

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

The following amendments to the Rules of Superintendence of the Courts of Ohio (Sup.R. 66, 66.03, 66.05, 66.06, 66.08, and 66.09) were adopted by the Supreme Court of Ohio. The history of these amendments is as follows:

April 27, 2021	Initial publication for comment
January 25, 2022	Final adoption by conference
July 1, 2022	Effective date of amendments

Key to Adopted Amendments:

1. Unaltered language appears in regular type. Example: text
2. Language that has been deleted appears in strikethrough. Example: ~~text~~
3. New language that has been added appears in underline. Example: text

RULE 66. Guardianships.

(A) All applications for the appointment of a guardian on the grounds of mental incompetency shall be accompanied by either a statement of a physician or clinical psychologist or a statement that the prospective ward has refused to submit to an examination or the agent of the prospective ward or other individual has refused to consent to an examination.

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

RULE 66.03. Local Guardianship Rule.

The probate division of a court of common pleas that establishes guardianships shall adopt local rules governing the establishment of guardianships that do all of the following:

- (A) Establish a process for emergency guardianships;
- (B) Establish a process for submitting in electronic format or hard copy comments and complaints regarding the performance of guardians appointed by the court, including actions of the guardian in denying a request of a person to visit with the ward, and for considering such comments and complaints. The process shall include each of the following:

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

RULE 66.05. Responsibilities of Court Establishing Guardianships.

(A) General responsibilities

The probate division of a court of common pleas that establishes a guardianship shall do all of the following:

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

- (4) Require each guardian appointed by the court to submit to the court information documenting compliance with the guardian qualifications pursuant to Sup.R. 66.06 or 66.07, as applicable;
- (5) Direct the court investigator to inquire into the visitation history and preferences of the prospective ward during the service of notice and initial guardianship investigation pursuant to R.C. 2111.041 or at any other time that the court directs. The court investigator shall make a written report of the visitation recommendation to the court.

RULE 66.06. Guardian Pre-Appointment Education.

(A) Requirement

Except as provided in division (B) of this rule, the probate division of a court of common pleas shall not appoint an individual as a guardian unless, at the time of appointment or within six months thereafter, the individual has successfully completed, at a minimum, a six-hour guardian fundamentals course provided by the Supreme Court or, with the prior approval of the appointing court, another entity. The fundamentals course shall include, at a minimum, education on the following topics:

- (1) Establishing the guardianship;
- (2) The ongoing duties and responsibilities of a guardian;
- (3) Record keeping and reporting duties of a guardian;
- (4) Any other topic that concerns improving the quality of the life of a ward;
- (5) Abuse, neglect, and exploitation training in order to detect and report allegations to authorities.

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

RULE 66.08. General Responsibilities of Guardian.

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

(B) Pre-appointment meeting

Unless otherwise determined by the probate division of a court of common pleas, an applicant guardian shall meet with a proposed ward at least once prior to appearing before the court for a guardianship appointment.

(C) Reporting abuse, neglect, or exploitation

A guardian shall immediately report to the probate division of a court of common pleas and, when applicable, to adult protective services, the long-term care ombudsman, or law enforcement any appropriate allegations of abuse, neglect, or exploitation of a ward.

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

(G) Annual plan

A guardian of a person shall file annually with the probate division of the court of common pleas a guardianship plan as an addendum to the guardian's report. A guardian of an estate may be required to file an annual guardianship plan with the probate division of the court of common pleas. The guardianship plan shall state the guardian's goals for meeting the ward's personal and financial needs.

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

RULE 66.09. Responsibilities of Guardian to Ward.

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

(F) Communication with ward

(1) A guardian shall strive to know a ward's preferences and belief system by seeking information from the ward and the ward's family and friends. The guardian is encouraged to identify those persons with whom the ward desires to communicate and facilitate the communication the guardian believes is in the best interest of the ward.

(2) A guardian shall do all of the following:

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

(g) Document all complaints made by a ward and assess the need to report the complaints to the court of common pleas;

(h) Encourage visitation and communication with the ward so long as such visitation and communication is in the best interest of the ward;

(i) Promptly submit a list of names to the court of any persons or entities whom the guardian has excluded or seeks to exclude from visiting or communicating with the ward.

RULE 99. Effective Date.

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

[(Insert division letter)] The amendments to Sup.R. 66, 66.03, 66.05, 66.06, 66.08, and 66.09, adopted by the Supreme Court of Ohio on January 25, 2022, shall take effect on July 1, 2022.