PROBATE COURT OF BUTLER COUNTY, OHIO

IN THE MATTER OF THE GUARDIANSHIP OF: _____

CASE NO:_____

SCHEDULING ORDER

It is hereby **ORDERED** that:

1. **GUARDIAN OF PERSON** must file a ***Statement of Expert Evaluation*** (form 17.1), ***Guardian's Report*** (form 17.7) and ***Annual Guardianship Plan- Person*** (form 27.7) every year by the date of appointment. A six-hour ***Fundamentals of Adult Guardianship*** course must be completed within six months of the date of appointment and three hours of ***Continuing Education*** by December 31 of every year thereafter. ***Notification of Compliance with Guardian Education Requirements*** (form 27.2) must be filed within thirty days of the completion of each course.

    a. The Statement of Expert Evaluation, Guardian's Report and Annual Guardianship Plan – Person are due on:_____

    b. Fundamentals of Adult Guardianship (6 hr.) must be completed by:_____

2. **GUARDIAN OF ESTATE** must file a ***Guardian's Inventory*** (form 15.5), post modified ***Guardian's Bond*** (form 15.3), if required, and complete ***Guardian of Estate Training*** within three months of the date of appointment and file a ***Guardian's Account*** (form 15.8) and ***Annual Guardianship Plan-Estate*** (form 27.8) every year thereafter by the date of appointment. ***Notification of Compliance with Guardian Education Requirements*** (form 27.2) must be filed within thirty days of completion of the training.

    a. The Inventory, Bond and Training are due on: _____

    b. The Guardian's Account and Annual Guardian's Plan – Estate are due on:_____

SO ORDERED,

_____
JOHN M. HOLCOMB, JUDGE

I acknowledge that the above dates have been explained to me that failure to comply with these requirements may result in the imposition of sanctions by the court or my removal as guardian.

_____
Guardian(s)

Mail forms to: Butler County Probate Court, 101 High Street, Hamilton, OH 45011 or deliver between 8AM and 4:30PM. For questions call 887-3294.

PROBATE COURT OF BUTLER COUNTY, OHIO

IN THE MATTER OF THE GUARDIANSHIP OF: _____

CASE NO: _____

SUPPLEMENTAL GUARDIANSHIP OF ESTATE INFORMATION

Today, you were appointed Guardian of the Estate in this matter. The Court granted you power to manage the financial affairs of the ward. You have a fiduciary duty to act for the benefit of the ward (i.e. a fiduciary duty) and not for your own benefit.

- You must keep the ward's assets, including all bank accounts, separate from your own. ***Do not comingle*** your money with that of your ward.
- ***You may not*** transfer any funds, spend your ward's money, sell real estate or personal property or conduct any other type of financial business without a court order specifically authorizing your actions.
- ***Do not use correction fluid or tape*** on any documents filed with the court.
- All ***credit cards*** in the ward's name must be closed and no new credit cards may be opened.
- ***Do not pay attorney fees*** until they have been approved by the court.

FAILURE TO COMPLY WITH THE REQUIREMENTS OF BEING A COURT-APPOINTED FIDUCIARY MAY RESULT IN YOUR REMOVAL OR THE IMPOSITION OF CRIMINAL OR QUASI-CRIMINAL SANCTIONS.

I. GUARDIAN'S INVENTORY (Form 15.5) – Must be filed by: _____

a. The Guardian's Inventory is a listing of all real and personal property including the value of any yearly rent of real estate in the name of the ward as of the date the Guardian was appointed. The Guardian's Inventory is only filed ***once*** and changes to assets must be done by Motion and Entry. Please consult your attorney.
b. If the ward owned real estate, you may use the Butler County Auditor's 100% value.
c. Do not include any account numbers or other personal identifiers; they must be listed separately on standard form 45(D).

II. GUARDIAN'S BOND (Form 15.3)

a. The Guardian's Bond guaranteed by a bonding company is a promise of payment of funds back to the estate of a ward where the fiduciary has acted improperly in misusing or misappropriating the ward's funds. The bonding company will attempt to recover its' loss by taking legal action against a Guardian found to have misused a ward's funds.
b. Your attorney will assist you in filing bond. An ***original*** power of attorney document executed by the bonding company must be attached to Form 15.3 when filed.
c. Total bond must be no less than double the amount of the personal property and annual real estate rentals and must be filed prior to or with the filing of the Guardian's Inventory.

III. APPLICATION TO TRANSFER FUNDS (Form 501)

a. After you have filed the Inventory and identified all of the ward's assets, you must transfer any bank accounts out of the ward's name and into the guardianship. The account must be labeled "[your name] as Guardian for [ward's name]."

b. BEFORE you transfer any bank account, complete form 501 stating the name and account number in the ward's name and the name and account number (if known) of your intended Guardian's account.

c. The court will mail to you (or your attorney) a certified copy of the Application with the **ORDER AUTHORIZING TRANSFER OF FUNDS** completed at the bottom. This court order authorizes you to withdraw the funds in the name of the ward and deposit them into the Guardianship account.

d. Any time you deposit funds into your Guardian's account, have the financial institution complete Form 15.81 and file it with the court. This form certifies that the bank received funds in your name, the fiduciary.

e. Rarely, you may need to file an Application to Release Funds to Guardian (Form 15.6) for funds that are being held in the name of the ward but not in a financial institution with a specific account number. Please consult your attorney.

IV. APPLICATION FOR AUTHORITY TO EXPEND FUNDS (Form 15.7)

a. You have no authority to spend any of the ward's money without a specific court order. The way you obtain a court order is by completing form 15.7.

b. Your first Application to Expend Funds should be a monthly budget of the ward's routine expenses. Example:

i. *Duke Electric bill monthly amount not to exceed $200.00*

ii. *Groceries monthly bill not to exceed $550.00 per month*

iii. Grass cutting and yard maintenance expenses per month not to exceed $120,000.00

c. Medical expenses, unusual expenses, and home maintenance must be itemized separately. Submit an estimate or other documentation with the Application.

d. After your Application is reviewed by the court, the court will mail to you (or your attorney) a certified copy of the Application with the **ORDER AUTHORIZING EXPENDITURE OF FUNDS** completed. You are now permitted to spend the ward's money on the proposed expenditure.

e. Do not seek authority to pay attorney fees until the fees are approved by the court. Each attorney must file a motion seeking approval of fees. Once the court approves the fees and orders payment, the guardian may file form 15.7 for approval to pay fees.

V. GUARDIAN'S ACCOUNT (Form 15.8) – Must be filed by: _____

a. Complete the top of the form with the ward's name and case number.

b. State which account you are filing (First, Second, etc.)

c. Indicate the time period of the account. Accounts are due every year from the date of appointment. The first account should be from the date you were appointed to the date when the account is filed. The next account will be from the ending date of the first account to when the next account is filed.

d. On page one, state the page and number of pages and the year. State the balance from the previous account. If this is your first account then the beginning balance will be the same as that on the Inventory you previously filed (the balance must include all assets of the ward).
e. List all receipts (money taken in) in order by date.
f. List all disbursements (money spent) in order by date. You must have a receipt or cancelled check for each disbursement. You must have received prior court approval (completed Court Order on Form 15.7) for each disbursement you are listing. If additional sheets are needed, use Form 15.8 (Guardianship Account Continuation Sheet) available on our website.
g. At the top of the second page of Form 15.8, complete the recapitulation section of the account. This shows the total receipts and disbursements and states the balance remaining in the guardianship account. This will be your beginning balance on your next account.
h. In the middle of the second page of Form 15.8, list all funds, assets and investments (including real estate) of the guardianship. Have each financial institution complete Form 15.81 and file those forms with the court at the time of filing each account.
i. The Court will complete the ENTRY SETTING HEARING at the bottom of page 2 of the Guardian's Account. YOU DO NOT NEED TO BE IN COURT FOR THIS HEARING. This is an internal court hearing and on the hearing date your account will be reviewed for accuracy and approved by the court. If there are any discrepancies with your account a separate hearing will be scheduled and you will be notified by mail and asked to appear in court to discuss your account.

YOU MAY BE REMOVED AS GUARDIAN IN THIS MATTER FOR:

1.) Failing to make the required filing by any of the due dates listed in this order;
2.) Abusing your fiduciary duty by improperly managing the funds of your ward;
3.) Failing to keep the court informed of your permanent address. (Form 721)

If you need assistance with any of the duties that are summarized in this letter please contact your attorney. If you do not have an attorney, please contact the Butler County Bar Association Lawyer Referral Service at (513) 896-6671. If you would like a meeting scheduled with the Magistrate regarding your duties as Guardian, please submit your request to the Guardianship clerk in writing and include the issues or questions that you have.

Mail forms to: Butler County Probate Court, 101 High Street, Hamilton, OH 45011 or deliver business days between 8:30AM and 4:30PM. For questions call 887-3294.