

---

## **GUARDIANSHIP:**

### How Can I Prepare for My Guardianship Hearing?

---

When someone applies to be your guardian, the court will hold a hearing to “hear” evidence about whether you need a guardian or not. The court will also hold a hearing if you ask to end your guardianship. At these hearings, the court will decide if you need a guardian, who that guardian will be, and what decisions your guardian will make for you. If you do not want a guardian or don’t want the person who applied to be your guardian, you can ask for a lawyer to be appointed to help tell your side of the story.

#### **Get a lawyer to help represent you at court**

If you have enough money, you can hire a lawyer to help you at court.

If you do not have enough money, you can ask the court to provide you a lawyer. Disability Rights Ohio has forms you can fill out to ask the court for a lawyer.

Your lawyer should represent and help **you**, not your guardian, the court, or anyone else.

#### **Prepare for the hearing**

When you go to court, the judge will decide whether you need a guardian or not. If you do not want a guardian, or do not want a specific person to be your guardian, you should be ready to tell the judge why. You can ask your lawyer to help you with this process.

- **If you don’t want a guardian at all:**
  - Write down a list of all the things you can do for yourself, and examples of when you have been able to make decisions for yourself. When the judge sees the things you can do for yourself, they may be less likely to appoint a guardian to do those things for you.
  - Write down ways you can get help without a guardian. If there people in your life that help you, or ways you can be healthy and safe without a guardian, write those down. These are called “alternatives to

guardianship.” For more information, see DRO’s publication *Guardianship: What are Some Alternatives to Guardianship?* at <https://disabilityrightsohio.org/guardianship-what-are-some-alternatives-to-guardianship>.

- **If you don’t want a specific person to be your guardian**, write down why. Some examples would be if you think the person has mistreated you or if you don’t get along with them.
- **If you do want a specific person to be your guardian**, you can write and ask the court to consider the person.

## At the hearing

You have the right to do many things in the hearing. You can:

- Go to the hearing, or not go
- Talk at the hearing, or not talk
- Bring witnesses—people who will speak on your behalf. Your lawyer can help you choose witnesses.
- Bring friends and family to support you
- Stop certain people from speaking in court based on “privileged communication.” Privileged communication is a private conversation with certain people, like your doctor, your social worker, spouse, and clergy or minister. The law protects those conversations.
- Give the court information, such as a list of ways you can get help without a guardian, or a list of things you can do for yourself.
- Ask the court for a recording or transcript of the hearing

## What the court thinks about when deciding whether you need a guardian

When deciding to appoint or remove a guardian, the court thinks about many things. If you can give evidence that convinces the court one way or the other, you can help change the court’s mind.

The court will want to know:

- **Can you make decisions for yourself that will keep you safe and healthy, and take care of your money and property?** The court will want other people’s opinions, such as your doctors, on your ability to make decisions. If the court decides you can make your own decisions, it will be less likely to appoint a guardian.
- **What parts of your life do you need help with?** If you need help in some parts of your life, the court may want to assign a guardian to help you with those parts. If there are things you don’t need help with, you can ask the court to not give you a guardian for those parts.
- **Are there other ways you can get help without a guardian?** If you give the court information about other ways you can get help, the court must consider them.

- **Is the person applying to be your guardian a good choice?** If you do not think this person is a good choice, tell the court why not, and they will consider your point of view.

### **Contacting Disability Rights Ohio**

If you have questions about your rights, please contact Disability Rights Ohio at 800-282-9181 and press option 2 for intake.