

## OFFICE OF COURT SERVICES, CASE MANAGEMENT SECTION

### INSTRUCTIONS FOR THE PREPARATION OF STATISTICAL REPORT FORMS COURT OF COMMON PLEAS – PROBATE DIVISION – FORM C

#### I. MATHEMATICAL ACCURACY AND CONSISTENCY

**1. Month to Month Consistency.** The number of cases reported as pending at the end of any reporting period must equal the number of cases reported as pending at the beginning of the next reporting period.

**2. Correction of Reporting Errors.** Errors may be corrected using the eStats process but only for the most recently-submitted report. To submit an amendment to a previously-submitted report, email the completed Excel template to the Case Management Section at [casemgmt@sc.ohio.gov](mailto:casemgmt@sc.ohio.gov).

Where an error cannot be traced to a specific report period, adjustments shall be made on the current report form.

#### II. SUBMISSION OF REPORTS

Each judge of the court of common pleas responsible for the disposition of cases in the probate division is required to complete Form C. Form C shall be completed quarterly and submitted via eStats to the Case Management Section. The form must be received by the fifteenth day following the end of the quarter. Reports cover the following periods:

Quarter	Report Period Covered	Report Due Date
First Quarter	January – March	April 15
Second Quarter	April – June	July 15
Third Quarter	July – September	October 15
Fourth Quarter	October – December	January 15

#### III. EXPLANATIONS AND DEFINITIONS

##### A. Report Columns – Definitions

**1. Reporting Judge Column:** The first column of numbered lines is to be used to report the activity of the reporting judge.

**2. Visiting Judge Column:** The second column is used to report the activity of a visiting judge, retired assigned judge, or judge assigned from another division of the court, or from another court, who has presided during the reporting period in cases originally assigned to the reporting judge.

**Visiting Judges Assigned by Chief Justice (Recusal):** Where the originally-assigned judge has recused from a case and the Chief Justice has assigned a visiting judge to preside over it the case is disposed in the first column as “Closed During Quarter.” The case is then opened in the Visiting Judge column as “Filed During Quarter” and then disposed of in due course.

**Visiting Judge Assisting:** When a judge, other than the originally-assigned judge has assisted in cases on the docket of the originally-

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assigned judge, those cases in which the visiting judge assisted shall be reported on the originally-assigned judge's statistical report in both columns.

## B. Report Lines – Definitions

Except for Delayed Registration of Birth and Correction of Birth, Change of Name, and Marriage Applications, all case types on Form C contain the following four reporting elements:

- 1. Pending at End of Preceding Quarter.** This line is used to report the number of cases pending at the end of the preceding quarter. This line must be the same as the value reported for Pending at End of Quarter on the Form C filed for the preceding quarter.
- 2. Filed During Quarter.** This line is used to report the number of new cases filed during the quarter.
- 3. Closed During Quarter.** This line is used to report the number of cases closed during the quarter.
- 4. Pending at End of Quarter.** This line is used to report the number of cases pending at the end of the quarter. The sum of cases pending at the end of the preceding quarter (Line 1), plus new cases filed (Line 2), minus cases closed during the quarter (Line 3), equal the cases pending at the end of the quarter.

## C. Case Type Categories – Definitions

- 1. Decedents' Estates.** This category is used to report all cases generally resulting from a death. Tax only cases, releases from administration, foreign executors and administrators, and authentication of wills are a few examples of cases reported on these lines in addition to standard decedent estate cases. Wrongful death actions may be reported here if not reported in a separate category.
  - a. Number in Which Accounts are Past Due – Line 5.** This line is used to report the number of cases pending at the end of the quarter (Line 4) that have past due interim or final accounts.
  - b. Number of Notices to File Accounts or Citations Issued – Line 6.** This line is used to report the number of notices to file accounts or citations issued during the report period. This reporting requirement does not link the number of notices or citations to the number of cases. Thus, if multiple notices or citations are issued in a single case, or to the same person, each notice or citation issued should be counted. The requirement applies to all accounts, not only final accounts. An entry should be made on this line whether the case was closed during the quarter or is still pending at the end of the quarter.
- 2. Guardianships.** This category is used to report all guardianship matters. Some guardianship cases may be reported on more than one line.

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For example, an application for the appointment of a guardian for an incompetent filed during the quarter will be reported on Line 12. If a Limited Guardian is appointed in the same case that quarter, an entry also would be made on Line 15. The following two types of guardianships shall be reported on Form C:

**a. Guardianship of Incompetents.** Proceedings pursuant to R.C. 2111. involving an application for the appointment of a guardian for any person who is so mentally impaired, as a result of a mental or physical illness or disability, as a result of intellectual disability, or as a result of chronic substance abuse, that the person is incapable of taking proper care of the person's self or property or fails to provide for the person's family or other persons for whom the person is charged by law to provide, or any person confined to a correctional institution within this state. A guardian can be appointed for the person only, estate only, or person and estate.

**b. Guardianship of Minors.** Proceedings pursuant to R.C. 2111. involving any person less than 18 years of age who has neither a father nor a mother or whose parents are unsuitable to have custody and tuition of such minor, or whose interests, in the opinion of the probate court, will be promoted by appointment of a guardian. A guardian can be appointed for the person only, estate only, or person and estate.

**Number of Emergency, Limited, and Interim Guardians – Line 15**

This line is used to report the number of Emergency, Limited, and Interim Guardians appointed during the quarter.

**3. Conservatorships.** Proceedings involving a petition by a competent adult who is physically infirm to place, for a definite or indefinite period of time, the petitioner's person, any or all of the petitioner's real or personal property, or both under a conservatorship with the court pursuant to R.C. 2111.021 shall be reported in this category.

**4. Testamentary Trusts.** Proceedings involving a trust that is created by a will and takes effect when the settlor dies and in which the probate court has exclusive jurisdiction to construe the trust and to direct, control, supervise, and review the administration of the trust by the testamentary trustee pursuant to R.C. 5801.– 5808. shall be reported in this category.

**5. Guardianships, Conservatorships, and Testamentary Trusts**

**a. Number in Which Accounts are Past Due – Line 24.** This line is used to report the total number of guardianships, conservatorships, and testamentary trusts pending at the end of the quarter (Lines 10, 14, 19, and 23) that have past due interim or final accounts.

**b. Number of Notices to File Accounts, or Citations Issued – Line 25.**

This line is used to report the total number of notices to file accounts or citations issued during the quarter in guardianships, conserva-

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torships, and testamentary trusts. This reporting requirement does not link the number of notices or citations to the number of cases. Thus, if multiple notices or citations are issued in a single case, or to the same person, each notice or citation issued should be counted. The requirement applies to all accounts, not only final accounts. An entry should be made on this line whether the case was closed during the quarter or is still pending at the end of the quarter.

**6. Civil Actions.** Nonadversarial civil actions are not to be reported in this category or elsewhere on Form C. Examples of types of cases reported in this category include appropriation cases, land sales, declaratory judgments, determination of heirs, petitions for involuntary treatment for alcohol and other drug abuse, and concealment of assets cases.

**7. Adoptions.** Adoption proceedings pursuant to R.C. 3107 shall be reported in this category.

**8. Mental Health and Civil Commitments.** Proceedings pursuant to R.C. 5122, in which an affiant seeks the involuntary hospitalization of an allegedly mentally ill person shall be reported in this category.

**9. Minors' Settlements.** Applications brought by the guardian of a minor's estate, or, if there is no guardian appointed and the court dispenses with the need for a guardian, by the parents of the child or the parent or other individual having custody of the child, for the probate court to approve a settlement to a minor for a personal injury or damage claim pursuant to Sup.R. 68 and R.C. 2111.18 shall be reported in this category.

Settlements for adult wards and wrongful death actions may be reported here if not reported in a separate category.

**10. Wrongful Death.** Wrongful Death cases filed pursuant to R.C. 2125.01, if not included with Decedents' Estate or Minors' Settlements shall be reported in this category. Wrongful death cases are not to be reported in both the Decedents' Estates or Minors' Settlements and the Wrongful Death category at the same time.

**11. Delayed Registration of Birth and Correction of Birth Certificate.** Applications pursuant to R.C. 3705.15 for registration of birth made in the probate court of the county of the person's birth or residence or the county in which the person's mother resided at the time of the person's birth, by a person who claims to have been born in Ohio, and whose registration of birth is not recorded, or has been lost or destroyed shall be reported in this category. Applications pursuant to R.C. 3705.15 for correction of a person's birth record made in the probate court of the county of the person's birth or residence or the county in which the person's mother resided at the time of the person's birth, by a person who claims to have been born in Ohio, and whose registration of birth has not been properly and accurately reported shall also be reported in this category.

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**a. Heard and Terminated During Quarter – Line 47.** This line is used to report the number of delayed registration of birth and correction of birth matters heard and terminated during the quarter.

**12. Change of Name and Conformity.** Applications seeking a name change pursuant to R.C. 2717.01 shall be reported in this category.

**a. Heard and Terminated During Quarter – Line 49.** This line is used to report the number of change of name matters heard and terminated during the quarter.

**13. Marriage Applications.** Applications for the issuance of a marriage license pursuant to R.C. 3101.05.

**a. Granted During Quarter – Line 50.** This line is used to report the number of marriage applications granted during the quarter. The action taken by the applicants once the application is granted is not significant for reporting purposes.