

Medina County Common Pleas Court
PROBATE DIVISION

225 E. Washington St., 4th Floor Medina, Ohio 44256
(330) 725-9703, FAX (330) 725-9119

EMERGENCY GUARDIANSHIP/EMERGENCY ORDERS

1. The primary consideration when requesting either an emergency guardianship or an emergency order is that the prospective ward be **Incompetent**. A person is not incompetent solely because they refuse recommended treatment. It is also essential to determine that there is an **emergency** that will harm the ward within a twenty-four (24) hour period. Issues of concern to health care providers or family members are not sufficient, in and of themselves, to warrant emergency measures. The nature of the harm to the ward must be **immediate** and **significant**. All available alternatives must be explored.
2. Upon the filing of an Application of Appointment of Emergency Guardianship, the Supplement for Emergency Guardianship of Person, and the Statement of Expert Evaluation, the Court may appoint an emergency guardian when the ward needs imminent attention, although his/her situation may not be life-threatening. Similarly, there may be times that Notice to the Ward must be dispensed with or delayed until service of the routine Application or Motion to Continue the Emergency Guardianship.
3. EMERGENCY GUARDIANSHIP AND EMERGENCY ORDERS SHOULD BE USED AS A LAST RESORT.

**PROBATE COURT OF MEDINA COUNTY, OHIO
KEVIN W. DUNN, JUDGE**

IN THE MATTER OF THE GUARDIANSHIP OF _____

CASE NO. _____

STATEMENT OF EXPERT EVALUATION
[Sup.R. 66 & R.C. 2111.49]

Definition of Incompetent (R.C. 2111.01(D)): "Incompetent" means any person who is so mentally impaired, as a result of a mental or physical illness or disability, as a result of intellectual disability, or as a result of chronic substance abuse, that the person is incapable of taking proper care of the person's self or property or fails to provide for the person's family or other persons for whom the person is charged by law to provide, or any person confined to a correctional institution within this State. The examiner shall complete this statement using personal observations and prior history obtained during the examiners course of treatment / interaction with the individual.

The Statement of Evaluation does not declare the individual competent or incompetent. It is evidence to be considered by the Court. The Probate Court **WILL NOT** pay the fee for completing this evaluation, unless otherwise ordered by the Court. The evaluator should secure payment from the Applicant or Guardian.

1. This Statement of Expert Evaluation is to be filed with or attached to:

A. Guardianship Application: [Evaluation must be completed before the filing of the attached application.]

Evaluation completed by: Licensed Physician Licensed Clinical Psychologist

B. Application for Emergency Guardianship:

Evaluation completed by: Licensed Physician Licensed Clinical Psychologist

[NOTE: If this Statement relates to an emergency guardianship of the person, a Licensed Physician or a Licensed Clinical Psychologist must complete the Supplement for Emergency Guardian, Form 17.1A, specifying the details of the emergency, and why immediate action is required to prevent significant injury or death to the person. The Supplement must be signed by a Licensed Physician or a Licensed Clinical Psychologist, dated, and attached to this completed Statement.]

C. Guardian's Report: [Evaluation must be conducted within three months before the date of this Report. R.C. 2111.49]

Evaluation completed by: Licensed Physician Licensed Clinical Psychologist

Licensed Independent Social Worker Licensed Professional Clinical Counselor

Developmental Disability Team Certified Nurse Practitioner Licensed Clinical Nurse Specialist

2. Statement completed by: (Please print clearly)

Name & Title/Profession: _____

Business Address: _____

Business Telephone Number: _____

3. Date(s) of evaluation: _____

Place(s) of evaluation: _____

Amount of time spent on evaluation: _____

Length of time the individual has been your patient: _____

Individual's language preference: _____

4. Is the individual presently taking medication? Yes No If yes, what is the medication, dosage, and purpose? [Continue comments on page 4]

Are there any signs of physical and/or mental impairments caused by the medications themselves? _____

5. Is the individual mentally impaired? Yes No If yes, indicate the diagnosis below:
- Intellectual or Developmental Disabilities: *(Please check the severity)*
- Profound Severe Moderate Mild
- Mental Illness: Type and Severity _____
- Substance Abuse: Description _____
- Dementia: Type and Severity _____
- Other: Description, Type, and Severity _____
[Continue comments on page 4]

6. During the examination did you notice an impairment of the individual's:
- | | | | |
|--------------------|------------------------------|-----------------------------|----------------------------------|
| a) Orientation | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unknown |
| b) Speech | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unknown |
| c) Motor Behavior | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unknown |
| d) Thought Process | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unknown |
| e) Affect | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unknown |
| f) Memory | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unknown |
| g) Concentration | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unknown |
| h) Comprehension | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unknown |
| i) Judgment | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unknown |

7. Please describe any impairments identified in question six. [Continue comments on page 4].

8. Is the individual physically impaired? I.e. visual, mobility, hearing, etc. Yes No If yes, please describe: _____

9. Are there any special characteristics of the individual which should be considered in evaluating the individual for guardianship: Yes No If yes, please explain: _____

10. Is there any indication of abuse, neglect, or exploitation of the individual? Yes No If yes, please explain: _____

11. Do you believe the individual is capable of caring for his or her activities of daily living or making decisions concerning his or her own medical treatments, living arrangements, and diet?

Yes No If no, please explain: _____

CASE NO. _____

12 Do you believe this individual is capable of managing his or her finances and property? Yes No If no, please explain: _____

13. What is the recommended living situation for the individual?

- Independent living arrangement
- Assisted living facility or group home
- A nursing home
- A memory care facility or lockdown unit
- Other: _____

14. Prognosis of the individual:

- A. Is the condition stabilized? Yes No Unknown
- B. Is the condition reversible: Yes No Unknown

15. In my opinion a guardianship should be:

- If this is a new application for appointment of guardian: Established Denied
- If this is an existing guardianship: Continued Terminated

I certify that I have evaluated the individual on _____, 20_____.

Date: _____

Signature of Evaluator

Printed Name of Evaluator

GUARDIAN'S REPORT ADDENDUM

(Not to be used with initial Application)

It is my opinion, based upon a reasonable degree of medical or psychological certainty that the mental capacity of this ward will not improve.

Date _____

Signature – Licensed Physician/Clinical Psychologist

Printed Name of Licensed Physician/Clinical Psychologist

