

## **GUARDIANSHIP:**

### What Can I Do If My Guardian is Making Bad Decisions or Doing Something Wrong?

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You have some options if you think your guardian is not making decisions in your best interest:

#### **1. Talk to your guardian about the problems**

You should do this first! You have the right to contact your guardian and talk things over with them. You can also ask a friend, family member, or other advocate to help you talk to your guardian. You can call them on the phone, write them a letter, or ask them to meet you in person. You can tell your guardian what problems you are having, ask them why they are making the decisions they are making, and ask them to do things differently.

If your guardian doesn't return your calls, or if you are uncomfortable talking to your guardian, you can write them a letter explaining your concerns, and make a copy of the letter to keep for your own records. That way, you have proof that the guardian knows about your problem.

#### **2. Tell the court about the problems, file complaints or comments**

If talking to your guardian doesn't work, you have the right to file complaints or comments at the probate court about your guardianship. Your friends, family, and other people you know can also file complaints or comments to the court. Disability Rights Ohio has a form you can use to let the court know about problems.

The court always has power over your guardian, so if the court agrees with you that something is wrong, they can order the guardian to do something different. The court may not make the changes you want, but you do have the right to ask.

It's best to tell the court about problems you are having in writing. The court has to keep track of any complaints you make about your guardianship.

Unfortunately, you do not have a right to a free attorney if you are telling the court about problems with your guardianship. You only have the right to a free attorney if you are having an initial guardianship hearing, or a guardianship review hearing to try to end the guardianship.

You can find more information about this option in the Ohio Rules for the Superintendence of Courts 66.03(B).

### **3. Ask for a different guardian**

You can ask the probate court to appoint you a different guardian. If you know someone who is willing to be your guardian, and you greatly trust that person, that person can apply to be your guardian instead of your current one. However, the court may or may not agree with you, and may or may not give you a different guardian--but you do have the right to ask.

### **4. Try to end the guardianship**

You can ask for a Guardianship Review Hearing, which is a meeting at the court where you can ask to end or limit the guardianship. To request a guardianship review hearing, you need to contact the court in writing.

### **What if my guardian is abusing me, stealing my money or property, or breaking the law?**

**Your guardian cannot break the law, and their job is to do what is best for you, and to let you make your own decisions as much as you can.**

If your guardian hurts you, threatens to hurt you, steals from you, sexually abuses you, or anything else like this, your guardian is breaking the law. You can call the police to report the abuse. If it's an emergency, you should call 911. If you are worried about reporting, you can ask someone you trust to help you report the abuse.

In addition to the police and the probate court, you can also report abuse to:

- Disability Rights Ohio at 800-282-9181 and select option 2 for intake
- If you have a developmental disability, your County DD board, your SSA, or the DD abuse/neglect hotline at 1-866-313-6733
- If you have a mental illness, your county mental health board, your case manager, or the Crisis Text Line by texting "4hope" to 741741
- If you are over the age of 60, Adult Protective Services at 1-855-OHIO-APS (1-855-644-6277)
- The Ohio Domestic Violence Network at 1-800-934-9840