

## **Local Rule 66.03 (B) Guardian Comments and Complaints**

This local rule is applicable to all guardians appointed by the Court pursuant to O.R.C. § 2111.02. Comments and complaints (hereinafter collectively referred to as “complaints”) received regarding the performance of any guardians and the resulting documents and correspondence are considered to be case documents and accessible to the public, unless otherwise excluded pursuant to Superintendence Rule 44 (C)(2). The Court will note actions with respect to the complaint in the case docket. The Court will communicate complaints about a guardian’s performance to the guardian and/or the guardian’s counsel expeditiously and pursuant to this local rule.

The Court will not accept or act upon an oral or telephonic complaint against a guardian, other than to provide the address to which to hand deliver, fax, e-mail, or mail the written complaint to the following address:

**Mahoning County Probate Court**  
*120 Market Street*  
*Youngstown, Ohio, 44503.*  
*Phone: 330-740-2310*  
*Facsimile: 330-740-2325*  
*Email: [mcprobate@mahoningcountyoh.gov](mailto:mcprobate@mahoningcountyoh.gov)*

The Court will not accept an anonymous complaint. When the Court receives the written complaint regarding a guardian’s performance, it will then date-stamp the complaint. 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 five (5) workdays of receipt of the complaint the Court shall send a letter to the complainant acknowledging the receipt of the complaint and providing a copy of this rule.
- (B) Within ten (10) workdays of receipt of the complaint, the Court shall perform an initial review of the complaint after a study of the guardianship file, and either:
  - (1) Send the complainant and Counsel a letter dismissing the complaint as unsubstantiated/unspecific/insufficient; or
  - (2) If the complaint appears to have validity, send a copy of the complaint to the Guardian and/or Guardian’s Counsel and request a response to the complaint within fifteen (15) court days from the date of mailing. The forwarding letter shall advise the Guardian and/or Counsel that a failure to respond will result in a show cause hearing being set with the attendance of the Guardian required. A copy of the forwarding letter shall be provided to the complainant.
- (C) If the Complaint is found to have some validity pursuant to B(2) above, upon the expiration of the period for responsive reports from the Guardian, the Court within five (5) court days shall do one or more of the following:

- (1) Determine the complaint to have been resolved or unsubstantiated and advise the complainant, Guardian and/or Guardian's Counsel accordingly by letter; or
- (2) Refer the matter to mediation under the Court's Mediation Rule (Local Rule 78.10) with a copy of the referral order being sent to the complainant, the Guardian and/or Guardian's Counsel; or
- (3) Set a review conference or a show cause hearing with notice to the complainant, the Ward, the Guardian and/or Guardian's Counsel, and other interested parties; or
- (4) Appoint a Guardian ad Litem to represent the best interest of the Ward; or
- (5) Refer the matter to the Probate Judge for appointment of a Special Master Commissioner to investigate the issues and to report with findings and recommendations pursuant to O.R.C. § 2101.06 with notice to all interested parties. When the commissioner's report is filed, the Court will set for hearing with notice to the Ward, the Ward's Guardian ad Litem, if any, the Guardian and/or the Guardian's Counsel and the complainant.

Except when administratively dismissing a complaint or acting in an emergency, the Court shall not act without a hearing. The Court shall issue findings and conclusions with respect to any hearing held on the complaint. The Court's journalization relating to the Court's Decision will close the complaint. The Court's actions may include dismissal, directives for remedial action, establishing periodic review dates, allocating costs and fees, referral to law enforcement for investigation, sanctions, removal, and any other actions permitted by law.

When the Ward is a Veteran and the Court appointed the Guardian under Revised Code Chapter 5905, notice of the complaint, reports, hearings and actions shall be given to the Administrator of Veterans Affairs of the United States pursuant to Revised Code § 5909.03.

The Court shall maintain a record regarding the nature and disposition of any complaints filed under this rule in the Miscellaneous Court Docket.