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GUARDIANSHIP: What You Should Know about Ohio's New Guardianship Rules If You Have a Guardian

The Supreme Court of Ohio recently adopted new rules about adult guardianships. The new rules, Rules of Superintendence 66.01 through 66.09, (supremecourt.ohio.gov/ruleamendments/documents/Adult%20Guardianships%20%28FINAL%29.pdf) took effect June 1, 2015. The new rules tell guardians of adults some things that they must do when they are helping to serve someone under guardianship. The rules also have some new things that the probate court has to do.

Here are some of the most important new rules that you should know if you have a guardian:

- **All adult guardians must follow the new rules.** Like Ohio's guardianship laws, the new rules apply to all guardians of adults. So, any guardian that you have must follow the rules, whether your guardian is a family member, a friend, or someone you don't know. The probate court is allowed to excuse a guardian from some of the new rules, but only if the guardian proves that there is a good reason.
- **Your guardian has to visit you.** Under the new rules, your guardian has to meet with you in person at least one time before being appointed as your guardian. After the probate court appoints someone as your guardian, the guardian has to meet with you in person at least four times each year. The guardian cannot send someone else to meet with you or call you on the phone for any of these four visits. Your guardian should meet with you in person at least once every three months. The guardian is allowed to meet with you more often than that. Your guardian also is allowed to talk to you over the phone or by email, but the guardian has to meet with you in person for at least those four times each year.
- **Your guardian has to make decisions that match your wishes.** The rules require your guardian to learn about and consider your likes and dislikes, your views and beliefs, the people who are important to you, the things you like to do, etc., and to make decisions that match these things as much as possible. Your guardian has to make decisions for you that make sure your

needs are met but also let you be as independent as possible. Your guardian has to make decisions that allow you to live and participate in the community as much as possible, while still meeting your care needs. Your guardian has to make a plan for you that lists personal and financial goals for you every year. The guardian has to give a copy of the plan to the probate court.

- **If you want to complain about your guardian, you can do that through the court.** Under the new rules, the probate court has to create a way for persons with a guardian to file a complaint with the court when they are unhappy with their guardians. The court must read the complaint and determine whether it should take action. The court must tell both the person making the complaint and the guardian what the court decides.

If you want more information about the new rules, please see the Supreme Court of Ohio's "Guardians of Adults Frequently Asked Questions (FAQ)" at supremecourt.ohio.gov/Boards/judCollege/adultGuardianship/FAQ.asp.

If you have questions about guardianship in general, please go to our website's Guardianship resources page at disabilityrightsohio.org/topic-guardianship.