HURON COUNTY COMMON PLEAS COURT
PROBATE DIVISION
2 EAST MAIN STREET ROOM 106
NORWALK, OH 44857

RULES OF COURT

Judge Timothy L. Cardwell

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LIST OF CHANGES ADOPTED OR NEW RULES ADOPTED

Changes adopted on September 13, 2011
Rule 48 – Records Retention

Changes adopted on January 20, 2012
Rule 24 – Court Costs (amounts updated)

Changes adopted on May 11, 2012
Rule 49 – Attorney Fees in Guardianships & Trusts
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Changes adopted on July 13, 2015
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Rule 48 – Records Retention Schedule

Changes adopted on February 25, 2016
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Changes adopted on February 8, 2017
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Appendix 12 – Notice/Application for Change of Address

Changes adopted on March 9, 2017
Rule 25 – Guardians
Appendix 7 – Repealed and Replaced with SPF 27.7 and/or SPF 27.8
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Appendix 13 – Changed to Appendix 7

Changes adopted on July 26, 2017
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Changes adopted on March 1, 2019

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Changes adopted on October 9, 2020

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It is hereby ordered, adjudged and decreed that, effective July 13, 2015, in accordance with Rule 5 of the Rules of Superintendence for the Probate Division of the Court of Common Pleas, the following shall constitute the local rules of the Probate Division of the Huron County Common Pleas Court of Huron County, Ohio.

Rule 1
Hours of the Court

The Probate Court and its offices shall be open for the transaction of business from 8:00 a.m. to 4:30 p.m. Monday through Friday of each week. The Court shall be closed on Saturday, Sunday and legal holidays.

Rule 2
Court Administrator

The Judge shall appoint an Administrator who will function as the chief non-judicial officer of the Court. In addition to providing general supervision of the Court's assignments, probation, jury, budgetary and personnel systems, the Court Administrator will implement the administrative policy decisions of the Court and perform such other duties as may be assigned by the Court. With the exception of the Magistrate, all other Court personnel shall be under the general supervision of the Court Administrator.

Rule 3
Case Management Plan

As adopted by the Probate Court on June 28, 1991, and docketed in this Court with Case Number 11444, Docket 25, Page 369, the Court's Case Management Plan shall be as follows:

COURT OF COMMON PLEAS
PROBATE DIVISION
HURON COUNTY, OHIO

In the Matter of	Case Number: 11444
Probate Case Management Plan	Docket Number: 25
	Page Number 369

Pursuant to C.P. Sup.R. 9, the Court hereby establishes the following plan for the filing, processing and hearing of matters in the Huron County Common Pleas Court, Probate Division. The time frame established for each phase is to be followed as closely as possible with the primary goal being to move each case as expeditiously as possible.

I. Civil Actions

Adequate statutory provisions exist to control timeliness of filings.

A. When a new civil action is filed, time requirements shall be noted in the case file.
B. When an attorney fails to comply with time requirements, a notice of such shall be sent immediately by the Court to that attorney.

II. Land Sales

Notice shall be sent to the attorney for any land sale which has not been concluded within one (1) year from the date of filing. If the attorney fails to respond to the notice within fourteen (14) days, the matter shall be set for a pre-trial conference with the following requirements:

A. The attorney of record must attend the pre-trial conference and must have full authority to enter into a binding pre-trial order.
B. A written status report shall be filed with the Court no later than seven (7) days prior to the pre-trial conference.
C. The status report shall address the issues as to the efforts being made to sell the real estate and the expected date upon which the case will be closed.

III. Decedents' Estates

A. The statutory time for the filing of an account as required by O.R.C. §2109.30 shall be enforced and the citation procedure as provided by O.R.C. §2109.31 shall be utilized if necessary to gain compliance.
B. The Court shall set a pre-trial conference within thirty (30) days after the filing of objections to the Inventory and objections to the Account and shall, at the pre-trial conference, set the matter for an evidentiary hearing within thirty (30) days thereafter.
C. All decedents' estates which are current as to accounts but remain open after a statutory deadline shall be subject to a status conference. The fiduciary and the attorney shall be present, and a written status report shall be submitted to the Court at the time of the status conference.
D. Any attorney filing a final account shall be required to provide receipts. All receipts shall be returned by the Court and shall be retained by the attorney or fiduciary. If the Court finds a discrepancy in the account, all documents shall be returned to the attorney for correction and shall not be accepted for filing.

IV. Wrongful Death Settlements

All hearings shall be held within thirty (30) days of the filing of Standard Probate Form 14.0; however, if appointment of a guardian or guardian ad litem is necessary, the hearing shall be held within fifteen (15) days after the appointment.

V. Guardianships and Trusts

Adequate statutory provisions exist to control timeliness of filings; however, each case shall be reviewed not less than once every two years.

VI. Motions

A. Oral arguments of motions may be permitted on application and proper showing.
B. The moving party shall serve and file with the motion a brief written statement in support of the motion and a list of citations of authorities in support.
C. The Court shall set a hearing within thirty (30) days after receipt of the request.

Rule 4
Conduct in Court

Any conduct that interferes or tends to interfere with the proper administration of the Court is prohibited. Spectators shall be allowed in the Courtroom for confidential cases only with the consent of the Court. No pagers or mobile phones shall be allowed in the Courtroom unless audible signal is turned off. All mobile phones that are equipped with camera phones/recorders must be turned off. In addition any recording devices are prohibited in the courtroom.

Rule 5
Court Records

The Judge, as ex-officio Clerk of the Probate Court, is responsible for all pleadings and papers filed. No records shall be taken from the Court without the Court's permission. Copies of all pleadings and journal entries of record shall be available for counsel representing any party to a case.

Rule 6
Recording of Proceedings

All testimony or other oral proceedings shall be recorded by electronic means. Any party may provide a Court reporter at his/her own expense to make a written record from the electronic recording of any proceeding before the Court.

Rule 7
Court Appointed Counsel

(A) The Court shall maintain a list of appointees qualified to serve in the capacity designated by the Court. Any attorney licensed to practice in the State of Ohio may submit a request for inclusion on the appointment list. The Court will ensure an equitable distribution of appointments, while considering the skill and expertise of the appointee in the designated area of the appointment, and the management of the appointee's caseload. The Court will conduct a review of its appointments at least annually to ensure the equitable distribution of appointments.

In making appointments, the Court will take into account all of the following:

(1) The anticipated complexity of the case in which appointment will be made;

(2) Any educational, mental health, language or other challenges facing the party for whom the appointment is made;

(3) The relevant experience of those persons available to accept the appointment, including proficiency in a foreign language, familiarity with mental health issues, and scientific or other evidence issues;

(4) The avoidance of conflicts of interest or other situations that may potentially delay timely completion of the case;

(5) Intangible factors, including the Court's view of a potential appointee's commitment to providing timely, cost-effective, quality representation to each prospective client.

See: Rule 8(D) of the Ohio Rules of Superintendence.

(B) Fees and expenses for representation shall be submitted to the Court within 30 days of final disposition.

Rule 8
Counsel of Record

Each attorney representing a party in this Court and who is not Court-appointed shall see that he or she is properly listed as counsel of record for said party in accordance with Rule 11 of the Rules of Civil Procedure by filing a written notice with the Court or by appearing personally at a Court hearing and informing the Court of said representation. The Court will not consider such representation to continue for the purpose of any case other than the particular case in which appearance is entered, unless otherwise notified in writing.

Subsequent to entering an appearance, the attorney or his or her firm will be considered counsel of record until such time as Journal Entry of withdrawal is approved by the Court and filed in the case.

Rule 9
Communications with Judge and Magistrate

A. Ex parte Communications. No attorney or party shall discuss the merits either orally or in writing, of any litigation with the Judge or Magistrate presiding over the matter before final disposition thereof without the presence of or by mailing or delivering a copy of any writing to opposing counsel or the party, if not represented.
B. Attorney Conferences. If it is determined that an issue in a pending action needs to be discussed with the Judge or Magistrate prior to hearing or disposition of the action, the attorney desiring said conference may, with notice to opposing counsel, request a conference with the Judge or Magistrate.

Rule 10
Pleadings

All pleadings, motions and memoranda filed with the Court shall contain the following information:

A. Name, address, telephone number, facsimile number, e-mail address, and Supreme Court registration number of counsel;
B. The current address of all parties to the action on original and post-judgment pleadings.

Pleadings filed in the Probate Division of this Court will include the filing of the original, a copy for each additional case number listed on the pleading, and an extra copy for the Court of the pleading being filed.

The Court will not accept for filing any pleading that is incomplete in form or does not contain the correct number of copies.

Counsel shall file with the Clerk of Probate Court written notice of any change of address.

Rule 11
Depositions

Any deposition filed with the Clerk of this Court shall not be withdrawn except by leave of the Court.

The use of videotaped depositions and testimony is permissible, provided that the following guidelines are met:

A. When testimony is recorded on videotape pursuant to Civil Rule 40 and Sup. R. 11 and 13, it will be the responsibility of counsel to instruct the person before whom the testimony is taken in accordance with Civil Rule 28(A), to note by the use of a digital counter or other clock device connected with the tape the point on the videotape where objections consecutively are made. The notary will then number the objections consecutively and attach this record to the certification when filed with the Clerk.
B. Objections must be made at the conclusion of the questions and answers only. Counsel shall state the basis for the objection, and may read citations into the record at this time; however, additional citations may be provided to the Court at a later time. Any objections made prior to the completion of an answer may, in the Court's discretion, be disregarded and overruled.
C. When cases are assigned for trial pursuant to Civil Rule 40 and Sup. R. 13 (B), a date will be assigned for the filing of plaintiff's testimony and defendant's testimony for editing. A copy of the transcript of the testimony or such portion thereof as is necessary to rule on any objections shall accompany a videotape deposition. The transcript shall be certified by the transcriber to be a true and accurate transcription.
D. In all cases where testimony is recorded on videotape, the costs shall be assessed pursuant to Sup. R. 13(D).

E. If videotape depositions are to be used in the trial of a case, the tape(s) must be filed with the Clerk of Courts, for editing by the Court, no later than seven (7) days prior to trial. Any videotapes submitted after this date will not be presented to the jury, unless for good cause shown, the Court grants leave to file said depositions out of rule. All videotape depositions must comply with the requirements of Sup. R. 13 (A). Except for good cause shown, there will be no trial continuances for inability of a medical expert to be present to testify.
F. Videotape Trials: The Court may, in any appropriate case, order the recording of all testimony and evidence on videotape in accordance with Sup. R. 13 (B).
G. Pursuant to Civil Rule 54 (D) and in compliance with Sup. R. 13 (D) deposition costs, including costs of video depositions, shall be taxed as costs and shall be recoverable by the prevailing party. This shall apply only to depositions used in lieu of testimony at trial.

Rule 12
Certificate of Service

Proof of service of all pleadings, motions, briefs, memorandums or other writing filed with Court shall be by certificate of service attached to such pleading, motion, brief, memorandum or other writing and shall include the names and addresses of the attorneys and/or parties served, not simply “all parties or counsel of record”.

Rule 13
Filing the Praecipe for Subpoena

The Court strongly recommends that all praecipes for subpoenas be filed ten (10) days prior to the date the witness is to appear in Court. The Court reserves the right not to grant continuances due to the lack of service, unless the praecipe was timely filed.

Rule 14
Motions

All motions, unless made during a hearing or trial, shall be made in writing unless otherwise permitted by the Court. All motions shall state with particularity the grounds and shall clearly state the relief or order sought.

Motions filed in the Probate Division of this Court will include filing the original and a copy of the motion being filed.

Opposing counsel shall answer said motion within ten days after service thereof unless the Court establishes a different due date.

See O.R.C. §2101.16 for Security for Costs information and requirements.

Rule 15
Pro Se Motions

The Court will accept a Pro Se Motion and schedule the Pro Se Motion for a hearing if all of the following apply:

A. The motion must be typed and include the case heading and case number
B. The original motion and one copy is provided to the Court
C. The motion states clearly the relief sought and with particularity the grounds for the relief.
D. The motion is signed by the person seeking relief
E. A precipe for service is filed

If the motion does not include all of the above, the Court will request a properly completed Pro Se Motion before scheduling a hearing.

See O.R.C. §2101.16 for Security for Costs information and requirements.

Rule 16
Pre-trial Conferences

The Court will schedule a pre-trial for all civil cases unless specifically waived by the Court. Such pre-trial conferences shall be held with the intention of accomplishing the objectives set forth in Rule 16 of the Ohio Rules of Civil Procedure. Pre-trials shall be held at such times as the Court shall direct. The Deputy Clerk of the Probate Court shall give notice of a pre-trial conference by delivering or mailing a copy of such notice to all known interested counsel and to all parties. Such pre-trial conferences shall be attended by counsel for the parties, who shall have their clients present, and by all un-represented parties. Counsel attending the pre-trial conference shall have complete authority to stipulate matters of evidence, to make admissions, and to discuss settlement. Parties or attorneys may be excused from pre-trials only with permission from the Court prior to the pre-trial conference.

Rule 17
Conduct of Counsel at Trial

Except by permission of the Court, only one counsel for each party will be permitted to speak on any interlocutory motion, or upon any question arising during the trial of a cause or a proceeding; and only one counsel for each party will be permitted to examine the same witness in any trial or proceeding before the Court.

In any argument to the Court or jury upon the trial of a cause, only two counsel for each party will be heard unless for special reasons the Court permits otherwise. The Court may limit the time for argument, as it may deem reasonable.

Only counsel and parties shall be seated at counsel table except as may be otherwise authorized by the Court.

Rule 18
Default Judgment

Default Judgments shall be granted in accordance with Civil Rule 55. Motions shall be accompanied by a proposed Judgment Entry.

When a principal party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules, the party entitled to a judgment by default shall apply in writing or orally to the Court therefore; but no judgment by default shall be entered against a minor or an incompetent person unless represented in action by a guardian or other representative who has appeared therein. If the party against whom judgment by default is sought has appeared in the action, he shall be served with written notice of the application for judgment at least seven (7) days prior to the hearing on such application, the date and time to be fixed by the Deputy Clerk of the Probate Court with the concurrence of the Judge assigned. If, in order to enable the Court to enter judgment or to carry it into effect, it is necessary to take an account or to determine the amount of damages or to establish the truth of any averment by evidence or to make an investigation of any other matter, the Court may conduct such hearings or order such references as it deems necessary and proper and shall when applicable accord a right of trial by jury to the parties.

Rule 19
Jury Service

The Court adopts the Jury Management Plan filed July 13, 1998.

Rule 20
Court Security

The Huron County Common Pleas Court is charged with dispensing justice, resolving disputes, and protecting the constitutional rights of those who appear before the Court.

Accordingly, appropriate levels of security should exist in the Court to protect the integrity of the Court procedures, protect the rights of individuals before it, sustain the decorum and dignity of the Court, and assure that Court facilities are secure for all those who visit and work there.

Therefore, pursuant to Rule 9 of the Rules of Superintendence for Common Pleas Courts the Court establishes as follows:

This Court, in conjunction with the Common Pleas Court General Division and the Norwalk Municipal Court, has appointed a Local Advisory Committee consisting of representatives of each of the following groups: Judges, law enforcement officials responsible for Court security, County Commissioners, City of Norwalk Safety Service Director, county office holders with offices located in the Courthouse, Huron County Bar Association and members of the public.

The Court shall implement a local Security Plan and Procedure Plan which plan shall address the Ohio Court Security Standards adopted by the Supreme Court of Ohio on October 17, 1994.

The Local Court Security Advisory Committee shall adopt a Security Operations Manual, which manual shall establish written directives for the purpose of ensuring security within the Court while maintaining accessibility to the community.

Rule 21
Mediation

21.01 General provisions

Appropriate cases may, upon completion of necessary pleadings or motions, be referred by the Judge or a magistrate to a mediator for a mediation conference. Cases involving other disputed issues may also be referred to mediation. Prior to a case being referred to mediation, the judge or magistrate shall fully advise all parties of their right to legal representation. The following actions, however, shall be exempted from mediation:

A. Cases in which one party has been convicted of, or pled guilty to, a violation of R.C. 2915.25 (domestic violence) within the past two years or when a civil temporary protection order involving the parties is in effect;
B. Cases in which there are current allegations of domestic violence between the parties;
C. Cases in which the geographic distance between the parties makes it not feasible for them to participate in mediation sessions;
D. Cases in which one of the parties is mentally ill;
E. In emergency circumstances requiring an immediate hearing by a jurist; or,
F. Cases in which the parties have arrived at a resolution and executed an Agreed Judgment Entry.

The mediation conference shall be set at the earliest practical date, giving consideration to responsive pleadings, appearances by counsel for all the parties, and other facts and circumstances.

A referral to mediation shall be by judgment entry or magistrate's decision which shall set the time and place of the conference. All parties shall attend mediation when referred. Attendance by counsel is optional. Other individuals designated by a party may attend and participate in mediation, provided that such attendance or participation does not jeopardize the mediation process.

At the mediation conference, the mediator shall attempt to resolve the entire case. The mediator may schedule, recess or continue the conference and exercise such other powers as are necessary and proper for the mediation of cases.

Statements made during a mediation conference are subject to and governed by the "Uniform Mediation Act" (R.C. 2710.01 to 2710.10), R.C. 3109.052 and Rule 408 of the Ohio Rules of Evidence.

21.02 Special provisions involving domestic violence

All parties and counsel shall advise the judge or magistrate of any domestic violence allegations known to them to exist or to have existed in the past, or which become known to them following entry of the order but before conclusion of all mediation proceedings, which allegations involve any two or more persons whose attendance is required by the referral order.

The judge or magistrate shall ensure that any such victim or suspected victim of domestic violence has been referred to the Huron County Victims' Assistance Program, or other comparable program.

Mediation shall not be used

A. As an alternative to the prosecution or adjudication of domestic violence;
B. In determining whether to grant, modify or terminate a protection order;
C. In determining the terms and conditions of a protection order; and,
D. In determining the penalty for violation of a protection order.

21.03 Mediator qualifications and training

A mediator to whom the Court makes referrals for mediation of allocation of parental rights and responsibilities and the care of, or visitation with, minor children shall satisfy all of the following:

A. Possess a bachelor's degree, or equivalent education experience as is satisfactory to the Court, and at least two years of professional experience with families. "Professional experience with families" includes mediation, counseling, casework, legal representation in family law matters, or such other equivalent experience satisfactory to the Court;
B. Complete at least twelve hours of basic mediation training or equivalent experience as a mediator that is satisfactory to the Court; and,
C. After completing the training required by Loc. R. 29.03(B), complete at least forty hours of specialized family or divorce mediation training that is provided by a training program approved by the Dispute Resolution Section in accordance with the standards established by the Supreme Court Advisory Committee on Dispute Resolution.

This mediator is also encouraged to comply with the Model Standards of Practice for Family and Divorce Mediation and the Special Policy Considerations for State Regulation of Family Mediators and Court Affiliated Programs, except when inconsistent with the terms of Loc. R. 21.

Rule 22
Motion for Contempt

A motion for contempt shall be commenced by the moving party filing the following:

A. Motion
B. Memorandum in Support
C. Supporting Affidavits, if applicable
D. Deposit for costs has been submitted to the Court, or a waiver of the deposit has been granted.

See O.R.C. §2101.16 – Security for Costs information and requirements.

Rule 23
Examination of Files, Records and Other Documents

Introduction

It is the policy of the Huron County Common Pleas Court, Probate Division, that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of this Court to strictly adhere to Ohio's Public Records Act and to those portions of the Ohio Revised Code and Ohio Rules of Civil Procedure that require certain records to remain confidential. Any denial of public records in response to a valid request must be accompanied by an explanation. If the request is in writing, the explanation must also be in writing.

Section 1. Public Records

This Court, in accordance with the Ohio Revised Code, defines records as including the following: any document – paper, electronic (including, but not limited to e-mail), or other format – that is created or received by, or comes under the jurisdiction of a public office that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. All records of this Court are public unless confidential or otherwise exempt from disclosure under the Ohio Revised Code and the Ohio Rules of Civil Procedure.

Section 1.1

It is the policy of this Court that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying. Record retention schedules are to be updated regularly and posted prominently.

Section 1.2

Certain records kept by this Court are excluded from public inspection by applicable provisions of the Ohio Revised Code and Rule 55 of Rules of Superintendence and shall not be released to the general public. These records include, but are not limited to, the following:

A) Adoption and Mental Illness records [O.R.C. §149.43(A)(1)(d) & §5122.31];
B) Judge's or Magistrate's trial notes [O.R.C. §149.43(A)(1)(g)];
C) Putative father registry information [O.R.C. §149.43(A)(1)(e)];

D) Medical records which include documents pertaining to medical history, diagnosis, prognosis or medical condition of a patient including psychiatric history, diagnosis and prognosis [O.R.C. §149.43(A)(1)(a); O.R.C. 2151.14(B)];
E) Sealed or expunged records [O.R.C. §2151.355 to 2151.358, et seq.];
F) Fingerprints and photographs, and records of an arrest or custody that were the basis of the taking of fingerprints or photographs [O.R.C. §2151.313(D)];
G) Records the release of which is prohibited by state or federal law [O.R.C. §149.43(A)(1)(v).

Section 2. Record Requests

Each request for public records should be evaluated for a response using the following guidelines:

Section 2.1

Although no specific language is required to make a request, the requester must at least identify the records requested with sufficient clarity to allow the Court to identify, retrieve, and review the records. If it is not clear what records are being sought, the records custodian must contact the requester for clarification, and should assist the requestor in revising the request by informing the requestor of the manner in which the office keeps its records.

Section 2.2

The requestor does not have to put a records request in writing, and does not have to provide his or her identity or the intended use of the requested public record. It is this Court's general policy that this information is not to be requested.

Section 2.3

Public records are to be available for inspection during regular business hours, with the exception of holidays. Public records must be made available for inspection promptly. Copies of public records must be made available within a reasonable period of time. "Prompt" and "reasonable" take into account the volume of records requested; the proximity of the location where the records are stored; the accessibility of the records; and, the necessity for any legal review of the records requested.

Section 2.4

Each request should be evaluated for an estimated length of time required to gather the records. Routine requests for records should be satisfied immediately if feasible to do so. All requests for public records must either be satisfied or be acknowledged in writing by the Court within five business days following the Court's receipt of the request. If a request is deemed significantly beyond "routine," such as seeking a voluminous number of copies or requiring extensive research, the acknowledgement must include the following: a) an estimated number of business days it will take to satisfy the request; b) an estimated cost if copies are requested; and, c) any items within the request that may be exempt from disclosure.

Section 2.5

Any denial of public records requested must include an explanation. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the remainder released, if permitted by Ohio law. If there are redactions, each redaction must be accompanied by a supporting explanation.

Section 3. Costs for Public Records

Those seeking public records will be charged only the actual cost of making copies. Persons requesting documents may ask that the paperwork be mailed to them. They will be charged the actual cost of the postage and mailing supplies.

Section 4. E-mail

Documents in electronic mail format are records as defined in the Ohio Revised Code when their content relates to the business of the Court and is not confidential or otherwise exempt by applicable Ohio law. E-mail is to be treated in the same fashion as records in other formats and should follow the same retention schedules.

Section 4.1

Records in private e-mail accounts used to conduct public business are subject to disclosure, and all employees or representatives of the Court are instructed to retain their e-mails that relate to public business and to copy them to their business e-mail accounts and/or to the Court's records custodian.

This policy is adopted by the Huron County Common Pleas Court, Probate Division, on the 1st day of October, 2007 in response to recent statutory amendments regarding public records which became effective on 29 September 2007.

Rule 24
Court Costs - Probate Division

The Court will assess court costs in accordance with Appendix 1 attached hereto and incorporated by reference.

Rule 25
Guardians

The Court will not accept for filing any guardianship for a minor where the only purpose of the guardianship is to establish a residency for school purposes. Custody for school purposes is a matter to be heard and determined in the Juvenile Division of the Court under O.R.C. 2151.23(A).

Rule 25.01 Applicability

The Huron County Probate Court Local Rules regarding guardianships shall apply to all guardianships administered through this Court, unless otherwise indicated in the particular Local Rule, or unless expressly waived by Court Order.

Rule 25.02 Emergency Guardianships

Pursuant to Sup.R. 66.03(A), the following process will be observed for emergency guardianships. Every application for the appointment of an ex parte emergency guardian shall be accompanied by: a) a Statement of Expert Evaluation (SPF 17.1) with the supplement pertaining to emergency guardianships (SPF 17.1A); b) a completed Next of Kin form (SPF 15.0); c) an affidavit signed by the applicant setting forth anecdotal information describing the imminent risk of significant injury to the person or property of the alleged incompetent person that justifies an ex parte emergency appointment; d) compliance with the Court's requirements with respect to background checks and credibility; and, e) appropriate bond in emergency guardianships of the estate. The applicant and/or applicant's counsel shall appear at the Court when filing the application for emergency guardianship. The applicant shall also attend the 72-hour hearing to determine whether to extend the emergency guardianship for up to 30 additional days. The applicant is expected to file a full application for appointment of guardian (SPF 17.0) within 7 days of the completion of a hearing extending the guardianship beyond the initial 72-hour appointment if it is anticipated that a guardianship will be necessary beyond the emergency guardianship period.

Rule 25.03 Comments & Complaints

Pursuant to Sup. R. 66.03(B), the following process will be observed for submitting and considering comments or complaints regarding the performance of guardians appointed by this Court.

This Local Rule is applicable to all guardians appointed by the Court pursuant to R.C. 2111.02. Comments and complaints (hereinafter collectively referred to as "complaints") received regarding the performance of guardians and the resulting documents and correspondence are considered to be case documents, but will be sealed and not available for public inspection without prior approval from the Court. The Court will note actions with respect to the complaint in the case docket. The Court will promptly provide notice of complaints to the guardian and the guardian's counsel (SPF 27.0).

Except in cases in which a referral to law enforcement or Adult Protective Services would be required, the Court will not accept or act upon an oral or telephonic complaint against a guardian, other than to provide information to enable the complainant to hand-deliver, fax, e-mail or mail the written complaint. The Court will not accept an anonymous complaint. The Court will date-stamp each complaint upon receipt in any of the forms indicated above. Complaints received electronically on days the Court is closed shall be deemed to have been received on the next day the Court is open.

When a complaint is received at the Court by hand delivery or electronic means:

A) Within 5 business days of receipt of the complaint the Court shall send a letter to the complainant acknowledging the receipt of the complaint.
B) Within 10 business days of receipt of the complaint the Court shall perform an initial review of the complaint after a study of the guardianship case, and

1) Send the complainant a letter dismissing the complaint as unsubstantiated / unspecific / insufficient and send a copy of the complaint and response to the guardian or guardian's counsel; or
2) Send a copy of the complaint to the guardian and/or guardian's attorney and request a response to the complaint within 15 business days from the date of the mailing. The forwarding letter shall advise the guardian and/or attorney that a failure to respond will result in a hearing for the guardian to show cause why the guardian should not be held in contempt. A copy of the forwarding letter shall be provided to the complainant; or,
3) Notify the guardian and/or the guardian's counsel and the complainant and refer the matter to the Guardianship Investigator for an investigation and a report within 15 days from the date of referral; or,
4) When appropriate, refer the matter to law enforcement or Adult Protective Services if the complaint alleges abuse, neglect or exploitation of the ward. When the Court makes such a referral, the Court will take such emergency action as it determines necessary to protect the interests of the ward while being cognizant of the need to have minimal impact on investigation by law enforcement.

C) Upon the expiration of the period for the responsive reports from the guardian or Guardianship Investigator to be filed, or upon their earlier filing, the case file shall be submitted to the Probate Judge and within 5 business days the Judge shall do one or more of the following:
1) Find the complaint to have been resolved or unsubstantiated and advise the complainant, guardian and/or counsel accordingly by letter;
2) Set a review hearing or a show cause hearing with notice to the complainant, the ward, the guardian and/or guardian's attorney, and other interested parties;
3) Appoint a guardian ad litem to represent the best interests of the ward; or
4) Appoint counsel for the ward, if unrepresented.

Except when administratively dismissing a complaint or acting in an emergency, the Court shall not act without a hearing. The Court's journalization of its decision in Rule 25.03(C)(1) or (2) above will close the complaint. The Court's actions may include dismissal, directives for remedial action, establishing periodic review hearings, allocating costs and fees, referral to law enforcement for investigations, sanctions, removal and any other actions permitted by law. The Court shall maintain a record regarding the nature and disposition of any complaints filed under this Rule.

Rule 25.04 <u>Guardian Background Checks</u>

An applicant for appointment as a guardian, including as an emergency guardian, must submit to a civil and criminal record check satisfactory to the Court and execute such consent, if any, as may be requested by the Court to authorize the court to perform that record check. In place of a civil and criminal background check, an Ohio attorney applicant currently in good standing with the Ohio Supreme Court, may obtain and submit to the Court a Certificate of Good Standing with disciplinary information, issued by the Ohio Supreme Court.

Rule 25.05 Guardian with Ten or More Adult Wards

To assist the Court in meeting its supervisory responsibilities under Sup. R. 66.05(B), and in satisfaction of the responsibilities arising under Sup. R. 66.08(H) by 31 January of each year, a guardian with ten or more adult wards through the probate courts of Ohio shall register with this Court on the local Multi-Guardian Annual Registration Form (SPF 27.5). The registration shall include a listing of the guardian's wards, the case number and the appointing court. The guardian in such cases shall advise the Court of any change in the guardian's name, address, telephone number and e-mail address within ten days of the change occurring.

If the guardian will be seeking compensation from the guardianship or from the court, the guardian shall include with the annual registration a fee schedule that differentiates guardianship services fees established by local rule from legal fees or other direct services (SPF 27.6).

A guardian with ten or more adult wards shall include with the Guardian's Report form a statement indicating whether the guardian is aware of any circumstances that may disqualify the guardian from continuing to serve as a guardian.

Rule 25.06 Guardian Fundamentals Training Requirement

A Guardian holds a unique role with respect to the ward and the Guardian has an obligation to obtain an understanding of the fundamentals of that relationship. Formalized training is one means to gain that competency.

Every guardian for an adult not related to the ward by consanguinity (a blood relationship) or affinity (kinship by marriage) must meet the guardianship fundamentals training requirements under Sup. R. 66.06 by completing prior to appointment or within six months thereafter, a six-hour guardianship fundamentals course provided by the Ohio Supreme Court, or, with approval by that Court, another entity. Those failing to meet the requirement may be subject to a citation for being in contempt of court and subject to sanctions including, but not limited to imposition of a fine, denial of compensation, and/or removal. The guardian is responsible for timely providing documentation to the Court that establishes compliance with the guardianship fundamentals training requirement (SPF 27.2).

Every guardian of an adult ward to whom the guardian is related by consanguinity (blood relationship) or affinity (kinship by marriage) must attend the six-hour guardianship fundamentals course, unless the Court, for good cause shown, exempts this guardian from the training requirement for guardians. Even if this guardian is exempted from the six-hour guardianship fundamentals course, the Court, in its discretion, may require the guardian to complete such training as it deems appropriate. The required training for these guardians must be completed prior to appointment or within six months thereafter. Those failing to meet the requirement may be subject to a citation for being in contempt of court and subject to sanctions including, but not limited to imposition of a fine, denial of compensation, and/or removal. The guardian is responsible for timely providing documentation to the Court that establishes compliance with the guardianship fundamentals training requirement (SPF 27.2).

Rule 25.07 <u>Guardian Continuing Education</u>

After completing the guardian fundamentals course, every guardian of an adult not related to the ward by consanguinity (a blood relationship) or affinity (kinship by marriage) shall annually complete a three-hour guardianship continuing education course provided by the Ohio Supreme Court, or with prior approval of that Court, another entity.

After completing the guardian fundamentals course, every guardian of an adult who is related to the ward by consanguinity (a blood relationship) or affinity (kinship by marriage) shall annually complete a three-hour guardianship continuing education course provided by the Ohio Supreme Court, or with prior approval of that Court, another entity, unless the Court, for good cause shown, exempts this guardian from the continuing education requirement for guardians

If a guardian fails to comply with the guardian continuing education requirement, the guardian shall not be eligible for further appointment until the requirement is met. The guardian also may be subject to sanctions and/or removal.

By 31 December of the first calendar year after completing the guardianship fundamentals course, or its waiver by Court order, the guardian is responsible for providing to this Court documentation demonstrating compliance with this guardian continuing education requirement, including the title, date, location and provider of the education, or a certificate of completion containing such information (SPF 27.2).

Rule 25.08 <u>General Responsibilities of the Guardian to the Court</u>

The person seeking to be appointed as the guardian is expected to have met with the proposed ward at least once prior to appearing before the Court for the hearing on the application, unless the Court has waived the pre-appointment meeting for good cause.

If the guardian becomes aware of allegations of abuse, neglect or exploitation of the ward, the guardian shall immediately report the same to the appropriate law enforcement authorities and the Court.

A guardian appointed by this Court shall inform the Court as to any change of address for either the guardian or the ward. This notification must be made within ten days of the address change on (SPF 27.3). If the ward's residence is changed, the reason for the change must be indicated. Failure to notify the Court, under this rule, may result in the guardian being removed and/or the guardian's compensation being reduced or denied.

The guardian shall not relocate the ward from Huron County, Ohio or into a more restrictive setting without prior Court approval, unless a delay in obtaining authorization for the change in residence or setting would detrimentally affect the health and safety of the ward.

The guardian shall avoid conflicts of interest with the ward and endeavor to avoid the appearance of impropriety (perceived self-serving, self-dealing or perceived actions adverse to the ward's best interests) when dealing with the ward's assets and needs. A potential

conflict for the guardian may arise if the guardian's immediate family (parent, spouse or child) is being employed or contracted by the guardian. The guardian shall disclose all conflicts to the Court in a clear and unequivocal manner.

The guardian shall obey all orders of this Court and shall perform all guardianship duties in accordance with the state and federal laws and rules and this Court's local rules in effect during the guardianship.

Pursuant to Sup. R. 66.08(F), the guardian shall seek approval from the probate court in which the guardian was appointed before filing suit for the ward (Appendix 7).

Rule 25.09 General Responsibilities of the Guardian to the Ward

The guardian shall treat the ward with respect and dignity.

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.

Unless a guardian is related to the ward by consanguinity (a blood relationship) or affinity (kinship by marriage), the guardian shall not deliver the ward direct services, as defined by Sup. R. 66.01(B) without approval from this Court.

Within three months after appointment, a guardian shall file with the Court a list of all the ward's important legal papers, including but not limited to estate planning documents, advance directives, and powers of attorney, and the location of each one of these papers (SPF 27.11). If it becomes known to the guardian that such information has changed or the existence of other important legal papers becomes known, the guardian shall report that new information to the Court in writing within 30 days of discovery.

Rule 25.10 Guardianships of Minors

In proceedings involving the appointment of a guardian of a minor, the following shall apply:

(A) The Court will not establish a guardianship solely for the purpose of school enrollment.
(B) The Court will not establish a guardianship over the person of a minor where another Court has jurisdiction over custody of the minor.
(C) When the minor has not been in Ohio for 6 months, the Court will not accept for filing an Application for Guardianship unless it is alleged that the minor has been (1) abandoned (no contact) by the parents for more than 90 days; (2) has a medical emergency; or, (3) the minor's "home state" has declined jurisdiction pursuant to the Uniform Child Custody Jurisdiction Enforcement Act, R.C. 3127, et seq.

Rule 25.11 Guardian's Report

Annually, the guardian of the person of an adult incompetent shall file the Guardian's Report (SPF 17.7). Unless otherwise ordered by the Court each Guardian's Report for an incompetent shall be accompanied by a Statement of Expert Evaluation (SPF

17.1) and the Annual Guardianship Plan (SPF 27.7 and/or SPF 27.8). If a physician or clinical psychologist states as an Additional Comment on a Statement of Expert Evaluation, that to a reasonable degree of medical or psychological certainty the ward's mental capacity will not improve, the Court may dispense with the filing of subsequent Statements of Expert Evaluation with the Guardian's Report. Requests for dispensing with filing of the Statement of Expert Evaluation must be made in writing through a properly filed motion.

Pursuant to Sup. R. 66.08(G), the guardian of the person for an adult incompetent shall include with the annual Guardian's Report the Annual Guardianship Plan (SPF 27.7) stating the guardian's goals and plans for meeting the personal needs of the ward. The guardian of the estate for an adult incompetent shall include with the annual Guardian's Report the Annual Guardianship Plan (SPF 27.8) identifying the guardian's goals and plans for financially meeting the ward's needs.

Rule 25.12 Guardian's Compensation

Unless otherwise provided by law or ordered by the Court, a guardian may charge for his ordinary services an amount computed in accordance with the following schedule (See Appendix 5):

A. $8.00 per $1,000.00 on the first $200,000.00 of the fair market value of the principal;

B. $6.00 per $1,000.00 on the next $800,000.00 of the fair market value of the principal;

C. $4.50 per $1,000.00 on all over $1,000,000.00 of the fair market value of the principal;

Minimum compensation of $300.00 per year.

Compensation computed on income will not be allowed on balances carried forward from one accounting period to another; nor will an investment of funds of the final distribution of unexpended balances to a ward at the close of a guardianship be considered an expenditure.

For purposes of computing a guardian's compensation as herein provided in A, B, or C above, the fair market value of the principal shall be determined by the guardian as of the date of the guardian's appointment and as of each anniversary thereafter. The compensation so determined may be charged during the ensuing year. The annual principal valuation shall be adjusted from time to time to reflect additions to and withdrawals from the principal of the estate, and the compensation for the remaining portion of the annual period shall be similarly adjusted to reflect such revised valuation.

In estates wherein there is income from real property managed by the guardian there shall be additional compensation for such guardian in the amount of ten percent (10%) of the gross income from property managed by the guardian.

Compensation may be allowed in addition to A, B, and C in an amount equal to one percent

(1%) of the fair market value of any distribution or payment from principal, not including reinvestment. This amount shall be charged against and deducted from the distribution or payment.

Additional compensation, reimbursement for expenses incurred, and fees of a guardian of the person only, may be fixed by the Court on application.

The Court may require that applications for fees or compensation be set for hearing and that written notice of the time and place of the hearing and the amount applied for be given to interested parties, as required by the Court. A copy of the notice, with certified mail return receipt attached, together with an affidavit of the services of such notice, shall be filed prior to the hearing.

The compensation of co-guardians in the aggregate shall not exceed the compensation which would have been payable of only one guardian had been acting.

A separate schedule of the computation of the guardian's compensation shall be set forth in the guardian's account as a condition of its approval. The guardian's compensation may be reduced and the guardian may be surcharged if the principal and income is not managed in accord with the prudent investor rules.

Except for good cause shown, neither compensation for a guardian nor fees to the attorney representing the guardian, will be allowed while the guardian is delinquent in filing an account as required by R.C. 2109.30.

Rule 25.13 Frequency of Accounting By Guardian

An initial accounting shall be required for the period ending six (6) months after the appointment of a guardian, and annually thereafter.

Rule 26
Indigent Wards

The applicant or the guardian must file with the Court an Affidavit of Indigency (Appendix 8) if the waiver of court costs is being requested or payment of compensation from the Indigent Guardianship Fund is being requested. False affidavits are punishable by findings of contempt, prosecution or other sanctions.

Rule 27
Counsel Fees
Decedent's Estate; Trusts or Guardianships

A. Counsel fees allowed as part of the expense for administering a decedent's estate, trust or guardianship shall be based upon the actual services performed by the attorney and the reasonable value of those services. Prof. Cond. R. 1.5 provides the basis for determining the reasonableness of attorney fees. Determination of reasonable value includes consideration of the size of the estate, the nature and complexity of administration and litigation, beneficial results of the administration,

litigation results achieved and risks involved together with professional liability exposure.

B. The Court will consider applications for the allowance of attorney fees at the time of the filing of the final account, and counsel shall set forth an itemized statement of the services performed. No separate application for allowance of fees will be required, however, when the final account sets forth fees computed within the limits of the following schedules (See: Appendix 3 or Appendix 6). Any request for attorney fees before the final account is submitted to the Court shall be presented through a written motion, along with a memorandum in support setting forth the basis for the request, and itemization of services performed.

Rule 28
Schedule of Fees for Ordinary Legal Services in the Administration of Estates of Deceased Persons
(See Appendix 3)

A. On the value of all personal property actually administered (including cash advanced to pay debts, taxes or legacies) and the equitable value of all real property owned by the decedent, or on the amount of proceeds from the sale of any property, plus the income from such real and personal property for which the fiduciary accounts:

1. Whichever is greater, a $600 fee or 5% of the first $25,000.00.
2. 4.5% of the next $25,000.00.
3. 4.0% of the next $25,000.00.
4. 3.5% of the next $25,000.00.
5. 3.0% of the of balance remaining.
6. 1% of the value of (a) joint and survivorship accounts, (b) U.S. Bonds, and (c) other such property which passes or is payable on contract to a survivor on the death of another. These assets shall be itemized on Appendix 3a and filed with *Appendix 3*.
7. On the sale of real estate by land sale proceedings, a minimum fee of $500.00, or a greater fee for reasonable services upon special or separate application with itemization of services performed.

B. Where all interested parties have consented, in writing, to the amount of ordinary attorney fees calculated pursuant to Local Rule 28(A), an application need not be made for the allowance, provided the consent is endorsed on the fiduciary account or evidenced by a separate instrument filed with the account. This provision shall not apply to guardianships. Counsel shall file a Motion for Extraordinary Fees with an itemization of services performed when requesting a fee that is in excess of the amount calculated pursuant to Local Rule 28(A) and Appendix 3.

Rule 29
Fees When Acting as Both Fiduciary and Attorney

When an attorney is appointed as executor, administrator, guardian, or trustee, and that attorney or other attorney with the same law firm is acting as attorney for the fiduciary, the total fees allowed for the attorney/fiduciary may not exceed the fiduciary fee

presumed appropriate from the fiduciary fee computation worksheet, plus one-half of the counsel fee presumed appropriate from the counsel fee computation worksheet, absent good cause shown.

Rule 30
Counsel fees in Connection with Settlement of Claims for Wrongful Death, Conscious Pain and Suffering, Claims for Personal Injuries to Persons under Guardianship and Settlement of Personal Injuries to Minors under R.C. 2111.18

In cases where representation is on a contingent basis, counsel will be allowed fees on the amount obtained in accordance with the following schedule:

33 1/3% of the first $100,000.00
25% of the amount over $100,000.00

Upon written application additional compensation may be granted if the applicant demonstrates, and the Court is satisfied that, extraordinary services have been rendered.

Rule 31
Attorney Fees in Guardianships & Trusts

A. A.Fees for legal services rendered to a guardian or trustee shall be computed within the guidelines set forth below. These fees will be considered with the filing of the inventory and with the filing of periodic accountings. The attorney shall have the responsibility of filing with the inventory or account a form setting forth the manner of computation of the attorney fees using a form similar in nature to the Court's Appendix 6.

B. While there shall be no minimum or maximum fee that automatically will be approved by the Court, fees computed according to the following guidelines will generally be considered just and reasonable. Hearings upon these requests for fees will normally not be required when the fees requested are computed within these guidelines. When a hearing is deemed necessary, it may be conducted on a non-oral basis at the Court's discretion.

C. Requests for extraordinary fees will be reviewed by the Court with consideration given to the factors contained in Rule 1.5 of the Ohio Rules of Professional Conduct.

D. Guidelines for attorney fees (Guardianships & Trusts) Court's Appendix 6

1. 3% of receipts during the accounting period; plus
2. 3% of disbursements during the accounting period; plus
3. 5% of gross proceeds of sale in a guardianship land sale proceeding.

E. In non-indigent cases, attorney fees not exceeding $600 to establish the guardianship or trust and $600 to prepare and file an account will normally be considered reasonable and just regardless of the actual value of assets in the guardianship estate or trust.

F. For indigent cases, attorney fees will be allowed as follows:

1. $50 per hour for time spent out of court; plus

2. $60 per hour for time spent in court.

Rule 32
Compensation for Executors and Administrators

Unless otherwise provided by law or ordered by the Court, an estate executor or administrator may charge for his/her ordinary services in an amount computed in accordance with Appendix 4.

Rule 33
Trustee's Compensation

A. Except where the instrument creating the trust makes provision for compensation, a testamentary trustee may charge annually for ordinary services performed by the trustee in connection with the administration of each separate trust estate (See Appendix 5):

1. An amount to be computed on the fair market value of the trust property, in accordance with the following schedule, such compensation to be charged one-half to income and one-half to principal, unless otherwise provided in the instrument creating the trust:
   a. $8.00 per $1,000.00 on the first $200,000.00 of the fair market value of the principal;
   b. $6.00 per $1,000.00 on the next $800,000.00 of the fair market value;
   c. $4.50 per $1,000.00 on all over $1,000,000.00 of the fair market value of the principal;

   The Trustee may charge a minimum of $300.00

2. In estates where there is income from real property managed by the trustee, there shall be additional compensation for such trustee in the amount of ten percent (10%) of the gross income from property managed by the Trustee.
3. Compensation may be allowed in addition to 1 and 2 above, in an amount equal to one percent (1%) of the fair market value of any distribution or payment from principal, not including reinvestment. This amount shall be charged against and deducted from the distribution or payment.

B. For the purposes of computing the trustee's compensation as herein provided, the fair market value of the trust property shall be determined by the trustee as of the date (to be determined by the trustee) within the month that the trust corpus shall first receive substantial (other than nominal) funding, which date shall become the anniversary date for subsequent valuations regardless of the date of receipt of assets thereafter; provided, however, the trustee, at his own option, may evaluate quarterly for purposes of computing the trustee's annual fee. If this latter option is selected, the trustee must apply to the Court for permission to change to an annual basis.

C. Additional compensation for extraordinary services may be allowed upon application. The Court may require that the application be set for hearing and notice thereof be given to interested parties in accordance with Civil Rule 4.1. The notice shall contain a statement of the amount of compensation sought.
D. The compensation of co-trustees in the aggregate shall not exceed the compensation which would have been payable if only one trustee had been acting, except in the following instances:
   1. Where the instrument under which the co-trustees are acting provides otherwise; or
   2. Where all the interested parties have consented, in writing, to the amount of the co-trustees' compensation, and the consent is endorsed on the trustees' account or evidenced by a separate instrument filed therewith.

E. A separate schedule of the computation of the trustee's compensation shall be shown in the trustee's account as a condition of its approval.
F. Except for good cause shown, neither compensation for a trustee nor fees to the counsel representing the trustee will be allowed while the trustee is delinquent in filing an account required by O.R.C. §2109.30
G. A trustee's compensation may be reduced and the trustee may be surcharged if the principal and income is not managed in accord with the prudent investor rules.

Rule 34
Appearances

Proceedings in the Probate Court may be closed to the public at the Judge's discretion. The Court may, upon request, allow a person with a direct interest in any case to be present.

Any person summoned to appear before the Court who fails to do so may be punished as in other cases for contempt of Court.

Rule 35
Continuances

Request for continuances will be made in accordance with Sup. R. 56. All applications for continuances shall be made as far in advance of hearing dates as practicable except as herein provided. All requests shall be in writing. Requests shall be granted only after notice to all other counsel and/or parties involved. No case will be continued on the day of the hearing except for good cause shown.

Rule 36
Jury Trials

All jury demands shall be pursuant to Rule 38 and 39 of Rules of Civil Procedure. Jury demands shall be accompanied by a cost deposit of $25.00 pursuant to O.R.C. §2303.20 (E).

Rule 37
Exhibits

Exhibits shall be marked and copies provided to opposing counsel prior to hearing.

Rule 38
Magistrates

Pursuant to Rule 53 of the Ohio Rules of Civil Procedure Magistrates are empowered and authorized to hear and decide all cases assigned.

All decisions of the Magistrate shall be in writing. Magistrate's Orders shall take effect immediately unless stayed by Court order. Decisions of the Magistrate shall have full force and effect upon being adopted by the Court unless stayed by Court order. Decisions of the Magistrate shall have full force and effect upon being adopted by the Court unless timely written objections are filed.

Rule 39
Objections, Appeals, Magistrate Decisions/Orders

Pursuant to Rule 53 of Rules of Civil Procedure, any party to the action may file written objections to a Magistrate's Decision. The filing deadline is 14 days. A party shall have 10 days to appeal from a Magistrate's Order. A supporting memorandum shall accompany an objection or appeal. A memorandum in response may be filed by any party within seven (7) days of the filing of the objection or appear and accompanying memorandum.

Upon timely filing of an objection or appeal, the Judge may affirm, reject or modify the Magistrate's Order or Decision upon review, or may hear additional evidence at his discretion. Objections or appeals may be set for oral hearing at the request of any party and the discretion of the Court.

Rule 40
Photographing and Broadcasting of Court Proceedings

The taking of photographs in the Courtroom, corridors and other areas adjacent to the Courtroom and the transmitting or sound recording of such proceedings for broadcasting by radio or television shall not be permitted unless authorized by the Court. Requests for permission to broadcast, televise, record or photograph in the Courtroom shall be made in writing to the Judge as far in advance as reasonably practicable but in any event not less than 24 hours prior to the Courtroom session to be broadcast, recorded or photographed.

Rule 41
Guardians ad Litem

The Court shall appoint a Guardian ad Litem when it finds it is necessary and appropriate to protect the interests of a child, ward, surviving spouse or other person or whenever the Court is required to do so by statute.

The role of the Guardian ad Litem is to assist the Court and to represent the interests of the child, ward, surviving spouse or other person with the primary focus being the best interest of the child, ward, surviving spouse or other person.

Guardian ad Litem shall have full access to Court records.

The Guardian ad Litem may subpoena and examine independent witnesses.

A Guardian ad Litem shall perform appropriate duties upon appointment. As the feasibility of some of the duties will depend on the age of the child, ward, surviving spouse or other person and the specific circumstances of each case, it is within the discretion of the Guardian ad Litem to tailor each of the following duties to the individual case:

A. Interview each parent or party separately (or state in the report why such interviews would be unnecessary or impractical).
B. Interview the child, ward, surviving spouse or other person separately (or state in the report why such interviews would be unnecessary).
C. Observe each child's interaction with each parent.
D. Investigate all significant persons and interview them independently, either in person or by telephone.
E. Review pleadings and consult with each attorney as to position and issues.
F. Contact any mental health providers involved in the case.
G. Contact the school of the child.
H. Contact health care providers, child service agencies, etc.
I. Perform home visits (can be combined with interviews and observations).
J. Evaluate the necessity of psychological evaluations or counseling.
K. Communicate with the Children's Services caseworker.
L. Attend all hearings and depositions concerning the child.
M. Request appointment of an attorney to represent the Guardian ad Litem when necessary.

For good cause shown, the Guardian ad Litem may request that the Court order the parties and/or child to submit to physical, psychological or psychiatric evaluation.

A Guardian ad Litem is entitled to notice of all hearings and to receive copies of any and all filings made by the other parties to the action.

The Guardian ad Litem shall attend all Court hearings.

Unless otherwise directed by the Court the Guardian ad Litem shall prepare a written report and submit it to the Court and all parties.

A Guardian ad Litem has a duty to notify the Court and counsel if the wishes of the child, ward, surviving spouse or other persons are in opposition to the Guardian's recommendations.

Rule 42
Processing Overpayments and Underpayments Made by Parties

The Court finds that in the performance of its duties, it occasionally happens that a party paying fines, court costs, or other monies payable through the Court, will pay more than the amount that is due, and further finds that this overpayment may not be discovered until such time that it is not practical to give change to the overpaying party.

When an overpayment that is equal to, or less than, $10.00 in value is discovered, no refund will be made, and the money will be paid by the Clerk of this Court into the General Fund of Huron County as court costs. Conversely, when the amount remaining at the conclusion of a case is $10.00 or less, the Clerk shall not bill any party for court costs due to Probate Court for an underpayment.

In those situations in which the amount of the overpayment is greater than $10.00, all reasonable attempts shall be made by the Clerk of this Court to refund the amount of the overpayment to the paying party.

Rule 43
Compensation for Preparing Transcripts and Copies

Pursuant to Ohio Revised Code §2301.24 the Judge of the Probate Division fixes a new schedule of compensation for preparing/typing transcripts and copies pursuant to Ohio Revised Code §2301.23.

Any preparation/typing of transcript ordered after February 25, 2016, and made by ordinary photocopy method, the compensation for the Court reporter shall be computed and figured as follows:

A. Compensation for preparation of the original transcript at the rate of $5.50 per page, to remain in effect until further order of the Court, and in no case shall compensation for providing copies permit, in the case of a very short transcript compensation for making a copy to exceed the compensation for an original transcript. For cases in which the cost of a copy would exceed the cost of the original preparation, the Court reporter shall use the cost of the original preparation for the copy charge.
B. In the event that preparation of the transcript is requested to be prepared within fourteen (14) days, compensation for preparation of the original transcript at the rate of $5.75 per page, to remain in effect until further order of the Court, and in no case shall compensation for providing copies permit, in the case of a very short transcript, compensation for making a copy to exceed the compensation for an original transcript. For cases in which the cost of a copy would exceed the cost of the original preparation, the Court reporter shall use the cost of the original preparation for the copy charge.
C. Compensation for preparation of a copy of a transcript will be a $20.00 cover charge, plus the following scale rate for the per page charge:

Number of Pages	Amount
1 to 25	$3.75
26 to 50	$7.50
51 to 75	$11.25
76 to 100	$15.00
101 to 125	$18.75
126 to 150	$22.50
151 to 175	$26.25
176 to 200	$30.00
201 to225	$33.75
226 to 250	$37.50

And it is further ordered that preparation of transcripts shall be prepared as follows:

A. For an Appeal the Court Reporter will prepare:
   1. The original transcript for filing with the Court of Appeals prepared billed as ordered above.
   2. A copy of the transcript at no charge for the Court's file.
   3. A copy for parties upon request as ordered above.
B. For a party or attorney, the Court Reporter will prepare:
   1. The original transcript for the attorney requesting the transcript, prepared and billed as ordered above.
   2. A copy of the transcript at no charge for the Court's file.
   3. A copy for the parties upon request as ordered above.

All requests for transcripts will be made in writing. The Court Reporter will prepare a Judgment Entry with the estimated cost for said transcript and a deposit for the same will be made with the Clerk of this Court prior to preparation of the same.

Rule 44
Tobacco Use in the Huron County Courthouse

Whereas, the Court finds that tobacco smoke is a major contributor to indoor air pollution and that smoking in enclosed areas is detrimental to the public's health, welfare, comfort, and environment;

And whereas, the Court further finds that exposure to second-hand smoke is acutely harmful to nonsmokers with cardiovascular or respiratory disease and that the United States Surgeon General has determined that smoking and the use of other tobacco products is a leading cause of disease, including lung cancer in healthy nonsmokers.

And whereas, the Court further finds that smoking in certain enclosed areas is a public nuisance and a cause of material annoyance, discomfort and physical irritation to the public;

It is hereby ordered, adjudged and decreed that effective the 21st day of February 1995, all areas within the Courthouse including hallways, stairwells, and restrooms shall be designated nonsmoking areas and the use of all tobacco in this Courthouse shall be

prohibited. It is further ordered that the custodial personnel for the Courthouse post appropriate signs notifying the public of these prohibitions and that ashtrays be located outside the entrances so that any smoking material may be extinguished prior to entering the Courthouse.

Rule 45
Carrying of Weapons

No person shall knowingly carry or have on his person or ready at hand, any firearm, dangerous weapon or dangerous ordnance upon entering or while in the offices of the Probate Court, or upon entering or while in any Courtroom where this Court is conducting official business.

This Court order does not apply to law enforcement officers of this State or the United States, who are authorized to carry weapons or a dangerous ordnance and who are acting within the scope of their law enforcement duties.

The deputy clerk of this Court is directed to post a copy of this order at all entrances to this Court's facilities and all shall take notice from this order that any violations hereof shall be considered an act of direct contempt of Court and shall be subject to summary punishment and/or criminal prosecution.

Rule 46
Filing Documents by Electronic Means

The Provisions of this Local Rule pertain to the Huron County Probate Court only and are adopted under [Civil Rule 5(E)], [Civil Rule 73(J)], and [Appellate Rule 13(A)].

Pleadings and other papers may be filed with the Huron County Probate Court by facsimile transmission to (419) 663-5452 or by email to hcprobate@hcjpc.com subject to the following conditions:

1. APPLICABILITY

1.1 These rules apply to civil and appellate proceedings in the Huron County Probate Court.

2. ORIGINAL FILING

2.1 A Document filed by electronic means shall be accepted as the effective original filing, except for a Last Will and Testament. The person making a filing by electronic means need not file any source document with the Clerk of the Huron County Probate Court but must, however, maintain in his or her records and have available for production on request by the court the source document filed by electronic means, with original signatures as otherwise required under the applicable rules, together with the source copy of the facsimile cover sheet used for the subject filing.

2.2 The source document filed by electronic means shall be maintained by the person making the filing until the case is closed and all opportunities for post judgment relief are exhausted.

3. SIGNATURE

2.1 A party who wishes to file a signed source document by electronic means shall either:

a. Send by electronic means a copy of the signed source document; or
b. Send by electronic means a copy of the document without the signature but with the notation "/s/" followed by the name of the signing person where the signature appears in the signed source document.

2.2 A party who files a signed document by electronic means represents that the physically signed source document is in his/her possession or control.

4. EXHIBITS

5.1 Any document that has exhibits that cannot be accurately transmitted via electronic means for any reason must be replaced by an insert page describing the exhibit and why it is missing. Unless the court otherwise orders, the missing exhibit shall be filed with the court, as a separate document, not later than five (5) court days following the filing of the document by electronic means. Failure to file the missing exhibits as required by this paragraph may result in the court striking the document and/or exhibit.

5.2 Any exhibit filed in this manner shall be attached to a cover sheet containing the caption of the case, which sets forth the name of the court, title of the case, the case number, name of the judge and the title of the exhibit being filed (e.g., Fiduciary Smith's Notice of Filing Exhibit "A" to Fiduciary's Smith's Response to the Motion to Remove Fiduciary), and shall be signed and served in conformance with the rules governing the signing and service of pleadings in this court.

5. TIME OF FILING

6.1 Subject to the provisions of these rules, all documents sent by electronic means and accepted by the Clerk shall be considered filed with the Clerk of the Huron County Probate Court as of the date and time the Clerk time-stamps the documents received, as opposed to the date and time of the transmission by electronic means. The office of the Clerk of the Huron County Probate Court will be deemed open to receive transmission of documents by electronic means on the same days and at the same time the court is regularly open for business.

6.2 The Clerk of the Huron County Probate Court may, but need not, acknowledge receipt of a transmission submitted by electronic means.

6.3 The risks of transmitting a document by electronic means to the Clerk of the Huron County Probate Court shall be borne entirely by the sending party. Anyone using electronic means is urged to verify receipt of such filing by the Clerk of the Huron County Probate Court through whatever technological means are available.

6. FEES AND COSTS

7.1 No document filed by electronic means that requires a filing fee shall be accepted by the Clerk for filing until court cost and fees have been paid. Court cost and fees may be paid by check, money order, credit card or cash directly at the Huron County Probate Court or by mail.

7.2 No additional fee shall be assessed for filings submitted by electronic means.

7. LENGTH OF DOCUMENT

8.1 Facsimile filings shall not exceed 10 pages in length. There is not a page limit on email filings. The filer shall not transmit service copies by electronic means.

8. EFFECTIVE DATE

9.1 These local rules shall be effective October 8, 2020, and shall govern all proceedings in actions brought after they take effect and also further proceedings in pending actions, except to the extent that, in the opinion of the court, their application in a particular action pending on the effective date would not be feasible or would work an injustice, in which event, the formal procedure applies.

Rule 47
Computerization Fund

Pursuant to Ohio Revised Code §2101.162, it is hereby determined that, for the efficient operation of this Court, additional funds are required to computerize the office of the Clerk of this Court.

Effective January 1, 1998, a total of $13.00 shall be charged on the filing of each cause of action or appeal, on the filing, docketing and endorsing of each certificate of judgment, or on the docketing and indexing of each aid in execution or petition to vacate, revive, or modify a judgment under divisions (A), (P), (Q), (T) and (U) of Section 2303.20 of the Ohio Revised Code.

The County Auditor is hereby authorized and directed to pay all such money collected into the fund known as "The Probate and Juvenile Court Computerization Fund", account number 133-10200-133. The amount of $13.00 for each filing as previously defined herein shall be paid over to the county treasury. The money deposited in the fund shall be used for procuring and maintaining computer systems for the clerk's office. Money shall be disbursed from the fund solely upon the order of the Probate Judge.

Rule 48
Special Projects Fund

Whereas O.R.C. §2303.201 authorizes all divisions of the Court of Common Pleas to charge a fee, in addition to all other court costs, to be used to acquire and pay for special projects of the court, including, but not limited to, the acquisition of additional facilities or the rehabilitation of existing facilities, the acquisition of equipment, the hiring and training of staff, community service programs, mediation or dispute resolution services, the employment of magistrates, the training and education of judges, acting judges, and magistrates, and other related services; and

Whereas, the Court determines that, for the efficient operation of the Court, additional funds are necessary for these purposes;

It is therefore ORDERED that, pursuant to O.R.C. §2303.201(E), in addition to the fees and costs otherwise authorized by the Revised Code, the Clerk of this Court shall charge and collect on the filing of each criminal cause or civil action or proceeding the sum of FIFTEEN DOLLARS ($15.00) effective 1 June 2004.

It if further ORDERED that, pursuant to O.R.C. §2303.201(E), all fees collected pursuant to this Order shall be paid to the Huron County Treasurer, which funds shall thereupon be placed in a separate fund to be disbursed upon Order of this Court.

It is further ORDERED that the mediation fund previously established by this Court by Order dated 3 July 2001 be terminated and that the remaining funds in this account be transferred to the Special Projects Fund.

Rule 49
Legal Aid Filing Fee Surcharge Increase

Pursuant to House Bill 66, 126th G.A., the Huron County Probate Court will, effective October 1, 2005, collect $26.00 on the following cases: Adoptions, Full Estates, Guardianships, and Name Changes of which 1% will be retained by the Huron County Probate Court through the Huron County Commissioners, for administrative fees as allowed by this law, and be paid into the County's General fund at the end of each month.

Rule 50
Records Retention Schedule

The Huron County Probate Court has adopted the Local Record Retention Schedule attached in back as Appendix 2, which will be followed in accordance with Rule 26 of the Rules of Superintendence for the Courts of Ohio.

Rule 51
Frequency of Accounting by Guardian

An initial accounting shall be required for the period ending six (6) months after the appointment of a guardian, and annually thereafter.

Rule 52
Appointment and Compensation of Appraisers in Estate and Land Sale Proceedings

A. There will be one suitable and disinterested appraiser appointed where required by law or deemed appropriate by the Court. Compensation for the appraiser is subject to the approval by the Court.

B. Executors and administrators may allow the appraiser a reasonable sum as compensation for the services without special application to the Court, provided the sum is agreed upon between the fiduciary and the appraiser. The executors and administrators shall take into consideration the amount of time and work reasonably required in appraising the assets of the estate as well as the type and character of the property appraised when determining the appropriate sum.

C. If the fiduciary determines that the services of an expert in the evaluation of special or unusual property are needed, an expert can be retained.

D. An appraiser may waive all or any part of the compensation.

E. Where any questions arise in the interpretation of this rule or in circumstances where the amount of compensation cannot be agreed upon, the fiduciary shall file an application for allowance of compensation for each appraiser with the Court.

These supplemental rules concerning local practice in this Probate Division of this Court have been this date adopted by me thus superceding all previously adopted local rules until this Court adopts other rules.

(*Original signed by Judge*), Probate Judge
Timothy L. Cardwell

Certificate

In accordance with Rule 5 of Rules of Superintendence, I have this date caused these rules to be filed with the Supreme Court by forwarding them electronically.

(*Original signed by Judge*), Probate Judge
Timothy L. Cardwell

Date: October 9, 2020

Appendix
1

HURON COUNTY PROBATE COURT COSTS AND DEPOSITS:	
Adoption - Filing of Petition - Adult & Minor	$ 155.00
Authenticated copies admitted - plus $1.00 per page for certified copies received	$ 53.00
Authenticated copies issued - plus $.10 per copy made	$ 3.00
Birth Correction	$ 75.00
Birth Registration	$ 77.00
Civil Other Complaint	$ 110.00
Concealment of Assets Complaint	$ 120.00
Conservatorship	$ 175.00
Construction of Will Complaint	$ 130.00
Contest Will - Complaint	$ 110.00
Declaratory Judgment Complaint	$ 130.00
Determination of Heirship Complaint	$ 100.00
Determination of Validity of Will or Trust Complaint	$ 110.00
Disinterment	$ 70.00
Estate - Full Administration	$ 250.00
Estate - Release from Administration- with Will	$ 150.00
Estate - Release from Administration- without Will	$ 120.00
Estate - Re-Open Estate	$ 53.00
Estate - Successor Application (same fee for successor Trustee & Guardian)	$ 63.00
Estate - Summary Release	$ 105.00
Guardianship - Adults & Minors	$ 175.00
Guardianship - Emergency	$ 125.00
Jury Demand	$ 25.00
Land Sale Complaint	$ 135.00
Marriage License	$ 57.00
Minor Settlement - Filed within a Minor Guardianship	$ 55.00
Minor Settlement Only - No Guardianship Necessary	$ 70.00
Name Change - Adult	$ 95.00
Name Change - Minor	$ 100.00
Presumption of Death Complaint	$ 100.00

Transfer/Sale of Structured Settlement	$ 60.00
Trusts - Application to Appoint Trustee	$ 150.00
Will - Deposit Only (safekeeping purposes)	$ 25.00
Will - Probate Only	$ 73.00
Will Filed as Exhibit Only	$ 30.00
Wrongful Death Application to Approve Settlement	$ 65.00

Appendix 2

Ohio History Connection
State Archives of Ohio
Local Government Records Program
800 E. 17th Avenue
Columbus, OH 43211-2474

OHIO HISTORY CONNECTION

Page ____ of ____

AUG 2 6 2020

STATE AND LOCAL GOVERNMENT RECORDS

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TIMOTHY L CARDWELL, JUDGE

RECORDS RETENTION SCHEDULE (RC-2)– Part 1

See instructions before completing this form. Must be submitted with PART 2

Section A: Local Government Unit

Huron County — Court of Common Pleas, Probate Division
(local government entity) — (unit)

Timothy L. Cardwell — Judge — July 15, 2020
(signature of responsible official) — (name) — (title) — (date)

Section B: Records Commission

Records Commission

(telephone number)

(address) (city) (zip code) (county)

To have this form returned to the Records Commission electronically, include an email address:

huroncorecorder@gmail.com

I hereby certify that our records commission met in an open meeting, as required by Section 121.22 ORC, and approved the schedules listed on this form and any continuation sheets. I further certify that our commission will make every effort to prevent these records series from being destroyed, transferred, or otherwise disposed of in violation of these schedules and that no record will be knowingly disposed of which pertains to any pending legal case, claim, action or request. This action is reflected in the minutes kept by this commission.

8/17/2020

Records Commission Chair Signature — Date

Section C: Ohio History Connection - State Archives

Local Government Records Archivist 8/31/20

Signature — Title — Date

Section D: Auditor of State

Martin E. Meeks Digitally signed by Martin E. Meeks Date: 2020.09.01 09:03:16 -04'00' — **Records Manager**

Signature — Title — Date

Please Note: ***The State Archives retains RC-2 forms permanently. It is strongly recommended that the Records Commission retain a permanent copy of this form***

SAO-/LGRP- RC-2 (Part 1 & 2), Revised August 2014

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TIMOTHY L. CARDWELL, JUDGE

Section E: Records Retention Schedule

(local government entity) (unit)

(1) Schedule Number	(2) Record Title and Description	(3) Retention Period	(4) Media Type	(5) For use by Auditor of State or OHS-LGRP	(6) RC-3 Required by OHS-LGRP
P15-1	**Administrative Journal** Consists of court entries, or a record of court entries, regarding policies and issues not related to cases. (Sup.R. 26.01.A)	Permanent	Paper Electronic		☑
P15-2	**Annual Reports** Two copies of each annual report (Sup.R. 26.01.B)	Permanent	Paper Electronic		☑
P15-3	**Bank Records** Bank transaction records. (Sup.R. 26.01.C)	3 years or until issuance of an audit report by the Auditor of State whichever is later	Paper Electronic *may destroy paper when electronic is created		☐
P15-4	**Cash Books** Include expense and receipt ledgers (Sup. R. 26.01.D)	3 years or until issuance of an audit report by the Auditor of State whichever is later	Paper Electronic *may destroy paper when electronic is created		☐
P15-5	**Communication Records** Include routine telephone messages on any medium where official action will be recorded elsewhere. (Sup.R. 26.01.E)	Normal course of business when they are considered no value	Paper Electronic		☐
P15-6	**Correspondence and General Office Records** Include all sent and received correspondence, in any medium. (Sup. R. 26.01.F)	Normal course of business when they are considered no value	Paper Electronic		☐
P15-7	**Drafts and Informal Notes** Consist of transitory information used to prepare the official record in any other form. (Sup.R. 26.01.G)	Normal course of business when they are considered no value	Paper Electronic		☐
P15-8	**Employment Applications for Posted Positions** (Sup. R. 26.01.H)	Two years	Paper		☐
P15-9	**Employee Benefit and Leave Records** Employee benefit and leave records, including court office copies of life and medical insurance	3 years or until issuance of an audit	Paper		☐

Audited means: the years encompassed by the records have been audited by the Auditor of State and the audit report has been released pursuant to Sec. 117.26 O.R.C.

(1) Schedule Number	(2) Record Title and Description	(3) Retention Period	(4) Media Type	(5) For use by Auditor of State or OHS-LGRP	(6) RC-3 Required by OHS-LGRP
	records. (Sup. R. 26.01.I)	report by the Auditor of State whichever is later			
P15-10	**Employee history and discipline records** Records containing the hiring, promotion, evaluation, attendance, medical issues, discipline, termination and retirement of court employees. (Sup. R. 26.01.J)	10 years after termination of employment	Paper		☐
P15-11	**Fiscal Records** Fiscal records, including copies of transactional budgeting and purchasing documents maintained by another office or agency. (Sup. R. 26.01.K)	3 years or until issuance of an audit report by the Auditor of State whichever is later	Paper Electronic	Audited means: the years encompassed by the records have been audited by the Auditor of State and the audit report has been released pursuant to Sec. 117.26 O.R.C.	
P15-12	**Grant Records** Records of grants made or received by a court. (Sup. R. 26.01.L)	3 years after expiration of the grant	Paper		☐
P15-13	**Payroll Records** Payroll records of personnel time and copies of payroll records maintained by another office or agency. (Sup. R. 26.01.M)	3 years or until issuance of an audit report by the Auditor of State whichever is later	Paper		☐
P15-14	**Publications received** Publications received by a court. (Sup. R. 26.01.N)	Normal course of business when they are considered no value	Paper		☐
P15-15	**Receipt Records** Receipt and balancing records. (Sup. R. 26.01.O)	3 years or until issuance of an audit report by the Auditor of State whichever is later	Paper Electronic *may destroy paper when electronic is created		
P15-16	**Requests for proposals, bids, and resulting contracts** Requests for proposals, bids received in response to a request for proposal, and contracts resulting from a request for proposal. (Sup. R. 26.01.P)	3 years after the expiration of the contract that is awarded pursuant to the request for	Paper		

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(1) Schedule Number	(2) Record Title and Description	(3) Retention Period	(4) Media Type	(5) For use by Auditor of State or OHS-LGRP	(6) RC-3 Required by OHS-LGRP
		proposal.			
P15-17	**Exhibits, depositions, and transcripts.** At the conclusion of litigation, including times for direct appeal, a court or custodian of exhibits, depositions, or transcripts may destroy exhibits, depositions, and transcripts if all of the following conditions are satisfied: (1) The court notifies the party that tendered the exhibits, depositions, or transcripts in writing that the party may retrieve the exhibits, depositions, or transcripts within sixty days from the date of the written notification; (2) The written notification required in division (F)(1) of this rule informs the party that tendered the exhibits, depositions, or transcripts that the exhibits, depositions, or transcripts will be destroyed if not retrieved within sixty days of the notification; (3) The written notification required in division (F)(1) of this rule informs the party that tendered the exhibits, depositions, or transcripts of the location for retrieval of the exhibits, depositions, or transcripts; (4) The party that tendered the exhibits, depositions, or transcripts does not retrieve the exhibits, depositions, or transcripts within sixty days from the date of the written notification required in division (F)(1) of this rule. (Sup. R. 26.F)	At the conclusion of litigation, including times for direct appeal.	Paper Electronic or miscellaneous items		
P15-18	**Recordings of Hearings** (Sup. R. 26.G)	5 years after the hearing date or 1 year after issuance of an audit report by the Auditor of State, whichever is later	Electronic, CD, tape	Audited means: the years encompassed by the records have been audited by the Auditor of State and the audit report has been released pursuant to Sec. 117.26 O.R.C.	
P15-19	**Blank Forms** Obsolete, unneeded, or superseded forms stock (county schedule)	Until obsolete or superseded	Paper Electronic		

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(1) Schedule Number	(2) Record Title and Description	(3) Retention Period	(4) Media Type	(5) For use by Auditor of State or OHS-LGRP	(6) RC-3 Required by OHS-LGRP
P15-20	**Disaster Plan** Documents plans and procedures to protect and reestablish court operations in the event of a disaster. (county schedule)	Until updated or superseded	Paper Electronic		
P15-21	**Rules of Court**	Until updated or superseded	Paper Electronic		
P15-22	**Records Request** Requests to inspect and review public records (county schedule – ORC 149.43)	2 years	Paper Electronic		
P15-23	**Records Retention and Disposition Forms** Records, also called RC-1, RC-2, RC-3 forms, and other locally developed forms documenting the retention and disposition of the records of an office. (county schedule)	permanent	Paper Electronic		
P15-24	**Speeches/ Presentations** Written and/or recorded materials distributed when speaking to a group or press conference concerning an office and/or its operations. (county schedule)	Until no longer of administrative value/ appraise for historical value	Paper Electronic		✓ (historical)
P15-25	**Surveys & Questionnaires** Records collected from employees or public to assess how an event or program is perceived to determine if improvements or changes should be made. (county schedule)	Until no longer of administrative value	Paper Electronic		
P15-26	**Visitors' log or sign-in sheets** Registers or logs used to track visitors visiting an office. (county schedule)	1 year	Paper Electronic *may destroy paper when electronic is created		
P15-27	**Accident Reports / Files** Report of personal or property damage involving a county vehicle or occurring on county property. (county schedule)	6 years	Paper		
P15-28	**Annual Inventory** Departmental inventory of all the materials, machinery, tools and other court supplies. ORC305.18 (county schedule)	3 years	Paper Electronic		
P15-29	**Audit Reports (Federal, State & Internal)** Financial examinations and reports issued by the Federal Government, Auditor of State, independent auditing agencies or conducted internally. ORC 117.26 (county schedule)	5 years	Paper		

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(1) Schedule Number	(2) Record Title and Description	(3) Retention Period	(4) Media Type	(5) For use by Auditor of State or OHS-LGRP	(6) RC-3 Required by OHS-LGRP
P15-30	**Backup Data** Computer generated backup tapes and data created, used and maintained for disaster recovery purposes. (county schedule)	Retain for one system backup cycle then delete, erase or destroy data	Tape CD		
P15-31	**Budget, Annual Departmental/Office** Fiscal allocation to a department or office for fiscal year. (county schedule)	3 years	Paper Electronic		
P15-32	**Budget Preparation Documents (Working Papers)** Preparation documents used to create annual budgets (county schedule)	2 years	Paper Electronic		
P15-33	**Contracts** Legal agreements with individuals, organizations, or entities to procure goods and/or services. ORC 2305.06 (county schedule)	8 years after expiration	Paper		
P15-34	**Employment Applications / Resumes – Unsuccessful – Not Hired** Application submissions for open job positions not chosen for employment, includes unsolicited resumes. (county schedule)	2 years	Paper		
P15-35	**Equipment Maintenance Records** Files documenting ownership, warranties, routine maintenance and repair of court owned equipment. (county schedule)	Life of equipment	Paper Electronic		
P15-36	**Personnel Policy**	Until updated or superseded	Paper Electronic		
P15-37	**Litigation Records** Records related to legal claims against an office and subsequent legal actions and court proceedings (county schedule)	5 years after case is closed and appeals are exhausted	Paper		
P15-38	**Service Requests** Written requests and tracking logs seeking services, assistance, etc. May include response and/or action taken. (county schedule)	Until no longer of administrative value	Paper		
P15-39	**Surveillance Tapes / Videos** Footage documenting daily actions of employees and visitors within an office and on its grounds for security purposes. (county schedule)	Use for one cycle then reuse provided no action pending	Electronic		
P15-40	**Travel Requests / Expense Reports** Requests for reimbursement for employee travel (county schedule)	3 years	Paper		

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(1) Schedule Number	(2) Record Title and Description	(3) Retention Period	(4) Media Type	(5) For use by Auditor of State or OHS-LGRP	(6) RC-3 Required by OHS-LGRP
P15-41	**Vehicle Maintenance Records** Records noting repairs and routine maintenance of court vehicles. (county schedule)	**Until vehicle sold or disposed of**	**Paper**		
P15-42	**Vehicle Mileage Records** Log of mileage and expenses incurred in court vehicles. (county schedule)	**Until vehicle sold or disposed of**	**Paper**		
P15-43	**Workers' Compensation Claims** Files covering claims made by employee for Workers Compensation benefits; includes claim, investigation, hearings, results, requirements, terms and conditions, etc. ORC 4123 (county schedule)	**10 years after last activity**	**Paper**		
P15-44	**Index, Docket, Journal** Index: a reference record used to locate journal, docket, and case file records. (Sup. R. 26.B3) Docket: a reference record that provides the dates and a summary of all hearings, pleadings, filings, orders, and other matters that are essential to an action, proceeding, or other matter in the probate division. (Sup. R. 26.04.A1) Journal: orders, entries, or judgments pertaining to the business and administration of the division, and other miscellaneous orders, entries, or judgments which the court may consider necessary to journalize, including all of the following: (a) Orders of appointment and oaths of office pursuant to section 2101.11 of the Revised Code of court personnel and other nonfiduciary appointees; (b) Orders of reference to magistrates; (c) Changes of the local rules of the probate division; (d) Orders changing the hours for the opening and closing of the probate court. (Sup. R. 26.04.C3)	**Permanent**	**Paper Electronic Microfilm**		✓
P15-45	**Adoption records** (Sup. R. 26.04.E1)	**Permanent**	**Paper Electronic Microfilm *may destroy paper when microfilmed**		✓
P15-46	**Birth and death registrations** Birth and death registrations dated prior to 1908. (Sup. R. 26.04.E2)	**Permanent**	**Paper Electronic Microfilm *may**		✓

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(1) Schedule Number	(2) Record Title and Description	(3) Retention Period	(4) Media Type	(5) For use by Auditor of State or OHS-LGRP	(6) RC-3 Required by OHS-LGRP
			destroy paper when microfilmed		
P15-47	Civil commitment records (Sup. R. 26.04.E3)	3 years after the case is closed	Paper Electronic Microfilm *may destroy paper when microfilmed		
P15-48	Marriage License records (Sup. R. 26.04.E6)	Permanent	Paper Electronic Microfilm *may destroy paper when microfilmed		✓
P15-49	Estate records (Sup. R. 26.H)	Permanent	Paper Electronic Microfilm *may destroy paper when microfilmed		✓
P15-50	Civil records (Sup. R. 26.H)	Permanent	Paper Electronic Microfilm *may destroy paper when microfilmed		✓
P15-51	Trusts records (Sup. R. 26.H)	Permanent	Paper Electronic Microfilm *may destroy paper when microfilmed		✓
P15-52	Guardianship records (Sup. R. 26.H)	Permanent	Paper Electronic Microfilm *may destroy paper when microfilmed		✓
P15-53	Name Change records (Sup. R. 26.H)	Permanent	Paper Electronic Microfilm *may		✓

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(1) Schedule Number	(2) Record Title and Description	(3) Retention Period	(4) Media Type	(5) For use by Auditor of State or OHS-LGRP	(6) RC-3 Required by OHS-LGRP
			destroy paper when microfilmed		
P15-54	**All other case type records** (Sup. R. 26.H)	Permanent	Paper Electronic Microfilm *may destroy paper when microfilmed		✓
P15-55	**Jury Use & Management Plan**	Until superseded	Paper Electronic		
P15-56	**Prospective Juror List**	Permanent	Paper Electronic *paper destroyed once electronic is created		✓
P15-57	**Venire**	Permanent	Paper Electronic *paper destroyed once electronic is created		✓
P15-58	**Questionnaire and Requests to be excused and any supporting documents**	1 year from end of that jury term	Paper		
P15-59	**Ohio Supreme Court Quarterly Report** Statistical reporting information provided to the Ohio Supreme Court	Permanent	Paper Electronic *paper destroyed once electronic is created		✓

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HURON CO OHIO
SEP - 8 2020
PROBATE COURT
TIMOTHY L CARDWELL, JUDGE

APPENDIX 3

COURT OF COMMON PLEAS
PROBATE DIVISION
HURON COUNTY, OHIO

IN THE MATTER OF
THE ESTATE OF

_____

CASE NUMBER _____

COMPUTATION OF ATTORNEY FEES
IN DECEDENT'S ESTATE
(LOCAL COURT RULE 27(B) and 28)

A. Value of personal property administered: _____

Equitable value of real estate: _____

or

Gain from sale of real/personal property: _____

Income for which fiduciary accounted: _____

SUB TOTAL: _____

5.0% of 1st $25,000.00 _____
4.5% of 2nd $25,000.00 _____
4.0% of 3rd $25,000.00 _____
3.5% of 4th $25,000.00 _____
3.0% of balance remaining _____

SUB TOTAL A: _____

B. 1% of taxable value of the following, itemized on attached Appendix 3a
Joint and Survivorship Accounts _____
U.S. Bonds _____
Other payable to survivor _____

SUB TOTAL B: _____

C. Land Sale proceedings
(minimum $500.00)

SUB TOTAL C: _____

RECAPITULATION

A. _____

B. _____

C. _____

TOTAL: _____

APPENDIX 3a

IN THE HURON COUNTY COMMON PLEAS COURT
PROBATE DIVISION

In the Matter of Case No. _____

The Estate of

_____

LIST OF NON-PROBATE ASSETS

Pursuant to Local Rule 28(A), and in accordance with R.C. 2113.35(B), attached is a list of non-probate assets and their values. Joint and survivorship property passing to the surviving spouse and joint and survivorship property passing to persons other than the surviving spouse are listed separately. Alternatively, there is attached a copy of the recapitulation page from an estate tax return. This will be filed with the Court under seal.

_____ _____
Date Signature

_____
Name

☐ Fiduciary

☐ Attorney

☐ Other interested party

APPENDIX 3a (Page 2)

I. Joint and survivorship property passing to the surviving spouse:

II. Joint and survivorship property passing to persons other than the surviving spouse:

III. Other property transferred to survivor(s) upon death of decedent:

APPENDIX 4

COURT OF COMMON PLEAS
PROBATE DIVISION
HURON COUNTY, OHIO

IN THE MATTER OF CASE NUMBER _____

THE ESTATE OF

_____

COMPUTATION OF FIDUCIARY FEES
IN DECEDENT'S ESTATE
(Local Rule 32)

Value of Personal estate, including income therefrom: _____

Proceeds of real estate sold: _____

TOTAL ABOVE: _____

4.0% of first $100,000.00 _____

3.0% of next $300,000.00 _____

2.0% all over $400,000.00 _____

SUB TOTAL: _____

Real estate not sold _____

1.0% of value _____

TOTAL FEES: _____

APPENDIX 5

COURT OF COMMON PLEAS
PROBATE DIVISION
HURON COUNTY, OHIO

IN THE MATTER OF THE CASE NUMBER _____

GUARDIANSHIP/TRUST OF

_____

COMPUTATION OF GUARDIAN/TRUSTEE FEES
(Local Rules 25.12 and 33)

A. Fair Market value as of _____ $_____

$8.00 per $1,000 of first $200,000 $_____

$6.00 per $1,000 of next $800,000 $_____

$4.50 per $1,000 over $1,000,000 $_____

B. Gross income from property management $_____

10% fee allowed $_____

C. Disbursement or payment from principal not including reinvestment $_____

1% fee allowed $_____

GRAND TOTAL **$**_____

or

$300.00 minimum compensation per year $ _____

APPENDIX 6

COURT OF COMMON PLEAS
PROBATE DIVISION
HURON COUNTY, OHIO

IN THE MATTER OF THE CASE NUMBER_____

GUARDIANSHIP/TRUST OF

_____

COMPUTATION OF ATTORNEY FEES
IN GUARDIANSHIPS & TRUSTS
(LOCAL COURT RULE 31)

A. 3% of receipts during the accounting period of _____ = $_____

B. 3% of disbursements during the accounting period of _____ = $_____

C. 5% of gross proceeds of sale in land sale case of _____ = $_____

TOTAL FEES: $_____

APPENDIX 7

COURT OF COMMON PLEAS
PROBATE DIVISION
HURON COUNTY, OHIO

In the Matter of
The Guardianship of Case No. _____

_____

APPLICATION TO COMMENCE LEGAL PROCEEDINGS FOR WARD
[Sup.R. 66.08(F)]

Applicant, Guardian of the above-named Ward, requests the Court's permission to commence legal proceedings on the Ward's behalf. The reasons for commencing legal proceedings on the Ward's behalf are: _____

_____

_____

[Attach additional pages if necessary]

_____	_____
Attorney for Applicant	Applicant
_____	_____
Address	Applicant Signature
_____	_____
City, State, Zip Code	Address
_____	_____
Phone Number	City, State, Zip Code
_____	_____
Attorney Registration No.	Phone Number

APPENDIX 8

IN THE HURON COUNTY COMMON PLEAS COURT
PROBATE DIVISION

In the Matter of
The Guardianship of Case No.: _____

_____

AFFIDAVIT OF INDIGENCY
(Local Rule 26)

The Affiant, being duly cautioned and sworn, states that the proposed ward is reasonably believed to be indigent and without the financial means to pay the court costs associated with a guardianship.

The Affiant represents that the following statements are true:

1. The proposed Ward's income is the following: _____
_____
2. The proposed Ward's assets consist of the following:
   A. Real Estate: Address _____
   B. Bank Accounts / Cash _____
   _____
   C. Investments _____
   _____
3. Neither the proposed ward nor anyone acting for the proposed ward, within the 5 years preceding this affidavit, has transferred, conveyed or gifted by trust or otherwise ANY INCOME, ASSETS OR OTHER PROPERTY to any person or entity for less than full consideration, value or payment.

_____ _____
Date Affiant

_____
Name typed or printed

Sworn to and signed in my presence this ___ day of _____, 20__.

_____
Notary Public