If the Respondent is NOT at a medical facility, then the probate clerk will deliver to a deputy sheriff (1) the Order of Detention and (2) the Sheriff’s Information sheet, and that deputy sheriff will detain the Respondent and transport the Respondent to the appropriate medical

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<sup>12</sup> R.C. 5122.13

<sup>13</sup> An Order of Detention is referred to in R.C. Chapter 5122 as a “temporary order of detention” or “TOD.”

facility (typically UH Geauga Medical Center), where the Respondent will be examined and held until a court hearing.

- Additionally, the probate clerk will deliver to the deputy sheriff the form “Report to Court,” which the staff of the medical facility must prepare and promptly return to the Court following an initial examination.<sup>14</sup>
- Initial Hearing.<sup>15</sup> If the Respondent is involuntarily detained, then the Court shall hold an Initial Hearing within **five court days** after the earlier of (1) filing of the Affidavit of Mental Illness or (2) the date of detention.<sup>16</sup>
  - Continuance. For good cause shown, the Court may continue the Initial Hearing, but the continuance must be not greater than **10 days** after the earlier of (1) filing of the Affidavit of Mental Illness or (2) the date of detention.
  - Place. If the Respondent is detained at a medical facility, typically the Court will hold the Initial Hearing at the medical facility. In that case, the Court will record the proceeding using a tape recorder. The Court may hold that hearing at the courthouse or other suitable location, including in another county.<sup>17</sup>
  - Waiver. The Respondent, either directly or through his or her attorney may waive the Initial Hearing. In such case, if the Respondent is not discharged or voluntarily applies for admission, then the Court must hold a Full Hearing not later than 30 days after the original detention.<sup>18</sup>
  - Appointment of Counsel. Promptly after the Court determines there is probable cause that the Respondent is a *mentally ill person subject to court order*, the Court will appoint legal counsel for the Respondent, although the Respondent has the right to retain legal counsel of his or her own choosing.<sup>19</sup>
  - Notice. Promptly after receipt of the Affidavit of Mental Illness, the Court shall notify (typically written notice) all interested person of the date of the Initial Hearing, including the Respondent, a guardian, the person filing that affidavit, legal counsel for the challenged person, chairman of the ADAMH Board, the chief clinical officer of the medical facility, a designated representative, or a family member.<sup>20</sup>

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<sup>14</sup> See R.C. 5122.13 for more detail regarding the medical process to determine whether the challenged person is a *mentally ill person subject to court order*.

<sup>15</sup> R.C. 5122.141

<sup>16</sup> R.C. 5122.141(B)

<sup>17</sup> R.C. 5122.141(B)

<sup>18</sup> R.C. 5122.141(E)

<sup>19</sup> See R.C. 5122.15(A)(2), (3), and (4)

<sup>20</sup> R.C. 5122.12

- Pre-hearing Examination.<sup>21</sup> In addition to the Report to Court, in preparation for the Initial Hearing the Court may appoint a psychiatrist or licensed clinical psychologist to examine the Respondent and submit to the Court a written report.
- Outcome of Initial or Full Hearing.
  - Clear and Convincing Evidence. The primary purpose of the Initial or Full Hearing, as the case may be, is for the Court to determine whether the evidence presented by the county prosecutor, who represents the ADAMH Board, as rebutted by the attorney for the Respondent, is “clear and convincing” as to whether the Respondent is a *mentally ill person subject to court order*.
    - If the evidence is not clear and convincing, then the Court will order that the Respondent be immediately discharged.<sup>22</sup>
    - If the evidence is clear and convincing, then the Court will order a treatment plan, which typically includes additional hospitalization.<sup>23</sup>
  - Treatment Plan.<sup>24</sup>
    - Inpatient. R.C. 5122.15(C) provides the Court with a variety of options regarding inpatient treatment facilities. The Court order for inpatient treatment should take into account the least restrictive alternative available.<sup>25</sup>
      - 90-Day Period. The court order must not exceed a 90-day period of inpatient treatment. If the doctors providing treatment conclude that the patient requires additional treatment beyond the end of the initial 90-day period, then the county prosecutor may file with the Court an application to extend treatment beyond the initial 90-day period; provided that application is filed at least 10 days before the expiration of the initial 90-day period. Failing the timely filing of such 10-day application, the facility shall discharge the patient.<sup>26</sup> If the Court extends the order for inpatient treatment beyond the initial 90-day period, then the Court may order continued treatment for a period no longer than two years. In such case, the Court must hold a full hearing at least every two years, and upon request of the patient, at least every 180 days. You should carefully read R.C. 5122(H) for more detail.
    - Assisted Outpatient Treatment. If requested by and provided by the ADAMH Board, the Court may order assisted outpatient treatment under that program,” (“AOT Program”), which does not involve overnight hospitalization. Such

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<sup>21</sup> R.C. 5122.14

<sup>22</sup> R.C. 5122.15(B)

<sup>23</sup> R.C. 5122.15(C)

<sup>24</sup> R.C. 5122.15(C)

<sup>25</sup> R.C. 5122.15(E).

<sup>26</sup> R.C. 5122.15(H)

treatment will likely require periodic appointments with a mental health professional, who may prescribe medication. Moreover, the Court may order continuing weekly or monthly informal court hearings, which typically will include member of the ADAMH Board AOT Program and a clinician.

- Forced Medication. If a patient refuses to take prescribed medication, the Court may order that medication be provided by mental health professionals against a patient’s wishes.<sup>27</sup>

For additional reading, you should review the Supreme Court of Ohio Bench Card titled “CIVIL COMMITMENT OF THE MENTALLY ILL,” which is posted on the Court’s Website.

### Involuntary Treatment for Substance Abuse.<sup>28</sup>

- Background. The primary purpose of this process is for Court intervention to assist a person who is not necessarily a *mentally ill person subject to court order*, but rather is a person who meets the following “Required Test”:
  - suffers from alcohol and other drug abuse; and
  - presents an imminent danger or imminent threat of danger to self, family, or others as a result of alcohol and other drug abuse, or there exists a substantial likelihood of such a threat in the near future; and
  - can reasonably benefit from treatment.<sup>29</sup>

Note that the affected person is referred to in this information sheet as the “Respondent.”

**Warning** – Because of the complexity of this process, it is highly recommended that the Petitioner proceed only if represented by an attorney. The applicable law is R.C. 5119.90 to 5119.99, which in any event you should read carefully. While this information sheet refers to forms recommended by the Supreme Court of Ohio, which are posted on that court’s website,<sup>30</sup> those forms, which were issued in 2016, may not fully comply with recent changes in the applicable law,<sup>31</sup> especially the forms titled (i) Petition for Involuntary Treatment for Alcohol and Other Drug Abuse (Form 26.0),<sup>32</sup> and (ii) Certificate of Physician (Form 26.1).<sup>33</sup> The Court has posted proposed forms on its website.

- Initiation of Process. Unlike an Affidavit of Mental Illness, which may be filed by any person, in this proceeding only a spouse, relative, or guardian of the Respondent (the “Petitioner”)

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<sup>27</sup> See the Supreme Court of Ohio & The Ohio Judicial System - Bench Cards “Civil Commitment of the Mentally Ill,” <https://www.supremecourt.ohio.gov/JCS/CFC/resources/probateBenchCards/mentallyill.pdf>

<sup>28</sup> R.C. 5119.90 to 5119.98

<sup>29</sup> R.C. 5119.92

<sup>30</sup> See [https://www.supremecourt.ohio.gov/LegalResources/Rules/superintendence/probate\\_forms/Default.asp](https://www.supremecourt.ohio.gov/LegalResources/Rules/superintendence/probate_forms/Default.asp)

<sup>31</sup> Effective April 12, 2021, the Ohio legislature made significant changes to the applicable statutes.

<sup>32</sup> R.C. 5119.93(B), as amended April 12, 2021, sets forth the requirements for Form 26.0.

<sup>33</sup> R.C. 5119.93(C) set forth the requirements for Form 26.1.

can start the proceedings to cause a court order to have the Respondent detained and hospitalized by filing with the court a petition, known as Petition For Involuntary Treatment For Alcohol And Other Drug Abuse (Form 26.1) (the “Petition”).

- Pre-filing Steps.
  - Who Can File the Petition? The Petition must be signed by a spouse, relative, or legal guardian of the Respondent.<sup>34</sup>
  - Identify Treatment Facility. Petitioner should determine (i) what medical facility should treat the person suffering from alcohol or other drug abuse (the “Respondent”), (ii) the estimated time of treatment, and (ii) the estimated cost of that treatment. The Clerk has a list of facilities that are approved by the Geauga County Board of Alcohol, Drug Addition and Mental Health Services. Before filing the Petition, the Petitioner will need to have obtained from the selected medical facility a form titled “Statement of Treatment” (Form 26.3).<sup>35</sup>
  - Cost of Treatment. Petitioner must determine how the estimated cost of treatment will be paid – e.g., (i) by the petitioner, other family member, or other person, or (ii) by insurance.
    - If an insurance company will pay the estimated cost of treatment, then obtain from the insurance company documentation evidencing the insurance coverage.
    - If an insurance company will not cover the full estimated cost of treatment, then the person who will pay the cost of treatment must sign a Guarantee of Payment, which is attached to the Petition.<sup>36</sup>
  - Physician Examination. Petitioner must have the Respondent examined by a physician, not more than two days before filing the Petition, so that the physician can determine whether the Respondent meets the Required Test. Before filing the Petition, the Petitioner will need to obtain from that physician a form titled Certificate of Physician (Form 26.3), by which that physician certifies to the Court that the Respondent meets the Required Test.
    - Affidavit of Refusal. If the Respondent refused to be examined by a physician, then the Petitioner must prepare and file with the Petition the form titled Affidavit of Refusal (Form 26.2).<sup>37</sup>

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<sup>34</sup> See R.C. 5119.93(A)

<sup>35</sup> See R.C. 5119.93(C)(2)

<sup>36</sup> See R.C. 5119.93(D)(2)(a)

<sup>37</sup> R.C. 5119.93(C)(1) –paragraph two



- Initial Filing Requirements.

- Petition for Involuntary Treatment. The Petitioner must prepare and file the form titled Petition for Involuntary Treatment for Alcohol and Other Drug Abuse (Form 26.0). Note that the Petitioner's signature must be notarized.
- Physician's Certificate. A physician must examine Respondent and then prepare and sign the form titled "Certificate of Physician" (Form 26.1), which must be filed with the Petition. That physician must have examined the Respondent no later than two days before filing the Petition.<sup>38</sup>
- Affidavit of Refusal. If the Respondent refuses to be examined by a physician, then the Petitioner must prepare and file the form titled "Affidavit of Refusal" (Form 26.2) together with the Petition in lieu of the form titled "Certificate of Physician" (Form 26.1).
- Treatment Provider Statement. The intended treatment provider must prepare and sign the form titled "Statement of Treatment" (Form 26.3),<sup>39</sup> which must be filed with the Petition.
- Payment of Treatment Cost. Please carefully review R.C. 5119.93(D). That provision was modified April 12, 2021. In summary, at the risk of misstating those provisions, the following is applicable:

First - The Petitioner must submit with the Petition one of the following:

- A security cost payment to the clerk that equals half of the estimated cost of treatment as shown on the form titled "Statement of Treatment" (Form 26.3), or
- Documentation that establishes that an insurance company will cover half of the estimated cost of treatment, or
- Other evidence of payment that is satisfactory with the Court to ensure payment of the estimated cost of treatment.

Second - The Petitioner must submit with the Petition one of the following:

- A guarantee of payment by the Petitioner or other person who qualifies for examination costs, hearing costs, and treatment cost, or
- Documentation that establishes that an insurance company will cover those costs, or
- Documentation that establishes that the Petitioner or other person who qualifies will cover some of those costs.

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<sup>38</sup> R.C. 5119.93(C)(1)

<sup>39</sup> R.C. 5119.93(C)(2)

- Examination of Petitioner.<sup>40</sup> Upon filing the Petition (and other required documents and payment), the Court will examine the Petitioner under oath to determine the accuracy of the allegations in the Petition. If the Court determines that there is probable cause to find that the allegations are true and that the Respondent will benefit from treatment,<sup>41</sup> then the Court shall do all of the following:
  - Schedule a hearing within seven days<sup>42</sup> to determine if there is clear and convincing evidence that the Respondent meets the Required Test and will reasonably benefit from treatment for alcohol and other drug abuse; and
  - Notify the Respondent and any known the spouse, parents, or nearest relative or friend of the Respondent, or legal guardian of Respondent concerning the allegations and contents of the Petition and of the date and purpose of the hearing; and notify Respondent that:
    - the Respondent may retain counsel and, if Respondent is unable to obtain an attorney, then Respondent may be represented by court-appointed counsel at public expense if Respondent is indigent. Upon the appointment of an attorney to represent the Respondent, the Court shall notify the Respondent of the name, address, and telephone number of the attorney appointed to represent the Respondent; and
    - the Court shall cause the Respondent to be examined, not later than 24 hours before the hearing date, by a physician for the purpose of a physical examination and by a qualified health professional for the purpose of a drug and alcohol addiction assessment and diagnosis; and
    - the Respondent may have an independent expert evaluation of Respondent's physical and mental condition conducted at Respondent's own expense; and
    - cause Respondent to be examined no later than 24 hours before the hearing date by a physician for the purpose of a physical examination and by a qualified health professional for the purpose of a drug and alcohol addiction assessment and diagnosis;
    - conduct the hearing within seven days after filing the Petition.
- Failure to Attend Examination.<sup>43</sup> If the Respondent fails to attend the examination to be conducted within 24 hours of the scheduled hearing, then the Court may issue a summons that orders the Respondent to appear for examination at a time and place specified in the summons. If the Respondent fails to abide by the summons, then the Court may order the sheriff or other police officer to transport the Respondent to the facility.

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<sup>40</sup> R.C. 5119.94

<sup>41</sup> See Form 26.10 - Probable Cause Decision and Entry

<sup>42</sup> See Form 26.11 – Entry Setting Hearing & Ordering Notice

<sup>43</sup> R.C. 5119.96

- Emergency Involuntary Treatment.<sup>44</sup> Upon examination and certification by a qualified health professional that the Respondent meets the Required Test – i.e., the criteria specified in R.C. 5119.92, the Court may order the Respondent hospitalized for a period not to exceed 72 hours if the Court finds by clear and convincing evidence that the Respondent presents an imminent threat of danger to self, family, or others as a result of alcohol and other drug abuse. However, if the hearing to be held under R.C. 5119.94 (see below), then the Court may order the Respondent hospitalized until that hearing. In making its emergency treatment order, the Court will inform the Respondent that Respondent may immediately make a reasonable number of telephone calls or use other reasonable means to contact an attorney, a licensed physician, or a qualified health professional, to contact any other person or persons to secure representation by counsel, or to obtain medical or psychological assistance and that the Respondent will be provided assistance in making calls if the assistance is needed and requested.
  - Hearing.<sup>45</sup> If at the hearing the Court finds by clear and convincing evidence that the Respondent may reasonably benefit from treatment, then the Court may order the treatment after considering the qualified health professionals' recommendations for treatment that have been submitted to the Court. If the Court orders the treatment, then the Court will order the treatment to be provided by an appropriate health professional or facility, which may be inpatient or outpatient treatment. The Respondent's failure to undergo and complete any treatment ordered is contempt of court. If, at any time after the Petition is filed the Court finds that there is not probable cause to continue treatment or if the Petitioner withdraws the Petition, then the Court shall dismiss the proceedings against the Respondent. If there is sufficient evidence to establish that the Respondent overdosed and was (i) revived by an opioid antagonist (e.g., Narcan), (ii) in a vehicle, or (iii) in the presence of minor, then that meets the clear and convincing standard.
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### **Three Other Considerations.**

In addition to (i) the Civil Commitment process for a *mentally ill person subject to court order* and (ii) Involuntary Treatment for a person affected by alcohol or drug abuse, there are three other processes that may assist a challenged person.

- Emergency Guardianship. A person who is concerned about a challenged adult, whether the result of mental illness or addictive behavior, may also apply for authority to act on behalf of a challenged adult by applying for an “emergency” guardianship of the person for the challenged adult. For more detail see the Information Sheet titled “Guardianship of Incompetent Adult.” In some cases, guardianship of the person could be considered in conjunction with the two processes discussed above in this Information Sheet.
- Developmental Disabilities. If an adult is challenged as the result of developmental disabilities, typically the result of birth trauma or childhood illness or trauma, then R.C. Chapter 5123, and in particular R.C. 5123.701, permits a Court to order short-term care for

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<sup>44</sup> R.C. 5119.95

<sup>45</sup> R.C. 5119.94(D)

such challenged adult, who has an “intellectual disability.”<sup>46</sup> The process is started by a person preparing and filing with the Court an “Affidavit of Developmental Disability.”<sup>47</sup> Again, the Help Center highly recommends that a concerned person obtain legal advice before acting.

- Adult Protective Services. An adult, who is neither a *mentally ill person subject to court order* nor a person affected by alcohol or drug abuse, may suffer from abuse, neglect, or exploitation, typically an elderly adult. Geauga County Job & Family Services (“JFS”) is empowered and trained to assist such challenged adults. A person who is concerned about such a challenged adult should report the matter to JFS at 440-285-9141. JFS can file a Petition for Protective Services with the Court and offer a variety of services to protect that challenged adult.

**LEGAL PRACTICE IN THE PROBATE COURT IS RESTRICTED BY LAW TO ATTORNEYS WHO ARE LICENSED BY THE SUPREME COURT OF OHIO AND INDIVIDUALS WHO ARE HANDLING THEIR OWN LEGAL MATTERS. IF AN INDIVIDUAL WISHES TO HANDLE HIS OR HER OWN CASE, THAT PERSON MAY ATTEMPT TO DO SO, HOWEVER DUE TO THE COMPLEXITY OF THE LAW AND THE DESIRE TO AVOID COSTLY ERRORS, MANY PERSONS WHO HAVE MATTERS BEFORE THE COURT ARE REPRESENTED BY AN ATTORNEY.**

**IF YOU CHOOSE TO REPRESENT YOURSELF AND USE THE COURT’S FORMS, BE AWARE THAT STATE LAW PROHIBITS THE JUDGE, MAGISTRATE, AND EMPLOYEES OF THE GEAUGA COUNTY PROBATE COURT, INCLUDING THE HELP CENTER STAFF, FROM PROVIDING YOU WITH LEGAL ADVICE. IF YOU NEED LEGAL ADVICE, THEN YOU SHOULD CONTACT AN ATTORNEY OF YOUR CHOOSING.**

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<sup>46</sup> Defined in R.C. 5123.01(N) as “a disability characterized by having significantly subaverage general intellectual functioning existing concurrently with deficiencies in adaptive behavior, manifested during the developmental period.”

<sup>47</sup> R.C. 5123.71