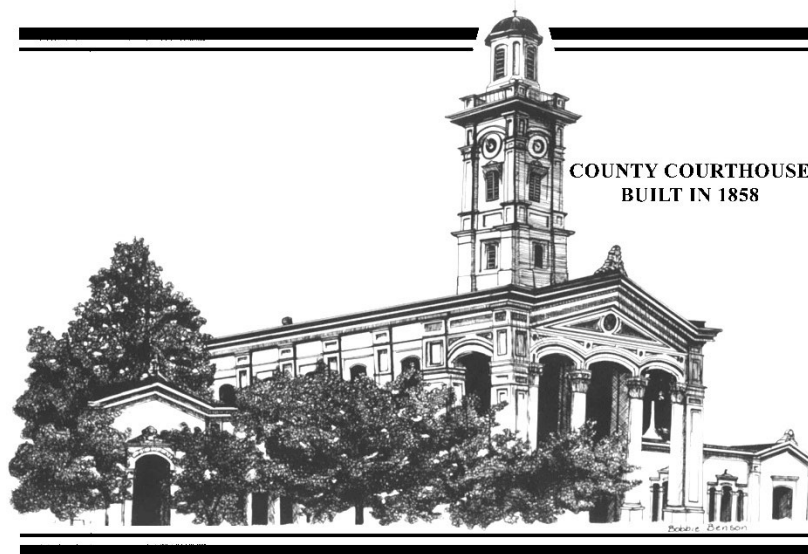


**LOCAL RULES OF PROCEDURE**  
**ROSS COUNTY COURT OF COMMON PLEAS**  
**PROBATE DIVISION**

J. Jeffrey Benson, Judge

James S. Szorady, Jr, Magistrate  
Jennifer L. Ater, Magistrate



Effective September 1, 2004

*Modified 4/23/2026*

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## Ross County Probate Rules

The following Local Rules are supplemental to the Rules of Superintendence for the Courts of Ohio and must be read in conjunction therewith.

### **LOCAL RULE 5.1 JURY MANAGEMENT**

All jury trials in Ross County Probate Court are governed by the jury management procedure of the general division of the Ross County Court of Common Pleas.

### **LOCAL RULE 7.20 REMOTE APPEARANCES**

The intent of this rule is to promote uniformity in the practices and procedures related to remote appearances in cases where such an appearance is permitted by these rules, court order, statutory or other rules of court. “Remote” is defined as the use of live two-way video and/or audio technology. Notwithstanding any other provisions of this rule, a judge or magistrate may order a party’s personal appearance in court for any conference, hearing or proceeding.

- A. Telephone Appearances. The court on its own motion or upon the request of any counsel may in its discretion conduct conferences, hearings, and proceedings via telephone with attorneys. Only attorneys may appear via telephone. Litigants must appear in person or via video teleconference.
  1. Counsel may appear by telephone at the following conferences, hearings, and proceedings:
    - i. Case management/scheduling/status/review hearings;
    - ii. Non-evidentiary motion hearings;
    - iii. Hearings on discovery matters;
    - iv. Scheduling conferences and status conferences;
    - v. Pre-trial hearings; and
    - vi. Any hearing approved in advance by the court for appearance by telephone.
  2. All evidentiary proceedings involving telephone appearances must be recorded and reported to the same extent as if counsel appeared in person.
  3. The court may specify:
    - i. The time and the person who will initiate the conference;
    - ii. Any other matter or requirement necessary to accomplish or facilitate the telephone conference.
  4. Upon convening a proceeding involving telephone appearance, the court shall recite the date, time, case number, names and locations of parties and counsel, and the type of hearing.
  5. The court may require a party to appear in person, including video conferencing, at a hearing, conference, or proceeding in which a telephone appearance is otherwise

permitted if the court determines that a personal appearance would materially assist in the determination of the proceedings or in the effective management or resolution of the particular case.

6. If at any time during a hearing, conference, or proceeding conducted by telephone the court determines that a personal appearance, including video conferencing, is necessary, the court may continue the matter and require a personal appearance.

B. Video Conferencing

1. The court on its own motion or upon the request of any party may in its discretion conduct conferences, hearings, and proceedings by the use of a live two-way video and audio-conferencing platform with attorneys and parties with the following exemptions:
    - a. Motions to appear by video conference must be made a minimum of seven (7) days prior to the hearing in which a remote appearance is being requested. Motions must be accompanied by an entry.
    - b. If a Motion to appear by video conference is being made for a party that is in prison, that motion/request must be made a minimum of twenty-one (21) days prior to the hearing in which a remote appearance is being requested. Motions must be accompanied by an entry.
    - c. Emergency situations will be determined on a case-by-case basis.
  2. All evidentiary proceedings involving video conference appearances must be recorded and reported to the same extent as if the participants had appeared in person.
  3. Upon convening a proceeding involving video conference appearance, the court shall recite the date, time, case name, case number, names and locations of parties and counsel, and the type of hearing.
  4. The court may require a party to appear in person at hearing, conference, or proceeding in which a video conference appearance is otherwise permitted if the court determines that a personal appearance would materially assist in the determination of the proceedings or in the effective management or resolution of the particular case.
  5. If any time during a hearing, conference, or proceeding conducted by video conference the court determines that a personal appearance is necessary, the court may continue the matter and require a personal appearance.
- C. Confidential Attorney-Client Communication. Provisions shall be made to preserve the confidentiality of attorney-client communications and privilege.
- D. Witnesses. In any pending matters, upon motion for good cause shown, a witness may testify via video conference.

- E. **Technical Standards and Equipment.** The equipment and platform used in any hearing or proceeding conducted under this rule must conform to the following minimum requirements:
- a. All participants must be able to see and/or hear and communicate with each other simultaneously.
  - b. All participants must be able to see, hear or otherwise observe any documents, physical evidence, or exhibits presented during the proceedings, either by video, facsimile, or other method.
  - c. The telephonic or audio-visual technology must generate a verbatim record of the proceeding.
  - d. The use of telephonic or audio-visual technology in conducting hearings and proceedings shall in no way abridge any right of the public.
  - e. The telephonic or audio-visual technology must be able to be used by people with disabilities to accommodate their disabilities under the Americans with Disabilities Act.

#### **LOCAL RULE 8.1 COURT APPOINTMENTS**

- A. Persons appointed by the Court to serve as appraisers, fiduciaries, attorneys, investigators, guardians ad litem, and trustees for suit, shall be selected from lists maintained by the Court.
- B. Appointments will be made from such lists taking into consideration the qualifications, skills, 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 DR-2-106 of the Code of Professional Responsibility, the Ohio Revised Code, and the Local Rules of Court relating to fees.
- D. The Court will review Court appointment lists periodically to ensure the equitable distribution of appointments.

#### **LOCAL RULE 9.1 SECURITY PLAN**

Pursuant to a Supreme Court of Ohio resolution dated July 26, 1995, the Ross County Probate Court has determined the entire Security Plan as submitted to the Supreme Court of Ohio, effective January 1, 2001, be maintained as confidential and not a matter of public record.

#### **LOCAL RULE 11.1 RECORDING OF PROCEEDINGS**

- A. The Court will make an audio recording of the proceedings as the record of the Court unless a stenographic record is requested. Parties who desire to have a stenographic record of the proceedings must make their own arrangements for a court reporter at least twenty-four (24) hours prior to the scheduled hearing. The requesting party shall pay the costs of the stenographic record unless otherwise ordered by the Court.
- B. The Court will allow an interested person to listen to a copy of the electronic recording upon request made not less than twenty-four (24) hours in advance. Tapes may not be removed from the Court.
- C. In all cases in which a party desires preparation of a transcript of a proceeding, such request shall be made in writing to the Court Reporter. Upon receipt of such request, the Court Reporter

will advise the party, in writing, of the estimated cost of the transcript. Upon receipt of a deposit in the amount of fifty percent (50%) of the estimated cost, the Court Reporter shall prepare the transcript. No transcript shall be delivered without payment in full for the transcript.

- D. Compensation for official stenographic reports for making transcripts and copies as provides in the Ohio Revised Code, is fixed as follows:

Six Dollars (\$6.00) per page for the original transcript;  
Five cents (\$.05) per page for the first copy of the transcript;  
Five cents (\$.05) per page for a copy to other parties or for additional copies;  
Electronic copies shall be provided for free.

- E. Tapes of all electronically recorded proceedings will be maintained by the Court for three (3) years from the date of the hearing. Any interested person desiring to preserve the record beyond that period must make arrangements to have the record transcribed.

#### **LOCAL RULE 26.1 COURT RECORDS MANAGEMENT AND RETENTION**

Ohio Rules of Superintendence 26.01 and 26.04 are adopted and implemented as if fully rewritten herein.

#### **LOCAL RULE 51.1 FORM AVAILABILITY**

- A. The standard probate forms adopted pursuant to Rule 51 of the Rules of Superintendence shall be used for all applicable filings except as provided in Local Rule 52.1.
- B. Approved forms for use in the Ross County Probate Court are available at the Court.

#### **LOCAL RULE 52.1 COMPUTERIZED FORMS**

- A. Computer generated forms must comply with the specifications and format outlined by the Rules of Superintendence. The signature of the applicant or attorney constitutes a certificate that the computer-generated forms comply with the rules.
- B. All computer forms presented for filing must be generated with the exact wording as well as blank lines as they appear in the standard forms.

#### **LOCAL RULE 52.2 FORM SPECIFICATIONS**

The type size for the body of all forms filed in this Court cannot be less than ten (10) point, nor greater than fourteen (14) point.

#### **LOCAL RULE 53.1 HOURS OF THE COURT**

The Probate Court shall be open for the transaction of business from 8:00 a.m. to 4:00 p.m., Monday through Friday, except holidays as provided by resolution of the Ross County Board of Commissioners. All pleadings requiring a new case number or the payment of Court costs shall be filed by 3:30 p.m. unless under exceptional circumstances and with Court approval.

#### **LOCAL RULE 53.2 LOCATION**

Court sessions shall be held at the Ross County Courthouse or any annex thereof in such manner shall be ordered by the judge; sessions may be held at such other places in Ross County as may be

provided by order of the judge from time to time or for special cases as the interest of justice may require.

#### **LOCAL RULE 54.1 CONDUCT IN THE COURT**

- A. Proper decorum in the Court is necessary to the administration of the Court's function. Any conduct that interferes or tends to interfere with the proper administration of the Court's business is prohibited.
- B. Proper attire is required of all parties who appear before this Court. Any party who does not appear in proper attire is subject to sanctions or removal from the Court.
- C. No radio or television transmission, voice recording device, pictures, other than a device used by a Court Reporter making a record in a proceeding, or the making or taking of pictures shall be permitted without the express consent of the Court in advance and pursuant to Sup. R. 12.

#### **LOCAL RULE 55.1 WITHDRAWAL OF FILES**

- A. Files or records shall not be removed from the Court, except when approved by the Judge. Violation of this rule may result in the issuance of a citation for contempt.
- B. Adoption, mental illness and mental retardation proceedings are confidential. Records of these proceedings, and other records that are confidential by statute, may be accessed as authorized by the Judge.
- C. A citation for contempt of court may be issued against anyone who divulges or receives information from confidential records without authorization of the Judge.

#### **LOCAL RULE 55.2 ARCHIVES**

The Ross County Probate Court has established an Archive office for the convenience of the public. The Archives office is open to the public on Tuesdays and Thursdays from 8:30 a.m. to 4:30 p.m. and closed for lunch from 12:00 pm to 1:00 pm.

#### **LOCAL RULE 55.3 PHOTOCOPIES**

Copies of any non-confidential public record may be obtained at the cost of Five cents (\$.05) per page.

#### **LOCAL RULE 56.1 CONTINUANCES**

- A. Motions for continuance shall be submitted in writing with the proper caption and case number.
- B. Except on motion of the Court, no continuance shall be granted in the absence of proof of reasonable notice to, or consent by, the adverse party or the adverse party's counsel. Failure to object to the continuance within a reasonable time after receiving notice shall be considered consent to the continuance.
- C. A proposed entry shall be filed with a motion for continuance, leaving the time and date blank for the Court to set a new date.

- D. All applications for continuances of hearings, pretrials and trials shall be submitted to the Court at least seven (7) days prior to the scheduled date for the event sought to be continued, absent emergency or cause deemed sufficient by the Court.

#### **LOCAL RULE 56.2 APPLICATIONS FOR EXTENSION OF TIME**

All applications for extension of time must be signed by both the fiduciary and the attorney of record pursuant to Sup. R. 78.

#### **LOCAL RULE 57.1 FACSIMILE FILINGS**

This Court will accept documents by facsimile for notice purposes only. Pleadings will be deemed to have been filed only upon the presentation of the original pleading to the Court and the payment of any required fees/costs.

- A. Any signature on facsimile transmitted documents shall be considered that of the attorney or party it purports to be for all purposes. If it is established that the documents were transmitted without authority, the Court shall order the filing stricken.
- B. Facsimile transmitted documents will be received by the Court during normal working hours (Monday through Friday 8:00 am through 4:00 pm). Any facsimile filing received by the clerk after 4:00 pm on a weekday or anytime on a weekend or holiday will be filed on the next day the Court is open. For purposes of any filing deadline imposed by these rules, any applicable Ohio Rules or Court Order, a pleading will be deemed filed on the date and time when the clerk stamps the original document.
- C. Any document filed by facsimile that requires a filing fee will be rejected by the clerk of courts.
- D. All facsimile transmissions must comply with the Ohio Rules of Civil Procedure, and any other applicable Ohio Rules.
- E. The filer bears the risk of facsimile transmission, and the Court assumes no responsibility for technical problems.

#### **LOCAL RULE 57.2 COMPLETE IDENTIFYING INFORMATION**

- A. When required on a Court document, an attorney or fiduciary address must be a street address and, if applicable, any post office box numbers used as a mailing address. The address of the fiduciary must be the fiduciary's legal residence. A fiduciary who is an attorney at law may use an office address. A corporate fiduciary shall identify its principal place of business.
- B. Documents containing partially or wholly illegible signatures of counsel, parties or officers administering oaths may be refused for filing, or, if filed, may be ordered stricken from the files, unless the typewritten or printed name of the person whose signature is purported to appear is clearly indicated thereon.
- C. The attorney's Supreme Court registration number, along with the attorney's name, address, telephone number, telefax number, if any, and business e-mail, if any, must be included on all filings (including accounts).
- D. Reasonable diligence shall be exercised to obtain the complete street addresses of the surviving spouse, next of kin, legatees and devisees.

**LOCAL RULE 57.3 CASE NUMBER**

All filings, including attachments, must have the case number.

**LOCAL RULE 57.4 ORIGINAL SIGNATURES**

All filings must contain original signatures. In all matters with multiple fiduciaries, the signature of all fiduciaries is required on all documents including fiduciary checks. Persons who are not an attorney may not sign on behalf of an attorney.

**LOCAL RULE 57.5 FIDUCIARY SIGNATURE**

Any pleading, filing, or other document, which by law or rule requires the fiduciary's signature, shall have the original signature of the fiduciary. The attorney for the fiduciary may not sign for the fiduciary.

**LOCAL RULE 57.6 COURT FILINGS**

All filings must be legible, on 8-1/2" x 11" paper and the type size for the body of the document be not less than ten (10) point or greater than fourteen (14) point. The Court will accept for filing only those pleadings, which are complete.

**LOCAL RULE 57.7 FORWARDING COPIES**

The Court will not return file-stamped copies by mail unless submitted with a return, self-addressed, stamped envelope and the copies shall be provided by requestor.

**LOCAL RULE 57.8 ISSUANCE OF SUMMONS**

A Request for Issuance of Summons shall be filed with all original and amended complaints or petitions in civil actions

**LOCAL RULE 57.9 DISPOSITION OF EXHIBITS**

A. All exhibits offered for admission during a hearing or trial shall be labeled by party name and item identification. In a proceeding recorded by a Court stenographer, custody of exhibits admitted or proffered shall be given to the stenographer, unless otherwise ordered by the Court.

B. Upon agreement of the parties or by order of the Court, copies may be substituted for the original exhibit.

D. Disposal of exhibits shall be pursuant to Sup. R. 26.

**LOCAL RULE 57.10 CERTIFICATE OF NOTICE OF ENTRY OF JUDGMENT**

Any proposed judgment entry submitted to the Court which is subject to Civ. R. 58(B) as modified by Civ. R. 73(I) shall contain a certificate of service including the names and addresses of all parties and other interested persons required to be served.

**LOCAL RULE 57.11 SOCIAL SECURITY NUMBERS**

Social security numbers are confidential and will not be required in any filing in this Court that is available for inspection by the general public. Applicants for guardianships will provide their social security number and the social security number for the proposed ward on a form that will not be disclosed to the general public. The form (Appendix A) will be filed with every application for guardianship.

**LOCAL RULE 57.12 - CERTIFICATE OF SERVICE**

The Certificate of Service shall identify by name all parties served.

**LOCAL RULE 57.13 DISPENSING WITH FURTHER ADMINISTRATION**

When an estate is opened for purposes of admitting the will only or filing an estate tax only or both and no further administration is contemplated, the attorney shall so advise the Court in writing at the time of filing.

**LOCAL RULE 58.1 DEPOSITS**

- A. The business of this Court shall be conducted on a cash basis. The Court will not accept personal checks. The Court will only accept cash, money orders, cashier's checks, fiduciary, attorney, title company, or trust company checks. However, the Archives Department may accept personal checks.
- B. Deposits in the amount set forth in Appendix B shall be required upon the filing of all actions and proceedings listed therein. Otherwise the Court will not accept the filings. The balance of any Court costs shall be paid when the final account, entry or any partial account is filed.

**LOCAL RULE 58.2 WITNESS FEES**

Witness fees must be requested at the conclusion of the hearing for which the subpoena was issued. If not requested at that time, the fee is waived. All unused portions of the subpoena deposit will be refunded to the depositor.

**LOCAL RULE 58.3 RELEASE OF ADOPTION INFORMATION**

The fee for filing a petition for the release of adoption information pursuant to Ohio R.C. 2101.16(F) shall be Seventy-Five Dollars (\$75.00).

**LOCAL RULE 58.4 FILING TRANSCRIPTS, EXHIBITS, OR FOREIGN RECORDS**

The filing fee required by Ohio R.C. 2101.16(A)(57) shall be paid at the time of filing the transcript, exhibits, or foreign records.

**LOCAL RULE 59.1 CERTIFICATE OF SERVICE OF NOTICE OF PROBATE OF WILL**

The applicant for the admission of a will to probate or other person listed in Ohio R.C. 2107.19(A)(4) shall file a Certificate of Service of Notice of Probate Of Will (Standard Probate Form 2.4) not later than two months after the appointment of the fiduciary or, if no fiduciary has been appointed, not later than two months after the admission of the will to probate. Proof of service shall consist of either waivers of notice of the probate of the will or original certified mail return receipt cards as provided under Civil Rule 73(E)(3).

**LOCAL RULE 59.2 BONDS**

When a bond is filed, the bonding company's name, address and telephone number must be included so that the Court can send a bond release at the appropriate time.

**LOCAL RULE 59.3 FILING WILL FOR RECORD ONLY**

An application to File a Will for Record Only will be accepted when it is not necessary to have it admitted to probate. A case number shall be assigned and the case closed. Future activity shall require reopening of the estate.

**LOCAL RULE 60.1 APPOINTMENT OF NONRESIDENT FIDUCIARIES**

An applicant to be appointed fiduciary of a decedent's estate, or trust, who is not a resident of this state, must be in compliance with Ohio R.C. 2109.21 and use as the attorney of record an attorney licensed to practice law in this State. To assure the assets remain in Ross County, Ohio, during the administration of the estate or trust, the applicant must place a substantial amount of the decedent's personal assets in a custodial depository in this county, pursuant to Ohio R.C. 2109.13.

**LOCAL RULE 60.2 INVENTORY**

- A. When filing the inventory, Form 1.0 must be attached. Waivers from the next of Kin, Legatees and Devisees must be filed with the inventory. In the absence of waivers, Notice of Hearing on Inventory must be filed. The deputy clerk will set a non-oral hearing date and insert the date and time and return the Notice to the attorney/fiduciary for service by certified mail, return receipt. The return card attached to a copy of the Notice of Hearing on Inventory must be returned to the Court prior to the hearing date.
- B. Notice of the filing of the inventory shall be given in accordance with Section 2115.16 of the Revised Code and may be published one time, as a group in a newspaper of general circulation in the county, or advertised separately as the Court directs. The notice required herein shall be deemed notice to each person or class of persons entitled thereto, without specifically naming such person or class of persons.

**LOCAL RULE 60.3 FORM 1.0**

Form 1.0 shall list all the heirs, next of kin, legatees, and devisees in the appropriate locations on the form. If any of these heirs, next of kin, legatees or devisees is deceased, then that person's name will be listed, and the word "deceased" shall be entered after that name. The name or names of the person or persons that will take the place of the "deceased" person shall be listed, by indenting slightly and listed as the other heirs, next of kin, legatees and devisees are listed on the form. The form will thus reflect the relationship of the decedent of each heir, next of kin, legatee and devisee and that relationship will be readily apparent on the face of the document.

**LOCAL RULE 60.4 STATUS REPORT BY FIDUCIARY**

The fiduciary of an estate, or the attorney of record, shall file an annual report with the Court on the anniversary date of the estate opening, explaining the status of the estate and why the estate is not closed.

**LOCAL RULE 61.1 APPRAISERS**

- A. When required by law, there shall be suitable and disinterested appraiser(s) appointed by the executor or administrator of an estate with Court approval. The Court maintains list of approved appraisers that may be used without advance Court approval. The purpose of the appraisers list is not to exclude persons from conducting appraisals but rather to provide an easy reference for attorneys and fiduciaries requiring appraisals for probate proceedings.

To be considered for inclusion on the approved appraisers list, the appraiser must complete an application on a form provided by the Probate Court.

- B. The Fiduciary must list all probate assets in the Inventory. Assets whose values are not readily ascertainable must be appraised by a court approved appraiser.

1. The fiduciary may use the fair market value of real property, as determined by the County Auditor for real estate taxes, in lieu of a formal appraisal. A copy of the County Auditor's valuation shall be submitted as proof of value.
  2. The fiduciary may use the average trade-in value, from any recognized valuation guide for motor vehicles, in lieu of appraisal, if the vehicle is in operable condition. A copy of the valuation shall be submitted as proof of value.
  3. The court may order a formal appraisal of any asset upon the court's own order or upon motion of any interested party.
- C. The following persons shall be disqualified from serving as appraiser:
1. A person related by consanguinity or affinity to the decedent.
  2. A beneficiary of the estate.
  3. The Court may order a formal appraisal of any asset upon the Court's own order or upon motion of any interested party.
- D. If an appraiser has not been pre-approved and placed on the Court's list, the executor or administrator shall submit written qualifications of the appraiser with an application to appoint the appraiser. At that time, the appraiser will be added to the approved list, or the application for appointment of appraiser will be set for hearing. If the appraiser is related to the attorney for the estate by consanguinity, affinity or employment, then such relationship shall be disclosed to the fiduciary and proof of such disclosure shall accompany the application for appointment of appraiser.

#### **LOCAL RULE 62.1 CLAIMS AGAINST THE ESTATE**

The Schedule of Claims shall list the claims in order of priority, as if to be paid, pursuant to Section 2117.25 of the Revised Code.

#### **LOCAL RULE 63.1 APPLICATION TO SELL PERSONALTY**

Before the Probate Court confirms a sale made under an order of private sale, the fiduciary shall file a statement indicating that the private sale was made after diligent endeavor to obtain the best price for the property and that the private sale was at the highest price he could obtain. The application shall contain an adequate description of the property.

#### **LOCAL RULE 64.1 FIDUCIARY'S SIGNATURE**

- A. All accounts must be personally signed by the fiduciary and contain the full name, current resident address, and telephone number of the fiduciary.
- B. All fiduciaries must sign the account when multiple fiduciaries have been appointed.

#### **LOCAL RULE 64.2 DELINQUENCY IN FILING AN ACCOUNT**

No expenditure, sale, distribution, or fee will be approved while the fiduciary is delinquent in filing an account. See also Sup. R. 78. The Court will however consider an application for attorney fees upon a representation that the fiduciary is not cooperating with counsel.

**LOCAL RULE 64.3 VOUCHERS**

- A. When required by statute or court order, original vouchers are to be displayed when filing accounts. The Court will accept as a voucher a statement from a financial institution specifying the payee, check amount, and date of payment.
- B. (1) Vouchers are not required to be filed with accounts filed in decedent's estates provided that Standard Probate Form 13.0 is filed and a Certificate of Service of Account to Heirs or Beneficiaries (Standard Probate Form 13.9) is submitted with the account. If an exception is filed, the account will be set for further hearing and vouchers will be required at that time.
- (2) A Certificate of Termination (Form 13.6) may be filed in lieu of any account due in a decedent's estate when the provisions of R.C. 2109.301(B)(2) have been satisfied.
- C. The Court may accept a combination of vouchers and consents. In lieu of receiving waivers and consents from all the beneficiaries, vouchers from specific and pecuniary beneficiaries may be submitted with consents from all remaining beneficiaries.
- D. Upon request of the Court, adding machine tapes or computer-generated calculations shall be provided which reflect receipts, disbursements, and balances.
- E. In the event that vouchers are required for a particular account, and in the event that the financial institution does not return original vouchers to the account holder, photocopies of canceled checks are acceptable for filing with the Court in all applicable accountings on the condition that: (1) the photocopies are complete copies of the originals, (2) the photocopies are clearly legible, and (3) the front and back of said checks are photocopied. The Court will accept as a voucher documentation from a financial institution specifying the payee, check amount and date of payment.
- F. When an account in proper form has been completed for filing, the account and required vouchers are to be submitted to the Deputy Clerk for review. Signed receipt or cancelled checks shall be exhibited for each disbursement.
- G. If the account appears in order, it will be file stamped, dated, and signed as follows:

Vouchers Exhibited as listed

Deputy Clerk  
J. Jeffrey Benson, Judge  
Common Pleas Court, Probate Division  
Ross County, Ohio

- H. The Court may order the deposit of original vouchers or copies with the account.
- I. All court costs are to be paid in full with each account.

**LOCAL RULE 64.4 EVIDENCE OF ASSETS**

The Court requires that all assets be exhibited at the time of filing a partial account. 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.

**LOCAL RULE 64.5 PAYMENT OF DEBTS**

The fiduciary in a decedent's estate shall pay and disclose in the estate account all valid debts unless otherwise determined by law.

**LOCAL RULE 64.6 TIME FOR FILING**

- A. For decedent's estates, the final and distributive account is due within six (6) months after appointment of the fiduciary. If additional time is required to file the account, the fiduciary/attorney must file for an extension of the administration.
1. If the extension is required for one of the reasons set forth in R.C. 2109.301(B)(1), a NOTICE TO EXTEND ADMINISTRATION (Standard Probate Form 13.10) should be filed. Upon filing, the administration will be extended to thirteen (13) months from the date of the appointment of the fiduciary. No additional Court approval is needed.
  2. If the fiduciary needs the extension for any reason other than those listed in R.C. 2109.301(B)(1), an APPLICATION TO EXTEND ADMINISTRATION (Standard Probate Form 13.8) must be filed. Court approval for the extension is needed.
- B. For guardianships and trusts, the first account shall be filed not later than one (1) year following the date of the appointment of the fiduciary and all subsequent accounts shall be filed on an annual basis, unless otherwise ordered by the Court.
1. Every account shall include an itemized statement of all receipts of the guardian during the accounting period and of all disbursements and distributions made by the guardian during the accounting period. The itemized disbursements and distributions shall be verified by vouchers or proof, except in the case of an account rendered by a corporate fiduciary subject to Section 1111.28 of the Revised Code. In addition, the account shall include an itemized statement of all funds, assets, and investments of the estate known to or in the possession of the guardian at the end of the accounting period and shall reflect any changes in investments since the previous account.
  2. When a guardian is authorized by law to distribute the assets of the estate, in whole or in part, the guardian may do so and include a report of distribution in the guardian's succeeding account.
  3. The Court may waive, by order, an account required of a guardian of the estate, in any of the following circumstances:
    - a. The assets of the estate consist entirely of real property.

- b. The assets of the estate consist entirely of personal property, that the property is held by a bank, savings and loan association, or trust company in accordance with Section 2109.13 of the Revised Code and the Court has authorized expenditures of no more than ten thousand dollars annually for the support, maintenance, or, if applicable, education of the ward.
- c. The assets of the estate consist entirely of real property and of personal property as described in (b) above.

C. Every commissioner shall file a report of distribution within sixty (60) days of appointment.

#### **LOCAL RULE 64.7 CERTIFICATE OF SERVICE OF NOTICE TO HEIRS**

For all estates of decedents with dates of death after December 31, 2001, a Certificate of Service of Account to Heirs or Beneficiaries (Standard Probate Form 13.9), shall be filed with the Court disclosing that the executor or administrator has provided a copy of the account to all persons entitled thereto under Ohio R.C. 2109.32(B)(1). This certificate shall be signed by the executor, administrator, or attorney of record, and shall be filed with the account.

#### **LOCAL RULE 65.1 ATTORNEY'S CERTIFICATE**

If evidence of title is provided by attorney's certificate, the provider of such title examination shall be paid a reasonable fee of not less than one hundred dollars (\$100.00), which fees are determined to be costs of administration, taxed and distributed as court costs in the in the proceeding.

#### **LOCAL RULE 66.01 DEFINITIONS**

The definitions set forth in Supreme Court Sup.R. 66.01 have the same meaning when used in Ross County Probate Court Local Rules 66.01-66.19.

#### **LOCAL RULE 66.02 APPLICATION OF RULES**

The Ross County Probate Court Local Guardianship Rules apply to all guardianships administered through this Court, unless otherwise indicated in a particular Local Rule, or unless expressly waived by Court Order.

#### **LOCAL RULE 66.03 (A) EMERGENCY GUARDIANSHIPS**

Pursuant to Ohio Revised Code Section 2111.02, if a minor or incompetent has not been placed under a guardianship, and if 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, at any time after it receives notice of the emergency, the Probate Court, ex parte, may issue any order that it considers necessary to prevent injury to the person or estate of the minor or incompetent, or may appoint an emergency guardian for a maximum period of seventy-two hours.

Applications for emergency guardianship must be accompanied by a completed Statement of Expert Evaluation (Form 17.1), along with a completed Supplement for Emergency Guardian of Person (Form 17.1A). Applications should also contain any attachments or exhibits that may assist the Probate Court in determining whether to grant an emergency guardianship.

Once the Application has been filed and the appropriate filing fee paid, the Application and any accompanying materials will be reviewed by the Judge. The Judge may, but is not required to, meet with the applicant and/or the attorney filing the Application.

Emergency guardianship will be granted only if there is reasonable certainty that immediate action is required to prevent significant injury to the person or estate of the individual. The Probate Court recognizes that emergency guardianship should not be granted where another remedy may be appropriate.

If the Judge declines to grant an emergency guardianship, the Probate Court may, in its discretion, schedule the matter on an expedited basis.

If the Judge approves the request for emergency guardianship, the following will occur:

1. A Judgement Entry will be issued granting emergency guardianship for a period of seventy-two (72) hours.
2. A hearing will be scheduled within seventy-two (72) hours to determine whether to extend the emergency order for up to thirty (30) days.
3. A hearing will be scheduled on the regular guardianship docket for hearing on the Application for Appointment of Guardian.
4. As soon as possible after the issuance of the emergency guardianship order, the Probate Court Investigator will visit with the ward to serve notice of the emergency guardianship proceedings and scheduled Probate Court hearings.

After the notice to the ward and hearing, the Probate Court may extend the seventy-two (72) hour emergency guardianship for a period not to exceed thirty (30) days, in which case a Judgement Entry will be issued.

### **LOCAL RULE 66.03 (B) GUARDIAN COMMENTS AND COMPLAINTS**

The following procedure will be followed upon the Court's receipt of a complaint or comment regarding a guardian:

1. Only complaints filed on the designated form, accompanied by the appropriate filing fee, will be received and docketed by the Probate Court. Complainants are encouraged to attach supporting documentation and affidavits to their complaint.
2. Upon receipt, the complaint will be docketed by a Probate Court deputy clerk and delivered to the Judge for review.
3. Upon receipt, a deputy clerk will log the complaint into the database maintained by the Probate Court for the purpose of monitoring such complaints.
4. The complaint will be promptly delivered to the Judge who will develop a plan of action for the complaint within ten (10) days. Plans of action may include any of the following:
  - a. The matter may be set for Review Hearing, in which case a copy of the Complaint will be sent to the guardian and a hearing notice will be sent to the complainant and the guardian.
  - b. The Judge may conduct an investigation into the complaint, which may or may not involve the use of the Probate Court Investigator, after which a written response will be prepared and sent to the complainant and the guardian.
  - c. The Judge may determine that, on its face, the complaint does not warrant further action, in which case a written response will be prepared and sent to the complainant.
5. In all cases in which the Probate Court generates a response pursuant to Items (4)(b) or (c) above, the response of the Probate Court will be docketed, and the complaint and response will be maintained in the Probate Court file.

6. At the conclusion of the Review Process, a deputy clerk will make a notation into the database regarding disposition of the complaint.

When the Ward is a Veteran and the Court appoints the Guardian under R.C. Chapter 5905, notice of the complaint, reports, hearings, and actions shall be given to the Administrator of Veterans Affairs of the United States pursuant to R.C. 5905.03.

The above Review Process does apply to those communications received by the ward or from the ward. However, complaints filed by the ward do not need to be on the designated form; do not incur a filing fee; and are set before the Judge, subject to the limitations set forth in Ohio Revised Code Section 2111.49(C).

#### **LOCAL RULE 66.03 (C) COMMENTS AND COMPLAINTS RETENTION**

Comments and complaints submitted to the Probate Court shall be kept in a manner consistent with Local Rule 66.03(B)(5).

#### **LOCAL RULE 66.04 (RESERVED)**

#### **LOCAL RULE 66.05(A) GUARDIAN BACKGROUND CHECKS**

An applicant for appointment as a guardian, including as an emergency guardian, must submit to a civil and criminal record check satisfactory to the Court and execute such consent, if any, as may be requested by the Court to authorize the Court to perform that record check. In place of a civil and criminal background check, an Ohio attorney applicant currently in good standing with the Supreme Court of Ohio, may obtain and submit to the Court a Certificate in Good Standing with disciplinary information, issued by the Supreme Court of Ohio.

#### **LOCAL RULE 66.05(B) GUARDIAN WITH TEN OR MORE ADULT WARDS**

To assist the Court in meeting its supervisory responsibilities under Sup.R. 66.05(B) and in satisfaction of the responsibilities arising under Sup.R. 66.08(H) by January 31 of each year, a guardian with ten or more wards through the probate courts of Ohio shall register with this Court on the local Multi-Guardian Annual Registration Form, or on a standard form adopted for that purpose by the Ohio Supreme Court. The registration shall include a listing of the guardian's wards, the case number and the appointing Court. The guardian in such cases shall advise the Court of any change in the guardian's name, address, telephone number and electronic mail address within ten days of the change occurring.

If the guardian will be seeking compensation from the guardianship or from the Court, the guardian shall accompany the annual registration with a fee schedule that differentiates guardianship services fees as established by local rule from legal fees or other direct services.

A guardian with 10 or more wards shall include with the Guardian's Report form, a statement indicating whether the guardian is aware of any circumstances that may disqualify the guardian from continuing to serve as a guardian.

**LOCAL RULE 66.06 GUARDIAN FUNDAMENTALS TRAINING REQUIREMENT**

A Guardian holds a unique role with respect to the ward and the Guardian has an obligation to obtain an understanding of the fundamentals of that relationship. Formalized training is one means to gain that competency.

Except as set forth below, every Guardian must meet the Guardianship Fundamentals Training required under Superintendence Rule 66.06 by completing prior to appointment or within six (6) months thereafter a six (6) hour Guardian Fundamentals Training provided by the Supreme Court of Ohio or, with prior approval of that Court, another entity. A guardian who has served at any time after June 1, 2010, or who is serving on June 1, 2015, shall have until June 1, 2016 to complete the Guardian Fundamentals Training, unless the Court waives or extends the requirement for good cause.

The Guardianship Fundamentals Training requirements shall not apply to the Guardian of a Minor or Guardian of the Person Only for an Adult related to the Ward by consanguinity (a blood relationship) or affinity (kinship by marriage).

The guardian is responsible for providing to the Court, in a timely manner, documentation that establishes compliance with the Guardian Fundamentals Training requirement. Those failing to meet the requirement shall be subject to citation for being in contempt of court and subject to sanctions including, but not limited to imposition of a fine, denial of compensation, and/or removal.

**LOCAL RULE 66.07 GUARDIAN CONTINUING EDUCATION**

Except as set forth below, every Guardian shall annually complete a three (3) hour Guardian Continuing Education Course provided by the Supreme Court of Ohio, or with prior approval of that Court, another entity. The continuing education requirement shall not apply to Guardians of a Minor or Guardians of the Person Only of an Adult related to the Ward by consanguinity (a blood relationship) or affinity (kinship by marriage).

If a guardian fails to comply with the guardian continuing education requirement, the guardian shall not be eligible for further appointment until the requirement is met. The guardian also may be subject to sanctions including, but not limited to imposition of a fine, denial of compensation, and/or removal.

By December 31 of the first calendar year after completing the guardian fundamentals course, or its waiver by Court order, the guardian is responsible for providing to this Court documentation demonstrating compliance with this guardian continuing education requirement, including the title, date, location and provider of the education, or a certificate of completion containing such information.

**LOCAL RULE 66.08 GENERAL RESPONSIBILITIES OF THE GUARDIAN TO THE COURT**

The person seeking to be appointed as the guardian is expected to have met with the proposed ward at least once prior to appearing before the Court for the hearing on the application, unless the Court has waived the pre-appointment meeting for good cause.

If the guardian becomes aware of allegations of abuse, neglect or exploitation of the ward, the guardian shall immediately report the same to the appropriate law enforcement authorities and the Court.

A guardian appointed by this Court shall inform the Court as to any change of address for either the guardian or the ward. This notification must be made within ten (10) days of the address change. The Notice of Change of Address form may be used for that purpose but is not required. If the ward's residence is changed the reason for the change should be indicated. Failure to notify the Court, under this rule, may result in the guardian being removed and/or the guardian's compensation being reduced or denied.

The guardian shall not move the ward from Ross County, Ohio or into a more restrictive setting without prior Court approval, unless a delay in obtaining authorization for the change of residence or setting would affect the health and safety of the ward.

While a guardian is generally required to seek prior approval of this Court before filing a suit for the ward, prior approval shall not be required when the suit is being filed in this Court.

The guardian shall avoid conflicts of interest with the ward and endeavor to avoid the appearance of impropriety (perceived self-serving, self-dealing, or perceived actions adverse to best interests decisions) when dealing with the ward's assets and needs. A potential conflict for the guardian may arise if the guardian's immediate family (parent, spouse, or child) is being employed or contracted by the guardian. The guardian shall disclose all conflicts to the Court in a clear and unequivocal manner. Doing so, facilitates a determination whether the conflict can be mitigated or eliminated through the use of a guardian ad litem, a limitation of the powers of the guardian, or other actions.

The guardian shall obey all orders of this Court and shall perform all guardianship duties in accordance with the state and federal laws and rules and this Court's local rules, as all of them may be effective during the guardianship.

#### **LOCAL RULE 66.09 GENERAL RESPONSIBILITIES OF THE GUARDIAN TO THE WARD**

The guardian shall treat the ward with respect and dignity.

The guardian shall meet with the ward at least quarterly throughout the year, or more often if needed to promote the best interests of the ward.

Unless a guardian is related to the ward by consanguinity (a blood relationship) or affinity (kinship by marriage), the guardian shall not deliver the ward direct services, as defined in Sup.R. 66.01(B), without approval of this Court.

#### **LOCAL RULE 66.10 GUARDIANSHIP OF MINORS**

When proceedings for the appointment of a guardian of a minor are presented to this Court, the following shall apply:

- (A) A certified copy of the minor's birth certificate must be displayed to the Court with the guardianship application. A copy will be made by the Court and the original will be returned to the submitter.

- (B) The Court will not establish a guardianship solely for the purpose of school enrollment.
- (C) The Court will not establish any guardianship over the person of a minor where another Court has jurisdiction over custody of the minor.
- (D) When the minor has not been in Ohio for 6 months, the Court will not accept for filing an Application for Guardianship unless it is alleged that the minor has been (1) abandoned (no contact) by the parents for more than 90 days, (2) has a medical emergency, or (3) the minor's "home state" has declined jurisdiction. (See Ohio's Uniform Child Custody Jurisdiction Enforcement Act – Chapter 3127).

#### **LOCAL RULE 66.11 NEXT OF KIN FOR GUARDIANSHIP OF INCOMPETENT ADULTS**

For purposes of completing the Next of Kin of Proposed Ward (SPF 15.0), the applicant, pursuant to R.C. 2111.01(E), shall identify any person, whether or not an Ohio resident, who at that time would be entitled to inherit from the proposed ward under the Ohio laws of intestacy and all known children of the proposed ward.

#### **LOCAL RULE 66.12 INVENTORY, FUND RELEASE , EXPENDITURES AND IDENTIFICATION OF LEGAL DOCUMENTS**

Within three months of appointment, a guardian of the estate shall file an inventory of the ward's assets and income. If the assets include real estate, a legal description of the ward's real estate interest should accompany the Inventory. Funds in the name of the ward shall not be released to the guardian without the approval of an Application to Release Funds (SPF 15.6) or other specific court order. The expenditure of funds by a guardian shall not be approved until a Guardian's Inventory (SPF 15.5) has been filed and an Application to Expend Funds (SPF 15.7) has been approved.

Within three months of appointment the guardian shall file a list of all the ward's known important legal papers, including but not limited to estate planning documents, advance directives and the location of such papers. If it becomes known to the guardian that such information has changed or the existence of other important legal papers becomes known, the guardian shall report that new information to the Court in writing within thirty days of discovery.

#### **LOCAL RULE 66.13 GUARDIANS REPORT**

Annually, the guardian of the person of an adult incompetent shall file the Guardian's Report (SPF 17.7). Unless otherwise ordered by the Court each Guardians Report for an incompetent shall be accompanied by a Statement of Expert Evaluation (SPF 17.1). If a physician or clinical psychologist states as an Additional Comment on a Statement of Expert Evaluation, that it is their opinion that to a reasonable degree of medical or psychological certainty that the ward's mental capacity will not improve, the Court, may dispense with the filing of subsequent Statements of Expert Evaluation with the Guardians Report.

Pursuant to Sup.R. 66.08(G) the guardian of the person for an adult who is not related to the ward by consanguinity (a blood relationship) or affinity (kinship by marriage) shall include with the annual Guardians Report an addendum stating the guardian's goals and plans for meeting the personal needs of the ward. The Court may request that the guardian of the estate of an adult incompetent submit a report identifying the guardian's goals and plans for financially meeting the ward's needs.

**LOCAL RULE 66.14 DEPOSIT OF WILL BY GUARDIAN**

The guardian must deposit with the Court for safekeeping any instrument known to the guardian and executed by the ward that would constitute a “Will” under R.C. 2107.01. A deputy clerk shall issue to the Guardian a receipt of the deposited Will.

**LOCAL RULE 66.15 POWERS OF ATTORNEY BY GUARDIAN PROHIBITED**

The Court, through this Local Rule, exercises its discretion under R.C. 2111.50(A)(2)(c) and hereby prohibits a guardian appointed by the Court from executing a power of attorney or any other document which purports to appoint an agent to execute any of the duties or responsibilities imposed upon the guardian by law, rule, or order of the Court, unless otherwise approved by a specific order of the Court.

**LOCAL RULE 66.16 TERMINATIONS**

Except for the termination of a guardianship of a minor attaining the age of majority or upon the death of the Ward, a termination of a guardianship shall require notice to all persons designated in R.C. 2111.04 and to any other individuals who received actual notice of the original appointment of the guardian. It is the responsibility of the applicant for termination to perfect service pursuant to Civ.R. 73 when a termination is requested. A Certificate of Service with supporting documentation satisfactory to the Court must be filed prior to the consideration of the application.

**LOCAL RULE 66.17 INDIGENT WARDS**

The applicant or the guardian must file with the Court an Affidavit of Indigency, if the waiver of court costs is being requested or payment of compensation from the Indigent Guardianship Fund is being requested. False affidavits are punishable by findings of contempt, prosecution, and/or other sanctions.

**LOCAL RULE 66.18 VETERAN’S GUARDIANSHIP**

Veteran’s guardianships are governed by R.C. Chapter 5905 and to the extent that there are special rules established therein for veteran’s guardianship, those rules shall apply. In every respect, the general guardianship laws and rules shall apply.

**LOCAL RULE 66.19 ADDITIONAL COST DEPOSIT**

Pursuant to RC 2111.031 and in addition to the basic cost deposit, the Court may require an Applicant for a guardianship to make an advance cost deposit, the Court may require an Applicant for a guardianship to make an advance cost deposit in an amount the Court determines necessary (a) to defray the anticipated costs of examinations of an alleged incompetent, and (b) to cover the fees and costs to be incurred to assist the Court in deciding whether a guardianship is necessary.

**LOCAL RULE 67.1 DISPENSE WITH GUARDIANSHIP**

Applications to dispense with the appointment of a guardian shall follow the notice required in Ohio R.C. 2111.04

**LOCAL RULE 67.2 BIRTH CERTIFICATE**

A certified copy of the minor’s birth certificate must be presented to the Court upon the filing of the application to dispense with guardianship.

**LOCAL RULE 67.3 ATTORNEY RESPONSIBILITY**

The attorney representing the interests of the payor in a minor's settlement action shall not assume the duties imposed by Sup. Rule 67.

**LOCAL RULE 68.1 BIRTH CERTIFICATE**

A copy of the minor's birth certificate must be presented to the Court upon the filing of the application to settle a minor's claim.

**LOCAL RULE 68.2 SEPARATE CASE NUMBER**

- A. Settlements of a minor's claim are separate proceedings in this Court and shall not proceed under the case number assigned to the guardianship, if any.
- B. Pursuant to Sup. R. 67(C), the attorney representing the applicants or the payor in the matter shall acknowledge responsibility for depositing the funds and providing the financial institution with a copy of the entry. The attorney shall obtain a Verification of Receipt and Deposit (Standard Probate Form 22.3) from the financial institution and file the form with the Court within thirty (30) days of the issuance of the entry.

**LOCAL RULE 68.3 PRESENCE OF MINOR**

The presence of the minor and his or her parents is required for the hearing on the application for approval. Attendance may be waived only upon written motion for good cause shown.

**LOCAL RULE 68.4 STRUCTURED SETTLEMENTS**

In the event that parties involved in claims for injuries to minors or incompetents desire to enter into a structured settlement, defined as a settlement wherein payments are made on a periodic basis, the following rules shall apply:

- A. The application shall include a signed statement from one of the following independent professionals, specifying the present value of the settlement, and the method of calculation of that value: an actuary, certified public accountant, certified financial planner, chartered life underwriter, chartered financial consultant, or an equivalent professional.
- B. If the settlement is to be funded by an annuity, the application shall include a signed statement by the annuity carrier or the broker procuring the policy stating:
  - 1. The annuity carrier is licensed to write annuities in Ohio.
  - 2. The annuity carrier's ratings from at least two of the following organizations, which meet the following criteria:
    - a. A.M. Best Company: A++, A+, or A;
    - b. Duff & Phelps Credit Rating Company (Claims Paying Ability Rating): AAA, AA+, or AA;
    - c. Moody's Investors Service (Financial Strength): Aaa, Aa1, or Aa2;
    - d. Standard & Poor's Corporation (Financial Strength): AAA, AA+, or AA;
    - e. Weiss Research Inc.: A+ or A.

- C. In addition to the requirements of Paragraph (B) above, an annuity carrier must meet any other requirement the Court considers reasonably necessary to assure that funding to satisfy periodic payment settlements will be provided and maintained.

### **LOCAL RULE 70.1 SETTLEMENT OF CLAIMS**

The application to settle a claim for wrongful death and the apportionment of the proceeds are two distinct matters for which the Court may require separate hearing for each.

### **LOCAL RULE 71.1 ATTORNEY FEES**

- A. All fees charged by an attorney representing a fiduciary in matters before this Court, including but not limited to work on decedents' 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 signed by the payor of the fees.
- B. Fee disclosure is not required when the only filing is an application to admit will for record only.
- C. Attorneys are expected to be familiar with DR 2-106 of the Code of Professional Responsibility that governs the reasonableness of fees. Upon review of the records, the Court may set the fees for hearing, regardless of the submission of consent(s) to fees.
- D. Counsel fees for the administration of a decedent's estate as set forth in Appendix C 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 executor or administrator in the complete administration of a decedent's estate. **SUCH SCHEDULES, HOWEVER, ARE NOT TO BE CONSIDERED AS SCHEDULES OF MINIMUM OR MAXIMUM FEES TO BE CHARGED, NOR WILL THEY BE AUTOMATICALLY APPROVED.** The Court does not have, nor is there recognized, any minimum or maximum fees that will be automatically approved by the Court and the guides are not to be so represented to clients.
- E. A completed guideline schedule must be filed in each estate upon the filing of any account wherein attorney fees are claimed as disbursements or credits.
- F. Nothing in this rule shall prohibit any attorney from charging a fee less than the amount presented as a guideline.
- G. The fee allowable to an attorney for a fiduciary, without prior application to the Court for approval, shall be in accordance with the suggested guidelines, provided however:
1. The court, in any case and upon its own motion, may require the attorney to justify the reasonableness of the fee.
  2. If the attorney feels that the fee as calculated pursuant to the guidelines does not afford reasonable compensation for services, an application may be filed with the Court requesting approval of an amount of compensation deemed reasonable.
  3. If the fiduciary or other person interested in an estate object to the fees being claimed by the attorney, whether determined according to the guidelines or otherwise, an objection

may be filed. The court may require the attorney to justify the reasonableness of the compensation.

4. In all cases in which the attorney fee taken is based upon the guidelines and shown in an account, the attorney shall attach a completed form Appendix C to the account.
- H. Attorney fees for services rendered in a relief from administration shall be listed on the back of the schedule of assets to be relieved as a debt, with a form Appendix D attached.

#### **LOCAL RULE 71.2 ATTORNEY SERVING AS FIDUCIARY**

- A. When an attorney is appointed as executor, administrator, or guardian AND that attorney or other attorney with the same law firm is acting as attorney for the fiduciary, the combined total fees allowed shall not exceed the amount as calculated from the guideline counsel fees plus one-half of the fee as calculated pursuant to the statutory fiduciary schedule.
- B. Upon review of the records, the Court may set the fees for hearing, regardless of the submission of consent(s) to fees.

#### **LOCAL RULE 71.3 EARLY PAYMENT OF ATTORNEY FEES**

Attorney fees for the administration of decedents' estates shall not be paid or advanced from any source until the final account or final closing documents are prepared for filing unless otherwise approved by the Court upon application. Upon written application the Court may approve payment of partial attorney fees before the final account is prepared for filing. The motion for payment must be substantiated with either an hourly rate charge multiplied by the number of hours performed or a calculation of the percentage of the estate that has been completed multiplied by the total fee permitted by the schedule set forth in Appendix C. Such application shall contain a statement that the fee is being required in advance of the time permitted by Sup. R. 71(B) and shall set forth the reason for requesting the early payment of fees. The application shall be accompanied by a consent as to the amount and the timing of the fees by the fiduciary.

#### **LOCAL RULE 71.4 NOTICE AND CONSENT FOR ATTORNEY FEES IN GUARDIANSHIPS**

- A. In guardianship administration, the Court shall consider applications for attorney fees for the establishment of the guardianship upon the filing of the inventory, and shall consider additional fees annually upon the filing of each account. Notice of the application shall be given to the guardian of the estate. The guardian of the estate may waive notice of the hearing and consent to the payment of fees. No hearing shall be required upon an application for authority to pay attorney fees if the application is signed by the fiduciary, contains an itemized statement of the legal services performed and the order approving the fee recites that credit may be taken for the allowed fee in an accounting that is subject to exceptions as provided by law. In cases where the attorney is also the guardian, the attorney shall set forth the time expended as both the guardian and attorney.
- B. After the death of the ward, the Court will consider attorney fees and guardian fees as liens on the ward's assets. If the fees are approved by the Court, the fees may be paid out of the guardianship assets and included in the final guardianship account.
- C. The Court may require notice of the hearing on the fees be given to the estate fiduciary of the deceased ward or other interested persons.

**LOCAL RULE 71.6 NOTICE AND CONSENT FOR ATTORNEY FEES IN TRUSTS**

- A. In trust administration, the Court shall consider applications for attorney fees for the establishment of the trust upon the filing of the inventory, and shall consider additional fees annually upon the filing of each account. All applications for attorney fees in trusts shall be accompanied by a statement of all attorney and trustee fees approved by the Court in that trust in the last five (5) years.
- B. Notice of application shall be given to the trustee. The trustee may waive notice of the hearing and consent to payment of fees. No hearing shall be required upon an application for authority to pay attorney fees if the application is signed by the fiduciary, contains an itemized statement of services and the order approving the fee recites that credit may be taken for the allowed fee in an accounting that is subject to exceptions as provided by law. The Court may require notice of the hearing on the payment of the fees be given to the trust beneficiaries who are affected by the payment of fees.

**LOCAL RULE 71.7 CONTESTED FEES**

The burden is upon the attorney to prove the reasonableness of the fee as governed by DR 2-106 of the Code of Professional Responsibility. A detailed fee statement may be required which includes the itemization and date of service performed, time expended, identification of the individual(s) performing the services, and the hourly rate charged.

**LOCAL RULE 71.8 CONTINGENT FEES**

All fiduciaries shall make written application to the Court for authority to enter into a contingent fee contract. Preliminary approval shall be subject to final review at the conclusion of the matter that is the subject of the contingent fee contract.

**LOCAL RULE 72.1 EXECUTOR'S AND ADMINISTRATOR'S COMMISSIONS**

Unless otherwise provided by law or ordered by the Court, an executor or administrator may charge for his/her services an amount calculated in conformity with Section 2113.35 of the Revised Code and computed of Appendix E. A completed form shall be filed with the account.

**LOCAL RULE 73.1 GUARDIAN'S COMPENSATION**

- A. Guardian's compensation for services as guardian of the estate shall be computed annually upon application and entry and shall be supported by calculations and documentation. Unless otherwise provided by law or ordered by the Court, and without prior application to the Court for approval, a guardian may charge for ordinary services an amount computed in accordance with the following schedule and submitted on form Appendix F. Extraordinary fee applications shall be set for hearing, unless hearing is waived by the Court.

1. Income/Expenditure Fee.

- 6% of the first \$10,000.00 or part thereof;
- 5% of the next \$10,000.00 or part thereof;
- 4% of the balance

As used in this rule, "income" shall mean the sum of income as defined in Ohio R.C. 1340.03, plus pension benefits, plus net gains from the sale of principal. Assets held by the

ward at the date of appointment are deemed to be principal and not income. Conversion of assets to cash and the investment or reinvestment of assets shall not be considered income.

2. Principal Fee:

\$3.00 per thousand of first \$100,000.00, or part thereof;  
 \$2.50 per thousand of next \$200,000.00 or part thereof;  
 \$1.50 per thousand of next \$500,000.00 or part thereof;  
 \$1.00 per thousand on balance of corpus

3. Principal Distribution Fee.

Upon the termination of the guardianship, the guardian may, with the prior approval of the Court, be allowed a principal distribution fee upon the final distribution in the maximum amount equal to 1% of the fair market value of the final distribution.

4. Minimum Annual Fee:

A minimum annual fee of \$100.00 shall be allowed as compensation for a guardian.

- B. Compensation for services as guardian of the person only shall be set for hearing unless the Court waives the hearing.
- C. All motions, including applications for compensation, by guardians of veterans must comply with Ohio R.C. Chapter 5905 and all other rules and regulations of the Department of Veterans Affairs.
- D. Compensation computed on income will not be allowed on balances carried forward from one accounting period to another, nor will an investment of funds or the final distribution of unexpended balances to a ward at the close of a guardianship be considered as an expenditure.
- E. The Court may deny or reduce compensation to the guardian if there is a delinquency in the filing of an inventory, account, guardian's report, or statement of expert evaluation. Or if, after hearing, the Court finds that the guardian has not faithfully discharged the duties of the office.

**LOCAL RULE 74.1 TRUSTEE'S COMPENSATION**

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 following schedule:

1. Income Fee:

6% of the gross income received during the accounting period not exceeding \$10,000 of gross income

5% of the next \$10,000 of gross income

4% of the balance of such gross income, chargeable to income

As used in this rule, "income" shall mean the sum of income as defined in the Ohio R.C. 1340.03, plus pension benefits, plus net gains from the sale of principal accrued during the trust administration. Assets held by the trustee at the date of appointment are deemed to be principal and not income. Investment or reinvestment of corpus, including conversion of corpus to cash shall not be considered income.

2. Principal Fee:

\$3.00 per thousand for the first \$100,000 of fair market value

\$2.50 per thousand on the next \$200,000 or part thereof

\$1.00 per thousand on the balance of the corpus

3. Principal Distribution Fee:

Upon the termination of the trust, the trustee may, with the prior approval of the Court, be allowed a principal distribution fee upon the final distribution of the corpus of the trust property in a maximum amount equal to 1% of the fair market value of the distribution.

4. Minimum Annual Fee:

A minimum annual fee of \$100.00 shall be allowed as compensation for the trustee in each trust.

B. Additional compensation for extraordinary services or allowance for expenses may be granted on application and entry, which shall be set for hearing unless waived by the Court in accordance with Civil Rule 4.1.

C. A separate schedule of the computation of trustee's compensation shall be filed conforming to the form in Appendix G and filed with the Court at the time of the payment of said fee.

**LOCAL RULE 75.1 GUARDIAN AD LITEM**

The Court shall select and appoint each guardian ad litem. In land sale proceedings, a minimum fee of Fifty and No/100 Dollars (\$50.00) shall be assessed as costs for each guardian ad litem appointed, unless the circumstances warrant the payment of additional fees subject to Court approval. In all other proceedings, the amount of the guardian ad litem fee will be determined upon motion supported by a statement of services. The guardian ad litem's fees may be assessed as costs.

**LOCAL RULE 75.2 ADOPTIONS**

A. An original and a copy of all petitions, interlocutory decrees, and final decrees shall be filed in every adoption case. Additional copies of the petition shall be submitted as required for service.

- B. In private placement adoptions, a preplacement application in a form prescribed by the Court shall be filed by the proposed adopting parents not less than fifteen (15) days prior to placement if applicants are residents of Ross County, Ohio, and not less than thirty (30) days prior to placement if applicants are not residents of Ross County, Ohio.
- C. Once the applications have been approved by the Court, a hearing shall be held not less than seventy-two (72) hours after the birth of the child or after the parent(s) have met with the adoption assessor, whichever occurs later, for the placement and consent by the parents. Prior to the placement hearing, the Court shall be supplied with a statement from the child's physician as to the medical condition of the child to be placed. If the placement is approved, the adoption petition must be filed before the Court will issue a Hospital Release for the release of the child to the petitioners or the attorney for the petitioners, unless the Court orders otherwise. When the petitioner is the guardian of the minor to be adopted, the Court shall require a placement hearing. The adoption petition shall not be set for hearing until after the placement is complete.
- D. In all adoption cases, Court costs are required to be paid at the time of the filing. The Court should be consulted in advance for current deposit information.
- E. The criminal background checks pursuant to Ohio R.C. 2151.86(B) shall be filed in all cases.
- F. In all adoptions, married petitioner(s) must be married for not less than one (1) year prior to the final approval of the adoption.
- G. In all placement hearing where a birth parent of the child to be adopted is a minor, that birth parent shall be represented by an attorney. The fees for the attorney for the birth parent will be assessed as costs to the petitioner.
- H. Adoption hearing will be scheduled for hearing upon the filing of the appropriate criminal background check, if required.

### **LOCAL RULE 75.3 RELEASE OF ESTATES FROM ADMINISTRATION**

- A. The Court shall select and appoint Commissioners, when required, in estates released from administration.
- B. A short form release from administration may be filed when evidence is presented to establish:
  - 1. Gross assets are less than Two Thousand Two Hundred and No/100 Dollars (\$2,200.00); or gross assets are less than Seven Thousand Two Hundred and No/100 Dollars (\$7,200.00) and there is a surviving spouse and/or minor children of the decedent, and;
  - 2. The funeral expenses to the extent of the estate priority pursuant to Ohio R.C. 2117.25(B) have been paid.
- C. The Court may waive a noticed hearing in those instances where it appears no beneficiaries or creditors will be prejudiced.

- D. Upon the filing of an Application to Relieve Estate from Administration, the applicant shall exhibit to the Court a certified copy of the decedent's death certificate.

**LOCAL RULE 75.6 PRO HAC VICE**

- A. An attorney not licensed to practice law in the State of Ohio, but who is duly licensed to practice law in any other state or the District of Columbia, may, at the discretion of the Probate Judge, be permitted to represent a party or parties in any litigation pending or to be filed in this county after completion of all of the following conditions:
1. File a written oath substantially in compliance with Rule I, Section 8A of the Supreme Court Rules for the Government of the Bar;
  2. The attorney must become familiar with Local Court Rules, Civil Rules, Rules of Evidence, and the Code of Professional Responsibility, and so certify to this Court in writing.
  3. Be sponsored in writing by an attorney licensed to practice law in the State of Ohio. The motion made by the licensed attorney shall certify such out-of-state attorney's compliance with this rule and the Supreme Court Rules for the Government of the Bar;
  4. The sponsoring attorney shall submit with the motion and certification an entry authorizing the approval of the motion;
  5. The sponsoring attorney, or any other attorney licensed to practice law in the State of Ohio, shall be co-counsel with the attorney admitted pro hac vice.
- B. The continuance of any scheduled trial or hearing date shall not be permitted solely because of the unavailability or inconvenience of the out-of-state attorney.

**LOCAL RULE 75.7 WILLS DEPOSITED FOR SAFEKEEPING**

- A. Any person placing a will on deposit in this Court shall sign a written statement acknowledging the will is being placed on deposit at the request of the testator or guardian of the testator and identify the testator's current address and telephone number.
- B. When an attorney is holding a will, and the address of the testator is unknown, that attorney must use reasonable diligence to locate the testator to sign the above statement. If the testator cannot be located after a diligent search the will may be placed on deposit with this Court on motion of the attorney on the form provided.
- C. Any Order to deliver a will previously deposited with this Court must be signed by the testator and the person to whom the will is to be delivered. A person other than the person to whom the will is to be delivered must notarize the testator's signature.
- D. After the testator's death, wills deposited for safekeeping pursuant to Ohio R.C. 2107.07 shall only be released to a court of probate jurisdiction.

**LOCAL RULE 75.9 WILLS IN SAFE DEPOSIT BOX**

The Court will appoint the attorney for a decedent's estate or a representative of this Court as a Commissioner to list the contents of the box and retrieve the decedent's will and codicils from the decedent's safe deposit box for delivery to the Court. A filing fee of Fifteen and No/100 Dollars (\$15.00) must be paid and a case number assigned prior to the appointment of the Commissioner. If the Court representative is appointed as the Commissioner, an additional fee of Twenty and No/100 Dollars (\$20.00) will be assessed.

**LOCAL RULE 75.10 SERVICE OF SUMMONS**

When the Court issues service of summons upon each defendant in a civil action pursuant to Civ. R. 4, the Court will only include the summons, a copy of the complaint, and when requested, an order to serve and an entry setting hearing.

**LOCAL RULE 75.14 MARRIAGE LICENSE APPLICANTS**

- A. Pursuant to Ohio R.C. 3101.05 any applicant for a marriage license who is a minor must provide proof of having had marriage counseling prior to applying for the license. Clergy can provide the counseling or a person licensed by the State of Ohio to provide counseling. Proof of counseling may be in the form of a letter to this Court from the person who provided the counseling on his or her letterhead.
- B. The probate judge has authority to solemnize marriages. There will be a \$25.00 fee assessed for the probate judge to solemnize a marriage, in accordance with ORC 2101.27. Said fee shall be paid into the county's general fund.

**LOCAL RULE 75.15 OHIO ESTATE TAX RETURN**

In cases in which an Ohio estate tax return is not otherwise required to be filed, an Ohio estate tax form 22 shall be filed as described in Ohio R.C. 5731.21, if the value of the gross estate of the decedent, as defined in division (A) of Ohio R.C. 5731.01, includes any interest in real estate, and the decedent has been deceased for less than ten years.

**LOCAL RULE 75.16 SURVIVING SPOUSE WAIVER OF SERVICE OF THE CITATION TO ELECT**

A surviving spouse who is eighteen years of age or older and not under disability may waive the service of the citation required under section 2106.01(A) of the Revised Code by filing in the probate court a written waiver of the citation (Standard Probate Form 8.6). The waiver shall include an acknowledgement of receipt of the description of the general rights of the surviving spouse required by division (B) of section 2106.02 of the Revised Code.

**LOCAL RULE 75.17 MENTAL ILLNESS PROCEEDINGS**

- A. The following compensation is fixed for court appointed counsel for services rendered in mental illness proceedings, as follows:
  - 1. Probable cause hearing after swearing in witnesses pursuant to Chapter 5122 or Chapter 5123 of the Revised Code.....\$125.00
  - 2. Full hearing after swearing in witnesses pursuant to Chapter 5122 or Chapter 5123 of the Revised Code.....\$125.00

- B. Travel compensation for official stenographic reporters for the purpose of recording mental illness cases, said fees to be taxed and collected as court costs pursuant to Section 5123.96 of the Revised Code.....\$15.00
  
- C. A compensation schedule for Referees based upon uniformity and reasonableness for such part-time Referees is fixed as follows:
  - 1. Probable cause hearing after swearing in witnesses pursuant to Chapter 5122 or Chapter 5123 of the Revised Code.....\$400.00
  - 2. Full hearing after swearing in witnesses pursuant to Chapter 5122 or Chapter 5123 of the Revised Code.....\$400.00
  - 3. Hearing of trials, pursuant to specific reference in all other matters, after swearing of witnesses at an hourly rate maintained and certified by the appointed Referee, per hour.....\$125.00

**LOCAL RULE 78.1 WITHDRAWAL OF COUNSEL**

- A. An attorney desiring to withdraw shall file a motion to withdraw stating the reasons for withdrawal. The motion shall contain the last known address and telephone number of the client. The Court shall not issue an entry approving the withdrawal until the attorney has filed a certification that the following conditions have been fulfilled:
  - 1. Notice has been given to the client stating all filing deadlines affecting the client;
  - 2. Notice has been given to all attorneys, unrepresented parties, and interested persons;
  - 3. Attorneys withdrawing from representation of a fiduciary shall file the written acknowledgment of the withdrawal signed by the fiduciary or withdrawal shall be granted after a hearing with notice to the fiduciary. The attorney shall also notice any bonding agencies involved.
  
- B. No attorney shall be permitted to withdraw from a case sooner than twenty (20) days prior to a trial or dispositive hearing, except for extraordinary circumstances that require permission of the Court.
  
- C. Substitution of counsel shall be in writing but does not require approval of the Court. Notice shall be given to all attorneys, unrepresented parties, and interested persons.

**LOCAL RULE 78.3 INVENTORY**

- A. In lieu of the appraiser signing the estate inventory, the fiduciary may attach to the inventory the original appraisal(s) containing the signature of the appraiser(s).
  
- B. The inventory shall contain the address and parcel number of the interest in the real estate of the decedent or ward.
  
- C. All inventories for a decedent’s estate shall be filed in duplicate, the original and a copy, if a file-stamped copy is to be requested.

- D. The inventory will not be approved unless the bond, when required, is sufficient pursuant to L.R. 59.2.
- E. The Court will not approve the distribution, sale, or expenditure of any estate or guardianship assets prior to the filing of the inventory, without prior court approval.
- F. All fiduciaries must sign the inventory when multiple fiduciaries have been appointed.

#### **LOCAL RULE 78.4 REQUEST FOR JURY TRIAL**

The Ross County Common Pleas Court, General Division, Rules, as they relate to juries, shall apply to proceedings in the Probate Division, except to the extent that by their nature they would be clearly inapplicable.

#### **LOCAL RULE 78.5 MEDIATION**

- A. After the filing of an estate, guardianship application, trust, or any other action, the Court, on its own motion or the motion of any of the parties, may refer disputed issues to mediation.
- B. The mediation sessions may be held until all issues are resolved in a manner acceptable to the disputing parties, or until the mediator determines that continued mediation would not be productive.
- C. The Court may order parties to participate in or return to mediation at any time.
- D. Statements made during a mediation session shall be considered compromise negotiations and are not admissible as evidence pursuant to Evidence Rule 408. Mediators will not be permitted to testify regarding the substance of the mediation, including but not limited to, cooperation or noncooperation of the parties.
- E. To be accredited and appointed by the Court, a mediator shall possess the following qualifications:
  - 1. Be an attorney in good standing with the Supreme Court of Ohio
  - 2. Have five (5) years of experience in handling probate matters; and
  - 3. Have completed forty (40) hours of advanced mediation training, which has been approved for Continuing Legal Education and is approved by the Court.
- F. Referral to mediation by the Court shall be by “Notice of Mediation” which shall indicate the time, place of the mediation, and the name and telephone number of the mediator.
- G. 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 borne equally by the parties, unless otherwise ordered by the Court. The Court will determine the rate at which

the mediator will be paid. The mediator's fee will be determined by the complexity of the issues in the matter being mediated. Any additional expenses associated with the mediation must be preapproved by the Court.

### **LOCAL RULE 78.6 EXTENDED ADMINISTRATION**

All estates will initially be scheduled according to the six-month administration schedule of Ohio R.C. 2109.301(B). In those estates meeting the requirements for extended administration stated in R.C. 2109.30(B)(1)(a)-(f), the administrator or executor shall file an application to extend the filing deadlines.

### **Local Rule 79.01 ASSISTED OUTPATIENT TREATMENT (AOT)**

- A. Establishing the Program – The Mental Health Act of 1988 allows for the commitment of persons who are deemed to be mentally ill and subject to court ordered treatment. The purpose of Assisted Outpatient Treatment (AOT) is to treat these individuals in the least restrictive environment consistent with their needs. The law permits the use of Outpatient Commitment as a community-based, least restrictive alternative to hospitalization for those persons who may otherwise be subject to inpatient hospitalization.
- B. Eligibility Requirements – Referrals are reviewed by the Probate Monitor and Director of Probate Services based on clinical assessments and treatment records prior to filing. Eligible participants must meet the following guidelines:
1. The person is a resident of Ross County and subject to the Court's jurisdiction.
  2. The person is 18 years of age or older.
  3. The person has a documented primary diagnosis of a severe and persistent mental illness that impairs daily functioning (e.g., schizophrenia, bipolar disorder with psychosis).
  4. Clinical determination that, due to mental illness, the person is unlikely to survive safely in the community without supervision, AND/OR
  5. The person has a history of lack of compliance with treatment for mental illness which has resulted in two or more hospitalizations and/or one or more acts of violence towards self or others within the last 36 months.
  6. The person is unlikely or refuses to voluntarily participate in necessary treatment; and
  7. The person needs intensive oversight or treatment to prevent relapse, decompensation or deterioration which could result in harm to self or others;
8. Other considerations may include but are not limited to:
- a. Frequent Hospitalizations – The individual has a substantial history of repeated emergency room visits or psychiatric hospitalizations.
  - b. Criminal History and System Involvement – The individual has a significant criminal history and a pattern of multi-system involvement, which may be attributable in part to untreated or poorly managed mental illness. This can include high utilizers of crisis services who have limited engagement in ongoing outpatient treatment.
  - c. Prior Treatment Engagement Issues – Evidence of past disengagement or refusal to participate voluntarily in outpatient care and reasonable belief AOT would promote the client's continued engagement in treatment.

- d. Potential Benefit from AOT – Provider and/or the Director of Probate Services assess that AOT could prevent further decompensation and aid in supporting recovery.
- C. Referral, Selection, and Placement on AOT – Upon the submission of an Affidavit of Mental Illness pursuant to R.C. 5122, the Paint Valley Alcohol, Drug Addiction and Mental Health Services Board (PV ADAMH), the treatment provider, or the hospital, if applicable, will evaluate an individual named in the affidavit as a possible candidate for AOT. A hospital or treatment provider may refer a candidate for AOT at the initial placement upon civil commitment to the Paint Valley Alcohol, Drug Addiction and Mental Health Services Board (PV ADAMH), upon discharge from the hospital, or upon a transfer from another court after the candidate was committed to the Paint Valley Alcohol, Drug Addiction and Mental Health Services Board (PV ADAMH). Upon such referral, the Court may order adults found to be a mentally ill person subject to a Court Order under R.C. 5122.01(B) to participate in community probate with Assisted Outpatient Treatment (AOT). All placements on AOT shall be by Court Order specifying that the participant shall be committed to the Paint Valley Alcohol, Drug Addiction and Mental Health Services Board (PV ADAMH), shall participate in community probate through AOT and shall comply with all treatment plans created by the providers. A Court Order placing an individual on AOT shall set the date and time for the initial review hearing that allows sufficient time for the parties to coordinate care and prepare a treatment plan.
- D. Facilitating Communication – The Court shall facilitate communications, as needed, among the Paint Valley Alcohol, Drug Addiction and Mental Health Services Board (PV ADAMH), treatment providers, the Court, and other individuals or providers supporting and necessary to benefit the participant. The communication shall focus on what will assist the participant in maintaining the participant’s mental health and independence in the community.
- E. Treatment Plan Development – The Valley Alcohol, Drug Addiction and Mental Health Services Board (PV ADAMH), the treatment provider, and relevant individuals, or agencies support the program participant shall develop a care plan that outlines services for the continued treatment and care of the participant’s mental health. AOT treatment plan goals shall be individualized and shall focus on the specific skills that the participant needs to develop/improve in order to increase independence in the community. Goals may be related to symptom management, crisis management plan, self-care, decrease use of substances, insight into mental health and symptoms of mental illness, and stable housing. The treatment plan shall address medication management, symptom management, risk factors, early warning signs, crisis plan, frequency of care management and psychiatric services, and determination of symptoms and behaviors indicating the need for increased level of services or hospitalization. The treatment plan shall specify risk factors and goals that must be accomplished to successfully complete AOT. The plan shall be discussed in the initial review hearing. The Valley Alcohol, Drug Addiction and Mental Health Services Board (PV ADAMH) Probate Monitor shall provide the Court with monthly Probate Monitor Reports to update the progress of the participant while under AOT.
- F. Expectations for Participants – Participants should expect continual evaluation of their treatment plan and monitoring of progress in maintaining mental health. Participants shall adhere to all the requirements of the AOT program and all the services, including medication regimens, found in

the treatment plan. Participants shall also attend periodic reviews of their progress in treatment unless their presence is waived by the Court.

- G. Procedure for Confidential Filings – The Court shall follow the confidentiality requirements of R.C.5122.31. All filings in AOT cases shall be private and confidential and shall not be shared with nonparties. Probate Monitor Reports, Motions, and other AOT filings shall be filed with the Court pursuant to applicable local rules of this Court. Reports, notes, and medical records submitted by hospitals, treatment providers, the Valley Alcohol, Drug Addiction and Mental Health Services Board (PV ADAMH), participants, and their attorneys shall be maintained by the Court in a confidential file to be released only upon Court Order.
- H. Notice Procedure – The Probate Court Clerk shall provide notice of the initial hearing and all subsequent hearings to all parties. Said notices shall be made in writing either on separate forms approved by the Court or within Orders issued by the Court. Participants, their attorneys, the treatment providers, the Valley Alcohol, Drug Addiction and Mental Health Services Board (PV ADAMH), and all other interested nonparties shall be served with said notice pursuant to applicable Rules of Civil Procedure.
- I. Procedure for Initial and Subsequent Reviews – An individual placed an AOT shall have an initial review hearing set within one month of the Order placing the individual on AOT. The Court shall also periodically review the participant’s progress in treatment at subsequent hearings. These reviews shall be in the form of a hearing and shall include the participant, treatment provider, Valley Alcohol, Drug Addiction and Mental Health Services Board (PV ADAMH), Probate Monitor, Director of Probate Services, attorneys for the participant and the Valley Alcohol, Drug Addiction and Mental Health Services Board (PV ADAMH), and all other interested parties. During the review hearing, the treatment provider will inform the Court of the participant’s adherence to the treatment plan, the progress in treatment, concerns for the participant’s mental health, and other matters relevant to AOT. Participant will have the opportunity to address the Court and notify the Court and treatment providers of any services required to maintain the participant’s mental health and independence in the community. The Court will set the next review hearing with the parties in attendance. The length of time between review hearings will be based on the participant’s progress in treatment and other factors raised during the review hearing.
- J. Procedure for Court Intervention – Emergencies involving participants or circumstances where participants are not engaging with the treatment provider or are not following the treatment plan may result in further Court Orders. All requests for further Court Orders, such as transfers to a more restrictive setting or involuntary medication, shall be submitted by Motion filed with the Court. The attorney for the Board shall serve the Motion on all parties. The Probate Court Clerk shall set the Motion for hearing and shall prepare and serve all parties with notice of hearing. In considering the Motion, the movant shall provide the Court with evidence of attempts to have the participant comply with the treatment plan, the benefits of the treatment plan, and the method by which the requesting party will implement any Court Orders. The Court will issue an appropriate Order based upon the evidence presented.
- K. Procedure to Extend AOT – All requests for extending an individual’s participation in AOT shall be set forth by Motion. The attorney for the Board shall serve the Motion on all parties.

The Probate Court Clerk shall set the Motion for hearing and shall prepare and serve all parties with notice of hearing. In reviewing a request to extend, the Court may consider the progress, setbacks, concerns, and recommendations for continuation or discontinuation of AOT status based upon each individual's specific treatment needs and goals, and progress made while on AOT.

- L. Criteria for Successful Completion of AOT – A participant may complete AOT upon the clinical recommendation of the treatment provider. Requests to terminate AOT shall be in the form of a Motion. The attorney for the Board shall serve the Motion on all parties. The Probate Court Clerk shall set the Motion for hearing and shall prepare and serve all parties with notice of hearing. The treatment provider shall clinically determine when an individual may be ready for completion of AOT. Clinical justification for AOT completion shall be individualized and focus on the needs and goals that were identified at the beginning of the AOT program. A participant may be eligible for completion if not hospitalizations for a six month period; no criminal charges filed for a six month period; full engagement in treatment for at least six months as evidenced by the individual keeping care management and psychiatric appointments and taking initiative to contact provider if symptoms increase or unmet needs have surfaced; no identified high-risk behaviors, including but not limited to, the following: continued substance abuse use, sexualized behavior, aggressive/violent behavior, suicidal ideation, or used of weapons, for at least six months; insight into needed for continued engagement in treatment and voluntarily agrees to engage in services and continue involvement in treatment; stabilization of symptoms for at least six months; medication adherence for at least six months; crisis plan is utilized (if applicable) by the individual for at least six months; stable housing for at least six months; and other appropriate factors.

**PROBATE COURT OF ROSS COUNTY, OHIO**

**IN THE MATTER OF THE GUARDIANSHIP OF \_\_\_\_\_**  
**CASE NO. \_\_\_\_\_**

**SUPPLEMENTAL GUARDIANSHIP/CONSERVATORSHIP INFORMATION**

**GENERAL CASE INFORMATION**

(CHECK ONE BOX ON EACH LINE FOR ITEMS 1 THROUGH 6)

- 1. THIS IS A                                     GUARDIANSHIP     CONSERVATORSHIP
- 2. THE APPLICATION IS A     NEW CASE                     SUCCESSOR
- 3. THE SUBJECT IS A                     MINOR                     INCOMPETENT  CONSERVATOR
- 4. THE POWERS ARE                     LIMITED                     UNLIMITED
- 5. THE APPLICATION IS FOR  PERSON                     ESTATE                     BOTH
- 6. IS THIS CASE RELATED TO ANY CAUSE PENDING IN ANY JUDICIAL SYSEM?  
 YES     NO    IF YES, DESCRIBE IN DETAIL \_\_\_\_\_  
\_\_\_\_\_

**INFORMATION CONCERNING THE PROSPECTIVE GUARDIAN/CONSERVATOR**

FULL NAME AND AKA: \_\_\_\_\_  
HOME ADDRESS: \_\_\_\_\_  
RELATIONSHIP TO WARD/CONSERVATEE: \_\_\_\_\_  
SOCIAL SECURITY NUMBER: \_\_\_\_\_  
OCCUPATION: \_\_\_\_\_  
TELEPHONE NUMBER: \_\_\_\_\_ HOME: \_\_\_\_\_ WORK: \_\_\_\_\_

**INFORMATION CONCERNING THE PROSPECTIVE WARD/CONSERVATEE**

FULL NAME AND AKA: \_\_\_\_\_  
AGE: \_\_\_\_\_ DATE OF BIRTH: \_\_\_\_\_ MALE: \_\_\_\_\_ FEMALE: \_\_\_\_\_  
SOCIAL SECURITY NUMBER: \_\_\_\_\_  
LEGAL SETTLEMENT OR ADDRESS IS: \_\_\_\_\_

IF THE WARD/CONSERVATEE IS LIVING AT AN ADDRESS DIFFERENT FROM ABOVE,  
THAT ADDRESS IS: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_  
LIST ANY PROBLEMS THAT PROPOSED WARD/CONSERVATEE MAY HAVE IN  
COMMUNICATING: \_\_\_\_\_  
LIST ANY AGENCIES, EITHER PRIVATE OR PUBLIC, HAVING KNOWLEDGE OF THE  
PROPOSED WARD/CONSERVATEE, AND MAY BE AWARE OF ASSISTANCE IN  
DETERMINING THE NEED FOR GUARDIANSHIP/CONSERVATORSHIP: \_\_\_\_\_

\_\_\_\_\_  
**SIGNATURE OF ATTORNEY OF RECORD**

\_\_\_\_\_  
**SIGNATURE OF APPLICANT**

**DATED:** \_\_\_\_\_

## Filing Fees

**Adoptions:**

- Adult Adoption \$179.00
- Step-Parent Adoption \$250.00
- Individual/Agency Adoption \$250.00
- Court Placement \$250.00
- Foreign Adoption \$184.00

**Birth Correction/Registration:**

- Birth Correction \$ 33.00
- Birth Registration \$ 37.00

**Change of Name:**

- Change of Name – Minor \$99.00
- Change of Name – Adult \$99.00

**Civil Actions:**

- Purchase of Real Estate \$ 53.00
- Concealment of Assets \$ 48.00
- Declaratory Judgment \$ 53.00
- Sell Real Estate \$ 53.00
- Contest/Will Construction \$ 48.00
- Civil Action \$ 53.00
- Direction & Judgment \$ 53.00
- Determine Heirship \$ 48.00
- Validity of a Will \$ 74.00

**Conservatorship:** \$ 99.00

**Estates:**

- Administer for Wrongful Death only No Will \$ 99.00
- Administer for Wrongful Death only With Will \$114.00
- Affidavit to Transfer Motor Vehicle \$ 5.00
- Ancillary Administration with Will \$114.00
- Ancillary Administration without a Will \$ 99.00
- Application for Appointment of Commissioner \$ 15.00
- Application to Transfer Real Estate \$ 20.00
- File Will for Record Only \$ 54.00
- Intestate \$ 99.00
- Application to Probate Lost Will \$ 54.00
- Probate Will with Affidavit \$ 55.00
- Probate Will with Additional Filings Later \$ 54.00

*Continued next page*

*Effective Dec 13, 2023. Subject to Change without Notice **Contact the court for current fees (740) 774-1179***

- Release – No Will – Less than \$15,000 \$ 79.00
- Release – No Will – Less than \$25,000 \$ 79.00
- Release – No Will – Less than \$35,000 \$ 79.00
- Release – No Will – Less than \$50,000 \$119.00
- Release – No Will – Less than \$85,000 \$119.00
- Release – No Will – Less than \$100,000 \$119.00
- Release – With Will – Less than \$15,000 \$ 94.00
- Release – With Will – Less than \$25,000 \$ 94.00
- Release – With Will – Under \$35,000 \$ 94.00
- Release – With Will – Under \$50,000 \$134.00
- Release – With Will – Under \$85,000 \$134.00
- Release – With Will – Under \$100,000 \$134.00
- Short Form Release of Administration \$ 79.00
- Short Form with Will \$ 94.00
- Summary Release from Administration \$ 86.00
- Summary Release with Will \$101.00
- Testate \$114.00
- Taxes Only \$ 28.00

Guardianships:

- Authenticated Proceeding – Guardianship of Incompetent \$ 64.00
- Emergency Temporary Guardianship \$ 99.00
- Guardianship of Incompetent – Person & Estate \$174.00
- Guardianship of Incompetent – Estate Only \$174.00
- Guardianship of Incompetent – Person Only \$174.00
- Emergency Guardianship of a Minor \$104.00
- Guardianship of Minor – Person & Estate \$104.00
- Guardianship of Minor – Estate Only \$ 99.00
- Guardianship of Minor – Person Only \$104.00

INRE:

- Application to Transfer Structured Settlement \$ 33.00

Minor Settlement:

- Application of Dispensing with Appointment of Guardian \$ 38.00
- Minor Settlement \$ 64.00

Disinterment	\$ 33.00
Trust	\$ 63.00
Wills on Deposit	\$ 25.00
Marriage License	\$ 50.00 <i>(Effective October 1, 2018)</i>

*Effective Dec 13, 2023. Subject to Change without Notice*      **Contact the court for current fees (740) 774-1179**

**IN THE PROBATE COURT OF ROSS COUNTY, OHIO**

**IN THE MATTER OF \_\_\_\_\_**  
**CASE NO. \_\_\_\_\_**

**ATTORNEY FEE CALCULATION**

**PROBATE ASSETS**

- 1. Personalty** \$ \_\_\_\_\_
- 2. Realty sold** \$ \_\_\_\_\_
- 3. Realty not sold** \$ \_\_\_\_\_

**PERSONALTY:**

- 8% of first \$1,000.00** \$ \_\_\_\_\_
- 6% of next \$9,000.00** \$ \_\_\_\_\_
- 4% of next \$40,000.00** \$ \_\_\_\_\_
- 3% of balance** \$ \_\_\_\_\_

**REALTY SOLD**

- 8% of first \$1,000.00** \$ \_\_\_\_\_
- 6% of next \$9,000.00** \$ \_\_\_\_\_
- 4% of next \$40,000.00** \$ \_\_\_\_\_
- 3% of balance** \$ \_\_\_\_\_

**REALTY NOT SOLD**

- 2% \$ \_\_\_\_\_** \$ \_\_\_\_\_

**NON-PROBATE ASSETS**

- 1% \$ \_\_\_\_\_** \$ \_\_\_\_\_

**CALCULATED FEE: \$ \_\_\_\_\_**

**THIS SCHEDULE IS MERELY A GUIDE FOR DETERMINING COUNSEL FEES IN AN ORDINARY ESTATE AND SHOULD BE CONSIDERED AS NEITHER A MINIMUM NOR MAXIMUM FEE SCHEDULE**

The attorney of record and fiduciary hereby certify that legal services were rendered for the administration and settlement of the probate matter to which this statement is attached and that the fee of \$ \_\_\_\_\_ is reasonable compensation for the services rendered.

\_\_\_\_\_  
**ATTORNEY'S SIGNATURE**

\_\_\_\_\_  
**FIDUCIARY'S SIGNATURE**

\_\_\_\_\_  
**TYPED ATTORNEY'S NAME**

\_\_\_\_\_  
**TYPED FIDUCIARY'S NAME**

**DATE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_



IN THE PROBATE COURT OF ROSS COUNTY, OHIO

IN THE MATTER OF \_\_\_\_\_
CASE NO. \_\_\_\_\_

EXECUTOR/ADMINISTRATOR FEE CALCULATION

PROBATE ASSETS

- 1. PERSONALTY & INCOME \$ \_\_\_\_\_
2. REALTY SOLD \$ \_\_\_\_\_
3. REALTY NOT SOLD \$ \_\_\_\_\_

NON-PROBATE ASSETS \$ \_\_\_\_\_
(PROPERTY NOT SUBJECT TO ADMINISTRATION
THAT IS INCLUDABLE FOR OHIO ESTATE TAX
PURPOSES, EXCEPT JOINT AND SURVIVORSHIP PROPERTY.)

PERSONALTY AND REALTY SOLD
4% OF FIRST \$100,000.00 \$ \_\_\_\_\_
3% OF NEXT \$300,000.00 \$ \_\_\_\_\_
2% OF BALANCE \$ \_\_\_\_\_

REALTY NOT SOLD
1% OF VALUE \$ \_\_\_\_\_

NON-PROBATE ASSETS
1% OF VALUE \$ \_\_\_\_\_

TOTAL EXECUTOR/ADMINISTRATOR COMMISSION: \$ \_\_\_\_\_

ATTORNEY'S SIGNATURE

FIDUCIARY'S SIGNATURE

TYPED ATTORNEY'S NAME

TYPED FIDUCIARY'S NAME

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

IN THE PROBATE COURT OF ROSS COUNTY, OHIO

IN THE MATTER OF THE GUARDIANSHIP/CONSERVATORSHIP OF \_\_\_\_\_

CASE NO. \_\_\_\_\_

\_\_\_\_ VETERAN      \_\_\_\_ NON-VETERAN

COMPUTATION OF GUARDIAN/CONSERVATOR COMPENSATION

I. ACCOUNTING PERIOD FROM \_\_\_\_\_ TO \_\_\_\_\_

II. INCOME/EXPENDITURE TOTAL \$ \_\_\_\_\_  
(IN THIS ACCOUNTING PERIOD)

6% OF FIRST \$10,000 (OR PART THEREOF) \$ \_\_\_\_\_

5% OF NEXT \$10,000 (OR PART THEREOF) \$ \_\_\_\_\_

4% OF BALANCE \$ \_\_\_\_\_

III. PRINCIPAL \$ \_\_\_\_\_

\$3.00 PER THOUSAND OF FIRST \$100,000 \$ \_\_\_\_\_

\$2.50 PER THOUSAND OF NEXT \$200,000 \$ \_\_\_\_\_

\$1.50 PER THOUSAND OF NEXT \$500,000 \$ \_\_\_\_\_

\$1.00 PER THOUSAND ON BALANCE \$ \_\_\_\_\_

III. PRINCIPAL DISTRIBUTION

I % OF FAIR MARKET VALUE \$ \_\_\_\_\_  
(ONLY UPON TERMINATION OF GUARDIANSHIP)

IV. TOTAL COMPENSATION \$ \_\_\_\_\_

(ADJUSTED TO REFLECT COMPLIANCE WITH  
O.R.C. 5905.13 FOR A VETERAN WARD)

\_\_\_\_\_  
ATTORNEY'S SIGNATURE

\_\_\_\_\_  
FIDUCIARY'S SIGNATURE

\_\_\_\_\_  
TYPED ATTORNEY'S NAME

\_\_\_\_\_  
TYPED FIDUCIARY'S NAME

IN THE PROBATE COURT OF ROSS COUNTY, OHIO

IN THE MATTER OF \_\_\_\_\_  
CASE NO. \_\_\_\_\_

**TRUSTEE’S FEE COMPUTATION**

INCOME DURING ACCOUNTING PERIOD \$ \_\_\_\_\_

6% of first \$10,000.00 or part thereof \$ \_\_\_\_\_

5% of the next \$10,000.00 or part thereof \$ \_\_\_\_\_

4% of balance \$ \_\_\_\_\_

PRINCIPAL AMOUNT \$ \_\_\_\_\_

\$3.00 per thousand of first \$100,000 or part thereof \$ \_\_\_\_\_

\$2.50 per thousand of next \$200,000.00, or part thereof \$ \_\_\_\_\_

\$1.50 per thousand of next \$500,000.00 or part thereof \$ \_\_\_\_\_

\$1.00 per thousand on balance \$ \_\_\_\_\_

FINAL DISTRIBUTION FEE (with Court approval) \$ \_\_\_\_\_

1% of amount of principal distributed \$ \_\_\_\_\_

CALCULATED TRUSTEE FEE: \$ \_\_\_\_\_

\_\_\_\_\_  
ATTORNEY’S SIGNATURE

\_\_\_\_\_  
TRUSTEE’S SIGNATURE

\_\_\_\_\_  
TYPED ATTORNEY’S NAME

\_\_\_\_\_  
TYPED TRUSTEE’S NAME

DATE \_\_\_\_\_

DATE \_\_\_\_\_