INSTRUCTIONS FOR EMERGENCY GUARDIANSHIP

All forms must be typewritten (forms on our web site can be filled in before printing)

These forms are being provided as a public service of the Butler County Probate Court, and are intended as a guideline only, not as a comprehensive list of duties. If you choose to represent yourself and use these forms, please be advised that state law prohibits the staff of Butler County Probate Court from providing legal advice.

If a minor or incompetent has *not* been placed under a guardianship and if an emergency exists, and if it is reasonably certain that immediate action is required to prevent significant injury to the person or estate of an minor or incompetent, than a person can apply to be appointed Emergency Guardian of the Person only, Estate only or Person & Estate.

O.R.C. §2112.01(F) defines an Emergency as "a circumstance that makes it reasonably certain that immediate action is required to prevent significant injury to a respondent's health, safety, welfare, or property and for which the appointment of a guardian or issuance of a protective order is necessary because no other person has authority and is willing to act on the respondent's behalf".

The powers of an emergency guardian will be specified in the letters of appointment and will be limited to only those powers that are necessary to prevent significant injury to the person or estate of the minor or incompetent.

If the emergency guardian is appointed, the appointment is valid for 72 hours. At the time of filing the emergency guardianship, the Court will set a date and time within the 72 hours to have a further hearing to determine whether the emergency guardianship should continue for an additional 30 days.

Notice of the appointment and hearing to continue the guardianship for 30 days will be given to the incompetent and to all interested parties prior to the hearing to continue the guardianship.

If you believe there will be a need for a full guardianship after the emergency expires, you must file for the necessary paperwork prior to the expiration of the emergency guardianship, do this as soon as possible, the investigation takes considerable time and the emergency guardianship cannot be extended beyond the 30 day period.

A filing fee of $225.00 is required at the time of filing. Additional costs will be due when the Application for Appointment of Guardian is filed. This fee must be paid in cash, check or money order. After your application is filed, your filing fees may not be refunded.

The forms may be obtained by downloading the forms from our website at www.butlercountyprobatecourt.org/forms

FORMS NEEDED FOR THE INITIAL FILING:

1. Application for Appointment of Emergency Guardian of Alleged Incompetent (BC504)
   - The guardianship must be limited to those necessary to prevent significant injury to the person or estate of the ward
   - Complete form making sure that the Present Location of the Ward is accurate in order to obtain service
2. Next of Kin of Proposed Ward (15.0)
   - Any person who would be entitled to inherit if the ward died intestate
3. Statement of Permanent Address (BC721)
   [RC 2109.21(F)]
   - Every fiduciary must complete and sign a Statement of Permanent Address and notify the court of any changes.
   - Failure to comply could result in your removal as fiduciary.
3. Statement of Expert Evaluation (17.1)
   - Ward must have been evaluated within 3 months of the filing of the Application
   - Ward must have been evaluated by a Licensed Physician or a Licensed Clinical Psychologist
4. Supplement for Emergency Guardian of the Person (17.1A)
   - Must be completed by a Licensed Physician
5. Affidavit of Guardian Applicant (66.05)
   - Applicant must complete and have notarized prior to filing
   - Applicant must notify the court within 72 hours of any change in the information contained in the affidavit
6. Fiduciary's Acceptance (15.2)
   - Read and sign

FORMS NEEDED AT EX PARTE HEARING:

1. Oath of Guardian (15.9)
2. ExParte Judgment Entry Appointment of Emergency Guardian for an Incompetent Person (BC505)
   - Powers must be limited to those necessary to prevent significant injury to the person and/or estate of the ward
3. Letters of Guardianship (15.4)
   - Make sure that the powers are limited to those that are listed on the Ex Parte Entry
4. Notice - 72 hour (BC506)
   - Complete form with the name & address of the ward and where he/she is currently located
5. Motion for 30 day Extension (BC507M)
   - Complete form and sign

FORMS NEEDED AT HEARING TO EXTEND GUARDIANSHIP FOR 30 DAYS:

1. Entry Granting 30 day Extension (BC507E)
   - Make sure powers are limited and specific to prevent to injury to the person and/or estate of the ward
2. Letters of Guardianship (15.4)
   - Make sure powers are limited to those that are listed on the Entry Granting 30 day Extension (BC507E)
3. Notice - 30 day (BC508)
   - Complete form with the name & address of the ward where he/she is currently residing