

**AMENDMENTS TO THE RULES OF SUPERINTENDENCE
FOR THE COURTS OF OHIO**

Comments Requested: The Supreme Court of Ohio will accept public comments until May 5, 2025, on the following proposed amendments to the Rules of Superintendence for the Courts of Ohio.

Comments on the proposed amendments should be submitted in writing to: Keely McWhorter, Supreme Court of Ohio, 65 South Front Street, 6th Floor, Columbus, Ohio 43215, or RuleAmendments@sc.ohio.gov not later than May 5, 2025. Please include your full name and mailing address in any comments submitted by email.

Key to Adopted Amendments:

1. Existing language appears in regular type. Example: text
2. Existing language to be deleted appears in strikethrough. Example: ~~text~~
3. New language to be added appears in underline. Example: text

RULES OF SUPERINTENDENCE FOR THE COURTS OF OHIO

1 **RULE 66.01. Definitions.**

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3 As used in Sup.R. 66.01 through 66.09:

4 5 **(A) Best interest**

6
7 “Best interest” means the course of action that maximizes what is best for a ward, including
8 consideration of the least intrusive, most normalizing, and least restrictive course of action
9 possible given the needs of the ward.

10 11 **(B) Direct services**

12
13 “Direct services” means services typically provided in exchange for compensation by home
14 and community-based care and institutionally-based care providers, including medical and
15 nursing care, care or case management services, care coordination, speech therapy,
16 occupational therapy, physical therapy, psychological services, counseling, residential,
17 legal representation, job training, and any other similar services. The term “direct services”
18 does not include services of a guardian.

19 20 **(C) Guardian**

21
22 “Guardian” has the same meaning as in R.C. 2111.01(A).

23 24 **(D) Ward**

25
26 “Ward” means any adult person found by the probate division of a court of common pleas
27 to be incompetent and for whom a guardianship is established.

28 29 **(E) Guardianship services**

30
31 “Guardianship services” means the duties assigned to a guardian in an adult guardianship
32 case pursuant to R.C. Chapters 2109 and 2111.

33 34 **(F) Family member**

35
36 “Family member” means a parent, stepparent, sibling, stepsibling, grandparent, grandchild,
37 aunt, uncle, nephew, niece, cousin, child, stepchild, or any other individual related by blood
38 or marriage.

39 40 41 **RULE 66.04. Establishment of Guardianship.**

42 43 **(A) Scope of guardianship**

44

45 When establishing a guardianship, the probate division of a court of common pleas shall
46 consider a limited guardianship before establishing a plenary guardianship.

47
48 **(B) County of residence**

49
50 The last county of residence in Ohio in which a ward resided prior to losing the cognitive
51 ability to choose shall be the ward's county of residence for purposes of establishing a
52 guardianship, unless determined otherwise by the probate division of the court of common
53 pleas establishing the guardianship.

54
55 **(C) Guardianship of estate**

56
57 The probate division of a court of common pleas may waive establishing or continuing the
58 guardianship of the estate of a ward if the assets and principal income of the ward do not
59 support a guardianship of the estate.

60
61 ~~**(D) Restrictions on direct service providers**~~

62
63 ~~The probate division of a court of common pleas shall not issue letters of guardianship to~~
64 ~~any direct service provider to serve as a guardian for a ward for whom the provider provides~~
65 ~~direct services, unless otherwise authorized by law.~~

66
67
68 **RULE 66.09. Responsibilities of Guardian to Ward.**

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70 **[Existing language unaffected by the amendments is omitted to conserve space]**

71
72 **(G) Direct services**

73
74 ~~Except as provided in Sup.R. 66.04(D), a A guardian, except a family member guardian of~~
75 ~~the ward, shall not provide any direct services to a ward, unless otherwise approved by~~
76 ~~without notifying the probate court and complying with all licensing, training, and~~
77 ~~accreditation rules required of paid providers by any applicable state agency.~~

78
79 **[Existing language unaffected by the amendments is omitted to conserve space]**