

**COURT OF COMMON PLEAS
JUVENILE DIVISION
CARROLL COUNTY, OHIO**

Valinda Imes
Chief Deputy Clerk

Dawn Lefevre
Deputy Clerk

Rachel L. Rinkes
Court Administrator

JUDGE JOHN S. CAMPBELL
119 S. Lisbon Street, Suite 202
Carrollton, OH 44615
(330) 627-2323 / Fax (330) 627-6004

Wendy Boggess
Probation Officer

Charles R. Collier
Probation Officer

Jessie Kirkpatrick
Probation Officer

Nick Yingling
Probation Officer

**ADDENDUM OF LOCAL RULES
FOR THE
COURT OF COMMON PLEAS
PROBATE/JUVENILE DIVISIONS
OF CARROLL COUNTY**

**EFFECTIVE DATE: June 1, 2015
HONORABLE JOHN S. CAMPBELL, JUDGE**

**CARROLL COUNTY COMMON PLEAS
PROBATE/JUVENILE COURT
119 S. LISBON ST.
CARROLLTON, OHIO 44615**

GUARDIANSHIP RULES

RULE 66.1

Except for good cause shown, an application for the appointment of a guardian shall contain the name of one proposed ward and shall be heard separately from any other application. Except for good cause shown, the hearing on the application for the appointment of a guardian shall be attended by the applicant and the proposed ward.

RULE 66.1.1

The Carroll County Probate Court hereby adopts the Ohio Minimum Standards for Guardians of the Supreme Court of Ohio. The Standards are attached as Appendix G. Except for good cause shown, guardians shall visit each ward on at least a quarterly basis.

RULE 66.1.2

Comments and complaints regarding guardians shall be filed in the record unless otherwise ordered by the Court. A copy of the filed comment or complaint shall be provided to the guardian who is the subject of the comment or complaint unless otherwise ordered by the Court. Comments and complaints may be addressed by the court investigator assigned to guardianship cases. Allegations of abuse, neglect, and/or exploitation shall be reported pursuant to R.C. 5101.61. If deemed appropriate, the matter may be promptly set for hearing or for further investigation. If set for hearing, the complainant shall be notified of the hearing and shall appear unless otherwise ordered by the Court. Upon the conclusion of the hearing or investigation, the person making the comment or complaint shall be notified of the disposition of the comment or complaint unless otherwise ordered by the Court.

RULE 66.1.3

Except for good cause shown, an application for an emergency guardianship shall be filed in person by the applicant and shall contain a current statement of expert evaluation and a

supplement for emergency guardian form stating an opinion that an emergency exists and it is reasonably certain that immediate action is required to prevent significant injury to the person or estate of the minor or incompetent. Except for good cause shown, the proposed ward shall be notified as soon as possible of the appointment of an emergency guardian.

RULE 66.2

Upon the filing of an application for the appointment of a guardian, the proposed ward has the following rights:

- The right to be present at the hearing to contest the application, and to be represented by an attorney of the proposed ward's choice;
- The right to have a friend or family member of the proposed ward's choice present at the hearing;
- The right to have evidence of an independent expert evaluation introduced at the hearing;
- The right to request an attorney, and an independent expert evaluation to be appointed at the court expense if the proposed ward is indigent;
- The right to have an attorney appointed, and necessary transcripts prepared at court expense if the proposed ward appeals the guardianship decision, and is indigent;
- The right to have considered for appointment a person nominated in a separate document by the proposed ward.

In the event of an adjudication of incompetence, the guardian may present evidence to establish evidence to establish the least restrictive form of guardianship, and that the ward has the competence to exercise the following rights:

- The right to vote;
- The right to marry;
- The right to make a will;
- The right to terminate a marriage;
- The right to retain a driver's license.

The ward retains the following rights during the guardianship providing the exercise of the rights is not detrimental to the health, safety and welfare of the ward or others:

- The right to be treated with dignity and respect;
- The right to privacy and confidentiality;
- The right to participate in decisions regarding housing;
- The right to receive the level of care that protects the ward's health, safety, and welfare;
- The right to participate in medical care and treatment decisions;
- The right to an inventory of personal property, and the right to participate in decisions regarding the disposition and/or sale of personal property;
- The right to an accounting of the disposition and/or sale of any personal property;
- The right to the free exercise of religion;
- The right to continue contact with family and friends providing the contact is not detrimental to the health, safety, and welfare of the ward;
- The right to receive veteran's benefits if the ward qualifies as a result of military service;
- The right to an annual review of the guardianship;
- The right to have access to the courts to challenge the need for guardianship and/or the administration of the guardianship.

RULE 66.3

Each guardian shall file an annual report with the Court containing the information required by the Court. No guardian shall change the residential placement of a ward without prior application to and approval of the Court. The application shall state the reason for relocating the ward and any recommendation for relocation made by health providers.

RULE 66.4

An application for the appointment of a guardian of a minor shall not be filed if the only reason for the guardianship is to establish a residency for school purposes. Custody for school purposes is a matter to be heard and determined in the Juvenile Division of the Court of Common Pleas. 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 66.6

Except for good cause shown, before a guardian is appointed, a criminal background check of the applicant(s) shall be performed by the Carroll County Sheriff's Department using the WEBCHECK system and/or such other background check as ordered by the Court by Judgement Entry. Each applicant shall sign a Consent to Criminal Background Check and appear at the Carroll County Sheriff's Department for the WEBCHECK within five days of filing the application. In addition, the Consent shall authorize the court investigator appointed by the Probate Court to perform a criminal background check of the local law enforcement agencies.

In the event that the criminal background check indicates a charge that would disqualify the applicant from serving, the Court, in its discretion, may hold a hearing on reformation. At the hearing, the applicant has the burden of proof that the applicant is suitable to serve despite the unfavorable background check.

RULE 66.7

Medical and psychological reports are confidential and there shall be no access to these reports without prior order of the court.

RULE 66.9

All guardians of the estate are required to deposit the ward's funds in a guardianship account in banking facilities that provide imaging or canceled checks. Unless otherwise ordered by the Court, the guardianship account shall be maintained in an institution within the boundaries of Carroll Count, Ohio. All assets shall remain in the state of Ohio unless otherwise authorized by judgment entry.

RULE 66.10

Guardians of the estate are not permitted to use ATM machines or debit cards for guardianship account.

CONSERVATORSHIPS

RULE 66.11

All rules governing Guardians shall govern Conservators unless otherwise provided by law or order of the Court.

ESTATES OF MINORS OF NOT MORE THAN TWENTY-FIVE THOUSAND DOLLARS

RULE 67.1

Upon the opening of a court-ordered account under \$25,000 ("restricted account"), the account shall be titled in the sole name of the minor. All interest and principal shall be impounded. Deposited funds shall not be released until the minor reaches age 18 or upon further order of the Court. The verification of receipt and deposit from the bank filed with the Court shall contain the information required by the Court.

RULE 67.2

Certificates of deposit may be renewed without court order, even if there is a change of interest rate or term. Funds may be moved from savings account to certificate of deposit (or vice versa) without a court order and shall remain a restricted account. A transfer to any other bank product shall require a court order.

RULE 67.3

Funds may be released to the account owner (the former minor) by the bank at the age of 18 without a court order.

RULE 67.4

On an annual basis, the Court will provide a list of restricted accounts to the bank. The bank will provide the balance in each account or give the date that each account was closed.

SETTLEMENT OF INJURY CLAIMS OF MINORS

RULE 68.1

An application shall be accompanied by a current statement of the examining physician as provided in Sup. R. 68 (B). The presence of the injured minor shall be required at the hearing as provided in Sup. R. 68 (C) except for good cause shown.

RULE 68.2

Upon the opening of a court-ordered account ("restricted account"), the account shall be titled in the sole name of the minor. All interest and principal shall be impounded. Deposited funds shall not be released until the minor reaches age 18 or upon further order of the Court. The verification of receipt and deposit from the bank filed with the Court shall contain the information required by the Court.

RULE 68.3

Certificates of deposit may be renewed without court order, even if there is a change of interest rate or term. Funds may be moved from savings account to certificate of deposit (or vice versa) without a court order and shall remain a restricted account. A transfer to any other bank product shall require a court order.

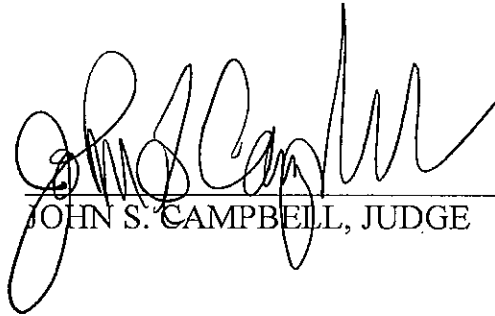
RULE 68.4

Funds may be released to the account owner (the former minor) by the bank at the age of 18 without a court order.

RULE 68.5

On an annual basis, the Court will provide a list of restricted accounts to the bank. The bank will provide the balance in each account or give the date that each account was closed.

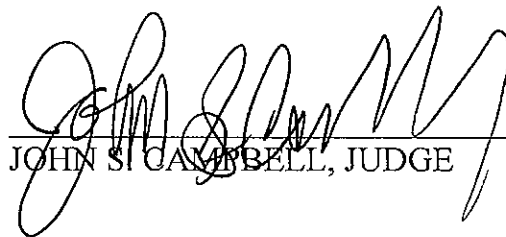
The supplemental rules concerning local practice in this Probate and Juvenile Division of this Court have been this date adopted by me thus superceding all previously adopted local rules until this Court adopts other rules.



JOHN S. CAMPBELL, JUDGE

Certificate

In accordance with CPSupR 44, I have this date caused these rules to be filed with the Supreme Court by forwarding them via e-mail.



JOHN S. CAMPBELL, JUDGE

Date: August 1, 2016