

**ALLEN COUNTY COURT
OF COMMON PLEAS**

PROBATE DIVISION

RULES OF COURT

GLENN H. DERRYBERRY, JUDGE

AS ADOPTED 9/1/10 WITH
NEW OR AMENDED RULES
5.5, 57.2, 58.1 (E) & 64.2
AS EFFECTIVE 3/15/12

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See next page for a listing of forms referenced in the Local Rules. These forms are available from the Deputy Clerks and/or the Court's web site.

* Copy of Jury Management Plan is available from the Deputy Clerks upon request, or at the Court's web site.

www.co.allen.oh.us/probate/cpro.php

**FORMS REFERENCED IN THE LOCAL RULES
BLANK COPIES FOLLOW THE RULES**

Attorney Fee Forms:

- 1) Attorney fees in an estate:
 - a) Consent to Payment of Attorney Fees form ES-3 [Rule 71.2]
 - b) Attorney Fee Application and Compensation Statement form ES-2 [Rule 71.2]
 - c) Notice of Hearing on Attorney Fees in Estate form ES-4 [Rule 71.2]
 - d) Consent to Attorney Fee form ES-5 [Rule 71.2]

- 2) Attorney fees in a guardianship:
 - a) Attorney Fee Application, Compensation Statement form GD/TR [Rule 71.3]
 - b) Indigent case fee application forms [Rule 71.3]

- 3) Attorney fees in trusts:
 - a) Attorney Fee Application, Compensation Statement form GD/TR [Rule 71.4]

Fiduciary Fee Forms:

- 1) Executor's and Administrator's Fees form ES-1 [Rule 72.1]

- 2) Guardian's Fees - Application and Compensation Statement – form GD-1 [Rule 73.1]

3) Trustee's Fees – Compensation Statement – TR-1 [Rule 74.1]

Mediation Forms – written materials: [Rule 16]

- 1) local attorney contact information;
- 2) local domestic violence resource information;
- 3) counseling, substance abuse and mental health services;
- 4) information regarding Children's Services
- 5) Mediation Intake Form
- 6) Mediation Memorandum Form
- 7) Application for Mediator Fees
- 8) Entry Granting Application for Mediator Fees

Miscellaneous Forms:

Indigent Guardianship Appointment – Application and Agreement [Rule 8]

Personal Identifiers Omission Form [Rule 45]

Affidavit In Proof of Notice of Hearing On Inventory [Rule 59.1]

Vouchers [Rule 64.2]

Notice of Hearing on Account [Rule 64.5]

Affidavit In Proof of Notice of Hearing On Account [Rule 64.5]

Custody Affidavit [Rule 66.1]

Guardian's Report [Rule 66.2]

Statement of Expert Evaluation [Rule 66.2]

Notice:

Probate Court is in the process of developing an updated and expanded web site, which will include forms. The name, form number and format of all

current probate forms are subject to change as needed for purposes of maintaining a complete and uniform set of forms for the web site.

PREAMBLE

The following local rules are adopted pursuant to Rule 5 of the Ohio Rules of Superintendence for Courts of Common Pleas, as supplementary rules concerning local practice in the Allen County Court of Common Pleas, Probate Division. These local rules supersede and replace, all prior local rules adopted by this Court which are inconsistent with the rules adopted herein.

Rule 5.1 Civil Actions: Pleadings, Motions, Hearings

[As permitted by Sup R 5(A)]

(A) Documents:

Pleadings in civil actions shall conform to the requirements of Rules 10 and 11 of the Ohio Rules of Civil Procedure and Rule 57 of the Ohio Rules of Superintendence.

(B) Rule Day Extensions:

Civil Rule 12 prescribing Rule Day for pleadings will be strictly enforced. Extensions of time will be granted only by written order of the court.

(C) Hearings on Motions Other Than Summary Judgment:

All motions other than a motion for summary judgment shall comply with Civil Rule 7 (B), and shall be accompanied by a memorandum or brief in support of the motion. In non-adversarial proceedings the motion may be immediately considered by the Court without oral argument. In adversarial proceedings, the opposing counsel or party may file any responsive pleading and memorandum or brief in response by the fourteenth day after the day on which the motion was filed. Thereafter, the motion shall be deemed

submitted. Unless ordered by the Court, oral argument will not be allowed except on leave of the trial Judge upon written request by a party prior to a submission and the time of hearing and length of such argument shall be fixed by said Judge. This rule shall apply to all motions, including motions for a new trial, motions for judgment notwithstanding the verdict, and motions for reconsideration except as otherwise provided herein.

(D) Hearing On Summary Judgment Motions:

Unless otherwise ordered by the Court, motions for summary judgment shall be heard on briefs and other materials authorized by Civil Rule 56 (C) thirty (30) days after service of the motion upon the opposing party. If an adverse party also files a motion for summary judgment, the hearing date shall be extended to thirty days from the service upon the opposing party of the latter motion. No motion shall be filed in any case after it has been set for pre-trial without leave of the judge first obtained, who may establish the times for filing of briefs and the submission of the motion.

(E) Pleadings Subsequent to Complaint; Discovery:

(1) In accordance with Ohio Civil Rule 5(D), all papers, after the Complaint, required to be served upon a party shall be filed with the Court within three days after service, but depositions upon oral examination, interrogatories, requests for documents, requests for admission, and answers and responses thereto shall not be filed unless on order of the Court or for use as evidence or for consideration of a motion in the proceeding. The Deputy Clerks shall not accept for filing the transcript of a deposition unless it is accompanied by a certification by counsel that the deposition is being filed on order of the court or for use as evidence or for consideration of a motion in a proceeding.

(2) Effect of Rule: Certificate

- (a) No application for protective order, objections to any form of discovery, motions for sanctions or the like shall be filed until the impasse which provoked it has been discussed with opposing counsel, and a diligent effort has been made to solve the problem informally.
- (b) A certificate to that effect shall be affixed to or made a part of the application or motion and it shall include the specific times

and methods of attempted informal resolution.

- (c) The presentation of any insufficient or unwarranted application, objection or motion and any unwarranted opposition to discovery, formal or informal, will subject the offender to sanctions under Rule 37 of the Ohio Rules of Civil Procedure and this Local Rule, including the imposition of costs, expenses and reasonable counsel fees

(3) Policy of Local Rule:

- (a) It is declared policy of this Local Rule to encourage professional informal discovery wherever practicable in preference to formal discovery and to avoid the Court's involvement in the discovery process. Counsel shall make every effort to comply with this policy.
- (b) This policy is not intended to discourage the use of depositions to discover and to record evidence as provided in the Ohio Rules of Civil Procedure.

(F) Videotaped Testimony and Evidence

In addition to the Requirements of Rule 13 of the Ohio Rules of Superintendence, a written transcript of the deposition shall be filed when the videotape is filed. It is the responsibility of the party intending to use any videotape testimony at trial to:

- (1) File the video tape and written transcript with the Deputy Clerks seven (7) days prior to trial;
- (2) Notify the Court of the intended use seven (7) days prior to trial;
- (3) Ensure the necessary equipment will be available; and
- (4) Provide other equipment or personnel, if necessary.

Rule 5.3 Case Management Plan

[As required by Sup R 5 (B)(1)]

(A) Decedent's Estates, Trusts and Guardianships:

- (1) Each fiduciary shall adhere to the statutory or court-ordered time period for filing the inventory, account, and if applicable, guardian's report. The citation process set forth in section 2109.31 of the Revised Code shall be utilized to ensure compliance.

The attorney of record and the fiduciary shall be subject to the citation process. The court may modify or deny fiduciary commissions or attorney fees, or both, to enforce adherence to the filing time periods.

- (2) (a) If a decedent's estate must remain open more than six months pursuant to R.C. 2109.301(B)(1) [R.C. 2109.30.1(B)(1)], the fiduciary shall file an application to extend administration (Standard Probate Form 13.8); or a Notice To Extend Administration (Standard Probate Form 13.10, as applicable).
(b) An application to extend the time for filing an inventory, account, or guardian's report, shall not be granted unless the fiduciary has signed the application.
- (3) The fiduciary and the attorney shall prepare, sign, and file a written status report with the court in all decedent's estates that remain open after a period of thirteen months from the date of the appointment of the fiduciary and annually thereafter. At the court's discretion, the fiduciary and attorney shall appear for a status review.
- (4) The court may issue a citation to the attorney of record for a fiduciary who is delinquent in the filing of an inventory, account, or guardian's report to show cause why the attorney should not be barred from being appointed in any new proceedings before the court or serving as attorney of record in any new estate, guardianship or trust until all of the delinquent pleadings are filed.
- (5) Upon filing of the exceptions to an inventory or to an account, the exceptor shall cause the exceptions to be set for a pretrial

within thirty days. The attorneys and their clients, or individuals if not represented by an attorney, shall appear at the pretrial. The trial shall be set as soon as practical after pretrial. The court may dispense with the pretrial and proceed directly to trial.

(B) Case Management of Adversarial Proceedings

A pretrial conference shall be held in all cases where the Court determines that a conference is necessary and appropriate. The Court may journalize a binding case management plan by pretrial order following the hearing. Cases may be referred by the Court to an alternative dispute resolution program.

Rule 5.4 Jury Management Plan

[Supplementing Sup R 5(B)(2)]

A jury management plan, as required by Sup R 5(B)(2) has been adopted by this Court and is found in **APPENDIX A**.

Rule 5.5 Publication by Posting [effect. 3/15/12]

[Supplementing Sup R 5]

Upon proper motion and entry, in any proceeding where any type of notice other than service of summons is required by law or deemed necessary by the court, and the statute providing for notice neither directs nor authorizes the court to direct the manner of its service, pursuant to CIV R 73(E)(7) the Court may direct that publication shall be made by posting and mail consistent with the provisions of CIV R 4.4. Pursuant to that rule, in addition to posting at the Allen County Courthouse, posting shall be made at any two (2) of the following designated locations:

(1) Allen County Title Department
419 N. Elizabeth Street
Lima, OH 45801

(2) Lima Municipal Court

109 N. Union Street
Lima, OH 45801

(3) Allen County Department of Job and Family Services
1501 S. Dixie Highway
Lima, OH 45804

(4) Allen County Department of Health
219 East Market Street
Lima, OH 45801

Rule 8 Court Appointments

[Supplementing Sup R 8]

(A) Persons appointed by the Court pursuant to constitutional or statutory authority, rule of court, or the inherent power of the court shall be selected from lists maintained by the court.

(B) Appointments will be made from such lists taking into consideration the qualifications, skill, expertise and caseload of the appointee in addition to the type, complexity and requirements of the case.

(C) Court appointees will be paid a reasonable fee with consideration given to the factors contained in Rule 1.5 of the Ohio Rules of Professional Conduct, the Ohio Revised Code, and any other applicable rules and regulations, including any Local Rules of Court relating to fees.

(D) As required by Sup R 8(D), if a party or other person is required to pay all or a portion of the fees payable to an appointee, the appointee promptly shall notify that party or person of the appointment and the applicable fee schedule. The appointee shall file with the court and serve upon the party or other person required to pay all or a portion of the fees, itemized fee and expense statements on a regular basis as determined by the court.

Rule 9 Security Plan

[Supplementing Sup R 9]

The Ohio Supreme Court adopted Security Standards on October 17, 1994. Thereafter the Local Court Security Advisory Committee was appointed to establish written directives for the purpose of ensuring security within all Court facilities while maintaining accessibility to the community. A Court Security Manual was adopted and is in effect, including any amendments. Pursuant to Sup.R. 9(B), this is not a public record.

Rule 11.1 Recording Proceedings

[Supplementing Sup R 11]

Proceedings before the Court will be recorded by audio-electronic recording device if requested by a party or at the discretion of the Court. A fee of \$12.00 will be charged and collected as costs in any case in which a recording is made. If any other recording procedure is desired, it must be provided by the requesting party, who shall make the necessary arrangements, including the payment of costs. Transcriptions of the record from audio-electronic tapes and/or digital recordings of proceedings not attended by a court reporter shall be made at the expense of the person requesting such transcription. The transcription shall be made by an employee or other person authorized by the court. The authorized person or employee of the court shall charge the usual customary fee charged by a private reporter for services in this county for such transcription. The applicable Rules of Appellate Procedure and the Rules of Court for the Third District Court of Appeals or applicable Court of Appeals shall control the procedure for the preparation and filing of transcripts for the purpose of appeal.

Rule 16 Mediation [Pursuant to R.C. 2101.163 and Sup R 16]

(A) Referral:

- (1) A mediator may be appointed by the Court when requested by either party or on the Court's own motion. A referral to mediation by the Court may be made at any stage of the proceedings. There are no limitations as to the type of probate cases that may be referred to mediation. The parties may agree to use an outside mediator as long as there is an agreement as to payment of fees,

and the Court has given prior approval. The provisions of Ohio Revised Code Section 2710 (“Uniform Mediation Act”)(UMA) and Rule 16 of the Ohio Rules of Superintendence are incorporated into this Rule by reference.

- (2) Unless proceedings are stayed by Court order during the process of mediation, the parties shall continue to engage in discovery or other trial preparation and the Court shall continue to manage the case by establishing deadlines and placing the matter on the docket for hearing or trial.
- (3) All parties and counsel shall advise the Court of any domestic violence allegations known to exist or to have existed in the past, or which become known to them following entry of the order but before conclusion of all mediation proceedings, which allegations involve any two or more persons whose attendance is required by the referral order.
- (4) Parties shall be allowed to participate in mediation, and if the parties wish, their attorneys and other individuals they designate are allowed to accompany them and participate in the mediation. By participating in mediation, a non-party participant, as defined by R.C. 2710.01 (D), submits to the Court’s jurisdiction to the extent necessary for enforcement of this rule.
- (5) The Court will create written materials to be displayed in public areas and to have available by mediators and staff for distribution, including but not limited to parties participating in a mediation. The materials will include local attorney contact information; resource information for local domestic violence prevention, counseling, substance abuse and mental health services; and information regarding Children’s Services.
- (6) Mediation is prohibited as an alternative to the prosecution or

adjudication of domestic violence; in determining whether to grant, modify or terminate a protection order; in determining the terms and conditions of a protection order; and in determining the penalty for violation of a protection order.

Nothing in this division of this rule shall prohibit the use of mediation in a subsequent divorce or custody case even though that case may result in the termination of the provisions of a protection order.

(B) Qualifications:

- (1) Any mediator to whom the Court makes referrals, other than a case which involves the mediation of allocation of parental rights and responsibilities or the care of, or visitation with, minor children, shall have such qualifications as deemed appropriate by the Judge.
- (2) Any mediator to whom the Court makes referrals in cases which involve the mediation of allocation of parental rights and responsibilities or the care of, or visitation with, minor children, shall have the minimum qualifications set forth in the Rules of Superintendence for the Courts of Ohio. When fear of violence is alleged, suspected or present, the mediation shall proceed only if all the following conditions are satisfied:
 - (a) The person who is or may be the victim of domestic violence is fully informed, both orally and in writing, about the mediation process, his or her right to decline participation in the mediation process, and his or her option to have a support person present at mediation sessions.
 - (b) The parties have the capacity to mediate without fear of coercion or control.
 - (c) Appropriate procedures are in place to provide for the safety of the person who is or may be the victim of domestic violence and all other persons present at the mediation.
 - (d) Procedures are in place for the mediator to terminate mediation if he or she believes there is continued threat of domestic violence or coercion between the parties.
 - (e) Procedures are in place for issuing written findings of fact,

as required by R.C. 3109.052, to refer certain cases involving domestic violence to mediation.

(C) Mediation Sessions and Process:

- (1) Cases referred by the Court shall be scheduled for mediation by the mediator. All cancellations and re-scheduling of mediation dates shall be made only upon approval of the mediator. Mediation shall be held at a location determined by the mediator, and in Allen County, Ohio, unless all parties otherwise agree.
- (2) The mediator shall fix a time for mediation to occur, not more than sixty (60) days after submission to mediation and shall notify the parties or their counsel, in writing, at least ten (10) days before the mediation of the time and place of mediation. The sixty (60) days period may be extended once by the mediator for up to fifteen (15) days. Notwithstanding any continuance, the mediation shall be held and concluded within seventy-five (75) days from the date of submission, unless the Court permits a further extension. The initial mediation session will be scheduled for a minimum of two (2) hours.
- (3) The parties to the case shall attend all mediation sessions unless their attendance has been excused in advance by the mediator. All persons necessary for authority to settle the case must attend. The lawyer who is primarily responsible for handling trial of the matter shall also attend the mediation unless the attorney is excused by the mediator.
- (4) All mediations shall be conducted in accordance with the Uniform Mediation Act (R.C. 2710.01 et seq.) and Sup R 16.

- (5) Communication in the mediation process, regardless of the method of referral or the nature of the issues referred, are governed by the Uniform Mediation Act (Chapter 2710 ORC); Sup R 16, and Rule 408 of the Ohio Rules of Evidence. The entire mediation process including any correspondence with the mediator prior to the mediation conference is confidential except as otherwise provided by law. The parties and the mediator may not disclose regarding the process, including settlement terms, to the Court or

to other persons, unless the parties otherwise agree. A mediator may disclose whether the mediation has occurred or has terminated whether a settlement was reached; attendance; and, may make the disclosures authorized by Revised Code Section 2710.06. The mediator is disqualified as a witness, consultant, attorney or expert in any pending or future actions related to the dispute, including actions between persons not parties to the mediation process.

(D) Participation:

- (1) Parties referred to mediation shall participate in good faith in the mediation process and cooperate in all matters pertaining to the mediation, including payment of mediator fees if ordered by the Judge.
- (2) The Court may order parties to return to mediation at any time.

(E) Sanctions:

- (1) If a party or counsel for a party fails to attend mediation sessions without good cause or otherwise violates this rule, the Court may, on motion by a party, the mediator, or upon the Court's own motion, impose appropriate sanctions, including but not limited to, an award of counsel fees and costs (including fees of the mediator) dismissal, default judgment or contempt.
- (2) Attorneys shall submit a "Mediation Intake Form" to the mediator prior to mediation.

(F) Conclusion of Mediation:

- (1) Immediately on conclusion of the mediation, the mediator will report to the Court the status of the mediation (i.e., whether a settlement was reached, all or part; and whether all necessary parties attended.
- (2) If the mediator determines that further mediation would be of no benefit, he or she shall advise the parties and Court of such determination.
- (3) If the mediation was successful, the assigned mediator, parties or counsel (if applicable), as agreed by the parties, may immediately prepare a written memorandum memorializing any agreement reached by the parties. The "Mediation Memorandum" may be signed by the parties and counsel (Note – per R.C. 2710.05(A)(1), if the "Mediation Memorandum" is signed, it will not be privileged). The written memorandum may become an order of the court after review and approval by the parties and their attorneys. No oral agreement by counsel or with parties or an officer of the Court will be binding unless made in open court. No agreements developed in mediation shall be legally binding until reviewed and approved by the parties and their attorneys. In cases in which an agreement is reached, the parties or their attorneys shall submit final judgment entries to the Court within fourteen days of the conclusion of the mediation, or at such time as may be ordered by the Court. If an agreement is not reached, the case shall be returned to the assigned Judge.
- (4) If the parties fail to submit an appropriate judgment entry in a timely manner, the Court may dismiss the case administratively or impose sanctions. Upon any such administrative dismissal, court costs and mediator fees shall be paid as ordered by the Court.

(G) Compensation of Mediator:

The parties are equally responsible for paying one-half (1/2) of the

mediator's fee for the first mediation session. The Court will pay the remaining one-half (1/2) of the fee for the first mediation session unless otherwise ordered. A mediation session is defined as a four (4) hour period. If continued mediation sessions are necessary, the mediator's fee shall be borne equally by the parties, unless otherwise ordered by the Court. The Court will determine the rate at which the mediator will be paid. Any additional expenses associated with mediation must be pre-approved by the court.

All mediators will provide an application for an order to pay any portion of the mediation fees to be paid by the Court within thirty (30) days of the completion of mediation, and an entry to approve payment of the fees. Current versions of these forms are available from the Deputy Clerks and/or on the Court's website.

Rule 26.1 Court Records Management and Retention

[Supplementing Sup Rules 26, 26.01 and 26.04]

Sup R. 26, 26.01 and 26.04 as adopted and implemented by this Court effective 1/1/2000, as amended by Local Rule 26.2, remain as the Court Records, Management and Retention rules and records retention schedule for the Probate Court of Allen County, Ohio, including the Clerk's Office. Pursuant to Sup R 26(A)(1), this is done as a judicial governmental function.

Rule 26.2 Management and Retention of Civil Commitment Records

[Supplementing Sup R 26.04]

As effective 9/28/07, pursuant to Sup R 5(A) and Sup R 26 (G) the Court's Rule 26.04(E) case file and probate record retention schedule for the Probate Court of Allen County, Ohio, including the Clerk's Office, for civil commitment cases ordered expunged pursuant to Chapter 5122 of the Ohio Revised Code, is as follows:

Civil Commitment: (a) Where a case is ordered expunged pursuant to Chapter 5122 of the Ohio Revised Code, index and docket entries, case file, and other related probate records may be deleted or destroyed at

any time after 90 days (to provide necessary time for any appeal and to process payment) from the date of the entry of the Probate Judge ordering the case expunged.

Pursuant to Sup.R. 26(A)(1) this is done as a judicial, governmental function.

Rule 45 Omission of Personal Identifiers

[Supplementing Sup R 45]

When personal identifiers are omitted from a case document submitted to the Court or are filed with a clerk of court pursuant to Sup R 45 (D)(1) the party shall complete and file a “Personal Identifiers Omission Form” utilizing a form approved by the Court. Current version of the form is available from the Deputy Clerks and/or on the Court’s website.

Rule 53.1 Hours of Court

[Supplementing C.P.Sup.R. 53]

The Probate Court and its offices (including the Clerks’ Office), shall be open for the transaction of business from **9:00 A.M. to 4:30 P.M.**, Monday through Friday. Hearings may be scheduled outside those stated hours at the discretion of the Court. The Probate Court and offices shall be closed on Saturday, Sunday, paid holidays (as designated by the County Commissioners), and at such other times as the Judge deems necessary and proper.

Rule 57.1 Full Name To Be Provided

[Supplementing Sup R 57]

The initial filing in an estate is to include the full name (including the middle name) of the decedent. The initial filing in a case for the appointment of a guardian is to include the full name (including the middle name) of the potential ward. The initial filing in a case for the appointment of a conservator is to include the full name of the applicant. The initial filing in

an adoption is to include the full name (including the middle name) of the person to be adopted. The affidavit in a civil commitment is to include the full name (including the middle name) of the Respondent. The Deputy Clerks may refuse to accept filings that do not comply with this rule.

Rule 57.2 Death Certificate To Be Exhibited [as amended 3/15/12]
[Supplementing Sup R 57]

Upon the initial filing of any matter captioned in the name of a deceased individual, or the termination of a guardianship due to the death of the ward, the applicant shall exhibit to the court a copy of the decedent's death certificate unless waived by the court for good cause shown.

Rule 57.3 Filing By Facsimile Transmission

[Supplementing Sup R 57 – As approved by the Compliance Work Group of the Standards Subcommittee of the Advisory Committee on Technology of the Courts on March 26, 2004, and effective May 1, 2004]

The provisions of this local rule are adopted under Civ.R. 73(J) and Sup R 27. Filings by facsimile (FAX) to the Allen County Probate Court shall only be received/accepted at the following number: **419-221-3432**, and are subject to the following conditions:

(A) Applicability:

Except as otherwise specifically provided, only documents subsequent to the initial pleading/filing may be filed with the Allen County Probate Court by facsimile. (Examples of "initial pleadings/filings": Complaints, Applications for the Appointment of Guardian, and Civil Commitment Affidavits) The following documents will not be accepted for FAX filing: Documents where a statute, rule of court, or court order requires the original to be filed. (Examples: an original will; an original codicil to a will; an original trust agreement)

(B) Original Filing:

- (1) A document filed by FAX shall be accepted as the original filing. Unless otherwise ordered, the person making the FAX filing need not file any source document with the Deputy Clerks, but must however, maintain in his or her records and have available for production on request/order of the court the source documents filed by FAX, with original signatures as otherwise required under

the applicable rules, together with the original copy of the facsimile cover sheet used for the subject filing.

- (2) Subject to paragraph 3, unless otherwise ordered, the source document filed by FAX shall be maintained by the person making the filing until the case is closed and all opportunities for appeals or other post judgment relief are exhausted.
- (3) The Court reserves the right to order, when deemed necessary by the Court, that the source document either be filed with the Court or transferred to and maintained by a person or entity other than the person or entity that made the FAX filing. For example, an original Statement of Expert Evaluation in a guardianship may be ordered transferred to and maintained or filed by the attorney of record for the guardian.

(C) Definitions:

As used in these rules, unless the context requires otherwise:

- (1) A “facsimile transmission: means the transmission of a source document by a system that encodes a document into optical or electrical signals, transmits and reconstructs the signals to print a duplicate of the source document at the receiving end.
- (2) A “facsimile machine” means a machine that can send and or receive a facsimile transmission.
- (3) “Fax” is an abbreviation for “facsimile” and refers, as indicated by the context, to facsimile transmission or to a document so

transmitted.

- (4) “Office of the Clerk of Court” means the office of the Clerk of the Allen County Probate Court, Allen County, Ohio. By law the Judge is the Clerk of the court, with such Deputy Clerks as he/she shall appoint.

(D) Cover Page:

- (1) The person filing a document by FAX shall also provide therewith a cover page containing the following information:
- (I) the name of the court;
 - (II) the title of the case;
 - (III) the case number;
 - (IV) the assigned judge;
 - (V) the title of the document being filed;
 - (VI) the date of transmission;
 - (VII) the transmitting FAX number;
 - (VIII) an indication of the number of pages included in the transmission, including the cover page;
 - (IX) if a judge or case number has not been assigned, state that fact on the cover page;
 - (X) the name, address, telephone number, FAX number, Supreme Court registration number, if applicable, and e-mail address of the person filing the FAX document if available; and
 - (XI) if applicable, a statement explaining how costs are being submitted.
- (2) If a document is sent by FAX to the office of the Clerk of Court without the cover page information listed above the office of the Clerk, may at its discretion:
- (I) enter the document in the Case Docket and file the document; or
 - (II) deposit the document in a file of failed FAX documents

with a notation of the reason for the failure; in this instance the document **shall not** be considered filed with the office of the Clerk of Court.

- (3) The office of the Clerk of Court is not required to send any notice to the sender of a failed FAX filing. However, if practicable, the office of the Clerk of Court may inform the sender of a failed FAX filing.

(E) Signature:

- (1) Any signature on documents transmitted by FAX shall be considered that of the attorney or party that it purports to be for all purposes. If it is established that the documents were transmitted without authority, the Court may order the filing stricken.
- (2) A party who files a signed document by FAX represents that the physically signed source document is in his/her possession or control.

(F) Exhibits:

- (1) Each exhibit to a facsimile produced document that cannot be accurately transmitted via facsimile transmission for any reason must be replaced by an insert page describing the exhibit and why it is missing. Unless the court otherwise orders, the missing exhibit shall be filed with the court, as a separate document, not later than five (5) court days following the filing of the facsimile document. Failure to file the missing exhibits as required by this paragraph may result in the court striking the document or exhibit.
- (2) Any exhibit filed in this manner shall be attached to a cover sheet containing the caption of the case which sets forth the name of the court, title of the case, the case number, name of the judge and the title of the exhibit being filed (e.g., Plaintiff Smith's Notice of Filing Exhibit "G" to Plaintiff Smith's Response to Defendant's Motion to Dismiss), and shall be signed and served in conformance with the rules governing the signing and service of pleadings in

this court.

(G) Time of Filing:

- (1) Subject to the provisions of these rules, all documents sent by FAX and accepted by the office of the Clerk of Court shall be considered filed with the office of the Clerk of Court as of the time and date a Deputy Clerk time-stamps the document received, as opposed to

the date and time of the fax transmission. Any exception shall be by order of the Court. The office of the Clerk of Court will be deemed open to receive facsimile transmission of documents on the same days and at the same time the court is regularly open for business.

- (2) Fax filings may NOT be sent directly to the court for filing but may only be transmitted directly through the facsimile equipment operated by the office of the Clerk of Court.
- (3) The office of the Clerk of Court may, but need not, acknowledge receipt of a facsimile transmission.
- (4) The risks of transmitting a document by FAX to the office of the Clerk of Court shall be borne entirely by the sender. Anyone using facsimile filing is urged to verify receipt of such filing by the office of the Clerk of Court through whatever technological means are available.

(H) Fees and Costs:

- (1) Any document filed by FAX that requires a filing fee may be rejected unless the filer has either paid the applicable cost or fee or has made satisfactory payment arrangements with the Deputy Clerks.
- (2) No additional fees shall be assessed for facsimile filings.

Rule 57.4 Withdrawal of Counsel
(Supplementing Sup R 57[B])

It is contemplated that counsel who has entered an appearance on behalf of a fiduciary or other party shall remain as such counsel until the case is concluded. However, upon written motion for leave to withdraw from the action, and for good cause shown, the Court may permit counsel to withdraw. In such case counsel shall certify in the motion that the client and all other counsel and/or unrepresented adversarial parties of record have been notified. Withdrawal of counsel requires court approval by entry.

**Rule 57.5 Name, Address, Telephone Number and Attorney
Registration Number Required**

[Supplementing Sup R 57(B)]

Pursuant to Sup R 57 (B), all filings not containing the name, address, telephone number, and attorney registration number of the individual counsel representing the fiduciary, and in the absence of counsel the name, address and telephone number of the fiduciary, may be refused for filing.

Rule 57.6 Address Change of Fiduciary Or Attorney of Record

[Supplementing Sup R 57(B)]

It is the responsibility of each attorney of record, or fiduciary when not represented by counsel, to advise the Court in writing of any change in the mailing address of the attorney, the fiduciary, and/or the ward in a guardianship. The notice must include the case number and the signature of the attorney or fiduciary. It is the responsibility of each attorney of record to notify the Court, in the same manner, if a fiduciary dies or moves out of the State of Ohio. Failure to comply with this rule may lead to the removal of the fiduciary and/or attorney of record and/or a disallowance of fiduciary and/or attorney fees.

Rule 58.1 Court Costs

[Supplementing Sup R 58]

(A) Deposits:

Deposits in the amount set forth in **APPENDIX B** attached hereto shall be required upon the filing of any actions and proceedings listed there.

Applications accompanied by an acceptable affidavit of the applicant of inability to give security for costs shall be accepted without the necessity of such deposit as a condition for filing provided that the applicant shall exert diligent efforts to make funds available from the probate, guardianship or trust estate, if applicable, for the security deposit and pay the deposit into the Court as soon as possible. The filing of an indigency affidavit only waives the cost deposit, not the costs. The applicant shall be liable for the payment of costs unless otherwise ordered by the Court.

The deposit shall be applied from time to time as filings occur and additional deposits may be required by the Court if determined to be necessary.

(B) Fee for Computerized Legal Research Services:

Pursuant to the authority of O.R.C. 2101.162 (A)(1) it is determined that for the efficient operation of the Probate Division of the Common Pleas Court of Allen County, Ohio, additional funds are required to computerize the Court and to make available computerized legal research services.

The Deputy Clerks of this Court are hereby directed and authorized to charge a fee of three dollars (\$3.00), in addition to the fees specified in divisions (A)(1),(3),(4),(6),(14) to (17),(20) to(25),(27),(30),to (32), (34),(35),(37) to (48), (50) to (55), (59) to (61), (63) to (66), (69) and (72) of Section 2101.16 of the Revised Code, the fee adopted pursuant to division (F) of that section, and the fee charged in connection with the docketing and indexing of an appeal.

All funds collected pursuant to this subdivision of this rule shall be paid to the County Treasurer to be maintained in a separate fund to be expended/disbursed by order of this Court as provided for by O.R.C. 2101.162 (A)(2) and (3).

(C) Computerization Fees:

Pursuant to the authority of O.R.C. 2101.162 (B)(1), as amended effective 3/24/93, it is determined that for the efficient operation of the Probate Division of the Common Pleas Court of Allen County, Ohio, additional funds are required to computerize the office of the Clerk of this Court.

The Deputy Clerks of this Court are hereby directed and authorized to charge a fee of ten dollars (\$10.00), in addition to the fees specified in divisions (A)(1),(3),(4),(6),(14) to (17),(20) to (25),(27),(30), to (32),(34),(35),(37) to (48), (50) to (55), (59) to (61), (63) to (66), (69) and (72) of Section 2101.16 of the Revised Code, the fee adopted pursuant to division (F) of that section, and the fee charged in connection with the docketing and indexing of an appeal.

All funds collected pursuant to this subsection of this rule shall be paid to the County Treasurer to be disbursed by order of this Court as provided for by O.R.C. 2101.162 (B)(1) and (2).

(D) Mediation Filing Fee:

The Court having adopted a Dispute Resolution Procedure (See Local Rule 16 "Mediation"), pursuant to R.C. 2101.163 the Deputy Clerks shall charge a fee of Fifteen Dollars (\$15.00) to be collected on each civil action or proceeding that is within the jurisdiction of probate court. This shall include, but not necessarily be limited to: and estate, wrongful death, guardianship, trust, minor settlement, civil action, correction of birth, registration of birth, change of name, or adoption.

The probate court shall pay to the county treasurer of Allen County all fees collected under R.C. 2101.163 (A). The treasurer shall place the funds from the fees in a separate fund to be disbursed upon an order of the probate judge.

If the probate judge determines that the amount of the moneys in the fund described in division (B) of this section is more than the amount that is sufficient to satisfy the purpose for which the additional fee described in division (A) of R.C. 2101.163 was imposed, the probate judge may declare a surplus in the fund and expend the surplus moneys for other appropriate judicial expenses of the probate court.

(E) Special Projects Funds [Effect. 3/15/12]

Pursuant to R.C. 2303.201(E) the Court has determined that for the efficient operation of the court, additional funds are necessary to acquire and pay for special projects of the court, including but not limited to, the acquisition of additional facilities or the rehabilitation of existing facilities, the acquisition of equipment, the hiring and training of staff, community service programs, the employment of magistrates, the training and education of judges and magistrates, and other related services.

A Special Projects fund fee of Fifty Dollars (\$50.00) shall be collected on the filing of each civil action and the following proceedings: an estate (full administration); guardianship, trust, adoption, wrongful death, and sale of structured settlement. A Special Project fund fee of Twenty-Five Dollars (\$25.00) shall be collected on the filing of the following proceedings: release from administration, summary release from administration, minor settlement (without a guardian), correction of birth record, registration of birth, and name change.

58.2 Witness Fees

[Supplementing Sup R 58]

Upon the filing of a praecipe for subpoena of witnesses there shall be deposited for each witness to be subpoenaed, an amount sufficient to pay the witness fee as prescribed by R.C. 2325.06.

59.1 Hearing On Inventory/Notice

[Supplementing Sup R 59(B) and R.C. 2115.16]]

Upon the filing of the inventory required by section 2115.02 of the Revised Code, the probate court forthwith shall set a day, not later than one month after the day the inventory was filed, for a hearing on the inventory.

Pursuant to R.C. 2115.16, unless notice is waived, upon filing of an inventory the executor or administrator shall serve notice of hearing

in a manner authorized by Civ.R. 73 (E) upon the surviving spouse and all parties listed on the SPF 1.0 form. Proof of service of notice shall be by affidavit in conformity with Civ.R. 73(F). [Form available from website]

Pursuant to R.C. 2115.16 the executor or administrator may serve notice of the hearing, or may cause notice to be served, on any other person who is interested in the estate.

Rule 64.1 Accounts

[Supplementing Sup R 64]

(A) The time for filing fiduciary accounts shall be as follows:

- (1a) For estates, if the date of death is prior to January 1, 2002, the first account shall be due not later than nine months from the date of appointment of the fiduciary. All subsequent accounts must be filed on a yearly basis unless the Court orders otherwise.
- (1b) For estates, if the date of death is on or after January 1, 2002, the final and distributive account shall be rendered within six months after appointment of the fiduciary unless extensions of administration and filing of account are ordered by the Court.
- (2) For guardianships, the first account shall be due not later than one year following the date of appointment of the guardian. All subsequent accounts shall be due on a yearly basis, unless the Court orders otherwise.
- (3) For trusts, the first account shall be due not later than one year following the date of appointment of the trustee. All subsequent accounts shall be due on a yearly basis, unless the Court orders otherwise.

- (4) In cases where R.C. 2109.301(A) or 2109.302(B) waive the filing of a partial account, the fiduciary shall file any waiver annually or prior to the date the partial account would otherwise be due.

Where applicable written consents must accompany each waiver.

(B) Additional costs of \$10.00 per notice will be assessed for all late notices. Except for good cause shown, the cost of late notices and citations may be deducted from the fiduciary's compensation.

Rule 64.2 Vouchers and Verification of Income: [as amended 3/15/12]
[Supplementing Sup R 64]

Vouchers or other proof of disbursements and distributions shall be submitted with estate accounts for decedents dying on or before December 31, 2001, and all guardianship and trust accounts. Even if not required to be filed with an account, vouchers or other proof of disbursements and distributions should be maintained in the event exceptions are filed or proof should otherwise be required.

All income must be verified with bank statements, broker statements, copies of checks, etc.

The vouchers or proof required to verify disbursements and distributions can be made in the form of cancelled checks, paid receipts, bills stamped paid by the payee, vouchers in a form approved by the court; copies of any of the above as found acceptable by the court; and other proof as acceptable to the court. If copies of cancelled checks are submitted, copies of the front only of cancelled checks are acceptable, if accompanied by a bank statement from the financial institution confirming that the check was cashed in the amount for which it was drawn.

Check book registers, non-cancelled checks or copies of non-cancelled checks, carbons of checks written, or bills with no evidence that they have been paid will not be accepted as vouchers or proof.

The vouchers or other proofs required by section 2109.302 and 2109.303 [2109.30.2 and 2109.30.3] of the Revised Code and receipts filed or exhibited pursuant to section 2109.32(B)(1)(b) of the Revised Code, shall be referenced to the account by number, letter, or date.

Pursuant to Sup.R. 26.04 (D)(1), the vouchers, proof or other evidence submitted with the court in support of the expenditures or distribution slated in an account, after review and reconciliation with the accounting and notation of reconciliation in the record or file, may be returned to the fiduciary or retained in accordance with divisions (D)(2) and (E) of that rule.

This rule shall also apply to vouchers or other proof of expenditures presented with a Report of Distribution unless otherwise ordered by the Court.

Rule 64.3 Exhibiting Assets:
[Supplementing Sup R 64]

Cash balances may be verified by exhibiting a financial institution statement, passbook, bank certificate, or a current letter from the financial institution in which the funds are deposited certifying the amount of funds on deposit to the credit of the fiduciary.

Assets held in a safe deposit box of a fiduciary or by a surety company on a fiduciary's bond may be exhibited by filing a current inventory of the assets. The inventory shall be certified by the manager of the safe deposit box department of the financial institution leasing the safe deposit box or by a qualified officer of the surety company if the assets are held by a surety. If the assets are held by a bank, trust company, brokerage firm, or other financial institution, exhibition may be made by proper certification as to the assets so held, or other proof acceptable to the court.

For good cause shown, the court may designate a deputy clerk of the court to make an examination of the assets located in the county, not physically exhibited to the court, or may appoint a commissioner for that purpose if the

assets are located outside the county. The commissioner appointed shall make a written report of findings to the court.

The assets remaining in fiduciary's hands shall disclose the fair market value of the assets as of the last day covered by the account.

64.4 Payment of Costs:

[Supplementing Sup R 64(E)]

A final or distributive account shall not be approved until all court costs have been paid, or waived by order of the court.

64.5 Hearing on Account/Notice:

[Supplementing Sup R 64]

Any notices required by this Rule shall comply with Sup R 73(E) and may be waived in a writing that is filed with the court. Proof of service of notice shall be by affidavit in conformity with Civ.R. 73(F). [Form on website]

(A) In addition to the other provisions of R.C. 2109.33, the Probate Court, after notice to the fiduciary upon the motion of any interested person for good cause shown or at it's own instance, may order that a notice of hearing pursuant to that section is to be served upon persons the court designates.

(B) Accounts of Executors and Administrators:

As provided for by R.C. 2109.33, notice of the hearing on a final account shall be given by the fiduciary to all heirs in an intestate estate and to all residuary beneficiaries in a testate estate, unless waived.

(C) Accounts of Guardians:

A guardian shall not be required to give notice of hearings for Partial Accounts except in the case of Veteran's Guardianships, where notice shall be given to the Veteran's Administration.

In the case of a Final Account or Final and Distributive Account, the fiduciary is required to file waivers of notice of hearing or serve notice of hearing on the following persons whose addresses are known:

- (1) In the case of an incompetent, to the ward's next of kin, and to the fiduciary of the ward's estate (if any).
- (2) In the case of a minor, to the ward if the ward has reached the age of majority, otherwise to the ward's next of kin.

(C) Accounts of Trustees and Other Fiduciaries:

The trustee is required to file waivers of notice of hearing or serve notice of hearing on the following persons whose addresses are known:

- (1) All current beneficiaries [as defined by R.C. 5801.01(F)]; and
- (2) if a charitable trust, to the Ohio Attorney General, Charitable Trust Division.

Rule 66.1 Guardianships of Minors
[Supplementing Sup R 66]

(A) A separate guardianship must be filed and a corresponding case file established for each proposed ward.

(B) A certified copy of the minor child's birth certificate shall be filed with every SPF 16.0 – Application For Appointment of a Guardian of A Minor, unless waived by the Court.

(C) The Court will not consider an application unless accompanied by a properly completed custody affidavit in conformity with R.C. 3127.23. An affidavit in conformity with 3109.04(M) shall be completed by the applicant as to the applicant and other members of the applicant's household. The affidavit(s) shall be filed on forms approved by the Court.

(D) No guardian of the person of a minor may create a power of attorney pursuant to R.C. 3109.52 transferring the guardian's rights and responsibilities without specific authority of the Court.

Rule 66.2 Guardian's Report

[Supplementing Sup R 66]

(A) All guardians are required to file their Guardian's Report (SPF 17.7) as detailed in Section 2111.49 of the Revised Code on the first anniversary after the date of the issuance of the Letters of Guardianship and bi-annually thereafter.

(B) The Guardian's Report shall be filed by the guardian of the person of the ward, except that if no guardian of the person was appointed the Report shall be filed by the guardian of the estate of the ward.

(C) The Guardian's Report shall include a Statement of Expert Evaluation unless this requirement has been dispensed with by the Court pursuant to the Court's Local Rule 66.4.

Rule 66.3 Change of Address

[Supplementing Sup R 66]

A guardian shall inform the Court in writing as to any change of address of the guardian or the ward within thirty (30) days of the address change. Failure to notify the Court under this rule may result in the guardian being removed.

Rule 66.4 Statement of Expert Evaluation

[Supplementing Sup R 66]

Where a physician or clinical psychologist states on a Statement of Expert Evaluation that to a reasonable degree of medical certainty it is unlikely the ward's mental competence will improve, the Court may dispense with the filing of subsequent evaluations.

Rule 66.5 Indigent Guardianships

[Supplementing Sup R 66]

- (A) Persons requesting that cost deposits and/or costs be waived and/or that attorney fees and expenses shall be paid from the Indigent Guardianship Fund shall file any form required by the Court; and shall notify the Court of any material change in the income or assets of the ward or possible ward.
- (B) Expenditures shall be made from the county Indigent Guardianship Fund established pursuant to R.C. section 2111.51 only for payment of a cost, fee, charge or expense associated with the establishment, opening, maintenance or termination of a guardianship for an indigent ward.

For purposes of this Rule, “cost, fee, charge or expense” shall include attorney fees only for: 1) representation of the applicant for appointment as guardian of an indigent ward; 2) representation of the ward; or 3) as guardian ad litem appointed for the ward. Any other expenditures from the county Indigent Guardianship Fund shall be approved only upon specific motion of the party seeking payment of the cost, fee, charge or expense, and when determined by the Court to be of benefit to the ward or estate.

Unless otherwise ordered, the Court will determine qualifications for payment of costs, fee, charges or expenses from the county Indigent Guardian Fund based on the assets and income of an adult ward using 100% of the U.S. Department of Health and Human Services poverty guidelines. Unless otherwise ordered, in the case of a minor, the Court shall utilize the same general guidelines, but shall consider the assets and income of the parents and applicant(s).

Rule 67 Estates of Minors of Not More Than Twenty-Five Thousand Dollars

[Supplementing Sup R 67]

If no attorney represents the interests of the minor, the attorney representing the interests of the payer shall assume the duties imposed by Sup.R. 67 (B) and (C).

Rule 71.1 Attorney Fees (All case types)

[Supplementing Sup R 71]

(A) All fees charged by an attorney representing a fiduciary in matters before this Court, including but not limited to work on decedent's estates, guardianships and trusts, must be disclosed on the fiduciary's account, regardless of the source of payment. If the source of payment is other than the fiduciary, the source of payment must be identified on the account. For the purpose of this rule, "fiduciary" includes commissioners and applicants for release from administration. If no account is to be filed, the payment must be disclosed on a consent to fees form signed by the payer of the fees.

(B) Prof. Conduct Rule 1.5 shall govern the reasonableness of all fees, notwithstanding statutory allowances and/or consents to the fees.

Court reserves the right to set any fees requiring court approval for hearing regardless of any other provisions of these Rules.

(C) In all matters where an attorney is the fiduciary of the estate, guardianship or trust, and that attorney or another attorney is attorney of record, detailed records shall be maintained describing time (by 10^{ths} of the hour) and services as fiduciary and as attorney, which records shall, upon request be submitted to the Court for review. The Court assumes an attorney, appointed as fiduciary, has been selected due to the attorney's knowledge and abilities resulting in a savings of fees to the estate, guardianship or trust. Upon review of the records, the Court may set the fees for hearing, regardless of the submission of consents to the fees.

(D) Counsel shall:

- (1) Discuss alternative methods of charging fees with the fiduciary;
- (2) Offer fee arrangements that reflect the true value of the services rendered;
- (3) Reach agreements respecting fees with the fiduciary as early in the attorney-client relationship as possible;

(4) Provide written agreements as to all fee arrangements.

(E) Attorneys are expected to be familiar with Prof. Conduct Rule 1.5 that governs the reasonableness of fees.

(F) Any attorney fees authorized by these rules to be taken without a hearing shall be shown as a credit on the account for the accounting period in which the fees were taken and shall be subject to exceptions as provided by law.

(G) Unless otherwise ordered, applications for attorney fees shall not be scheduled for a separate hearing, but shall be considered at the hearing on the account. Approval of an account shall constitute approval of the attorney

fees contained therein. The Court reserves the right to order formal notice and hearing on any application for attorney fees.

Rule 71.2 Attorney Fees in Estates

(Supplementing Sup R 71)

(A) Hearing on Attorney Fees Generally Required:

(1a) Attorney fees will be awarded only after written application and hearing, except as modified herein. Attorney fees for the administration of estates shall not be paid until a final account is prepared for filing, unless otherwise approved by the Court.

(1b) If the fee arrangement with the fiduciary/client is based on an hourly rate the attorney fee application shall include:

- (a) an itemized statement of the services performed;
- (b) the date services were performed;
- (c) the time spent rendering the services (by 10ths of the hour);
- (d) and, the hourly rate charged.

(1c) If the fee arrangement with the fiduciary/client

is not based on an hourly rate the attorney fee application shall disclose the manner in which the requested fees have been calculated.

(B) No hearing required: Unless otherwise ordered by the Court, no hearing on an application for attorney fees shall be required if any of the following apply:

(1) Payment of the fee is included in an accounting or certificate of termination filed by the fiduciary who is also the sole beneficiary of a solvent estate.

(2) If a “Consent to Payment of Attorney Fees” form [ES-3] completed by the beneficiaries (solvent estate) and the beneficiaries and creditors (insolvent estate) whose share will be charged with the payment of any part of the fee is filed with the Court. In such cases a guardian may consent for the guardian’s ward, the fiduciary of a deceased beneficiary’s estate may consent on behalf of the deceased beneficiary, and a testamentary trustee may consent on behalf of the trust beneficiaries.

(3) The attorney fee, as computed on the “Attorney Fee Application and Compensation Statement” (ES-2) form is within the Guideline Fee (see p. 30), and subsection (4) does not apply. Note that any request for extra-ordinary fees will generally require a hearing unless another exception applies.

(4) The attorney for the estate or another attorney is also the executor or administrator and the requested attorney fee does not exceed one-half the guideline fee set forth below.

(5) Total fee charged does not exceed \$1,000.00.

GUIDELINE FEE

Attorney fees for the administration of a decedent's estate as set forth below may serve as a guide in determining fees to be charged to the estate for legal services of an ordinary nature rendered as attorney for the fiduciary in the complete administration of a decedent's estate. The guide is not to be considered or represented to clients as schedules of minimum or maximum fees to be charged. This guideline shall not be used by the attorney to receive a fee that would be unreasonable under Rule 1.5 of the Ohio Rules of Professional Conduct.

- (1) On the personal property which is subject to administration and for which the fiduciary is charged, and upon the gross proceeds of real estate that is sold under a power of sale under the will or by consent under O.R.C. 2127.01 as follows:
 - (a) For the first \$100,000 at the rate of 4%;
 - (b) All above \$100,000 and not exceeding \$400,000 at the rate of 3%;
 - (c) All above \$400,000 at the rate of 2%.
- (2) On real property that is not sold a rate of 2%.
- (3) 2% on joint and survivorship property included for the purpose of computing Ohio Estate Tax;* and
- (4) 1% of non-probate property included for the purposes of computing the Ohio Estate Tax.

Funds advanced to the estate shall not be included in the calculation under this guideline.

(C) When an application for attorney fees that is signed by the fiduciary contains an itemized description of the legal services performed, the Court may approve the application without a hearing subject to the filing of any exceptions as provided for by law.

* Computation to be shown on compensation statement even if no return required.

(D) Notice of Hearing: Any application for attorney fees which does not qualify for an exception pursuant to section (B) of this Local Rule shall be set for hearing before the Judge or a Magistrate. In such case the attorney filing the fee application shall serve notice pursuant to CIV R 73 (E) on the following parties:

(1) Solvent Estate:

- (a) Fiduciary;
- (b) all the persons whose interests are affected by the payment of the fees; and
- (c) Others, if ordered by the Court.

(2) Insolvent Estate:

- (a) Fiduciary;
- (b) all the persons whose interests are affected by the payment of the fees, including creditors; and
- (c) Others, if ordered by the Court.

(3) Notice of hearing shall be by form ES-4, with any waiver of notice and consent to the fee by form ES-5. The current versions of these forms are available from the Deputy Clerks. Proof of service of notice shall be in conformity with CIV R 73 (F).

Rule 71.3 Approval of Attorney Fees in Guardianships
(Supplementing Sup R 71)

(A) Non-Indigent Case

A completed “Attorney Fee Application, Compensation Statement”, local form “GD-2” shall be filed with all accounts and whenever approval of attorney fees is being requested without an account being filed. No hearing shall be required if the appropriate form is completed in an acceptable

manner and the fee is approved by the Court. The Court reserves the right to set any application for formal hearing.

(B) Indigent Case:

Attorney fees in Indigent Guardianship cases shall be paid in conformity with the current policies and procedures in such cases. Current versions of the policies, procedures and forms are available from the Deputy Clerks and/or the Court's web site.

Rule 71.4 Approval of Attorney Fees in Trusts

(Supplementing Sup R 71)

A completed "Attorney Fee Application, Compensation Statement", local form "TR-2" shall be filed with all accounts and whenever approval of attorney fees is being requested without an account being filed. No hearing shall be required if the appropriate form is completed in an acceptable manner and the fee is approved by the Court. The Court reserves the right to set any application for formal hearing.

Rule 72.1 Executor's and Administrator's Commissions

(Supplementing Sup R 72)

- (A) Executor's and administrator's commissions shall be governed by 2113.35 and C.P.Sup.R. 72.
- (B) Executor's or administrator's commissions shall not be paid until the final account is prepared for filing unless otherwise approved by the Court upon proper application and for good cause shown.
- (C) A "Fiduciary Fees – Application and Compensation Statement", form ES-1, shall be filed with any account which contains a

disbursement for such a fee, or in any case where an application for any such fee is being filed prior to the preparation of the final account, or if extraordinary commissions are being applied for.

(D) Any request for extraordinary fees shall be attached to the regular application and shall, as to all services for which extraordinary compensation is requested, recite the services performed, the time spent in the performance of the services (by 10ths of an hour), the amount of additional compensation requested, and a brief explanation as to why the services were out of the ordinary.

(E) Unless otherwise ordered, applications for executor's and administrator's compensation shall not be scheduled for a separate hearing, but shall be considered at the hearing on the account. Approval of an account shall constitute approval of any executor or administrator fees contained therein. The Court reserves the right to order formal notice and hearing on any application for compensation.

Rule 73.1 Guardian's Compensation Schedule

(Supplementing Sup R 73)

(A) The compensation that may be taken by guardians as a credit in their accounting for ordinary services, without application and order first obtained must be less than or equal to that provided by the schedule found in **APPENDIX C**.

(B) For corporate guardians: A fee may be charged on the same basis as the corporate guardian charges its clients as trustee of a living trust (Lowest living trust fees to apply unless otherwise ordered). Each corporate fiduciary shall file its current fee schedule with this Court. Any amendments to the schedule must be filed before a fee computed under the amended schedule is credited to an account.

(C) A computation of guardian's fees shall be filed with each account where guardian's fees have been paid. The current version of the "Compensation Statement – Guardian's Fees" (GD-1 form) shall be used to compute the allowed guardian's fees. Existence of the fee schedule is not approval by the Court of the reasonableness of the fee so taken, and any credit for a fee in such amount shall be subject to exceptions to the account as provided by law.

(D) Additional compensation for extraordinary services; reimbursement for expenses incurred; compensation of a guardian of the person only; or compensation for ordinary services at an hourly rate may only be allowed upon application and hearing. Notice of the hearing on the application in conformity with CIV R 73 (E) shall be given by the guardian to interested persons as ordered by the Court. Proof of service

of notice shall be in conformity with CIV R 73 (F). Where there is a claim for extraordinary services; fees of a guardian of the person only; or for ordinary services at an hourly rate, the application shall set forth an itemized statement of the services performed, the date the services were performed, the time spent in rendering the services (by 10ths of the hour) and the rate charged per hour.

(E) All applications for compensation of guardians of veterans must comply with Chapter 5905 of the Ohio Revised Code and all other rules and regulations of the Department of Veterans Affairs.

Rule 74.1 Trustee's Compensation Schedule

(Supplementing Sup R 74)

(A) Except where the instrument creating the trust makes provision for compensation, trustees subject to this Court's jurisdiction may, upon application and entry, be allowed compensation annually for ordinary services in connection with the administration of each separate trust in accordance with the schedule found in **APPENDIX D**.

(B) Compensation for corporate fiduciaries who are exempt from bond pursuant to Ohio Revised Code section 1111.21 may be compensated

in accordance with their published fee schedule. A copy of the applicable fee schedule shall be filed with the application for fees.

(C) A computation of trustee's fees shall be filed with each account where trustee's fees have been paid. The current version of the "Compensation Statement – Trustee's Fees" (TR-1 form) shall be used to compute the allowed guardian's fees. Existence of the fee schedule is not approval by the Court of the reasonableness of the fee so taken, and any credit for a fee in such amount shall be subject to exceptions to the account as provided by law. Existence of the fee schedule is not approval by the Court of the reasonableness of the fee so taken, and any credit for a fee in such amount shall be subject to exceptions to the account as provided for by law.

(D) Additional compensation for extraordinary services, expenses incurred, may only be allowed after hearing. Notice of the hearing on the application shall be given by the trustee to interested persons as ordered by the Court. Where there is a claim for extraordinary services, the application shall set forth an itemized statement of the services performed, the date the services were performed, the time spent in rendering the services (by 10th's of the hour), and the hourly rate.

APPENDIX A - JURY MANAGEMENT PLAN

[As required by Supt. R. 5 (B)(2)] Note: Some functions are performed by the Jury Commission and/or the General Division on behalf of all divisions of the Allen County Common Pleas Court. [Ex. see Rules 102 (B)(3) and (4)]

1.02 Purpose of Jury Management Plan

Pursuant to C.P.Sup.R. 5 (B)(2), the Court hereby adopts a jury management plan for implementation of the jury standards adopted by the Ohio Supreme Court.

1.02 (A) Opportunity for Service

- (1) The opportunity for jury service shall not be denied or limited on the basis of race, national origin, gender, age, religious belief, income, occupation, disability, or any other factor that discriminates against a cognizable group in the jurisdiction.
- (2) Jury service is an obligation of all qualified citizens.

1.02 (B) Jury Source List

- (1) The names of potential jurors shall be drawn from a jury source list compiled from one or more regularly maintained lists of persons residing within the court's jurisdiction.
- (2) The jury source list shall be representative and should be as inclusive of the adult population as is feasible.
- (3) The court shall periodically review the jury source list for its representativeness and inclusiveness of the adult population in the jurisdiction, and is feasible.
- (4) In the event the court determines that improvement is needed in the representativeness or inclusiveness of the jury source list, appropriate corrective action shall be taken.

1.02 (C) Random Selection Procedures

- (1) Random selection procedures shall be used throughout the juror selection process. Any method may be used, manual or automated, that provides each eligible and available person with an equal probability of selection. These methods shall be documented.
- (2) Random selection procedures shall be employed in:
 - (a) selecting persons to be summoned for jury service;
 - (b) assigning prospective jurors to panels; and
 - (c) calling prospective jurors for voir dire.
- (3) Departures from the principal of random selection are appropriate:
 - (a) to exclude persons ineligible for service in accordance with Local Rule 1.02 (D);
 - (b) to excuse or defer prospective jurors in accordance with Local Rule 1.02 (F);
 - (c) to remove prospective jurors for cause or if challenged peremptorily in accordance with Local Rules 1.02 (H) and (I); and
 - (d) to provide all prospective jurors with an opportunity to be called for jury service and to be assigned to a panel in conformity with Local Rule 1.02 (K)

1.02(D) Eligibility for Jury Service

All persons shall be eligible for jury service except those who:

- (1) are less than eighteen years of age;
- (2) are not citizens of the United States;
- (3) are not residents of the jurisdiction in which they have been summoned to serve;

- (4) are not able to communicate in the English language; or
- (5) have been convicted of a felony and have not had their civil rights restored.

1.02(E) Term and Availability for Jury Service

- (1) The time that persons are called upon to perform jury service and to be available should be the shortest period consistent with the needs of justice.
- (2) A term of service of one day or the completion of one trial, whichever is longer, is recommended. However, a term of one week or the completion of one trial, whichever is longer, is acceptable.

1.02(F) Exemption, Excuse, and Deferral

- (1) All automatic excuses or exemptions, with the exception of statutory exemptions, from jury duty shall be eliminated.
- (2) Eligible persons who are summoned may be excused from jury service only if:
 - (a) their ability to receive and evaluate information is so impaired that they are excused for this reason by a judge; or
 - (b) they request to be excused because their service would be a continuing hardship to them or to members of the public, and they are excused by a judge or specifically authorized federal official.
- (3) Deferrals for jury service for reasonably short periods of time may be permitted by a judge or specifically authorized court official upon completion and filing of an Affidavit.

- (4) Requests for excuses and deferrals and their disposition should be written or otherwise made or recorded.

1.02(G) Voir Dire Examination

- (1) Voir dire examination shall be limited to matters relevant to determining whether to remove a juror for cause and to determine the juror's fairness and impartiality.
- (2) To reduce the time required for voir dire, basic background information regarding panel members shall be made available to counsel in writing for each party prior to the day on which jury selection is to begin.
- (3) The trial judge shall conduct a preliminary voir dire examination. Counsel shall then be permitted to question panel members for a reasonable period of time as determined by the trial judge.
- (4) The judge should ensure that the privacy of prospective jurors is reasonably protected, and the questioning is consistent with the purpose of the voir dire process.
- (5) The voir dire process shall be held on the record.

1.02(H) Removal From the Jury Panel for Cause

If the judge determines during the voir dire process that any individual is unable or unwilling to hear the particular case at issue fairly and impartially, that individual should be removed from the panel.

Such a determination may be made on motion of counsel or by the Judge.

1.02(I) Peremptory Challenges

Peremptory challenges shall be exercised in accordance with the applicable Rules of Procedure and/or statutes.

1.02(J) Administration of the Jury System

- (1) The responsibility for administration of the jury system shall be vested exclusively in the judges of the court.
- (2) All procedures concerning jury selection and service shall be governed by Ohio Rules of Court.
- (3) Responsibility for administering the jury system shall be vested in a single administrator acting under the supervision of the administrative judge of the court.

1.02(K) Notification for Service

- (1) The notice summoning a person to jury service and the questionnaire eliciting essential information regarding that person shall be:
 - (a) contained in a single document;
 - (b) phrased to be readily understood by a person unfamiliar with the legal and jury systems; and
 - (c) delivered by ordinary mail unless otherwise ordered.
- (2) A summons shall clearly explain how and when the recipient must respond and the consequences of a failure to respond.
- (3) The questionnaire should be phrased and organized so as to facilitate quick and accurate screening and should request only that information essential for:
 - (a) determining whether a person meets the criteria for eligibility;

- (b) providing basic background information ordinarily sought during voir dire examination; and
 - (c) efficiently managing the jury system.
- (4) Policies and procedures shall be established for monitoring failures to respond to a summons and for enforcing a summons to report for jury service.

1.02(L) Monitoring of the Jury System

The courts shall collect and analyze information regarding the performance of the jury system on a regular basis in order to evaluate:

- (1) the representativeness and inclusiveness of the jury source list;
- (2) the effectiveness of qualification and summoning procedures;
- (3) the responsiveness of individual jurors; and
- (4) the efficient use of jurors; and
- (5) the cost-effectiveness of the jury management system.

1.02(M) Juror Service

- (1) The court shall employ the services of prospective jurors so as to achieve optimum use with a minimum of inconvenience to jurors.
- (2) The court shall determine the minimally sufficient number of jurors needed to accommodate trial activity. This information and appropriate management techniques should be used to adjust both the number of individuals summoned for jury duty and the number assigned to jury panels.

- (3) The court shall coordinate jury management and calendar management to make effective use of jurors.

1.02(N) Jury Facilities

- (1) The court shall provide an adequate and suitable environment for jurors.
- (2) The entrance area shall be clearly identified and appropriately designed to accommodate the daily flow of prospective jurors to the facility.
- (3) Jurors shall be accommodated in pleasant waiting facilities furnished with suitable amenities.
- (4) Jury deliberation rooms shall include space, furnishings, and facilities conducive to reaching a fair verdict. The safety and security of the deliberation rooms should be ensured.
- (5) To the extent feasible, juror facilities should be arranged to minimize contact between jurors, parties, counsel, and the public.

1.02(O) Jury Compensation

- (1) Persons called for jury service shall receive a reasonable fee for their service and expenses.
- (2) Such fees shall be paid promptly.
- (3) Employers shall be prohibited from discharging, laying-off, denying advancement opportunities to, or otherwise penalizing employees who miss work because of jury service.

1.02(P) Juror Orientation

- (1) Orientation programs shall be:
 - (a) designed to increase prospective juror's understanding of the judicial system and prepare them to serve competently as jurors; and
 - (b) presented in a uniform and efficient manner using a combination of written, oral, audiovisual materials.

- (2) The courts shall provide orientation or instructions to persons called for jury service:
 - (a) upon initial contact prior to service;
 - (b) upon first appearance at the court; and
 - (c) upon reporting to the for voir dire

- (3) The trial judge shall:
 - (a) give preliminary instructions to all prospective jurors;
 - (b) give instructions directly following impanelment of the jury to explain the jury's role, the trial procedures including note taking and questioning by jurors; the nature of evidence and its evaluation; the issues to be addressed, and the basic legal principles;
 - (c) prior to the commencement of deliberations, instruct the jury on the law, on the appropriate procedures to be followed during deliberations; and on the appropriate method for reporting the results of its deliberations. Such instructions should be made available to the jurors during deliberations.
 - (d) prepare and deliver instructions which are readily understood by individuals unfamiliar with the legal system; and

(e) before dismissing a jury at the conclusion of a case:

- (1) release the jurors from their duty of confidentiality;
- (2) explain their rights regarding inquiries from counsel or the press;
- (3) either advise them that they are discharged from service or specify where they must report; and
- (4) express appreciation to the jurors for their service, but not express approval or disapproval of the result of the deliberation

(4) All communications between the judge and members of the jury panel from the time of reporting to the courtroom for voir dire until dismissal shall be in writing or on the record in open court. Counsel for each party shall be informed of such communication and be given the opportunity to be heard.

1.02(Q) Jury Deliberations

- (1) Jury deliberations shall take place under conditions and pursuant to procedures that are designed to ensure impartiality and to enhance rational decision making.
- (2) The judge shall instruct the jury concerning appropriate procedures to be followed during deliberations.
- (3) The jury shall not be sequestered except under the circumstances and procedures set forth in Local Rule 1.02(R).
- (4) A jury shall not be required to deliberate after a reasonable hour unless the trial judge determines that evening or weekend deliberations would not impose

an undue hardship upon the jurors and are required in the interest of justice.

- (5) Training should be provided to personnel who escort and assist jurors during deliberation.

1.02(R) Jury Sequestration

- (1) A jury shall be sequestered only for good cause, including but not limited to insulating its members from improper information or influences.
- (2) The trial judge shall have the discretion to sequester a jury on the motion of counsel or on the judge's initiative and shall have the responsibility to oversee the conditions of sequestration.
- (3) Standard procedures shall be promulgated to:
 - (a) achieve the purpose of sequestration; and
 - (b) minimize the inconvenience and discomfort of the sequestered jurors; and
 - (c) provided for the jury's security
- (4) Training shall be provided to personnel who escort and assist jurors during sequestration.

JURY TRIAL – LOCAL FORMS

This page is in development.

APPENDIX B

DEPOSITS FOR COURT COSTS

Except as otherwise provided in Local Rule 58.1, deposits in the amount set forth below SHALL be required upon the filing of any actions and proceedings listed below:

a) Probate of will only	\$ 58.00
b) Filing application for probate of will (full admin.)	125.00*
c) Filing application for probate of will in estate to be released from administration with d/o/d after 11/9/04	140.00
d) Filing application for appointment of administrator (no will)	125.00*
e) Filing application for appointment of administrator in wrongful death case	125.00
f) Filing application for release from administration (no will) with d/o/d after 11/9/04	120.00
g) Filing application for appointment of guardian of incompetent	200.00
h) Filing application for appointment of guardian of minor	125.00
i) Filing application for appointment of conservator	125.00
j) Filing application for appointment of testamentary trustee	125.00
k) Filing petition to construe will or trust	125.00
l) Filing complaint (civil action, land sale, etc)	125.00
m) Filing petition for adoption (adult)	175.00
n) Filing petition for adoption (agency)	175.00
o) Filing petition for adoption (relative independent placement)	CALL CT.
p) Filing petition for adoption (stepparent) [add \$130.00 for each additional child]	425.00
q) Filing petition for adoption (non-relative independent placement)	CALL CT
r) Filing application for authenticated or exemplified will proceedings	28.00
	+ \$1.00 per pg
s) Filing application for minor's settlement	90.00
t) Filing application for change of name	115.00
u) Filing of Ohio Estate Tax only	28.00

NOTICE: All deposits will be applied to final costs. Actual costs will be charged in all miscellaneous proceedings for which no deposit is required.

Publication requires a minimum \$500.00 deposit. Contact the Deputy Clerks for details.

* Suggested deposit is \$250.00.

APPENDIX C

GUARDIAN'S COMPENSATION SCHEDULE

Unless otherwise provided by law or ordered by the Court, a guardian may charge for ordinary services an amount computed in accordance with the following schedule during each accounting period required by the Local Rules of Court.

Income/Expenditure Fee: Excluding income from real estate, 4% of the first \$3,000 of income, and 3% of the balance in excess of \$3,000; and 4% of the first \$3,000 of expenditures and 3% of the balance in excess of \$3,000. "Income", as used in this rule, shall mean the money or property that the guardian receives as current return from a principal asset, plus installment receipts such as Social Security, Veteran's benefits, or a pension. "Expenditures" do not include distributions upon termination; the amount of the attorney and guardian's fees, or for expenditures pertaining to rental real estate. Conversion of assets to cash or reinvestments are not deemed income or expenditures under this rule. Assets held by the ward at the date of appointment are deemed to be principal and not income.

Real Estate Management Fee: If the guardian manages real estate, a fee amounting to 10% of the gross rental real estate income may be allowed. If the guardian receives net income from real estate actively managed by others the guardian shall treat such net income as ordinary income.

Principal Fee: \$2.50 per thousand for the first \$100,000 of fair market value of the principal; \$2.00 per thousand on the next \$300,000 of fair market value of the principal; \$1.50 per thousand of the fair market value of the balance unless otherwise ordered. The "fair market value" shall be as of the date of the accounting.

Final Distribution Fee: Such guardian may, *with approval of the Court*, be allowed a principal distribution fee on the final distribution of personal property corpus upon termination of the guardianship.

Additional compensation for extraordinary services or allowance for expenses may be granted upon application.

Existence of the above schedule is not approval by the Court of the reasonableness of the fee so taken, and the Court reserves the right to approve or disapprove any fee. Any credit for a fee is subject to exceptions to the account as provided by law.

APPENDIX D

TRUSTEE'S COMPENSATION SCHEDULE

Except where the instrument creating the trust makes provision for compensation, a testamentary trustee may be charged for ordinary services performed by the trustee in connection with the administration of each separate trust estate an amount computed in accordance with the following schedule during each accounting period required by statute or Local Rule.

Income Fee: 6% of the gross income received during the accounting period not exceeding \$10,000 of gross income. 5% of such income exceeding \$10,000 but not exceeding \$20,000; and 4% of such gross income exceeding \$20,000, chargeable to income, unless otherwise ordered. "Income" does not include the assets on the Inventory. Conversion of assets to cash or reinvestments are not deemed as income.

Principal Fee:

\$4.00 per thousand on the first \$100,000 of fair market value

3.50 per thousand on the next 200,000

3.00 per thousand on the next 200,000

2.00 per thousand on the next 500,000

1.50 per thousand on the next 500,000

1.00 per thousand on the balance of the corpus chargeable to the principal unless otherwise ordered.

Distribution: With approval of the court, such trustee may be allowed a principal distribution fee upon the final distribution of any part of the corpus of the trust property equal to 1% of the fair market value of the part distributed.

Additional compensation for extraordinary services or allowance for expenses may be granted upon application and entry.

In every case, the determination of the value of the Trust estate for purposes of computing trustee's compensation shall be made as of the date of the accounting, using the market value with respect to assets having a listed value. As to assets which do not have a listed market value, a fair valuation as of the date of the accounting shall be the criterion.

APPENDIXES

APPENDIX A – JURY MANAGEMENT PLAN	[Rule 5.4]
APPENDIX B – DEPOSITS FOR COURT COSTS	[Rule 58.1]
APPENDIX C – GUARDIAN’S COMPENSATION STATEMENT	[Rule 73.1]
APPENDIX D - TRUSTEE’S COMPENSATION SCHEDULE	[Rule 73.1]

APPENDIX A - JURY MANAGEMENT PLAN

[As required by Supt. R. 5 (B)(2)] Note: Some functions are performed by the Jury Commission and/or the General Division on behalf of all divisions of the Allen County Common Pleas Court. [Ex. see Rules 102 (B)(3) and (4)]

1.02 Purpose of Jury Management Plan

Pursuant to C.P.Supt.R. 5 (B)(2), the Court hereby adopts a jury management plan for implementation of the jury standards adopted by the Ohio Supreme Court.

1.02 (A) Opportunity for Service

- (1) The opportunity for jury service shall not be denied or limited on the basis of race, national origin, gender, age, religious belief, income, occupation, disability, or any other factor that discriminates against a cognizable group in the jurisdiction.
- (2) Jury service is an obligation of all qualified citizens.

1.02 (B) Jury Source List

- (1) The names of potential jurors shall be drawn from a jury source list compiled from one or more regularly maintained lists of persons residing within the court's jurisdiction.
- (2) The jury source list shall be representative and should be as inclusive of the adult population as is feasible.
- (3) The court shall periodically review the jury source list for its representativeness and inclusiveness of the adult population in the jurisdiction, and is feasible.
- (4) In the event the court determines that improvement is needed in the representativeness or inclusiveness of the jury source list, appropriate corrective action shall be taken.

1.02 (C) Random Selection Procedures

- (1) Random selection procedures shall be used throughout the juror selection process. Any method may be used, manual or automated, that provides each eligible and available person with an equal probability of selection. These methods shall be documented.
- (2) Random selection procedures shall be employed in:
 - (a) selecting persons to be summoned for jury service;
 - (b) assigning prospective jurors to panels; and
 - (c) calling prospective jurors for voir dire.
- (3) Departures from the principal of random selection are appropriate:
 - (a) to exclude persons ineligible for service in accordance with Local Rule 1.02 (D);
 - (b) to excuse or defer prospective jurors in accordance with Local Rule 1.02 (F);
 - (c) to remove prospective jurors for cause or if challenged peremptorily in accordance with Local Rules 1.02 (H) and (I); and
 - (d) to provide all prospective jurors with an opportunity to be called for jury service and to be assigned to a panel in conformity with Local Rule 1.02 (K)

1.02(D) Eligibility for Jury Service

All persons shall be eligible for jury service except those who:

- (1) are less than eighteen years of age;
- (2) are not citizens of the United States;
- (3) are not residents of the jurisdiction in which they have been summoned to serve;

- (4) are not able to communicate in the English language; or
- (5) have been convicted of a felony and have not had their civil rights restored.

1.02(E) Term and Availability for Jury Service

- (1) The time that persons are called upon to perform jury service and to be available should be the shortest period consistent with the needs of justice.
- (2) A term of service of one day or the completion of one trial, whichever is longer, is recommended. However, a term of one week or the completion of one trial, whichever is longer, is acceptable.

1.02(F) Exemption, Excuse, and Deferral

- (1) All automatic excuses or exemptions, with the exception of statutory exemptions, from jury duty shall be eliminated.
- (2) Eligible persons who are summoned may be excused from jury service only if:
 - (a) their ability to receive and evaluate information is so impaired that they are excused for this reason by a judge; or
 - (b) they request to be excused because their service would be a continuing hardship to them or to members of the public, and they are excused by a judge or specifically authorized federal official.
- (3) Deferrals for jury service for reasonably short periods of time may be permitted by a judge or specifically authorized court official upon completion and filing of an Affidavit.

- (4) Requests for excuses and deferrals and their disposition should be written or otherwise made or recorded.

1.02(G) Voir Dire Examination

- (1) Voir dire examination shall be limited to matters relevant to determining whether to remove a juror for cause and to determine the juror's fairness and impartiality.
- (2) To reduce the time required for voir dire, basic background information regarding panel members shall be made available to counsel in writing for each party prior to the day on which jury selection is to begin.
- (3) The trial judge shall conduct a preliminary voir dire examination. Counsel shall then be permitted to question panel members for a reasonable period of time as determined by the trial judge.
- (4) The judge should ensure that the privacy of prospective jurors is reasonably protected, and the questioning is consistent with the purpose of the voir dire process.
- (5) The voir dire process shall be held on the record.

1.02(H) Removal From the Jury Panel for Cause

If the judge determines during the voir dire process that any individual is unable or unwilling to hear the particular case at issue fairly and impartially, that individual should be removed from the panel.

Such a determination may be made on motion of counsel or by the Judge.

1.02(I) Peremptory Challenges

Peremptory challenges shall be exercised in accordance with the applicable Rules of Procedure and/or statutes.

1.02(J) Administration of the Jury System

- (1) The responsibility for administration of the jury system shall be vested exclusively in the judges of the court.
- (2) All procedures concerning jury selection and service shall be governed by Ohio Rules of Court.
- (3) Responsibility for administering the jury system shall be vested in a single administrator acting under the supervision of the administrative judge of the court.

1.02(K) Notification for Service

- (1) The notice summoning a person to jury service and the questionnaire eliciting essential information regarding that person shall be:
 - (a) contained in a single document;
 - (b) phrased to be readily understood by a person unfamiliar with the legal and jury systems; and
 - (c) delivered by ordinary mail unless otherwise ordered.
- (2) A summons shall clearly explain how and when the recipient must respond and the consequences of a failure to respond.
- (3) The questionnaire should be phrased and organized so as to facilitate quick and accurate screening and should request only that information essential for:
 - (a) determining whether a person meets the criteria for eligibility;

- (3) The court shall coordinate jury management and calendar management to make effective use of jurors.

1.02(N) Jury Facilities

- (1) The court shall provide an adequate and suitable environment for jurors.
- (2) The entrance area shall be clearly identified and appropriately designed to accommodate the daily flow of prospective jurors to the facility.
- (3) Jurors shall be accommodated in pleasant waiting facilities furnished with suitable amenities.
- (4) Jury deliberation rooms shall include space, furnishings, and facilities conducive to reaching a fair verdict. The safety and security of the deliberation rooms should be ensured.
- (5) To the extent feasible, juror facilities should be arranged to minimize contact between jurors, parties, counsel, and the public.

1.02(O) Jury Compensation

- (1) Persons called for jury service shall receive a reasonable fee for their service and expenses.
- (2) Such fees shall be paid promptly.
- (3) Employers shall be prohibited from discharging, laying-off, denying advancement opportunities to, or otherwise penalizing employees who miss work because of jury service.

- (b) providing basic background information ordinarily sought during voir dire examination; and
 - (c) efficiently managing the jury system.
- (4) Policies and procedures shall be established for monitoring failures to respond to a summons and for enforcing a summons to report for jury service.

1.02(L) Monitoring of the Jury System

The courts shall collect and analyze information regarding the performance of the jury system on a regular basis in order to evaluate:

- (1) the representativeness and inclusiveness of the jury source list;
- (2) the effectiveness of qualification and summoning procedures;
- (3) the responsiveness of individual jurors; and
- (4) the efficient use of jurors; and
- (5) the cost-effectiveness of the jury management system.

1.02(M) Juror Service

- (1) The court shall employ the services of prospective jurors so as to achieve optimum use with a minimum of inconvenience to jurors.
- (2) The court shall determine the minimally sufficient number of jurors needed to accommodate trial activity. This information and appropriate management techniques should be used to adjust both the number of individuals summoned for jury duty and the number assigned to jury panels.

1.02(P) Juror Orientation

- (1) Orientation programs shall be:
 - (a) designed to increase prospective juror's understanding of the judicial system and prepare them to serve competently as jurors; and
 - (b) presented in a uniform and efficient manner using a combination of written, oral, audiovisual materials.

- (2) The courts shall provide orientation or instructions to persons called for jury service:
 - (a) upon initial contact prior to service;
 - (b) upon first appearance at the court; and
 - (c) upon reporting to the for voir dire

- (3) The trial judge shall:
 - (a) give preliminary instructions to all prospective jurors;
 - (b) give instructions directly following impanelment of the jury to explain the jury's role, the trial procedures including note taking and questioning by jurors; the nature of evidence and its evaluation; the issues to be addressed, and the basic legal principles;
 - (c) prior to the commencement of deliberations, instruct the jury on the law, on the appropriate procedures to be followed during deliberations; and on the appropriate method for reporting the results of its deliberations. Such instructions should be made available to the jurors during deliberations.
 - (d) prepare and deliver instructions which are readily understood by individuals unfamiliar with the legal system; and

(e) before dismissing a jury at the conclusion of a case:

- (1) release the jurors from their duty of confidentiality;
- (2) explain their rights regarding inquiries from counsel or the press;
- (3) either advise them that they are discharged from service or specify where they must report; and
- (4) express appreciation to the jurors for their service, but not express approval or disapproval of the result of the deliberation

(4) All communications between the judge and members of the jury panel from the time of reporting to the courtroom for voir dire until dismissal shall be in writing or on the record in open court. Counsel for each party shall be informed of such communication and be given the opportunity to be heard.

1.02(Q) Jury Deliberations

- (1) Jury deliberations shall take place under conditions and pursuant to procedures that are designed to ensure impartiality and to enhance rational decision making.
- (2) The judge shall instruct the jury concerning appropriate procedures to be followed during deliberations.
- (3) The jury shall not be sequestered except under the circumstances and procedures set forth in Local Rule 1.02(R).
- (4) A jury shall not be required to deliberate after a reasonable hour unless the trial judge determines that evening or weekend deliberations would not impose

an undue hardship upon the jurors and are required in the interest of justice.

- (5) Training should be provided to personnel who escort and assist jurors during deliberation.

1.02(R) Jury Sequestration

- (1) A jury shall be sequestered only for good cause, including but not limited to insulating its members from improper information or influences.
- (2) The trial judge shall have the discretion to sequester a jury on the motion of counsel or on the judge's initiative and shall have the responsibility to oversee the conditions of sequestration.
- (3) Standard procedures shall be promulgated to:
 - (a) achieve the purpose of sequestration; and
 - (b) minimize the inconvenience and discomfort of the sequestered jurors; and
 - (c) provided for the jury's security
- (4) Training shall be provided to personnel who escort and assist jurors during sequestration.

JURY TRIAL – LOCAL FORMS

This page is in development.

APPENDIX B

DEPOSITS FOR COURT COSTS

(EFFECTIVE 3/15/2012)

Except as otherwise provided in Local Rule 58.1, deposits in the amount set forth below SHALL be required upon the filing of any actions and proceedings listed below:

a) Will Record Purposes Only	\$ 43.00
b) Probate of Will only	58.00
c) Filing of Ohio Estate Tax only	28.00
d) Filing Application for Summary Release	85.00
e) Filing Application for probate of will (full admin.)	175.00*
f) Filing Application for probate of will and Application for Release from Administration	165.00
g) Filing Application for Appointment of Administrator (no will)	175.00*
h) Filing Application for Appointment of Administrator for wrongful death purposes only	175.00
i) Filing Application for Release from Administration (no will)	150.00
j) Filing Application for Appointment of Guardian of incompetent	225.00
k) Filing Application for Appointment of Guardian of minor	150.00
l) Filing Application for Appointment of Conservator	150.00
m) Filing Application for Appointment of Testamentary Trustee	175.00
n) Filing Petition to Construe Will or Trust	175.00
o) Filing Complaint (civil action, land sale, etc)	175.00
p) Filing Petition for Adoption (adult)	225.00
q) Filing Petition for Adoption (agency)	225.00
r) Filing Petition for Adoption (relative/independent placement)	CALL CT.
s) Filing Petition for Adoption (stepparent) [add \$180.00 for each additional child]	475.00
t) Filing Petition for Adoption (non-relative placement)	CALL CT
u) Filing authenticated or exemplified estate proceedings	28.00 + 1.00/pg
v) Filing Application for Minor's Settlement	115.00
w) Filing Application for Change of Name	140.00
x) Filing Application for Registration of Birth Record	89.00
y) Filing Application for Correction of Birth Record	87.00
z) Filing of Petition to Transfer Structured Settlement	125.00
aa) Filing Application for Disinterment	60.00
bb) Filing of Proof of Claim in an Estate	10.00
cc) Filing for Application for Marriage License	50.00
dd) Certified copy of Marriage License: short form	2.00
long form	3.00
ee) Certified copy of Birth or Death Record	5.00

NOTICE: All deposits will be applied to final costs. Actual costs will be charged in all miscellaneous proceedings for which no deposit is required.

**Publication requires a minimum \$500.00 deposit. Contact the Deputy Clerks for details.

*Suggested deposit is \$250.00

APPENDIX C

GUARDIAN'S COMPENSATION SCHEDULE

Unless otherwise provided by law or ordered by the Court, a guardian may charge for ordinary services an amount computed in accordance with the following schedule during each accounting period required by the Local Rules of Court.

Income/Expenditure Fee: Excluding income from real estate, 4% of the first \$3,000 of income, and 3% of the balance in excess of \$3,000; and 4% of the first \$3,000 of expenditures and 3% of the balance in excess of \$3,000. "Income", as used in this rule, shall mean the money or property that the guardian receives as current return from a principal asset, plus installment receipts such as Social Security, Veteran's benefits, or a pension. "Expenditures" do not include distributions upon termination; the amount of the attorney and guardian's fees, or for expenditures pertaining to rental real estate. Conversion of assets to cash or reinvestments are not deemed income or expenditures under this rule. Assets held by the ward at the date of appointment are deemed to be principal and not income.

Real Estate Management Fee: If the guardian manages real estate, a fee amounting to 10% of the gross rental real estate income may be allowed. If the guardian receives net income from real estate actively managed by others the guardian shall treat such net income as ordinary income.

Principal Fee: \$2.50 per thousand for the first \$100,000 of fair market value of the principal; \$2.00 per thousand on the next \$300,000 of fair market value of the principal; \$1.50 per thousand of the fair market value of the balance unless otherwise ordered. The "fair market value" shall be as of the date of the accounting.

Final Distribution Fee: Such guardian may, *with approval of the Court*, be allowed a principal distribution fee on the final distribution of personal property corpus upon termination of the guardianship.

Additional compensation for extraordinary services or allowance for expenses may be granted upon application.

Existence of the above schedule is not approval by the Court of the reasonableness of the fee so taken, and the Court reserves the right to approve or disapprove any fee. Any credit for a fee is subject to exceptions to the account as provided by law.

APPENDIX D

TRUSTEE'S COMPENSATION SCHEDULE

Except where the instrument creating the trust makes provision for compensation, a testamentary trustee may be charged for ordinary services performed by the trustee in connection with the administration of each separate trust estate an amount computed in accordance with the following schedule during each accounting period required by statute or Local Rule.

Income Fee: 6% of the gross income received during the accounting period not exceeding \$10,000 of gross income. 5% of such income exceeding \$10,000 but not exceeding \$20,000; and 4% of such gross income exceeding \$20,000, chargeable to income, unless otherwise ordered. "Income" does not include the assets on the Inventory. Conversion of assets to cash or reinvestments are not deemed as income.

Principal Fee:

\$4.00 per thousand on the first \$100,000 of fair market value

3.50 per thousand on the next 200,000

3.00 per thousand on the next 200,000

2.00 per thousand on the next 500,000

1.50 per thousand on the next 500,000

1.00 per thousand on the balance of the corpus chargeable to the principal unless otherwise ordered.

Distribution: With approval of the court, such trustee may be allowed a principal distribution fee upon the final distribution of any part of the corpus of the trust property equal to 1% of the fair market value of the part distributed.

Additional compensation for extraordinary services or allowance for expenses may be granted upon application and entry.

In every case, the determination of the value of the Trust estate for purposes of computing trustee's compensation shall be made as of the date of the accounting, using the market value with respect to assets having a listed value. As to assets which do not have a listed market value, a fair valuation as of the date of the accounting shall be the criterion.

ATTORNEY FEE FORMS

ESTATES

Consent to Payment of Attorney Fees (ES-3)	[Rule 71.2]
Attorney Fee Application and Compensation Statement [ES-2]	[Rule 71.2]
Notice of Hearing on Attorney Fees – estate (ES-4)	[Rule 71.2]
Waiver of Notice form (ES-5)	[Rule 71.2]

GUARDIANSHIPS

Attorney Fee Application, Compensation Statement (GD-2) <i>Replaces GD/TR for guardianships</i>	[Rule 71.3]
Indigent case fee application forms (GD-3)	[Rule 71.3]

TRUSTS

Attorney Fee Application, Compensation Statement (TR-2) <i>Replaces GD/TR for trusts</i>	[Rule 71.4]
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PROBATE COURT OF ALLEN COUNTY, OHIO

ESTATE OF _____

CASE NO. _____

**CONSENT TO PAYMENT
OF ATTORNEY FEES**
[C.P. Sup.R. 71 & Local R. 71.2 (B)(2)]

Each of the undersigned, being a residuary beneficiary or creditor, whose share will be charged with the payment of any part of the fees, hereby consents to the payment of attorney fees in the amount of \$ _____.

In signing this Consent, the undersigned hereby acknowledges:

- (1) The receipt of a copy of the attorney's fee statement with a description of the services rendered to the estate.
- (2) The fee charged is NOT within the Court's fee guidelines; and the guideline fee has not been represented as a schedule of a minimum or maximum fee to be charged.
- (3) The fee may be approved by the Court without formal hearing.

PROBATE COURT OF ALLEN COUNTY, OHIO

ESTATE OF _____

CASE NO _____

ATTORNEY FEE APPLICATION/COMPENSATION STATEMENT

[C.P. Sup.R. 71 & Local R. 71.1]

Now comes _____, attorney for the fiduciary of this estate, who applies for approval of attorney fees as follows:

A. PROBATE FEE:

Upon the amount of all the personal estate, including the income from the personal estate, that is received and accounted for by the fiduciary and upon the proceeds of real estate that is sold, as follows:

- 0 - 100,000 @ 4%..... \$ _____
100,000 - 400,000 @ 3%..... _____
Over 400,000 @ 2%..... _____
Real property not sold @ 2%..... _____

TOTAL PROBATE FEE \$ _____

B. NON-PROBATE FEE:

- 1. Joint and survivorship property included for the purpose of computing Ohio Estate Tax liability @ 2%* \$ _____
2. Other non-probate property included for the purpose of computing Ohio Estate Tax Liability @ 1%* \$ _____
[Excludes jt & survivor]

TOTAL NON-PROBATE FEE \$ _____

* Attach Itemized computation if no OET is filed

C. EXTRAORDINARY FEES:

Attach itemized statement reciting the services performed, the time spent in the performance of the services, and the usual billing rate per hour for the attorney or staff member who performed the services, even if compensation is not being sought exclusively on the hours spent. A brief explanation as to why the services were out of the ordinary shall be included.

The attorney fee complies with Local Rule [] 71.2(B)(1); [] Local R 71.1(B)(2); [] 71.2(B)(3); [] 71.2(B)(4); [] 71.2(B)(5) or [] Other (requires hearing or consent); or [] No attorney fees taken this accounting period.

TOTAL EXTRAORDINARY FEE \$ _____
TOTAL ATTORNEY FEES \$ _____

Reviewed by: _____

ATTORNEY/APPLICANT

FIDUCIARY

PROBATE COURT OF ALLEN COUNTY, OHIO

ESTATE OF: _____

CASE NO. _____

**NOTICE OF HEARING ON
APPLICATION FOR ATTORNEY FEES**

[Local R. 71.2 (D)]

To the following persons:

_____ Name	_____ Address
_____ Name	_____ Address
_____ Name	_____ Address

You are hereby notified that on the ____ day of _____, 20____, an application for allowance of attorney fees was filed in this case. The application requests approval of attorney fees in the amount of \$_____ and reimbursement of costs advanced in the amount of \$_____. The hearing on the application will be held before this Court on the ____ day of _____, 20____, at _____ o'clock ____M.

The Court is located on the 4th Floor of the Allen County Courthouse, 301 N. Main Street (corner of North and Main) Lima, OH 45801.

The application is available for inspection and copying at the Allen County Probate Court. At the hearing, you may examine and inquire into the contents of the application.

Fiduciary/Attorney for the Fiduciary

Attorney Registration Number

PROBATE COURT OF ALLEN COUNTY, OHIO

ESTATE OF _____

CASE NO _____

WAIVER OF NOTICE OF HEARING
ON APPLICATION FOR ATTORNEY
FEES AND CONSENT TO PAYMENT

[Local Rule 71.2 (C)(3)]

Each of the undersigned, being a residuary beneficiary or creditor whose share will be charged with the payment of any part of the fees, hereby waives notice of hearing on the application for attorney fees and consents to the payment of attorney fees in the amount of: \$_____.

In signing this Consent, the undersigned hereby acknowledges:

- (1) Receipt of a copy of the attorney's fee statement with a description of services rendered to the estate;
- (2) The fee charged is NOT within the Court's fee guidelines and the guideline fee has not been represented as a schedule of a minimum or a maximum fee to be charged.

PROBATE COURT OF ALLEN COUNTY, OHIO

GUARDIANSHIP OF _____

CASE NO _____

ATTORNEY FEE APPLICATION
AND COMPENSATION STATEMENT

[C.P. Sup.R. 71 & Local R. 71.3]

Now comes _____, attorney for the guardian, who applies for approval of attorney fees herein as follows:

A. ATTORNEY FEES:

- 1) Attach a copy of any written fee agreement. If none, explain how the fee was determined (ex. flat fee; hourly fee).
- 2) For all applications for non-flat fee, attach an itemized statement reciting the services performed; the date services were performed; the time spent rendering the services (by 10ths of the hour) and the hourly rate charged. Include a brief explanation as to any services that were performed that were out of the ordinary.

ATTORNEY FEE REQUESTED: \$ _____

B. EXPENSES:

Itemize by type and amount, any expenses advanced by the attorney for which reimbursement is being sought.

Expense:	Amount:
_____	\$ _____
_____	_____
_____	_____
_____	_____

EXPENSES REQUESTED: \$ _____

TOTAL FEES AND EXPENSES: \$ _____

ATTORNEY

GUARDIAN

ATTY. REGIS. NO.

Reviewed ___ Deputy Clerk

PROBATE COURT OF ALLEN COUNTY, OHIO

GUARDIANSHIP OF _____

CASE NO _____

APPLICATION FOR WAIVER/PAYMENT OF COURT COSTS, FEES, EXPENSES AND ATTORNEY FEES FROM INDIGENT GUARDIANSHIP FUND

[Local Rule 71.3]

Now comes _____, appointed as attorney for the
[] Applicant: _____ [] Ward; by judgment entry filed
_____, 20____, and pursuant to R.C. 2111.51 and otherwise, hereby
moves this Court for an order waiving court costs, or in the alternative, paying court costs
from the Indigent Guardianship Fund; and for payment of any non-attorney fees,
expenses, and attorney fees from the Indigent Guardianship Fund, as follows:

- 1. Court costs \$_____ [or current amount]
2. Medical Evaluation Fees _____
3. Other non-attorney fees [specify] _____

4. Attorney fees _____
[Attach itemized statement]

TOTAL \$_____

WHEREFORE, Applicant moves the Court for an order to waive Court costs, or in the
alternative, to order any costs paid from the Indigent Guardianship Fund; and for an order
to pay any non-attorney fees, expenses, and attorney fees from the Indigent Guardianship
Fund pursuant to R.C. 2111.51 and otherwise.

ATTORNEY AT LAW

ATTY. REGIS. #

PROBATE COURT OF ALLEN COUNTY, OHIO

TRUST OF _____

CASE NO _____

ATTORNEY FEE APPLICATION
AND COMPENSATION STATEMENT

[C.P. Sup.R. 71 & Local R. 71.4]

Now comes _____, attorney for the trustee(s), who applies for approval of attorney fees herein as follows:

A. ATTORNEY FEES:

- 1) Attach a copy of any written fee agreement. If none, explain how the fee was determined (ex. flat fee; hourly fee).
- 2) For all applications for non-flat fee, attach an itemized statement reciting the services performed; the date services were performed; the time spent rendering the services (by 10ths of the hour) and the hourly rate charged. Include a brief explanation as to any services that were performed that were out of the ordinary.

ATTORNEY FEE REQUESTED: \$ _____

B. EXPENSES:

Itemize by type and amount, any expenses advanced by the attorney for which reimbursement is being sought.

Expense:	Amount:
_____	\$ _____
_____	_____
_____	_____
_____	_____

EXPENSES REQUESTED: \$ _____

TOTAL FEES AND EXPENSES: \$ _____

ATTORNEY

TRUSTEE

ATTY. REGIS. NO.

Reviewed ___ Deputy Clerk

FIDUCIARY FEE FORMS

Executor's and Administrator's Fees form (ES-1)	[Rule 72.1]
Guardian's Fees – Application and Compensation Statement (GD-1)	[Rule 73.1]
Trustee's Fees – Application and Compensation Statement (TR-1)	[Rule 74.1]

PROBATE COURT OF ALLEN COUNTY, OHIO

ESTATE OF _____

CASE NO. _____

FIDUCIARY FEES – APPLICATION AND COMPENSATION STATEMENT

[R.C. 2113.35, C.P. Sup. 72, Local R. 72.1]

Now comes _____, fiduciary, who applies for approval of fiduciary fees as follows:

A. PERSONAL ESTATE FEE:

All the personal estate, including the income of the personal estate, received and accounted for by them and upon the proceeds of real estate that is sold:

- 1. Personal property \$ _____
2. Proceeds of real estate sold. _____
3. Income _____
Subtotal \$ _____

0-100,000 @4% \$ _____
100,000 – 400,000 @3% _____
Over 400,000 @2% _____
TOTAL PERSONAL ESTATE FEE \$ _____

B. REAL ESTATE (NOT SOLD) FEE:

1% of the value of real estate not sold
TOTAL REAL ESTATE FEE \$ _____

C. NON-PROBATE PROPERTY

1% of all property not subject to administration that is includable for purposes of computing Ohio Estate Tax, except joint and survivorship property.*
TOTAL NON-PROBATE FEE: \$ _____

D. EXTRAORDINARY FEES:(applied for & approved)

TOTAL EXTRAORDINARY FEES \$ _____
TOTAL FIDUCIARY FEES: \$ _____
BALANCE DUE (Total fees less any amounts taken with prior accounts) \$ _____

Reviewed ___ Dep.Clerk

FIDUCIARY

ATTORNEY

* Attach itemized computation if no Ohio Estate Tax Return Filed

PROBATE COURT OF ALLEN COUNTY, OHIO

GUARDIANSHIP OF _____

CASE NO. _____

GUARDIAN'S FEES – APPLICATION AND COMPENSATION STATEMENT

[C.P. Sup.R. 73, Local R. 73.1]

Partial Account; Final Account; Accounting period of _____, 20__ to _____, 20__.

- A. Income Fee: (see Local Rules, APPENDIX ___)
Income for period \$ _____
1. 4% of first \$3,000 _____
2. 3% of balance _____
TOTAL INCOME FEE \$ _____
B. Expense Fee: (see Local Rules, APPENDIX ___)
1. 4% of first \$3,000 \$ _____
2. 3% of balance _____
TOTAL EXPENSE FEE \$ _____
C. Real Estate Management Fee: (see APPENDIX ___)
Gross real estate rental income \$ _____
10% of gross \$ _____
D. Principal Fee: (see Local Rules, APPENDIX ___)
1. \$2.50 per \$1,000 for first \$100,000 \$ _____
2. 2.00 per \$1,000 for next \$300,000 _____
3. 1.50 per \$1,000 for balance _____
TOTAL PRINCIPAL FEE \$ _____
TOTAL ORDINARY FEES \$ _____
II. EXTRA-ORDINARY FEES: [Per application and entry if applicable] \$ _____
III. TOTAL FEES (ORDINARY & EXTRAORDINARY) \$ _____
IV. TOTAL FEES REQUESTED (Cannot exceed III.) \$ _____

GUARDIAN ATTORNEY ATTY. REGIS. #

Reviewed Deputy Clerk

PROBATE COURT OF ALLEN COUNTY, OHIO

TRUST OF _____

CASE NO. _____

COMPENSATION STATEMENT – TRUSTEE’S FEES

[C.P. Sup.R. 42, L.R. 74.1 & Appendix D]

Accounting period of _____, 20__ to _____, 20__

A. INCOME FEE:

Income from period [excluding conversion of assets to cash] \$ _____
1. 0-\$10,000 @ 6% _____
2. 10,000-20,000 @ 5% _____
3. Over 20,000 @ 4% _____
TOTAL \$ _____

B. PRINCIPAL FEE: "Principal" = assets remaining less Income listed under "A" above

1. 0-100,000 @ \$4.00 per thousand \$ _____
2. 100,000 to 300,000 @ \$3.50 per thousand \$ _____
3. 300,000 to 500,000 @ \$3.00 per thousand \$ _____
4. 500,000 - 1,000,000 @ \$2.00 per thousand \$ _____
5. 1 mill. To 1.5 mill. @ \$1.50 per thousand \$ _____
6. Over 1.5 mill. @ \$1.00 per thousand \$ _____
TOTAL \$ _____

II. TOTAL ORDINARY FEES \$ _____

III. EXTRA-ORDINARY FEES: [If applicable] \$ _____

File an application with itemized listing of services, expenses and how fee was computed, along with a proposed entry.

IV. TOTAL FEES PER GUIDELINE: \$ _____

V. TOTAL FEES REQUESTED: \$ _____

TRUSTEE _____

ATTORNEY _____

REVIEWED:

Deputy Clerk _____

Note – In every case, the determination of the value of the trust estate for purposes of computing trustee’s compensation shall be made as of the date of the accounting, using the market value with respect to assets having a listed market value. As to assets which do not have a listed market value, a fair valuation as of the date of the accounting shall be the criterion.

MEDIATION FORMS

Mediation Intake Form	[Rule 16(E)]
Mediation Memorandum Form	[Rule 16(F)]
Application for Mediator Fees	[Rule 16(G)]
Entry Granting Application For Mediator's Fees	[Rule 16(G)]

PROBATE COURT OF ALLEN COUNTY, OHIO

OF _____
[Estate, Guardianship, Trust etc.]

CASE NO. _____

MEDIATION INTAKE FORM

Upon referral to or request for mediation, each party must complete this form. Please respond to each question. Thank you for your cooperation.

Person completing form is (check one): Plaintiff/Claimant/Other: _____
 Defendant/Respondent/Other: _____

This matter is being referred for mediation upon request of (check all that apply):
 Plaintiff/Claimant/Other Attorney for Plaintiff/Claimant/Other
 Defendant/Respondent/Other Attorney for Defendant/Respondent/Other

Plaintiff/Claimant/Other

Name: _____
Address: _____
Phone: _____

Defendant/Respondent/Other

Name: _____
Address: _____
Phone: _____

If children are at issue in this matter, please give the full name, date of birth and address of each child.

Statement of dispute or claim (please summarize your understanding of the dispute or claim to be mediated):

Dollar amount of claim/dispute (if applicable): \$ _____

Are there any Stalking, Civil Protection, or Temporary Protection orders in effect involving any of the parties to your knowledge ? Yes No

If yes, please state which type of order and whom it is against: _____

To your knowledge, are there any pending or prior Domestic Violence allegations involving any of the parties ? Yes No

If yes, please give specifics to the best of your knowledge: _____

Have any of the parties been convicted of child abuse or domestic violence, relative to this case, to your knowledge ? Yes No

If yes, please state the specifics to the best of your knowledge: _____

Would you prefer to have someone accompany you if the matter is mediated ?
 Yes No

If yes, please state the person's name, full contact information, relationship to you; and describe how that person will be of help to you in the mediation:

I certify that to the best of my knowledge, the above information is accurate, and that I have circled the information, if any, that must be kept confidential.

Signature

Printed Name

Date

Upon completion of this form return it to: _____

PROBATE COURT OF ALLEN COUNTY, OHIO

_____ OF _____
[Estate, Guardianship, Trust etc.]

CASE NO. _____

:

:

**MEDIATION
MEMORANDUM**

Plaintiff/Claimant/Other

:

-VS-

:

:

Defendant/Respondent/Other

Now comes _____, the duly-appointed mediator in this matter, who makes the following report to the Court as to the status (interim) final outcome of the mediation:

Dated: _____

Mediator

PROBATE COURT OF ALLEN COUNTY, OHIO

_____ OF _____
[Estate, Guardianship, Trust etc.]

CASE NO. _____

: APPLICATION FOR
MEDIATOR'S FEES

Plaintiff/Claimant/Other

-vs-

Defendant/Respondent/Other

Now comes _____, the duly-appointed mediator in this matter, who applies for approval of mediator fees herein pursuant to Local Rule 16 (G):

Subtotal \$ _____

In addition, applicant applies for payment of the following expenses for the purposes and in the amounts previously approved by the Court as follows:

Subtotal \$ _____

TOTAL \$ _____

Dated: _____

Mediator

PROBATE COURT OF ALLEN COUNTY, OHIO

_____ OF :

[Estate, Guardianship, Trust etc.] :

CASE NO. _____ :

ENTRY GRANTING
APPLICATION FOR
MEDIATOR'S FEES

Plaintiff/Claimant/Other :

-vs- :

Defendant/Respondent/Other

In the above captioned case, the Court hereby orders payment to

_____, Mediator, the sum of \$ _____ for mediation
services rendered on _____, 20__.

The Court orders this fee paid in full from the Court Mediation Fund.

The Court orders this fee paid as follows: _____.

Deputy Clerks to mail copies of this entry by regular U.S. Mail to the
following: _____.

IT IS SO ORDERED.

JUDGE GLENN H. DERRYBERRY

MISCELLANEOUS FORMS

INDIGENT GUARDIANSHIP APPOINTMENT – APPLICATION AND AGREEMENT	[RULE 8]
PERSONAL IDENTIFIERS OMISSION FORM	[RULE 45]
AFFIDAVIT OF SERVICE OF NOTICE OF HEARING ON INVENTORY	[RULE 59.1]
VOUCHER	[RULE 64.2]
NOTICE OF HEARING ON ACCOUNT	[RULE 64.5]
AFFIDAVIT OF SERVICE OF NOTICE OF HEARING ON ACCOUNT	[RULE 64.5]
CUSTODY AFFIDAVIT	[RULE 66.1]
<i>UPDATED TO INCLUDE 3109.04(M)</i>	
GUARDIAN'S REPORT	[RULE 66.2]
STATEMENT OF EXPERT EVALUATION	[RULE 66.2]

**APPLICATION AND AGREEMENT
INDIGENT GUARDIANSHIP APPOINTMENTS**

Now comes the undersigned and applies to be included on the list(s) of attorneys maintained and used by the Allen County Probate Court to appoint, as appropriate, counsel and/or guardians in Indigent Guardianship Cases. To assist the Court in complying with the provisions of C.P. Sup. R. 8 and Local Rule 8.1, the applicant states as follows:*

1. Applicant's name: _____
Ohio Sup. Ct. Regis. No.: _____
2. Applicant's law firm name: _____

3. Business address: _____

4. Business phone: _____
Business FAX: _____
Cell phone (optional): _____
5. Normal business hours: _____
6. Applicant's Allen County vendor's number: _____
[If none, applicant must file a W-9 form with the Allen Co. Auditor]

Applicant further states that he/she is willing to be appointed as the attorney only guardian only attorney and/or guardian, in the following types of indigent guardianship proceedings:**

- | | | |
|--|--|--|
| <input type="checkbox"/> Guardianships of incompetents | <input type="checkbox"/> Guardianships of Minors | <input type="checkbox"/> Emerg. Guard. - |
| <input type="checkbox"/> Person only | <input type="checkbox"/> Person only | person |
| <input type="checkbox"/> Estate only | <input type="checkbox"/> Estate only | and |
| <input type="checkbox"/> Person and estate | <input type="checkbox"/> Person and estate | estate |

Applicant states that he/she does does not maintain professional liability (malpractice) insurance of at least \$100,000 per occurrence and \$300,000 in the aggregate.

* Applicant shall immediately advise the Court of any change of address or ph. number.
**Applicant reserves the right to refuse any appointment, however, once appointed withdrawal of counsel is subject to approval of the Court.

The Applicant states that he/she understands that compensation for services as court-appointed attorney and guardians in indigent guardianship cases is as follows:

Attorney Fees*

\$40.00 per hr for out-of-court services

No cap, but subject to

\$50.00 per hr for in-court-services

approval of the Court

Guardian's Fees*

\$30.00 per hr for services as emergency gdn.

No cap, but subject to

\$20.00 per hr for services as guardian

approval of the Court

* Requires written application on forms approved by the Court; itemized time statements, including a statement of the services performed, must be attached. The Court reserves the right to set an fee application for formal hearing.

The attorney further understands that unless otherwise ordered by this Court, court-appointed attorney and/or guardian fees shall not be paid unless an Indigent Fee Application has been filed with this Court and payment has been ordered from the Indigent Guardianship Fund. Failure to follow the Court's procedures for Indigent Guardianship cases or the related orders of this Court could result in compensation being denied; the attorney and/or guardian being removed; and other sanctions imposed as the Court shall deem appropriate. This could include the attorney's removal from the appointment list. The attorney may at any time request that his/her name be removed from the appointment list.

Applicant agrees that if appointed as attorney and/or guardian pursuant to this Application and Agreement and any related court entries/orders, he/she is not an employee of the Allen County Probate Court and he/she shall exercise his/her professional and independent judgment in the performance of any and all services as a court-appointed attorney.

Dated: _____ 20 ____ .

ATTORNEY APPLICANT

IN THE PROBATE COURT OF ALLEN COUNTY, OHIO

In the Matter of: _____

CASE NO: _____

PERSONAL IDENTIFIERS OMISSION FORM

Pursuant to SupR 45(D)(2), effective 7/1/09, when filing a case document with a court or clerk of court the parties to a judicial action or proceeding are required to omit personal identifiers from the document. "Personal identifiers" in probate cases/proceedings are: 1) social security numbers (except last four digits); 2) financial account numbers (including but not limited to debit card, charge card and credit card numbers; and 3) employer and employee identification numbers. When "personal identifiers" are omitted from a case document submitted to the Court for filing, the party who submitted the case document shall submit the omitted information on this form. NOTE – last four digits of an account number shall not be used for the abbreviation. "Abbreviation" should consist of the Institution (Ex. ABC) and a number for that omitted item (Ex. 1). Separate numbers shall be utilized for institutions with multiple omitted items/accounts.

<u>ITEM OMITTED</u> [List Identifier No.]	<u>TYPE OF IDENTIFIER</u> & <u>INSTITUTION</u>	<u>ABBREVIATION</u>	<u>FORM NO. &</u> <u>DATE FILED</u>
(Ex.A - 123-45-6789)	(SSN)(Social Sec.)	(Ex. 6789)	(Ex 6.1)(7/1/09)
(Ex.B - 123456789)	(Savings Account)(ABC Bank)	(Ex. ABC-1)	(Ex.6.1)(7/1/09)
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____

Date

Attorney/Name of Filing Party

Atty. Regis. No.

PROBATE COURT OF ALLEN COUNTY, OHIO

ESTATE OF _____, Deceased

CASE NO. _____

**AFFIDAVIT OF SERVICE
OF NOTICE OF HEARING
ON INVENTORY**

The undersigned hereby states that all persons required to receive notice as provided in R.C. 2115.16 have received notice of the hearing on the inventory, or have waived notice of the hearing.

The waiver(s) and/or evidence of notification, including a copy of each notice, are attached hereto as required by Civil Rule 73 (F), or have previously been filed.

Fiduciary/Attorney

Printed Name

Atty. Regis. No. [If signed by attorney]

Address

Phone No.

PROBATE COURT OF ALLEN COUNTY, OHIO
GLENN H. DERRYBERRY, JUDGE

ESTATE GUARDIANSHIP TRUST

OF _____

CASE NO. _____

NOTICE OF HEARING ON ACCOUNT

[R.C. 2109.33]

TO: _____

You are hereby notified that a _____ account covering the period from _____ to _____ has been filed, and the hearing will be held on: _____, _____, 20__ at _____ o'clock AM PM.

The Court is located at Allen County Courthouse, 4th Floor, 301 N. Main St., Lima, OH 45801

You are required to examine the account, to inquire into the contents of the account, and into all matters that may come before the court at the hearing on the account. Any exceptions to the account shall be filed in writing not less than five (5) days prior to the hearing. Absent the filing of written exceptions, the account may be approved without further notice.

Fiduciary/Attorney for Fiduciary

Attorney Registration Number

PROBATE COURT OF ALLEN COUNTY, OHIO

- ESTATE**
- GUARDIANSHIP**
- TRUST**

OF _____, Deceased

CASE NO. _____

**AFFIDAVIT OF SERVICE
OF NOTICE OF HEARING
ON ACCOUNT**

The undersigned hereby states that all persons required to receive notice as provided in Local Rule 64.5 have received notice of the hearing on the account, or have waived notice of the hearing.

The waiver(s) and/or evidence of notification, including a copy of each notice, are attached hereto as required by Civil Rule 73 (F), or have previously been filed.

Fiduciary/Attorney

Printed Name

Atty. Regis. No. [If signed by attorney]

Address

Phone No.

GDN-CA 9-10

IN THE PROBATE COURT OF ALLEN COUNTY, OHIO

In the Matter of _____ **: CASE NO.** _____
The Guardianship of:

: AFFIDAVIT

[R.C. 2111.02, 3127.23, 3109.04(M) & L.R.66.1]

A Minor,

[To be filed only when a guardianship of the person of a minor is sought]

Affiant, being first duly sworn, deposes and says:

1. That the child's present address or whereabouts, the places where the child has lived within the last five years, and the names and present addresses of the person with whom the child has lived during that period are:

Child's present address or whereabouts: _____

Child currently lives with: _____

From: _____ to _____ with _____

At _____

Person's current address _____

From: _____ to _____ with _____

At _____

Person's current address _____

From: _____ to _____ with _____

At _____

Person's current address _____

[Attach additional sheets as needed]

2. That affiant HAS HAS NOT participated as a party, witness, or in any other capacity in any other proceeding concerning the allocation, between the parents of the same child, of parental rights and responsibilities for the care of the child including any designation of parenting time rights and the designation of the residential parent and legal custodian of the child or that otherwise concerned the custody of or visitation with the same child and if so, the court, case number and the date of the child custody determination, if any: [Complete following if applicable]

Name of Court: _____

Location: _____

Case No. _____

Date of the child custody determination: _____

3. That affiant DOES DOES NOT know of any proceedings that could affect the current proceeding, including proceedings for enforcement of child custody determinations, proceedings relating to domestic violence or protection orders, proceedings to adjudicate the child as abused, neglected, or dependent child, proceedings seeking termination of parental rights, and adoptions, and, if so, the court, the case number, and the nature of the proceeding. [Complete following if applicable]

Name of Court: _____

Location: _____

Case No. _____

Nature of the proceeding: _____

4. That affiant DOES DOES NOT KNOW of any person who is not a party to the proceeding and has physical custody of the child or claims to be a parent of the child who is designated the residential parent and legal custodian of the child and to have parenting time rights with respect to the child or to be a person other than a parent of the child who has custody or visitation rights with respect to the child; and if so the names and addresses of those persons. [Complete following if applicable]

Name: _____
 Address: _____

Name: _____
 Address: _____
 [Attach additional sheets as necessary]

5. Information about criminal case(s): [R.C. 3109.04(M)]

List all of the criminal convictions, including guilty pleas, for you and the members of your household for the following offenses: any criminal offense involving acts that resulted in a child being abused or neglected; any offense that is a violation of R.C. 2919.25; any sexually oriented offense as defined in R.C. 2950.01; and any offense involving a victim who was a family or household member at the time of the offense and caused physical harm to the victim during the commission of the offense.

<u>Name</u>	<u>Case Number</u>	<u>Court, State, County</u>	<u>Charge</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

The following supplement the information mandated by R.C. 3127.23

6. Check all boxes which apply:
- a. The child's parents are married;
 - b. The child's parents were married but are divorced. If checked, state the date and/or court, if known: _____
 - c. The child's parents were never married;
 - d. The father-child relationship was determined in a paternity or other proceeding. If checked, insert court information at paragraph 3.
 - d. Unknown if parents were [] married; [] divorced;

NOTE - If 2, 3, and/or 4 is/are answered in the affirmative, and the space provided is insufficient for full explanation, please attach additional sheets to complete.

Affiant realizes that he/she has a continuing duty to inform the Court of any child custody proceedings concerning the child in this or in any other state of which affiant obtains information during the pendency of this proceeding.

Affiant DOES DOES NOT allege, under oath, that the health, safety, or liberty of a party or child would be jeopardized by the disclosure of identifying information.

AFFIANT

Sworn to before me and signed in my presence this ____ day of _____, 20__.

Notary Public

PROBATE COURT OF _____ COUNTY, OHIO

IN THE MATTER OF THE GUARDIANSHIP OF _____

Case No. _____ Docket _____ Page _____

GUARDIAN'S REPORT

(R.C. 2111.49)

NOTE: If allotted space is inadequate to respond, write "See Exhibit" in the space and add appropriate exhibit letter sequence, then attach exhibit containing information requested for that space.

1. This is the (circle one): 1st, 2nd, 3rd, 4th, 5th, 6th, or _____, Guardian's Report.
2. Ward's present address: _____

City _____ State _____

Zip _____ Telephone (_____) _____

3. Ward's living arrangements at the above address are best described as:

- a. His or her own apartment or home (includes assisted living facilities).
- b. Private home or apartment of:
- (1) the ward's guardian.
- (2) a relative of the ward, whose name is _____
- and relationship is _____
- (3) a non-relative whose name is _____
- c. A foster, group or boarding home
- d. A nursing home.
- e. A medical facility or state institution .
- f. Other (describe) _____

- g. If c, d, e, or f is checked, complete the following:
- (1) The name of the home, facility or institution _____
- (2) The name of an individual at the home, facility or institution who has knowledge and is authorized to give information to the Court about the ward.
- Name _____
- Telephone Number (_____) _____

4. The ward will be at the address given in Item 2:

- a. Indefinitely.
- b. Temporarily. The new address and telephone number is:
- (1) Unknown. I will provide this information when known.
- (2) _____
- City _____ State _____
- Zip _____ Telephone (_____) _____

5. Guardian's contact with the ward:

a. Approximate number of times the guardian had contact with the ward during the period covered by this report: _____

b. The nature of those contacts (phone, personal, or other): _____

c. Date the ward was last seen by the guardian: _____

6. Have you observed any major change in the ward's physical or mental condition during the period covered by this report?
 Yes No

If "yes" is checked, briefly describe the changes. _____

7. The care given to the ward is Adequate Not Adequate

If "Not Adequate" is checked, explain. _____

8. The guardianship should be Continued Not Continued

If "Not Continued" is checked, explain. _____

9. During the period covered by this report, the ward has has not been

seen by a physician. If the ward has been seen, the last date was _____
and for the purpose of _____

Attached is a statement by a licensed physician, a licensed clinical psychologist, a licensed social worker, or a mental retardation team, that has evaluated or examined the ward within three months prior to the date of this report regarding the need for continuing the guardianship. [R.C. 2111.49(A)(1)(i)] (Form 17.1)

If an attorney has been consulted on this report:

Date _____

Attorney's Signature

Guardian's Signature

(Type or Print Attorney's Name)

(Type or print Guardian's Name)

(Street)

(Street)

(City, State, Zip Code)

(City, State, Zip Code)

(_____) _____
Telephone Number

Sup. Ct. Regis No.

(_____) _____
(Telephone Number - Include Area Code)

(Knowingly giving false information on a Probate document is a criminal offense.)

[R.C. 2921.13(A)(11)]

PROBATE COURT OF _____ COUNTY, OHIO

IN THE MATTER OF THE GUARDIANSHIP OF _____

CASE NO. _____

STATEMENT OF EXPERT EVALUATION

[Sup. R. 66 & R.C. 2111.49]

Definition of Incompetent (R.C. 2111.01(D)): "Incompetent" means any person who is so mentally impaired as a result of a mental or physical illness or disability, or mental retardation, or as a result of chronic substance abuse, that the person is incapable of taking proper care of the person's self or property or fails to provide for the person's family or other persons for whom the person is charged by law to provide, or any person confined to a correctional institution within this State."

The Statement of Evaluation does not declare the individual competent or incompetent, but is evidence to be considered by the Court. The fee for completing this evaluation WILL NOT be paid by the Probate Court. Each evaluator should secure payment from the Applicant/Guardian.

1. This Statement of Expert Evaluation is to be filed with or attached to:
 - A. Guardianship Application: Completed by Licensed Physician or Licensed Clinical Psychologist prior to the filing and attached to the application.
 - B. Guardian's Report: Completed by Licensed Physician Licensed Clinical Psychologist Licensed Independent Social Worker Licensed Professional Clinical Counselor or Mental Retardation Team.
The evaluation or examination shall be completed within three months prior to the date of the Report. R.C. 2111.49
 - C. Application for Emergency Guardian: of the person: a Licensed Physician shall complete the Supplement for Emergency Guardian, form 17.1A with specificity indicating the emergency, and why immediate action is required to prevent significant injury to the person. The Supplement shall be signed, dated, and attached as part of this completed Statement.

2. Statement completed by:

Name & Title/Profession: _____

Business Address: _____

Business Telephone Number: _____
3. Date(s) of evaluation: _____
- Place(s) of evaluation: _____
- Amount of time spent on evaluation: _____
- Length of time the individual has been your patient: _____

4. Is the individual presently under medication? Yes No If yes, what is the medication, dosage, and purpose? _____

Are there any signs of physical and/or mental impairments caused by the medications themselves? _____

5. Is the individual mentally impaired? Yes No If yes, indicate the diagnosis below:

Mental Retardation/Developmental Disabilities:

Profound

Severe

Moderate

Mild

Mental Illness: Type and Severity _____

Substance Abuse: Description _____

Dementia: Description _____

Other: Description _____

Please provide additional comments and test scores if available. (Continue comments on page 4): _____

6. During the examination did you notice an impairment of the individual's:

- | | | | |
|------------------------------------|------------------------------|-----------------------------|----------------------------------|
| a) Orientation | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unknown |
| b) Speech | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unknown |
| c) Motor Behavior | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unknown |
| d) Thought Process | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unknown |
| e) Affect | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unknown |
| f) Memory | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unknown |
| g) Concentration and comprehension | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unknown |
| h) Judgment | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unknown |

7. Please describe any impairments identified in question six. (Continue comments on page 4).

8. Is the individual physically impaired? Yes No If yes: Description _____

9. Are there any special characteristics of the individual which should be considered in evaluating the individual for guardianship: Yes. No If yes: Explain _____

10. Are there any indication of abuse, neglect or exploitation of the individual? Yes No If yes: Explain _____

11. Do you believe the individual is capable of caring for the individual's activities of daily living or making decisions concerning medical treatments, living arrangements and diet? Yes No If no: Explain _____

12. Do you believe this individual is capable of managing the individual's finances and property? Yes No If no: Explain _____

13. Prognosis:
A. Is the condition stabilized? Yes No
B. Is the condition reversible: Yes No

14. In my opinion a guardianship should be:
 Established/Continued
 Denied/Terminated

I certify that I have evaluated the individual on _____, 20_____.

Date: _____

Signature of Evaluator

GUARDIAN'S REPORT ADDENDUM
(Not to be used with initial Application)

It is my opinion, based upon a reasonable degree of medical or psychological certainty, that the mental capacity of this ward will not improve.

Date _____

Signature - Licensed Physician/Clinical Psychologist

PROBATE COURT OF _____ COUNTY, OHIO

IN THE MATER OF THE GUARDIANSHIP OF _____

CASE NO. _____

SUPPLEMENT FOR EMERGENCY GUARDIAN OF PERSON

[R.C. 2111.49]

This Supplement must be completed when there is a request for Emergency Guardianship. The following questions must be answered with specificity and item 1.C, page 1 of the Statement of Expert Evaluation, Form 17.1 must be checked.

A. Does the individual have a durable health care power of attorney? _____ If yes, why is it not being honored?

B. Exact nature of emergency: _____

C. Length of time emergency has existed, and why? _____

D. Specific action required to prevent significant injury to the person: _____

E. Ability of the alleged Incompetent to receive notice and give consent: _____

F. Medical prognosis in detail if immediate action, within 24 hours, is not taken: _____

G. Additional statements regarding condition, family, support services, etc: _____

Note: Any above answers may be supplemented by attachments.

Date and Time of Evaluation

Licensed Physician

Date of Report