

SOMEONE APPLIED TO BE MY GUARDIAN.

What Happens Next and What are My Rights?

What is a guardian?

A guardian is a person appointed by the court to make important decisions for someone else. A person with a disability may get a guardian if the court decides they cannot make decisions for themselves, take care of their own needs or stay safe and healthy on their own. A guardian can be a person you know (like a family member or friend), a person you do not know (like a lawyer or volunteer), or an agency called Advocacy & Protective Services Inc., or APSI (for people with developmental disabilities). The person applying to be your guardian must get a criminal background check and provide a statement from a doctor or other professional that you need a guardian.

What happens next?

A guardianship usually starts because another person thinks you need help taking care of yourself and making decisions so you are safe and healthy. That person asks your county Probate Court to let them become your guardian. This is called an application for guardianship. Once an application for guardianship is filed, several things must happen:

- **A court investigator will visit you** to explain your rights during the guardianship process and tell you who has applied to be your guardian. They will also ask you questions about your life and how you do things.
- **The investigator will then write a report to the probate judge** that says what you can do for yourself and what you might need help with.
- **You will get a written notice from the court** telling you the date the court will hold a hearing to decide if you need a guardian. The court investigator may give you the notice when they come to see you.
- **The person applying to be your guardian** must tell people in your family that the court is considering a guardianship for you.

- **You might be required to get an expert evaluation.** This means you will be seen by a doctor or other qualified person who will give their professional opinion about whether you need a guardian.
- **The court will hold a hearing** to decide if you need a guardian. The person trying to be your guardian must provide “clear and convincing” evidence before the court can order a guardianship.
- **The court will listen to both sides and decide if you need a guardian,** who that guardian will be, and what decisions your guardian will make for you.

What are your rights?

- **You have the right to have an attorney help you at the hearing.** If you can’t afford to pay for an attorney, you can ask the court to appoint and pay for an attorney to help you. You should ask the court to give you an attorney as soon as possible in writing. Disability Rights Ohio has a form you can use to request an attorney.
- **You have the right to be told when and where the guardianship hearing will be.** They must tell you at least seven days before the hearing date and allow you to attend the hearing if you want.
- **You have the right to have a copy of the court investigator’s report to the judge.**
- **You have the right to request an independent expert evaluation from the court.** This means you can get a second opinion from a different doctor to see if they disagree with the first expert evaluation. If you can’t afford to pay for the independent expert evaluation, you can ask the court to pay for it. You should ask the court for an independent evaluation as soon as possible in writing. Disability Rights Ohio has a form you can use to make this request.
- **You have the right to bring evidence and people with you to the hearing,** including doctors, friends, providers or relatives to show that you don’t need a guardian and to support you.
- **You have the right to ask the court to consider less restrictive alternatives to guardianship** if they feel you need help making decisions. You can also ask them to say the guardian can only decide certain areas of your life.