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## 8. PROTECTIVE SERVICES SERIES FORMS

- ➔ Below is a list of standard probate court forms that are promulgated through the Rules of Superintendence for the Courts of Ohio that commonly are used in adult-protective-services cases, as well as a description of how they typically are used.

### Standard Probate Forms 23.0 - 23.4 & 23.6 - 23.7 and How to Use Them

Forms pertaining to the implementation of Ohio Revised Code Chapter 5101 – Adult Protective Services can be found through the following link:

<http://www.sc.ohio.gov/LegalResources/Rules/superintendence/probate/forms/#protective>

#### The Standard Probate Forms available are:

- 23.0 Petition for Protective Services [R.C. 5101.65]
- 23.1 Notice of Petition for Court Ordered Protective Services [R.C. 5101.66]
- 23.2 Petition for Emergency Protective Services [R.C. 5101.69]
- 23.3 Notice of Petition for Court Ordered Protective Services on an Emergency Basis [R.C. 5101.69]
- 23.4 Petition for Temporary Restraining Order to Prevent Interference with Investigation of Reported Abuse of an Adult [R.C. 5101.63]
- 23.6 Petition for Temporary Restraining Order to Prevent Interference with the Provision of Protective Services to an Adult [R.C. 5101.68]
- 23.7 Notice of Hearing on Petition for Temporary Restraining Order to Prevent Interference with the Provision of Services [R.C. 5101.68]

#### Obstruction of an Investigation of Allegation of Abuse, Neglect or Exploitation – Use of Form 23.4

Upon the receipt of a report of alleged abuse, neglect or exploitation (R.C. 5101.61(B)), the County Department of Job & Family Services (CDJFS) or its designee, investigates (R.C. 5101.62) and determines whether or not the adult who is the subject of the report is in need of protective services. If during the course of the investigation, any person, including the adult who is the subject of the investigation, denies or obstructs access to the residence of the adult; CDJFS may file a petition in court for a temporary restraining order to prevent the interference or obstruction. (R.C. 5101.63)

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## 8. PROTECTIVE SERVICES SERIES FORMS - *cont.*

### **Emergency Court-Ordered Protective Services & Notice – Use of Forms 23.2 & 23.3**

If an emergency exists, the CDJFS determines that an adult is in need of protective services and is an incapacitated person; CDJFS may petition the court for an order authorizing the provision of emergency protective services on an emergency basis to the adult. (R.C. 5101.69) – *Form 23.2*

Notice of the filing of the emergency petition shall be given to the adult and to the adult's spouse, and if none, to the adult's adult children or next of kin and to the adult's guardian. The court shall hold a hearing on the emergency petition, no sooner than 24 hours and no later than 72 hours after the notice has been served. The 24 hour notice requirement may be waived upon a showing of requirements in the statute. (R.C. 5101.69) – *Form 23.3*

### **Non-Emergency Court-Ordered Protective Services & Notice – Use of Forms 23.0 & 12.1**

If the CDJFS determines that an adult is in need of protective services and is an incapacitated person, CDJFS may petition the court for an order authorizing the provision of protective services. (R.C. 5101.65) – *Form 23.0*

Notice of a petition for court-ordered protective services shall be personally served upon the adult who is the subject of the petition at least five working days prior to the date set for hearing. The adult who is the subject of the petition may not waive notice. (R.C. 5101.66) – *Form 23.1*

### **Voluntary Protective Services – Use of Forms 23.6 & 23.7**

If an adult has consented to the provision of protective services but any other person refuses to allow such provision, the CDJFS may petition the court for a temporary restraining order to restrain the person from interfering with the provision of protective services for the adult. (R.C. 5101.68) – *Form 23.6*

Notice of the petition for a temporary restraining order shall be given to the person alleged to be interfering with the provision of services. (R.C. 5010.68) The court shall hold a hearing on the petition within fourteen days of its filing. The statute is silent on the necessary interval between notice and the hearing so the civil rules apply. – *Form 23.7*

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## Instances Where Standard Probate Forms are Not Available

- **Petition for Modification of a Court Order for Protective Services**

The adult who is the subject of the court-ordered services may petition for modification of the order at any time. (R.C. 5101.67(E)). There is no standard probate form for this petition.

- **Petition for an Ex Parte Emergency Order Issued by Telephone**

The CDJFS may petition the court for an ex parte order emergency order issued by telephone. The order only remains in effect for twenty four hours, except that if the day following the day on which the order is issued is not a working day, the order shall remain in effect until the next working day. (R.C. 5101.691(A)(2)). There is no standard probate form for this petition.

- **ALL Court Orders**

- **Temporary Restraining Order – Obstruction/Interference with Access of Protective Services Representative OR Interference with Provision of Protective Services**

*See R.C. 5101.63 or R.C. 5101.68 – Issued after hearing on a Petition for a Temporary Restraining Order (Form 23.4 or 23.6)*

- **Order Authorizing or Modifying Provision of Protective Services**

*See R.C. 5101.65 or R.C. 5101.67 – Issued after hearing on Petition for Protective Services (Form 23.0) or Petition for Modification of a Court Order for Protective Services (no standard probate form)*

- **Order OR Ex Parte Order Authorizing Provision of Emergency Protective Services**

*See R.C. 5101.69 or R.C. 5101.691 – Issued after hearing on Petition for Emergency Protective Services (Form 23.2) OR Telephone request for ex parte order.*

- **Temporary Orders**

*See R.C. 5101.692 – Issued after hearing on ex parte order issued by telephone.*

