# GEAUGA COUNTY PROBATE COURT
# JUDGE TIMOTHY J. GRENDELL

## CHECKLIST - EMERGENCY GUARDIANSHIP - Incompetent Adult

These instructions are provided as a public service of the Geauga County Probate Court, are intended as a guideline only, and are not legal advice. Depending on the circumstances of each case, additional steps may be required that are not listed below. The clerks are not attorneys and therefore cannot answer legal questions or assist you in completing the forms or deciding which forms apply to your situation. The documents that you file must be typewritten or legibly handwritten, and completed in their entirety. The clerks may refuse for filing illegible or incomplete documents. The Court recommends that you obtain legal advice from your attorney or obtain assistance from the Court's Help Center before preparing and filing any forms. You may make an appointment with the Help Center by calling 440-226-7339. If you decide to proceed without assistance from your attorney or from the Court's Help Center, then you should read the following Probate Information Sheets before taking any action:

- Guardianship - Incompetent Adult
- See Geauga Probate Local Rule 66.2
- See Supreme Court of Ohio Probate Bench Cards – Emergency Guardianship

## Filing Requirements

1. **Identification** - [if applicant is not represented by an attorney - see Geauga Local Rule 78.10] (1) a government-issued photographic identification (e.g. a current driver's license or passport), and (2) evidence of current mailing address (e.g. recent utility bill, bank statement account, property tax bill, voter registration card).

2. **Form 17.0E Application for Appointment of Emergency Guardian of Alleged Incompetent** (be sure to complete and file the attached "Affidavit in Support of Motion of Emergency Guardianship"). See Geauga Probate Local Rule 66.2(C).

3. **Form 15.0 Next of Kin of Proposed Ward**

4. **Form 27.11 – Parental Information** – only if Form 15.0 indicates that the Ward has minor child(ren)

5. **Form 17.1 Statement of Expert Evaluation** – must be completed and signed by a licensed physician or a clinical psychologist – See Sup. R. 66(A)
   - **NOTE** - see below regarding the prospective ward's refusal to submit to an examination.

6. **Form 17.1A Supplement for Emergency Guardian of Person -** must be completed and signed by a licensed physician or a clinical psychologist – See Sup. R. 66(A)

7. **Form 15.2 Fiduciary Acceptance Guardian**

8. **Form 66.05 Affidavit of Guardian Applicant**

9. **Form GC PF 15.17 - "Adult Jurisdiction Affidavit"**

10. **Court Cost Deposit -** arrange for payment of court cost deposit. See the "Probate Court Costs" on the Court's website. See additional note below regarding indigent Ward.

## Additional Notes

- Jurisdiction. Confirm that this Court has jurisdiction and venue, including under the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act, which in Ohio is found in R.C. Chapter 2112.

- Personal Identifiers See Geauga Local Rule 57.2(C). Do not insert protected personal identifiers into a court document. If ordered by the Court, prepare and file Form 45(D) - Confidential Disclosure of Personal Identifiers.

- Affidavit in Support of Motion of Emergency Guardianship. The person who signs the Affidavit in Support of Motion of Emergency Guardianship should be the person that files the Form 17.0E Application for Appointment of Emergency Guardian of Alleged Incompetent. The judge or magistrate may want to interview the affiant before issuing the appropriate court order.

- Refusal to Submit. If the prospective Ward refuses to submit to a physician or clinical psychologist for examination, and thus the applicant is unable to file Form 17.1 Statement of Expert Evaluation, then the applicant must prepare and file Form GC PF 15.19 Statement of Refusal to Submit.

- Indigency. Consider whether the Ward is indigent and whether to file the form Motion to Waive Court Costs (GCPF 66.1) together with the form Affidavit of Indigency (GCPF 15.14).