

LOC. R. 66.09 GENERAL RESPONSIBILITIES OF THE GUARDIAN TO THE WARD

The guardian shall treat the ward with respect and dignity. Being attentive to the privacy and confidentiality a guardian owes to an adult ward, a guardian should avoid discussions involving the ward or the guardianship on social media or with others.

The guardian shall meet with the ward at least quarterly throughout the year, or more often if needed to promote the best interests of the ward.

The guardian shall deposit ward's last will and testament with the Court for safekeeping pursuant to Loc.R. 59.2, if the will is in the possession or control of the guardian. If the ward's will is not in the possession of the guardian, upon being advised of the location, the Court shall order the holder to deposit the will with the Court for safekeeping.

A guardian is prohibited from providing "direct services" (as defined in Sup.R. 66.01(B)) to the adult ward, without the express approval of the Court. However, in certain situations it is in the best interests of the ward for limited direct services to be permitted. Through this local rule, the Court recognizes and approves:

A. An attorney/guardian providing blended legal services to himself as guardian (i.e. preparing inventories, accountings, guardianship annual plans, guardian's reports and a list of ward's legal documents). Pursuant to Sup.R. 66.08(F), the attorney may not commence suit for the adult ward without express approval from the Court; and

B. A parent/guardian providing homemaking and in-home caregiving services to an adult ward/adult child ,even though compensated for such services by a third-party governmental payor (a Developmental Disabilities Board or a Mental Health and Recovery Services Board, so long as the guardian is not an employee of the payor.

A guardian shall immediately notify the Court in writing if the guardian is exercising authority to make end of life decisions under Sup.R. 66.09(J); consenting to withholding or withdrawing life-sustaining treatment from the ward under R.C. 2135.08; authorizing a Do Not Resuscitate (DNR) order for the ward under R.C. 2133.21 to 2133.26 and O.A.C. 3701-62; or if the ward is placed in hospice care. This writing shall contain a short recitation of the reasons the action was taken under this paragraph.

The filings in an adult guardianship or protective proceeding shall be confidential. The adult who has been the subject of a protective proceeding or a guardianship whether or not a guardian was appointed, any attorney designated by the adult, the guardian, the guardians attorney and the guardian ad litem are entitled to access court records pertaining to the proceeding and resulting guardianship or protective proceeding instead of guardianship, including the annual report and the guardian's plan. In addition, any person for other good cause may petition the court for access to court records pertaining to the guardianship or protective proceeding instead of guardianship, including the annual report and the guardian's plan. The court shall grant access if access it is in the best interest of the adult subject to guardianship or subject to a protective proceeding instead of guardianship, or would further the public interest and not endanger the respondent or adult. Docket entries; date of proceedings, appointment and termination; duration of the guardianship and the name and information necessary to identify the adult who has been the subject of a protective proceeding or a guardianship and the guardian are public record.