

SHELBY COUNTY PROBATE COURT

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GUARDIANSHIP OF INCOMPETENT CHECKLIST (revised 10/05/2010)

INITIATION REQUIREMENTS

- ___ Form 17.0 - Application for Appointment of Guardian of Alleged Incompetent (*RC 2111.03*)
- ___ Form 17.1 – Statement of Expert Evaluation (*2111.49, SupR 66*)
 - ___ Entire form/appropriate boxes must be completed
 - ___ Must be dated within three (3) months of filing date
 - ___ Must be legible
- ___ Form 15.0 - Next of Kin of Proposed Ward (*RC 2111.03*)
- ___ Form 15.01 - Judgment Entry Setting Hearing on Application for Appointment of Guardian
- ___ Form 15.1 - Waiver of Notice and Consent (*RC 2111.04*)
- ___ Form 17.4 - Notice of Hearing for Appointment of Guardian of Alleged Incompetent Person (to Spouse and Known Next of Kin) (*RC 2111.04*)
- ___ Form 17.3 - Notice to Prospective Ward of Application and Hearing (*RC 2111.04, 2111.041*)

- ___ Security deposit for costs (*Local Rule 58.1*)
- ___ Form 117.00 - Affidavit of Indigency & Entry

- ___ Signature of ___Applicant ___Fiduciary ___Attorney required (*SupR 57, CivR 11*)

HEARING REQUIREMENTS

- ___ Form 15.3 - Guardian's Bond (OR waiver, as outlined below) (*RC 2109.04*)
- ___ Form 17.5 - Judgment Entry – Appointment of Guardian for Incompetent Person (*RC 2111.02*)
- ___ Form 15.2 - Fiduciary's Acceptance – Guardian (*RC 2111.14*)
- ___ Form 15.9 - Oath of Guardian (*RC 2111.02*)
- ___ Form 15.4 - Letters of Guardianship (*RC 2111.02*)

PRECEDING GUARDIAN'S APPOINTMENT

- ___ Ward is a resident of/has legal settlement in the county (*RC 2111.021*)

- ___ All paragraphs of Application to be completed (necessary, type, limited, estimated estate, bond) (*RC 2111.03*)

- ___ Separate guardianship for each proposed ward (*Local Rule 66.1*)

- ___ Form 17.3 and 17.4 - Notice of Hearing will be personally served by Court Investigator on ward and facility administrator/superintendent (*CivR 4.2C, E*)

- ___ **Guardian's Bond** (*RC 2109.04*)
 - ___ Bond required but not filed
 - ___ Motion/Order to Waive Bond with Consent (*Local Rule 64.4*)
 - ___ Motion/Order for Custodial Deposit in Lieu of Bond (*Local Rule 75.2*)

PROCEEDING GUARDIAN'S APPOINTMENT

Guardian's Inventory (*RC 2111.14*)

- ___ Due within three months after appointment (*RC 2111.14*)
- ___ Form 15.5 – Guardian's Inventory
- ___ Form 15.5JE - Judgment Entry/Orders on Filing Inventory

Application to Release/Expend Funds

- ___ Form 15.6 - Application to Release Funds to Guardian/Order
- ___ Form 15.7 - Application for Authority to Expend Funds/Order
- ___ Inventory must be filed before expenditure approved (*SupR 66*)
- ___ Except as provided in RC 2111.131, no part of ward's estate shall be used for support, maintenance or education of ward unless ordered and approved by Court (*RC 2111.13*)

Deposit of Wills

- ___ Guardian must deposit with Court any and all wills of ward for safekeeping (*RC 2107.07, Local Rule 66.3*)

Guardian's Account

- ___ Form 15.8 – Guardian's Account (*RC 2109.302*)
- ___ Form 213.80 - Entry Setting Hearing on Account (*RC 2109.32*)
- ___ Form 15.81 – Bank Certificate (*RC 2109.302*)
- ___ Form 13.2 - Assets Remaining in Fiduciary's Hands (*RC 2109.302*)
 - ___ Evidence of assets must be documented (*Local Rule 64.5*)
- ___ Form 15.82 - Certificate of Service of Notice of Filing Guardian's Account (*Local Rule 64.1*)
 - ___ to be filed simultaneous with account (*RC 2109.32*)
- ___ Form 15.83 - Affidavit of Service of Notice of Hearing (*RC 2109.33, Local Rule 64.1*)
- ___ Form 13.7 - Waiver of Notice of Hearing on Account (*RC 2109.33*)
- ___ Form 13.5 - Notice of Hearing on Account (*RC 2109.33*)
- ___ Form 13.3 - Entry Approving and Settling Account (*RC 2109.32*)
 - ___ Attorney or Fiduciary must check any applicable boxes
- ___ Calculations/totals incorrect
- ___ Account must be filed on annual basis unless otherwise ordered by court (*Local Rule 64.1, SupR 64*)
- ___ All fiduciaries must sign account when multiple fiduciaries have been appointed (*RC 2109.32, Local Rule 64.1*)
- ___ If Account is delinquent, no expenditure/sale/distribution, or fee will be approved (*Local Rule 64.2*)
- ___ Vouchers in support of account not required if fiduciary is represented by counsel (*Local Rule 64.3*)
- ___ Application to extend time to file inventory or account shall not be granted unless fiduciary has signed the application (*SupR 78*)
- ___ Costs must be paid before final/distributive account is approved (*SupR 64*)

Counsel Fees

- ___ Fees for establishment/inventory/first account shall be reasonable and beneficial, in writing, using calculations (*Local Rule 71.2B, C, D, SupR71*) (see website for use of Guardianship Fee Calculator)
- ___ After first account, applications shall be reasonable and beneficial, in writing setting forth details of calculations (*Local Rule 71.2E*)
- ___ Attorney is also Guardian: time records should show separate duties; if fails to maintain these records, only Guardian's compensation will be allowed (*Local Rule 71.2F, 73.1*)
- ___ Fees exceed those permitted for court appointed counsel for an indigent ward, or for attorney serving as Guardian of an indigent ward (*Local Rule 8.1*)

Guardian's Compensation

Computations do not comply with Local Rule (*Local Rule 73.1, SupR73*)

Fees exceed those permitted for a lay person appointed as Guardian for an indigent ward (*Local Rule 8.1*)

Guardian's Report

Report is due two years after the date of the issuance of the guardian's letters of appointment and biennially after that time (*RC 2111.49, Local Rule 66.5*)

Entire form/appropriate boxes must be completed

Statement of Expert Evaluation to be attached to Guardian's Report (*RC 2111.49, Local Rule 66.5*)

Expert to have evaluated/examined ward within three months prior to date of Guardian's Report (*RC 2111.49*)

Entire form/appropriate boxes must be completed

Must be legible

Termination of Guardianship

Form 115.60 – Application to Terminate Guardianship (*RC2111.47*)

Form 115.62 – Entry Terminating Guardianship

Final Account due within 30 days of termination (*RC 2109.32, see also SupR64 – costs to be paid*)

OTHER _____

