

lieves is in the best interests of the ward. However, pursuant to Ohio Sup. R. 66.09(2)(h), a guardian does not need to encourage visitation and communication with a person whose contact with the ward would not be in the best interests of the ward. To further the court’s ability to monitor decisions to exclude persons from communicating with the ward, Ohio Sup. R. 66.09(F)(2)(i) was amended to require a guardian to promptly submit a list of names to the court of any persons or entities with whom the guardian has excluded or seeks to exclude from visiting or communicating with the ward.

It is easy to see how differences of opinion amongst the guardian and the person who wishes to communicate with the ward can lead to court action under the probate court’s complaint procedures. If the court investigators carefully evaluate the ward’s preferences as required under Ohio Sup. R. 66.05(A)(5), the court will have some information from a disinterested source to help guide it to a decision. Ohio Sup. R. 66.05(A)(5), therefore, “[d]irect[s] the court investigator to inquire into the visitation history and preferences of the prospective ward during the service of notice and initial guardianship investigation pursuant to R.C. 2111.041 or at any other time that the court directs. The court investigator shall make a written report of the visitation recommendation to the court.”

Finally, the six-hour fundamentals course as required under Ohio Sup. R. 66.06(A) will now include education on abuse, neglect, and exploitation in order to detect and report allegations to authorities, which, under Ohio Sup. R. 66.08(C), includes reporting to the probate court, applicable long-term care ombudsman or law enforcement.

In totality, the July 2022 amendments to

Ohio Sup. R. 66 will better permit the probate courts to evaluate whether a potential ward should be placed under guardianship, improve the process for managing guardianships in the best interest of persons under guardianship, and provide necessary information for making informed decisions regarding visitation. Furthermore, by extending the training requirements to include education on abuse, neglect, and exploitation, the rule will better serve the ward by promoting awareness.

ENDNOTES:

¹Ohio Sup. R. 66, Guardianships.

[REDACTED]