

Guardianship or Alternatives?

Mary Ann Jacobs, Esq.
Ritter & Randolph LLC
312 Elm Street, Suite 2550, Cincinnati, Ohio 45202
(513) 381-5700
majacobs@ritter-randolph.com

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How do we start off?

-  What is the situation?
-  Who is involved?
-  What documents, if any, are in place now?

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Balancing Protection vs. Autonomy



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Deciding on the best course of action, with a goal of the least restrictive option.

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What is a Guardianship?

What is a Durable Power of Attorney?

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Guardianship of the Person

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Guardianship of the Estate

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Ohio Revised Code Guardianship Chapter 2111

Duties to Protect the Ward

Nomination(s) via Power of Attorneys

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Differences

Guardianship

- Court appointed
- Restrictions as to who can be appointed
- Requires Expert Evaluation

Durable Power of Attorney

- Person initiates for themselves
- Can appoint anyone regardless of relationship or residence
- Not subject to Court oversight

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Capacity vs. Competency

Capacity:

- Clinical Opinion
- Involves determining if a person can give informed consent
 - Understanding
 - Appreciation
 - Reasoning
 - Expressing a Choice
- Executive Functioning:
 - Sequencing
 - Prioritizing
 - Organizing
 - Managing Risk
 - Making Decisions



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Capacity vs. Competency



Competency: A Court Determination

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