



Montgomery County Probate Court

Judge David D. Brannon

Montgomery County Courts Building
41 N. Perry Street, 2nd Floor
Dayton, Ohio 45422-2155

937-225-4640
Fax 937-496-3181
BrannonD@mcoho.org

Hon. David D. Brannon
Judge

Lynn M. Cooper
Court Administrator

November 3, 2022

Greetings Legal Community:

I am writing to inform you that a complete version of the proposed Local Rules are now posted for comment at this link: [Local Rules Fall 2022.pdf \(mcoho.org\)](#). The comment period runs from **November 4, 2022 through December 16, 2022**. We anticipate adopting the Rules prior to **January 1, 2023**.

Comments may be made in-person at the Estate Planning, Trust and Probate Section's December 7, 2022 CLE Roundup @ 1:30 P.M., at the Dayton Bar Association and also by email to wrights@mcoho.org.

For convenience, we proposed amendments to the following Local Rules:

- 5.1(C) Technology Plan
- 11.1 Recording of Proceedings
- 45.1 Court Records – Public Access
- 57.2(F)(3)(e) Electronic service of citations
- 57.2(H)(6)(b) Electronic filing of fiduciary bond
- 58.1 Deposits for Court Costs
- 64.1(D)(2)(a) Partial Accounts Waiver
- 66.1 Establishment of Guardianships
- 66.2 Emergency Guardianships
- 66.3 Responsibilities of Guardian and case Management
- 66.4 Guardian Education
- 66.5 Guardianship Complaints
- 66.6 Corporate Guardians and Guardians with Ten (10) or More Wards
- 66.7 Intrastate and Interstate Guardianship Transfers
- 66.8 Restrictions on Direct Services Providers
- 78.1(H)(2)(c)-(d) Citations Process, Service, Grace Period
- 78.2(A)(1) Investigation into Last Will and Testament
- 78.2(C)(6)(b). Added Report of Distribution shall be supported
- 78.2(E)(2)(a) Certificate of Transfer added appraisal

- 78.2.1 Lost, Spoliated, Destroyed, or Noncomplying Last Will
- 78.4 Name Change, Conformity and Birth Certificate Corrections
- 78.4.1 Adult Name Change Proceedings
- 78.4.2 Minor Name Change proceedings
- 78.4.3 Adult Name Conformity Proceedings
- 78.4.4 Minor Name Conformity Proceedings
- 78.4.5 Delayed Registration of Adult Birth
- 78.4.6 Delayed Registration of Minor Birth
- 78.4.7 Correction of Adult Birth Record
- 78.4.8 Correction of Minor Birth Record

Here are a few thoughts to keep in mind. First, because of the amount of revisions, we approached this process in phases. We merged the old Rules and newly-proposed Rules into a single complete document, trying to identify by this letter, which Rules are proposed to be amended. Second, you will see references to various Montgomery County Probate Court forms cited as “Mont. Co. P.C.F. ___”. The longer-term plan is to revise all forms with consistent numbering, that will accommodate our efilings system. We will eventually have all forms hyperlinked to the local rules, as well as a more organized website where the forms will be available. You can find the latest version of forms on the Court’s current website. The County has selected a vendor, and we are working towards overhauling our website in 2023. As we move towards final versions of Rules and forms, we may revise numbering of these Rules and forms, without notice. Any revision and renumbering of the Local Rules will not be substantive.

This version of the Local Rules reflects the second phase of the Local Rules revisions. I anticipate consistent “tweaks” to all of the Rules and forms as problems and solutions become apparent. If you have suggestions, please do not hesitate to share them with me or Court staff. I have seen some of our ideas adopted in other Ohio probate courts and am confident we are on the appropriate path.

Finally, I want to share a brief vision of where the Court has been and where it is headed. The new Rules are being used to guide our policy and procedures in all matters. We see the need to make changes in all case types and filings, meaning we have only scratched the surface. We are aware of some of the lingering delays in filings and pre-filings, and are constantly adjusting. In 2023, we anticipate implementing a new website, new audio and video systems in all of the courtrooms, and may be selected to be the first Montgomery County Court to test-run a new County-wide Case Management and Efile System, that has been funded. We have many other projects in the works that should improve court accessibility, efficiency and speed, which will share with you as soon as possible.

Thank you to the legal community for the patience, feedback and courtesy since taking the bench last year. And a huge thank you to Court staff, who have invested hundreds of hours (many outside of business hours) for setting the stage for positive changes for the bar, taxpayers and collaboration with other governmental agencies.

Sincerely,

/s/ David D. Brannon