

NOTE

Courts should adopt a local rule for the Emergency Guardianship process [Sup.R. 66.03(A)]

FILINGS

1. SPF 17.1: Statement of Expert Evaluation
2. SPF 17.1A: Supplement for Emergency Guardian of Person
3. SPF 15.4: Letters of Guardianship

VENUE

Filed in the county in which the ward resides or has legal settlement

GROUNDINGS

1. Minor or incompetent has not been placed under guardianship pursuant to R.C. 2111.02(A)
2. An emergency exists; and
3. It is reasonably certain that immediate action is required to prevent significant injury to person or estate of minor or incompetent.

APPLICATION

1. Notice of emergency presented to court

NOTE

There are no Standard Probate Forms for emergency guardianship proceedings other than noted above.

HEARING/NOTICE OF HEARING

1. Court may issue an emergency order ex parte

ORDER

1. Court may issue an order, ex parte, at any time after it receives notice of the emergency
2. Court may issue any order considered necessary to prevent injury to person or estate of minor or incompetent; or
3. Court may appoint an emergency guardian for maximum of 72 hours
4. Order shall be served upon incompetent or minor as soon as possible after issuance
 - a. Failure to serve order after issuance or prior to taking of any action under its authority does not invalidate the order or actions taken
5. Letters of appointment shall specify powers of an emergency guardian
 - a. Powers limited to those necessary to prevent injury to person or estate of minor or incompetent
6. Court shall enter upon the journal:
 - a. A record of case; and
 - b. Specific reasons for acting ex parte or without notice

EXTENSION

1. Extension may be granted by court:
 - a. For good cause shown; and
 - b. After notice to minor, or incompetent, and interested parties; and
 - c. After a hearing.
2. Extension may be granted for specific period, but not exceeding additional 30 days