

Checklist **Emergency Guardianship**

Initial Filing Fee

Court Costs: \$153.00

Requirements

The alleged incompetent adult must be a current resident of Greene County, Ohio.

It is very rare that this court grants emergency guardianships. In order to qualify for an emergency guardianship, you must meet the following criteria:

(1) For emergency guardianship of the person: the proposed ward must be in immediate danger of personal harm. Please note that if the proposed ward is in a nursing home, assisted living facility or a hospital, then they are **not** in immediate danger.

(2) For emergency guardianship of the estate: the proposed ward's estate must be in immediate danger.

The applicant bears the burden of proving, by clear and convincing evidence that one of both of those emergencies exists. Additionally, the applicant bears the burden of proving, by clear and convincing evidence **both** of the following: (1) the ward's mental incompetence; and (2) that no less restrictive alternative exists to the proposed guardianship.

For more information on Emergency Guardianship requirements, please refer to Section 2111.02(B)(3) of the Ohio Revised Code, and Greene County Local Rule 66.4

**Note: All paperwork must be typed. We will not accept handwritten documents.
All filings must be single-sided. We will not accept double-sided originals.
Please do not staple original paperwork. We cannot accept filings with staples.**

Initial filing

- Self-Representation Acknowledgment (GC Form 75.1) *If applicable*
 - o This form **must** be filed if applicant is not represented by an attorney.
- Contact Information Form (GC Form 75.3)
- Application for Appointment of Emergency Guardian (GC Form 104.3-A)
- Supplement for Emergency Guardian of Person (Form 17.1A) *If applicable*
 - o This is only necessary if applying for guardian of the person, or person and estate. Not for "estate only".
- Ward's Supplement (GC Form 66.1-A)
- Applicant's Supplement (GC Form 66.1-B)
- Affidavit (GC Form 104.3-B)
 - o At least one Affidavit **MUST** accompany the initial filing. We cannot take the Application for Appointment of Emergency Guardian without at least one Affidavit.
- Statement of Expert Evaluation (Form 17.1)
- Next of Kin of Proposed Ward (Form 15.0)
- Letters of Guardianship (GC Form 104.3-C)
- Ex-Parte Judgment Entry Appointment of Emergency Guardian for Incompetent Person (GC Form 104.3-D)
- Motion for 30 Day Continued Appointment of Emergency Guardian for Incompetent Person (GC Form 104.3-E)
- Judgment Entry Setting Hearing to Determine Continuation of Emergency Guardianship (GC Form 104.3-F)
- Judgment Entry Continuing Appointment of Emergency Guardian for Incompetent Person (GC Form 104.3-G)
- Notice to Ward of 72 Hour Appointment of Emergency Guardian and Notice of Hearing (GC Form 104.3-H)
- Appointment of Special Process Server (GC Form 104.3-I) *If applicable*
 - o Once the Ward has been served, the return must be filed within 3 court days of the date of the Entry (see Greene County Local Rule 66.4(D)).

- Waiver of Notice and Consent (GC Form 104.3-J) *If applicable*
 - All parties listed on the Next of Kin of Proposed Ward (Form 15.0), who are Ohio residents, must either sign this Consent or be served notice of the Hearing to Determine Continuation of Guardianship (see GC Form 104.3-K)
- Notice of Emergency Appointment of Guardian of Alleged Incompetent Person (GC Form 104.3-K) *If applicable*
 - All parties listed on the Next of Kin of Proposed Ward (Form 15.0), who are Ohio residents, must either Consent (see GC Form 104.3-J) or be served this notice of the Hearing to Determine Continuation of Guardianship.