

PROBATE COURT OF PORTAGE COUNTY, OHIO
PATRICIA J. SMITH, JUDGE

IN THE MATTER OF _____, AN ADULT
CASE NO. _____

ORDER AUTHORIZING THE PROVISION OF
EMERGENCY PROTECTIVE SERVICES
[R.C. § 5101.70, 5101.701]

This case came before the Court on _____, 20____ for a hearing on a Petition for Emergency Protective Services filed by Portage County Department of Job and Family Services seeking an emergency Order authorizing Petitioner to provide protective services for the Adult identified in the Petition. The Adult and all other persons entitled by law or required by order of this Court received proper notice of this hearing.

Petitioner was present at the hearing with representation through the Portage County Prosecutor's Office.

The Adult was present in person at the hearing, and informed of the right to legal counsel and the right to appointed legal counsel if the Adult is indigent and requests legal counsel was not personally present at the hearing.

Based upon the evidence produced at the hearing, the Court finds all of the following by clear and convincing evidence:

1. The person who is the subject of this Petition is over 60 years of age living in an independent living arrangement and is incapacitated for the reasons stated in the Petition, which prevents the Adult from providing for proper self-care or protection.
2. The Adult is impaired to the extent of lacking sufficient understanding or capacity to make and carry out reasonable decisions concerning the Adult's self or resources, with or without the assistance of a caretaker, as alleged in the Petition.
3. The Adult has been abused, neglected or exploited, as alleged in the Petition.
4. The Adult is in need of protective services for the prevention, correction or discontinuance of acts or conditions resulting from abuse, neglect or exploitation, as alleged in the Petition.
5. An emergency exists that necessitates immediate action by this Court.
6. The Adult has not consented to protective services and there is no other person authorized by law or court order available to give consent to protective services on the Adult's behalf.
7. A change of residence is not being proposed in the Protective Services Plan. A change of residence is being proposed in the Protective Services Plan, and is specifically necessary to remove the emergency that exists.

The Court further finds that the protective services Petitioner proposes in the Petition are necessary and available locally to remove the conditions creating the emergency. The Court approves the Protective Services Plan attached to the Petition as Exhibit B and incorporates it into this Order as if fully rewritten.

Therefore, the Court Orders that Portage County Job and Family Services is authorized to provide, or arrange for the provision of, all of the protective services described in the Protective Services Plan for the Adult. Any refusal to comply with this Order, or interference with the provision of protective services for the Adult, will constitute contempt of court and will subject the person or entity so refusing or interfering to appropriate sanctions, as provided by law.

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This Order remains in effect for a period of 14 days, unless terminated earlier by Petitioner or by further order of this Court. Before expiration of this Order, Petitioner may apply for renewal of this Order for an additional 14 days period, or otherwise file a Petition for Protective Services. The Adult may petition this Court for modification of the court-ordered services at any time.

It is so ordered.

Patricia J. Smith, Probate Judge