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GUARDIANS: TAKE NOTE!

The Supreme Court issued extensive new rules affecting all guardians in Ohio, effective June 1, 2015. Major highlights are summarized below. The full text of the rule can be found at [http://www.supremecourt.ohio.gov/ruleamendments/documents/Adult%20Guardianships%20\(FINAL\).pdf](http://www.supremecourt.ohio.gov/ruleamendments/documents/Adult%20Guardianships%20(FINAL).pdf)

Pre-Appointment Training (66.06)

Every guardian, both existing and newly appointed, must attend a six-hour course on the fundamentals of guardianship. The content of the training is set by rule. The Supreme Court is preparing a curriculum and resource materials, which will be presented at regional trainings beginning in late June 2015. These sessions will have separate tracks for “lay” guardians and guardians who have had professional training, such as lawyers or social workers.

Each Probate Court will develop and present its own on-going training program on fundamentals.

Guardians appointed on or prior to June 1, 2015, will have one year to complete the training. Guardians appointed after June 1, 2015, will have to complete the training within six months of appointment.

Continuing Education (66.07)

All guardians will have to complete a three-hour continuing education program, which is approved by the Supreme Court. Guardians are required to provide documentation of compliance on or before January 1 annually.

Courts will not make further appointments for guardians who fail to comply with the continuing education. If a guardian fails to comply for three years or more, the guardian will have to take a six-hour fundamentals course. Continued non-compliance could result in the guardian being removed.

Criminal Background Checks (66.05(A)(1))

Courts must ensure that all guardians have had a criminal background check. Attorneys in good standing with the Ohio Supreme Court are exempt from this requirement.

Annual Plan (66.08(G))

In addition to the regular reports, guardians of person must file an annual guardianship plan with the Probate Court. Guardians of estate may be required to do so by an individual Probate Court, as well.

The annual plan must state the guardian's goals for meeting the ward's personal and financial needs. The fundamentals course includes guidance on how such plans should be developed and the content of the plans.

List of Responsibilities (66.09)

The new rules spell out with greater clarity the duties of guardians. Among these duties is "person centered planning," which requires guardians to focus on the needs and wishes of the ward and to strive to balance a ward's maximum independence and self-reliance with the ward's best interest.

Guardians must meet with their wards at least quarterly, communicate privately, assess the ward's needs, and document their observations.

Complaints (66.03(B))

Courts must establish a process to receive and store comments and complaints made on the performance of guardians. Copies of complaints must be provided to the guardian involved. The Court must notify the person making the complaint and the guardian of any disposition of the comment or complaint.