
GUARDIANSHIP: How Do I End My Guardianship?

A guardianship doesn't have to be forever. Here are some steps you can take if you want to try to end your guardianship.

Step 1: Talk to your guardian

Tell your guardian that you think you can make more decisions for yourself, and you don't think you need a guardian any more. Your guardian should listen and work with you to think about ways you can make more choices on your own. For example, the guardian might help you put new services into place, give you training on how to do more things on your own, help you get assistive technology (equipment or devices that could help you be more independent), or help you set up an alternative to guardianship.

If the guardian agrees that you don't need a guardian anymore, they are required to tell the court and should help you end the guardianship. A guardian should always be willing to help you become more independent.

Step 2: Request a Guardianship Review Hearing to try to end the guardianship

If talking to the guardian doesn't give you all the independence you want, the law says that you can ask for a Guardianship Review Hearing, which is a meeting at the court where you ask to end or limit the guardianship. To request a guardianship review hearing, you need to contact the court in writing. Disability Rights Ohio has a form you can use to ask the court for a guardianship review hearing to try to end your guardianship.

When can you request a guardianship review hearing? For a new guardianship, you can ask for a guardianship review hearing after you have had your new guardian for 120 days (4 months). After that, you have the right to a guardianship review hearing once per calendar year. You can ask for a guardianship review hearing at any time, but the court is only required to give a hearing once per year. If you ask at other times, the court may deny your request.

For more information see Ohio Revised Code 2111.49(C) and 2111.02(C).

Step 3: Get a lawyer, an independent expert evaluation, and prepare for your guardianship review hearing

When you ask for a guardianship review hearing, you should also ask for a lawyer and an independent expert evaluation (a second opinion from a doctor who says whether they think you need a guardian). You need to request these in writing, too. Disability Rights Ohio has a form you can use to make these requests. If you can't afford to pay for your lawyer or independent expert evaluation, the court must give them to you and pay for them.

Step 4: Attend your guardianship review hearing

At the review hearing, the court decides all over again whether you need a guardian. You have all the same rights at a guardianship review hearing as you had at the very first guardianship hearing.

At the hearing, the people that think you need a guardian will tell the court why they think you need it. The person trying to stay on as your guardian must provide "clear and convincing" evidence to the court before the judge can order a guardianship. "Clear and convincing" is a legal term that means it must be very likely that the evidence is true, enough to give the court a strong belief that you need a guardian.

You and your attorney can argue against their evidence and try to convince the court that you don't need a guardian. You can also ask the court for a limited guardianship, which means you would still have a guardian, but they would only get to make certain decisions for you. You can also bring evidence and people with you, including doctors, to show that you don't need a guardian or that a more limited guardianship would work for you.

Step 5: The court makes a decision

The court will listen to both sides and decide if you still need your guardian and to what extent. It might take the court some time to make its decision. Just like with an initial hearing, if you disagree with the court's decision, you can file objections or an appeal.

If you don't get the result you wanted from the hearing or appeals, don't lose hope! You can ask for another hearing during the next calendar year. In the meantime, you can work on learning to do more things on your own, and keep working with your guardian to set up supports and alternatives.

Contacting Disability Rights Ohio

If you have questions about your rights, please contact Disability Rights Ohio at 800-282-9181 and press option 2 for intake.